

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.1992 d.457, effective October 21, 1992.
See: 24 N.J.R. 2334(a), 24 N.J.R. 4270(b).

Executive Order No. 66(1978) Expiration Date

Chapter 32, State Board of Examiners of Master Plumbers, expires on October 21, 1997.

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. See: Source and Effective Date. R.1992 d.457 also repealed Subchapter 2, regarding a "uniform penalty letter," and adopted a new Subchapter 2, Fees, effective November 16, 1992. See: 24 N.J.R. 2334(a), 24 N.J.R. 4270(b).

See section annotations for specific rulemaking activity.

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SUBCHAPTER 1. GENERAL RULES AND
REGULATIONS

13:32-1.1 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.

13:32-1.2 Application; examination registration form

(a) Upon request applicants shall be furnished with an application form by the executive director.

(b) In order to be considered by the Board an application shall be complete in all respects and shall include a street name. An application containing a post office box number as a mailing address is not a complete application.

(c) The Board shall mail an examination registration form to approved applicants in advance of the time and place of examinations.

Amended by R.1987 d.481, effective November 16, 1987.

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

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

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

Revised application requirements in (b) to indicate that a post office box number as applicant's mailing address is not a complete application.

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

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

Revised (c).

13:32-1.3 Examinations

(a) Examinations shall be prepared and administered by a Board approved testing service but no license shall be granted except by the Board. The Board chairman may designate members of the Board to oversee the administration of the examination.

(b) Examinations shall be held at least four times annually and at such additional times as the Board may determine.

(c) Examinations may consist of three parts:

1. Written examination based on the National Standard Plumbing Code as adopted by the State of New Jersey pursuant to the Uniform Construction Act;

2. Practical by actual demonstration or oral examination; and
3. Written examination of laws and regulations governing the occupation and business of plumbing.

(d) In order to pass the examination an applicant must receive a minimum grade of 70.

(e) An applicant who has failed the examination may review his or her examination upon written request to the Board-approved testing service and payment to the testing service of its review fee.

Amended by R.1987 d.481, effective November 16, 1987.
See: 19 N.J.R. 1630(a), 19 N.J.R. 2197(c).

(e) Changed inspect to review.

Amended by R.1991 d.482, effective October 7, 1991.
See: 23 N.J.R. 288(a), 23 N.J.R. 3032(b).

In (c), changed "two parts" to "three parts".

Added (c)3.

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), (d) and (e).

13:32-1.4 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.

Amended by R.1973 d.170, effective June 22, 1973.
See: 5 N.J.R. 90(a), 5 N.J.R. 239(c).

13:32-1.5 Bona fide representative, responsibilities and limitations

(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:

1. Register with the Board, providing the name of the entity, its business address and if the entity is a corporation, the names of the officers of record, and
2. Provide documentation which shall establish that said licensee holds at least 10 percent of the outstanding stock of the corporation or 10 percent of the capital of an entity.

(b) A bona fide representative registered with the Board pursuant to (a) above shall comply with the following:

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 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 entity for which the licensee acts as a qualified bona fide representative. In making an application for permit issuance, the authorized employee shall have in his possession a letter authorizing him 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.

3. Supervise the performance of all plumbing work performed by the entity for which the licensee acts as the qualified 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. The supervision contemplated by this paragraph shall be such as to assure compliance with the standards established herein, but shall not be construed to require constant on-site oversight unless the circumstances of the job indicate the need for such supervision.

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

5. Serve as a bona fide representative for only one entity.

(c) 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 form proceeding pursuant to N.J.A.C. 13:32-1.4 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.*

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.

13:32-1.6 Change of address

Every licensee shall give notice in writing to the Board of any change in his residence or business within ten days after such change.

13:32-1.7 Identification of licensees

(a) All commercial vehicles used in the practice of state-licensed master plumbing shall be marked, in lettering a minimum of one inch high, with the following information:

1. Name of the licensed master plumber; and
2. The words "Plumbing license number" followed by the license number of the owner or qualified bona fide representative.

(b) All business correspondence and stationery shall display:

1. The name of the licensed master plumber; and
2. The words "Plumbing license number" 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; and
2. The words "Plumbing license number" followed by the license number of the owner or qualified bona fide representative.

(d) A licensed master plumber whose commercial vehicle, business correspondence and stationery or advertising currently does not include the name of the licensed master plumber and the words "plumbing license number," as required pursuant to (a) through (c) above, shall have until November 16, 1993 to comply with these requirements.

(e) 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.

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).

Revised (a)-(b); added new (c)-(d); redesignated existing (c) as (e) without changes.

13:32-1.8 Requirement of pressure seal defined

(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 practice including service as a bona fide representative consistent with N.J.A.C. 13:32-1.5. A licensee who willfully or negligently allows an unlicensed and unauthorized person to use his 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 N.J.S.A. 45:1-14 et seq. 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.

(b) 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 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 represents.

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

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).

13:32-1.9 Requirement of identification card defined

(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 practice. A licensee who willfully or negligently allows an unlicensed or an unauthorized person to use his 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 N.J.S.A. 45:1-14 et seq. 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 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 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.

New Rule, R.1987 d.257, effective July 6, 1987.
See: 19 N.J.R. 352(b), 19 N.J.R. 1227(b).

13:32-1.10 Return of pressure seal

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

New Rule, R.1991 d.170, effective April 1, 1991.
See: 22 N.J.R. 784(a), 23 N.J.R. 1009(b).

13:32-1.11 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.1991 d.170, effective April 1, 1991.
See: 22 N.J.R. 784(a), 23 N.J.R. 1009(b).

13:32-1.12 Professional prices

(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).

SUBCHAPTER 2. FEES

13:32-2.1 Fees

(a) Charges for licensure and other services are as follows:

1. Application fee (non-refundable)..... \$100.00
2. Initial license fee:
 - i. If paid during the first year of a biennial renewal period 120.00;
 - ii. If paid during the second year of a biennial renewal period 60.00;
3. License renewal fee, biennial 120.00;
4. Late renewal fee 50.00;
5. Reinstatement fee 150.00;
6. Replacement seal press 40.00;
7. Duplicate license fee 25.00;
8. Replacement wall certificate 40.00;
9. Verification of licensure 25.00.