

CHAPTER 32**STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS****Authority**

N.J.S.A. 45:14C-7 and 45:1-3.2.

Source and Effective Date

R.1997 d.456, effective October 8, 1997.
See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 32, State Board of Examiners of Master Plumbers, expires on April 6, 2003. See: 34 N.J.R. 3675(a).

Chapter Historical Note

Chapter 32, State Board of Examiners of Master Plumbers, was filed and became effective prior to September 1, 1969. Pursuant to Executive Order No. 66(1978), Chapter 32 was readopted as R.1987 d.481, effective October 23, 1987. See: 19 N.J.R. 1630(a), 19 N.J.R. 2197(c).

Pursuant to Executive Order No. 66(1978), Chapter 32 was readopted as R.1992 d.457, effective October 21, 1992. See: 24 N.J.R. 2334(a), 24 N.J.R. 4270(b). As part of R.1992 d.457, effective November 16, 1992, Subchapter 2, regarding a "uniform penalty letter," was repealed and Subchapter 2, Fees, was adopted as new rules.

Pursuant to Executive Order No. 66(1978), Chapter 32 was readopted as R.1997 d.456, effective October 8, 1997. See: Source and Effective Date. As part of R.1997 d.456, effective November 3, 1997, Subchapter 1, General Rules and Regulations, was renamed Purpose and Scope, Board Meetings; Subchapter 2, Fees, was recodified as Subchapter 5, Fees; and Subchapter 2, Application, Experience Requirements, Examination; Subchapter 3, Identification of Licensees; Bona Fide Representative; Supervision; and Subchapter 4, Miscellaneous, were adopted as new rules. See, also, section annotations.

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SUBCHAPTER 1. PURPOSE AND SCOPE, BOARD MEETINGS**13:32-1.1 Purpose and scope**

The rules contained in this chapter implement the provisions of the State Plumbing Licensing Law of 1968, P.L. 1968, c.362 (N.J.S.A. 45:1C-1 et seq.), and provide for the licensing and regulation of master plumbers and the regulation of plumbing contractors.

Repeal and New Rule, R.1987 d.481, effective November 16, 1987.
See: 19 N.J.R. 1630(a), 19 N.J.R. 2197(c).

Old text replaced.

New Rule, R.1997 d.456, effective November 3, 1997.
See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Former N.J.A.C. 13:32-1.1, "Board Meetings" recodified to N.J.A.C. 13:32-1.2.

Amended by R.2001 d.12, effective January 2, 2001 (operative March 3, 2001).

See: 31 N.J.R. 3984(a), 33 N.J.R. 56(a).

Inserted "and regulation" preceding "of master plumbers" and substituted "and the regulation of plumbing contractors" for "and qualified journeymen".

13:32-1.2 Board meetings

(a) Regular Board meetings shall be held in accordance with a schedule that is published yearly and filed with the Secretary of State.

(b) Special meetings may be held at the request of a Board member or called by the chairman with publication of appropriate notice pursuant to the requirements of the Open Public Meetings Act.

(c) A majority of the voting members of the Board shall constitute a quorum thereof and no action of the Board shall be taken except on the affirmative vote of a majority of the members of the entire Board.

(d) In the absence of the chairman, members shall select one of the members attending the meeting to serve as chairman for that meeting.

(e) Copies of the minutes of meetings shall be mailed to all members as soon as practicable after each meeting.

Repeal and New Rule, R.1987 d.481, effective November 16, 1987.

See: 19 N.J.R. 1630(a), 19 N.J.R. 2197(c).

Old text replaced.

Recodified from N.J.A.C. 13:32-1.1 by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Former N.J.A.C. 13:32-1.2, "Application; qualifications; examination registration form" recodified to N.J.A.C. 13:32-2.1.

Case Notes

Remand to properly composed state board of examiners of master plumbers for reconsideration of imposition of sanctions upon master plumber was appropriate; four out of seven members of board originally imposing sanctions were not statutorily qualified to hold positions. Matter of Fichner, 144 N.J. 459, 677 A.2d 201 (1996).

13:32-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Apprentice plumber" means any person other than a master plumber or journeyman plumber who, as his or her principal occupation, is engaged in learning and assisting in the installation of plumbing.

"Board" means the State Board of Examiners of Master Plumbers.

"Bona fide representative" means a licensed master plumber who is the holder of not less than 10 percent of a plumbing contractor in the State of New Jersey.

"Journeyman plumber" means an individual who has completed four years engaged in learning and assisting in the installation of plumbing and who works under the supervision of a master plumber or supervisory journeyman plumber.

"Master plumber" means a person licensed pursuant to N.J.S.A. 45:14C-1 et seq. who has the qualifications, training, experience and technical knowledge necessary to properly plan, lay out, install and repair plumbing apparatus and equipment and to supervise others in the performance of such work in accordance with the rules established in this chapter.

"Plumbing contractor" means any individual licensed master plumber operating as a sole proprietor who, or a firm, partnership, corporation or other legal entity which undertakes for another the planning, laying out, supervising, installing or making of additions, alterations and repairs in the installation of plumbing who either acts, or has a licensee who acts, as a bona fide representative as required by N.J.S.A. 45:14C-2(d) and (h) and this subchapter.

"Supervisory journeyman plumber" means an individual who has completed an apprenticeship program approved by both a Federal agency and a Federally certified State agency recognized by the Board and has completed three additional years as a journeyman plumber working with tools in the installation, maintenance, extension, alteration, repair and removal of all piping, plumbing fixtures, plumbing appliances, and plumbing apparatus as defined in the word "plumbing."

"10 percent ownership" means that the bona fide representative is entitled to 10 percent of any net profits from a business, owns a 10 percent equity interest in a plumbing contractor, and is entitled to 10 percent of the net proceeds from the sale of a business in the event of sale of the business. If the plumbing contractor is a corporation, the bona fide representative owns stock equaling a 10 percent equity interest, and, if there are more than one class of stock, the stock owned by the bona fide representative is the highest level stock with full voting rights.

New Rule, R.2001 d.12, effective January 2, 2001 (operative March 3, 2001).

See: 31 N.J.R. 3984(a), 33 N.J.R. 56(a).

Former N.J.A.C. 13:32-1.3, Examinations, repealed.

13:32-1.4 (Reserved)

Amended by R.1973 d.170, effective June 22, 1973.

See: 5 N.J.R. 90(a), 5 N.J.R. 239(c).

Repealed by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Section was "Bond".

13:32-1.5 (Reserved)

Repeal and New Rule, R.1983 d.580, effective December 19, 1983.

See: 15 N.J.R. 1171(a), 15 N.J.R. 2172(c).

Repealed old rule concerning dual representation prohibited and adopted new rule.

Amended by R.1992 d.457, effective November 16, 1992.

See: 24 N.J.R. 2334(a), 24 N.J.R. 4270(b).

Stylistic revisions to (a)1; revised (b)1.

Recodified to N.J.A.C. 13:32-3.2 and N.J.A.C. 13:32-3.3 by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Section was "Bona fide representative, responsibilities and limitations".

13:32-1.6 (Reserved)

Repealed by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Section was "Change of address".

13:32-1.7 (Reserved)

Repeal and New Rule, R.1987 d.481, effective November 16, 1987.

See: 19 N.J.R. 1630(a), 19 N.J.R. 2197(c).

Old rule was renewal certificates.

Amended by R.1991 d.170, effective April 1, 1991.

See: 22 N.J.R. 784(a), 23 N.J.R. 1009(b).

Added "and business address, including the street name and number of the owner or qualified bona fide representative" in (b).

Added (c).

Amended by R.1992 d.457, effective November 16, 1992.

See: 24 N.J.R. 2334(a), 24 N.J.R. 4270(b).

(b) All business correspondence, invoices and stationery shall display:

1. The name of the licensed master plumber; and
2. The words "Plumbing license number" or "Plumbing Lic. #" followed by the license number of the owner or qualified bona fide representative; and
3. The business address, including the street name and number of the owner or qualified bona fide representative.

(c) All advertising shall include:

1. The name of the licensed master plumber;
2. The business address, including the street name and number of the owner or qualified bona fide representative; and
3. The words "Plumbing license number" or "Plumbing Lic. #" followed by the license number of the owner or qualified bona fide representative.

(d) Every State-licensed master plumber whose name, office address, place of practice or license number appears or is mentioned in any advertisement of any kind or character shall be presumed to have caused, permitted, or approved the advertising and shall be personally responsible for its content and character.

(e) If a plumbing contractor intends to subcontract, in a calendar year, more than one-third of the work which it contracts to perform, all advertising by the plumbing contractor shall state: "A substantial part of the work which we undertake may be performed by independent licensed plumbing subcontractors."

(f) If a plumbing contractor, in a calendar year, subcontracts more than one-third of the work which it originally contracts to perform, all advertising for the following calendar year shall state: "A substantial part of the work which we undertake may be performed by independent licensed plumbing subcontractors."

New Rule, R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Amended by R.1999 d.245, effective August 2, 1999.

See: 31 N.J.R. 250(b), 31 N.J.R. 2223(a).

Rewrote (a); in (c), inserted a new 2, and recodified former 2 as 3. Amended by R.2001 d.12, effective January 2, 2001 (operative March 3, 2001).

See: 31 N.J.R. 3984(a), 33 N.J.R. 56(a).

In (b), inserted "invoices" preceding "and stationery" and added (e) and (f).

13:32-3.2 Bona fide representative; reporting responsibilities

(a) A licensee seeking to act as a bona fide representative for any firm, partnership, corporation or other legal entity contemplated by N.J.S.A. 45:14C-2 shall comply with the following within 30 days of assuming the role of a bona fide representative:

1. Register with the Board, providing the name of the plumbing contractor, its business address and if the plumbing contractor is a corporation, the names of the officers of record;

2. Attest to the bona fide representative's ownership interest in the plumbing contractor as follows:

- i. If a licensee claims to hold 10 percent or more but less than 50 percent of the issued and outstanding stock or capital of the plumbing contractor, the licensee shall provide the Board with a written affidavit which states the percentage of outstanding shares held by the licensee. The affidavit shall be executed by the corporate secretary or other appropriate representative of the plumbing contractor;

- ii. If a licensee claims to hold 50 percent or more of the issued and outstanding stock or capital of the plumbing contractor, the licensee shall provide a written affidavit which states the percentage of outstanding shares held by the licensee upon a request by the Board. The affidavit shall be executed by the corporate

secretary or other appropriate representative of the plumbing contractor;

3. Provide to the Board proof that the plumbing contractor has consented that the bona fide representative will act as the agent for service of process within this State. Such proof shall be in writing and on a form provided by the Board; and

4. Provide to the Board the acceptance of liability by the plumbing contractor for any monetary penalty, monies to be paid for restoration to consumers of fees paid for services or for delays suffered by consumers and costs assessed against the bona fide representative while acting within the scope of his or her employment on behalf of the plumbing contractor. Such acceptance of liability shall be in writing and on a form provided by the Board.

(b) In order to evaluate the claims relating to the bona fide representatives ownership interest in the plumbing contractor pursuant to (a)2 above, the Board, at any time, may request that the bona fide representative provide any Federal, State or local government tax documentation which the plumbing contractor is required to file with the governmental tax authorities.

(c) (Reserved)

(d) If the bona fide representative for any firm, partnership, corporation or other legal entity contemplated by N.J.S.A. 45:14C-2 is unable to perform the duties of a bona fide representative because of death, illness or disability, the firm, partnership, corporation or other legal entity may continue to operate for six months without a bona fide representative provided that a licensee supervises all work to be conducted in the same manner as required by a bona fide representative pursuant to N.J.A.C. 13:32-3.3(a)3 and the licensee and the firm, partnership, corporation or other legal entity notify the Board within 10 days of the death, illness or disability of the bona fide representative.

Recodified from N.J.A.C. 13:32-1.5(a) by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Amended by R.2001 d.12, effective January 2, 2001 (operative March 3, 2001).

See: 31 N.J.R. 3984(a), 33 N.J.R. 56(a).

Rewrote the section.

13:32-3.3 Bona fide representative responsibilities

(a) A bona fide representative registered with the Board pursuant to N.J.A.C. 13:32-3.2 shall:

1. Give notice to the Board in writing concerning any change in the name or address of the entity within 10 days of the change.

2. Secure or instruct an authorized employee, or for the purpose of this section only, an independent contractor licensed as a master plumber, to secure all necessary permits as may be required by State and local law for the performance of plumbing work to be performed by the plumbing contractor for which the licensee acts as a

qualified bona fide representative. In making an application for permit issuance, the authorized employee or independent plumbing contractor shall have in his or her possession a letter authorizing him or her to make the application. A letter of authorization may authorize a permit application for a specific period of time, not to exceed 60 days, and shall have affixed to it the seal of the bona fide representative. In all circumstances, the permit shall be signed by a licensee and all work shall be supervised in the manner set forth in (a)3 below;

3. Supervise in the manner described in (a)3i through iv below the performance of all plumbing work performed by the plumbing contractor for which the licensee acts as the bona fide representative. Such supervision shall assure the effective compliance with State and local plumbing codes and the performance of work in accordance with proper plumbing practice;

i. If the person performing the work is a New Jersey licensee, the bona fide representative shall require at the beginning of the job an initial report on the work to be performed and upon completion of the job a final report on the work performed;

ii. If the person performing the work is a supervisory journeyman, the bona fide representative or a New Jersey licensee employed by the bona fide representative shall maintain daily contact with the supervisory journeyman either directly, by telephone or through writing. Any such contact shall be recorded by and maintained in the files of the bona fide representative or the New Jersey licensee employed by the bona fide representative;

iii. If the person performing the work is a journeyman, the bona fide representative, a New Jersey licensee employed by the bona fide representative or the supervisory journeyman shall maintain daily contact with the journeyman either directly, by telephone or through writing and, where the work requires a plumbing permit, shall inspect the work upon completion. Any such contact shall be recorded by the bona fide representative, the New Jersey licensee employed by the bona fide representative or the supervisory journeyman; and

iv. If the person performing the work is an apprentice, the bona fide representative shall ensure constant on-site supervision by a New Jersey licensee employed by the bona fide representative or a supervisory journeyman during all times that plumbing services are being performed;

4. Be responsible for any and all violations of N.J.S.A. 45:14C-1 et seq. committed by employees of the plumbing contractor for which he or she is serving as a bona fide representative if said violations were committed during the course of work which he or she was required to supervise;

5. Serve as a bona fide representative for only one plumbing contractor;

6. Maintain a place of business in the State of New Jersey; and

7. Provide each supervisory journeyman of the plumbing contractor that performs plumbing work with an identification card that includes:

i. The name of the supervisory journeyman;

ii. The name and address of the plumbing contractor;

iii. The name and license number of the bona fide representative;

iv. The seal of the bona fide representative; and

v. The issue and expiration dates of the identification card. The expiration date shall not exceed one year from the date of issue.

(b) Nothing herein shall preclude the Board from proceeding against both the bona fide representative for an entity or any other licensee employed by such an entity who can be shown to have violated the Board's enabling legislation or any regulation adopted thereunder. Nothing shall preclude any person entitled to maintain an action on a bond from proceeding pursuant to N.J.A.C. 13:32-4.3 against the bona fide representative and any other licensee who has failed to perform the duties required by N.J.S.A. 45:14C-1 et seq.

(c) The bona fide representative of any plumbing contractor which contracts to provide plumbing services to a consumer and wishes to subcontract that plumbing work to another plumbing contractor shall:

1. Subcontract only to a plumbing contractor who is either a sole proprietor or which has a bona fide representative who is registered with the Board. The bona fide representative for the original plumbing contractor shall be responsible for ensuring that the subcontractor has a registered bona fide representative;

2. Require of the subcontractor that a copy of any permit applications, permits and changes in application or permit shall be delivered to the original plumbing contractor within five business days of the date the application or permit is filed;

3. Notify the consumer, prior to the beginning of any work, that the work has been subcontracted to another licensed master plumber or legally qualified plumbing contractor and provide the consumer with the name, address and telephone number of the subcontractor and the name and license number of the subcontractor's bona fide representative;

4. Advise the consumer prior to the beginning of any work that he or she has the right to terminate the contract prior to the beginning of any work because of the subcontracting;

5. Notify the consumer that the original contractor as well as the subcontractor remain liable for any defects, damages or other losses which may result from the negligence, misconduct or insolvency of the subcontractor;

6. Require that the subcontractor immediately notify the original contractor of any complaints by the consumer or the consumer's representative or by any governmental official; and

7. Supervise the work of the bona fide representative for the subcontractor in the same manner as required by (a)3i above.

(d) The bona fide representative shall have sufficient knowledge of the plumbing contractor's bookkeeping system and financial accounts to inform the Board, upon request by the Board, regarding the plumbing contractor's price-setting, billings, costs, subcontractors, overhead costs and profits.

Recodified from N.J.A.C. 13:32-1.5(b) and (c) and amended by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Amended N.J.A.C. references.

Amended by R.2001 d.12, effective January 2, 2001 (operative March 3, 2001).

See: 31 N.J.R. 3984(a), 33 N.J.R. 56(a).

Rewrote the section.

13:32-3.4 Supervision

Any and all plumbing work supervised by a licensed master plumber shall be performed only by the licensee's or plumbing contractor's employees.

New Rule, R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

(b) An example of such pressure seal shall be duly impressed upon the master plumber's application for license renewal.

(c) Use of a seal by any person other than the State licensed master plumber to whom it was issued or the securing of a plumbing permit for an unlicensed person shall be deemed to be the use or employment of dishonesty, fraud, deception, misrepresentation or false pretense. Such conduct may be grounds for the suspension or revocation of the license of the unauthorized user if he or she is already licensed by the Board. With respect to an unlicensed user, such conduct shall be grounds for the refusal to issue a State license at any point in the future. Nothing herein shall be deemed to preclude a bona fide representative from securing a plumbing permit for the plumbing contractor he or she represents.

(d) A licensee who willfully or negligently allows an unlicensed and unauthorized person to use his or her seal shall be subject to such penalties and sanctions as shall be imposed by the Board pursuant to authority granted by N.J.S.A. 45:14C-1 and 45:1-14 et seq.

(e) A licensee who fails to renew the State license in accordance with N.J.S.A. 45:14C-18 or who has had his or her license suspended or revoked for any reason shall immediately return the pressure seal to the Board.

New Rule, R.1982 d.388, effective November 1, 1982.

See: 14 N.J.R. 750(a), 14 N.J.R. 1219(e).

Amended by R.1991 d.170, effective April 1, 1991.

See: 22 N.J.R. 784(a), 23 N.J.R. 1009(b).

Added "or the securing of a plumbing permit for an unlicensed person" and "Nothing herein shall be deemed to preclude a bona fide representative from securing a plumbing permit for the plumbing contractor he represents." is (b).

Amended by R.1992 d.457, effective November 16, 1992.

See: 24 N.J.R. 2334(a), 24 N.J.R. 4270(b).

Revised (a).

Recodified from N.J.A.C. 13:32-1.8 and amended by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Deleted (b); recodified (c) as (b); and added new (c) through (e).

13:32-4.2 Requirement of identification card

(a) At the time of the biennial renewal of the license, the State Board of Examiners of Master Plumbers shall furnish a wallet size identification card to every licensee. The card shall be used exclusively by the licensee master plumber in the conduct of his or her practice. A State-licensed master plumber is required to present said identification card upon request to the appropriate duly licensed inspection agency upon all applications for plumbing permits.

(b) Use of an identification card by any person other than a licensee to whom it is issued or his or her duly authorized agent acting on the licensee's behalf shall be deemed to be the use or employment of dishonesty, fraud, deception, misrepresentation or false pretense. Such conduct shall be unlawful and may be grounds for the suspension or revocation of the license of the unauthorized user if he or she is

SUBCHAPTER 4. MISCELLANEOUS

13:32-4.1 Requirement of pressure seal; penalties for misuse; return of pressure seal

(a) At the time of the issuance of the license or as soon thereafter as deemed appropriate, the Board of Examiners of Master Plumbers shall furnish a seal to every State-licensed master plumber. The cost of the seal shall be paid for by the State-licensed master plumber to whom it is issued. The seal shall be used exclusively by the State-licensed master plumber in the conduct of his or her practice including service as a bona fide representative consistent with N.J.A.C. 13:32-3.2. The State-licensed Master plumber is required to impress the said seal upon all applications for plumbing permits by the appropriate duly licensed State inspection agency.

already licensed by the Board. With respect to an unlicensed user, such conduct shall be grounds for the refusal to issue a State license at any point in the future.

(c) A licensee who willfully or negligently allows an unlicensed and unauthorized person to use his or her identification card shall be deemed to have engaged in occupational misconduct and shall be subject to such penalties and sanctions as shall be imposed by the Board pursuant to authority granted by N.J.S.A. 45:14C-1 and 45:1-14 et seq.

New Rule, R.1987 d.257, effective July 6, 1987.

See: 19 N.J.R. 352(b), 19 N.J.R. 1227(b).

Recodified from N.J.A.C. 13:32-1.9 and amended by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Added (c).

13:32-4.3 Bond; action on the bond

(a) An applicant who has passed the examination and furnished the Board with a bond in the sum of \$3,000 as required pursuant to N.J.S.A. 45:14C-25 shall be issued a State master plumber's license.

(b) Any person, partnership or corporation including any political subdivision of State government who has been injured, aggrieved or damaged through the failure of the obligor to perform the duties required by N.J.S.A. 45:14C-1 et seq. or any rule of the Board shall be eligible to receive the financial protection of, and may maintain an action on such bond.

New Rule, R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

13:32-4.4 Change of address; service of process

(a) Every licensee shall notify the Board of the licensee's office address. Every licensee shall give notice in writing to the Board of any change in his or her residence or business within 10 days after such change.

(b) Service of an administrative complaint or other process initiated by the Board, the Attorney General or the Division of Consumer Affairs at the licensee's address on file with the Board shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding against the licensee.

New Rule, R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

13:32-4.5 Unconscionable pricing

(a) A licensee of the Board of Examiners of Master Plumbers shall not charge an excessive price for services. A price is excessive when, after review of the facts, a licensee of ordinary prudence would be left with a definite and firm conviction that the price is so high as to be manifestly unconscionable or overreaching under the circumstances.

(b) Factors which may be considered in determining whether a price is excessive include, but are not limited to, the following:

1. The time and effort required;
2. The novelty or difficulty of the job;
3. The skill required to perform the job properly;
4. Any special conditions placed upon the performance of the job by the person or entity for which the work is being performed;
5. The experience, reputation and ability of the licensee to perform the services; and
6. The price customarily charged in the locality for similar services.

(c) Charging an excessive price shall constitute occupational misconduct within the meaning of N.J.S.A. 45:1-21(e) and may subject the licensee to disciplinary action.

New Rule, R.1991 d.170, effective April 1, 1991.

See: 22 N.J.R. 784(a), 23 N.J.R. 1009(b).

Recodified from N.J.A.C. 13:32-1.12 by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Case Notes

Votes of members of State Board of Master Plumbers in disciplinary proceeding. Matter of Fichner, 282 N.J.Super. 422, 660 A.2d 545 (A.D.1995).

SUBCHAPTER 5. FEES

13:32-5.1 Fee schedule

(a) The following fees shall be charged by the Board:

1. Application fee without prior registration (non-refundable) \$100.00
2. Application fee with prior registration (non-refundable) 50.00
3. Initial license fee:
 - i. If paid during the first year of a biennial renewal period 160.00
 - ii. If paid during the second year of a biennial renewal period 80.00
4. License renewal fee, biennial 160.00
5. Registration as an apprentice (non-refundable) 50.00
6. Registration as a journeyman without prior registration (non-refundable) 75.00
7. Registration as a journeyman with prior registration (non-refundable) 50.00
8. Late renewal fee 50.00
9. Reinstatement fee 150.00
10. Replacement seal press 40.00
11. Duplicate license fee 25.00
12. Replacement wall certificate 40.00
13. Verification of licensure 25.00

New Rule, R.1987 d.244, effective June 15, 1987.

See: 19 N.J.R. 352(a), 19 N.J.R. 1100(a).

Amended by R.1994 d.594, effective December 5, 1994.

See: 26 N.J.R. 2742(a), 26 N.J.R. 4780(a).

Recodified from N.J.A.C. 13:31-1.16 and amended by R.2002 d.164, effective June 3, 2002.

See: 33 N.J.R. 3404(a), 34 N.J.R. 1932(b).

Neutralized gender references throughout; in (b), inserted reference to N.J.S.A. 45:1-14 et seq.

13:31-3.7 Unconscionable pricing

(a) A licensee of the State Board of Examiners of Electrical Contractors shall not charge an excessive fee for services. A fee is excessive when, after a review of the facts, a licensee of ordinary prudence and familiarity with local market rates would recognize that the price is so high as to be manifestly unconscionable or overreaching under the circumstances. The Board shall consider the following factors in determining whether a fee is excessive:

1. The time and effort required;
2. The novelty or difficulty of the job;
3. The skill required to perform the job properly;
4. Any special conditions placed upon the performance of the job by the person or entity for which the work is being performed;
5. The experience, reputation and ability of the licensee to perform the services;
6. The cost of materials; and
7. The price customarily charged in the locality for similar services.

(b) It shall constitute occupational misconduct within the meaning of N.J.S.A. 45:1-21(e) to charge an excessive price for services.

New Rule, R.1998 d.543, effective November 16, 1998.

See: 30 N.J.R. 2351(a), 30 N.J.R. 4057(a).

Recodified from N.J.A.C. 13:31-1.19 by R.2002 d.164, effective June 3, 2002.

See: 33 N.J.R. 3404(a), 34 N.J.R. 1932(b).

13:31-3.8 Activities requiring licensure and business permit

(a) The following words and terms, when used in this section, shall have the following meaning unless the context indicates otherwise.

“Service point” means the point of connection between the facilities of the public utility serving a customer and the premises wiring.

“Premises wiring” means interior and exterior wiring, including power, lighting, control and signal circuit wiring, together with all of their associated hardware, fittings and wiring devices, both permanently and temporarily installed, that extends from the service point of utility conductors or source of power such as a battery, a solar photovoltaic

system, or a generator, transformer or converter windings, to the outlets. Premises wiring does not include wiring internal to appliances, fixtures, motors, controllers, motor control centers, and similar equipment.

(b) Installing, maintaining or servicing wiring for the supplying of power from the service point on a customer’s premises to an appliance or other equipment used by the customer for the purpose of light, heat or power, shall be performed only by a licensee holding a business permit, except as provided in N.J.S.A. 45:5A-18 and (c) below.

(c) Installing, maintaining or servicing wiring for the supplying of power from the service point on a customer’s premises to an appliance or other equipment used by the customer for the purpose of light, heat or power may be performed by an employee of a public utility offering services that relate to an end user’s premises wiring and determined by the Board of Public Utilities to be competitive, provided that the employee has obtained a license from the Board or is working under the supervision of such a licensee and the utility has obtained a business permit from the Board pursuant to N.J.S.A. 45:5A-9.

New Rule, R.2003 d.87, effective March 3, 2003.

See: 34 N.J.R. 1622(a), 35 N.J.R. 1269(b).

SUBCHAPTER 4. LICENSURE EXEMPTIONS

13:31-4.1 Limited telecommunications wiring exemption

(a) Pursuant to N.J.S.A. 45:5A-18, the Board may grant an exemption from the license and business permit requirements of N.J.S.A. 45:5A-9(a) to a business engaged in telecommunications wiring.

(b) For purposes of this subsection, “telecommunications wiring” means wiring within a premises, either inside or outside a building for voice and/or data transmission at voltage(s) compatible with the system being installed and connected to an FCC recognized communication network at the point of connection provided by the public utility providing communication services to the customer. It shall also include the interconnection of data wiring between computers and/or terminals.

(c) An applicant for a telecommunications wiring exemption shall provide the following to the Board:

1. The full name and address of the applicant together with the nature of the business entity (for example, corporation, partnership or individual proprietorship) and the names and addresses of the owners, partners and/or officers of the entity;

2. A certification that the applicant is familiar with and is in full compliance with Part 68 of the Federal Communications Commission regulations (47 C.F.R. sec-

tion 68.1 et seq.) concerning installation of telecommunications wiring and any other applicable Federal regulations;

3. A certification that the applicant is familiar with and will comply with applicable National Electrical Code requirements, including, but not limited to, Article 800 (communication circuits) and the regulations of the New Jersey Department of Community Affairs and that the applicant will be responsible for obtaining any required local permits and inspections for all work;

4. A certification that the applicant shall not perform the following work unless or until an electrical contractor's business permit is obtained from the Board:

i. Wiring defined by the National Electrical Code as service conductors (the conductors from the service point to the service disconnecting means), feeder (all circuit conductors between the service equipment, the source of a separately derived system, or other power supply source and the final branch-circuit overcurrent device), and branch circuit (the circuit conductors between the final overcurrent device protecting the circuit and the outlets(s)). Wiring between power supplies integral with telecommunication equipment and the telecommunication equipment is not intended to be prohibited.

ii. Telecommunications wiring from telecommunications equipment to power operated controlled equipment; or

iii. Installation of work in hazardous/classified areas as defined by Article 500 of the National Electrical Code. Classified areas are those in which hazardous liquids, vapors, gases, dusts and fiber are normally present (Division 1 locations) or may be present due to maintenance or equipment malfunction (Division 2 locations); and

5. A certification that the business shall not subcontract telecommunications wiring work to a person or business entity not having a business permit or a telecommunications wiring exemption issued by the Board.

(d) The application shall be accompanied by a processing fee as set forth in N.J.A.C. 13:31-1.6.

(e) The Board may require a personal interview with the applicant.

(f) If the applicant meets Board requirements for exemption set forth in this subsection, the Board shall issue a letter and an identification card designating the business as exempt.

(g) The exempt entity shall notify the Board in writing of any change of address within 10 days of the address change.

(h) The exempt entity shall notify the Board in writing of any change in name, ownership or form of ownership within 30 days of such change.

(i) After an opportunity to be heard pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., a telecommunications wiring exemption may be revoked on a showing that the exempt entity has engaged in the unlicensed practice of electrical contracting involving non-exempt electrical work; or that the exempt entity has a history of failure to pass local inspections or to obtain required permits; or for any reason which may serve as a basis to suspend, revoke or deny a license to engage in electrical contracting as more particularly set forth in N.J.S.A. 45:1-21 et seq.

(j) Nothing in this section shall preclude a licensed electrical contractor from performing telecommunications wiring.

New Rule, R.1993 d.93, effective February 16, 1993.
See: 24 N.J.R. 339(a), 25 N.J.R. 705(a).
Recodified from N.J.A.C. 13:31-1.17 and amended by R.2002 d.164, effective June 3, 2002.
See: 33 N.J.R. 3404(a), 34 N.J.R. 1932(b).
Rewrote (c)4i; in (d), revised N.J.A.C. reference.

13:31-4.2 Limited well drillers or pump installers exemption

(a) Well drillers or pump installers licensed pursuant to N.J.S.A. 58:4A-4.1 et seq., are exempt from the license and business permit requirements of N.J.S.A. 45:5A-9(a) for work involving the installation, servicing, or maintenance of well or water pumps.

1. Such work includes any exterior wiring from the well or water pump to the outside of the building and any interior wiring from the exterior wall terminating at the load side terminals of the pump controller, pressure switch or disconnecting means for the pump which must be no more than 10 feet from the point where the exterior wiring enters the building.

2. Nothing in this section shall be deemed to exempt such work from permits and inspections required by the State Uniform Construction Code Act, P.L. 1975, c.217 (N.J.S.A. 52:27D-119 et seq.) or rules adopted pursuant thereto.

New Rule, R.1998 d.543, effective November 16, 1998.
See: 30 N.J.R. 2351(a), 30 N.J.R. 4057(a).
Recodified from N.J.A.C. 13:31-1.18 by R.2002 d.164, effective June 3, 2002.
See: 33 N.J.R. 3404(a), 34 N.J.R. 1932(b).