

CHAPTER 32A**STATE BOARD OF EXAMINERS OF HEATING,
VENTILATING, AIR CONDITIONING, AND
REFRIGERATION CONTRACTORS RULES****Authority**

N.J.S.A. 45:1-15.1, 45:1-21, and 45:16A-1 et seq.,
specifically 45:16A-4.

Source and Effective Date

R.2013 d.060, effective April 15, 2013 (operative March 1, 2014).
See: 44 N.J.R. 647(a), 45 N.J.R. 910(a), 45 N.J.R. 1658(c),
45 N.J.R. 2335(a), 45 N.J.R. 2606(a).

Chapter Expiration Date

Chapter 32A, State Board of Examiners of Heating, Ventilating, Air
Conditioning, and Refrigeration Contractors Rules, expires on April 15,
2020.

Chapter Historical Note

Chapter 32A, State Board of Examiners of Heating, Ventilating, Air
Conditioning, and Refrigeration Contractors Rules, was adopted as new
rules by R.2013 d.060, effective April 15, 2013 (operative March 1,
2014). See: Source and Effective Date.

Administrative correction. See: 45 N.J.R. 1249(c).

CHAPTER TABLE OF CONTENTS**SUBCHAPTER 1. PURPOSE AND SCOPE; DEFINITIONS**

- 13:32A-1.1 Purpose and scope
- 13:32A-1.2 Definitions
- 13:32A-1.3 Electrical work

SUBCHAPTER 2. APPLICATION FOR LICENSURE

- 13:32A-2.1 Eligibility for examinations
- 13:32A-2.2 Education requirements
- 13:32A-2.3 Examinations
- 13:32A-2.4 Licensure and pressure seal
- 13:32A-2.5 Reciprocity with other states
- 13:32A-2.6 Issuance of license to individuals engaged in practice
as of March 1, 2012
- 13:32A-2.7 Credit towards licensure for education, training, and
experience received while serving as a member of
the Armed Forces

SUBCHAPTER 3. RENEWAL OF LICENSURE

- 13:32A-3.1 Renewal of license

SUBCHAPTER 4. CONTINUING EDUCATION

- 13:32A-4.1 License renewal; continuing education requirement
- 13:32A-4.2 Continuing education sponsors; Board approval; duties
- 13:32A-4.3 Required course topics
- 13:32A-4.4 Credit awarded
- 13:32A-4.5 Waiver of continuing education requirement

**SUBCHAPTER 5. IDENTIFICATION OF LICENSEES;
BONA FIDE REPRESENTATIVE; SUPERVISION**

- 13:32A-5.1 Identification of master HVACR contractor; vehicles,
stationery; advertising
- 13:32A-5.2 Bona fide representative; reporting responsibilities
- 13:32A-5.3 Bona fide representative responsibilities
- 13:32A-5.4 Supervision
- 13:32A-5.5 Requirement of identification card
- 13:32A-5.6 Actions on the surety bond
- 13:32A-5.7 Change of address; service of process

- 13:32A-5.8 Unconscionable pricing
- 13:32A-5.9 Designations for licensees; prohibitions on unlicensed
persons

SUBCHAPTER 6. FEES

- 13:32A-6.1 Fee schedule

**SUBCHAPTER 1. PURPOSE AND SCOPE;
DEFINITIONS****13:32A-1.1 Purpose and scope**

(a) The rules contained in this chapter provide for the
licensing and regulation of master heating, ventilating, air
conditioning, and refrigeration contractors, implementing the
provisions of the State Heating, Ventilating, Air Conditioning
and Refrigeration Contracting License Law (P.L. 2007,
c. 211, N.J.S.A. 45:16A-1 et seq.).

(b) This chapter does not apply to any person who is:

1. Licensed to practice in New Jersey and is practicing
within the scope of practice of his or her profession in-
cluding architects, professional engineers, well drillers and
pump installers, electrical contractors, and master plumb-
ers, as long as such person does not identify him- or herself
as a licensed Master HVACR contractor;

2. A chimney service professional regulated by the
Division of Consumer Affairs as a home improvement con-
tractor acting within the scope of practice of his or her
profession as long as such person does not identify him- or
herself as a licensed Master HVACR contractor;

3. A single-family home owner who personally oc-
cupies his or her own dwelling and who performs work on
his or her own dwelling, except that any HVACR work
involving chlorofluorocarbons (CFCs) or hydrochloro-
fluorocarbons (HCFCs) shall be performed only by a
licensed Master HVACR contractor;

4. Licensed as a master plumber and is engaged in the
installation, maintenance, and repair of:

i. Power boiler systems, hot water and steam
heating systems, fire tube and water tube boilers, pres-
sure steam and hot water boilers, space heaters, unit
heaters, and appurtenances utilizing electricity, fossil
fuel, or solar energy;

ii. Steam, hot water and chilled water pipe, con-
densate piping, valves, fittings, burners and piping, ex-
pansion tanks, pumps, and gauges on the load side of a
meter;

iii. Thermostatic controls; or

iv. Natural or manufactured gas piping;

5. Licensed as a master plumber and is engaged in the installation, maintenance, or connection of:

i. Pneumatic and/or direct digital controls and control piping for the control of air, liquid, or gas temperatures, radiators, convectors, cabinet unit heaters, fan coil units, air handlers utilizing hydronic coils, mechanical ventilation for radon mitigation, humidifiers, flues, and patented chimneys; or

ii. Pneumatic and/or direct digital controls and control piping of automatic oil, gas, or coal burning equipment, gasoline or diesel oil dispensing equipment, and, in replacement cases only, connecting to them the wiring from a dedicated electrical service disconnect box of adequate size to accommodate the equipment and controls, and the testing and balancing of hydronic systems;

6. Licensed as a master plumber and is engaged in the installation, repair, testing, or closure of waste oil underground storage tanks;

7. Licensed as an electrical contractor and is engaged in the installation of:

i. Electrical resistance heating equipment and ventilation equipment with an exhaust duct not exceeding 60 square inches in area; or

ii. In commercial applications the connection sleeve between a roof-top mounted exhaust fan and its central connecting register, provided that this connection sleeve is not more than 15 inches in length or the length necessary to penetrate a roof or other similar openings; or

8. Licensed as an electrical contractor and is engaged in the maintenance and repair of the electrical sections of any equipment used for heating, ventilating, air conditioning, or refrigeration.

(c) This chapter shall not apply to any public utility company regulated by the Board of Public Utilities or any related competitive business segment of that public utility that offers competitive services pursuant to the "Electric Discount and Energy Competition Act," P.L. 1999, c. 21 (N.J.S.A. 48:3-49 et seq.). This chapter does not apply to HVACR work performed on buildings, structures, or premises owned or operated by a public utility holding company or its subsidiaries.

(d) This chapter shall not apply to any liquefied petroleum gas marketer licensed by the Department of Community Affairs.

(e) This chapter shall not apply to a person who performs service, repair, or maintenance work necessary for the continued normal performance of heating, ventilating, air conditioning, and refrigeration systems as part of his or her employment for an entity that owns or operates:

1. A general hospital licensed pursuant to P.L. 1971, c. 136 (N.J.S.A. 26:2H-1 et seq.);

2. A building that contains a steam boiler, pressure vessel, or refrigeration plant, which is subject to test and inspection pursuant to N.J.S.A. 34:7-14; or

3. A casino-hotel facility operated under the provisions of the "Casino Control Act," P.L. 1977, c. 110 (N.J.S.A. 5:12-1 et seq.), which shall include any building containing heating, ventilating, air conditioning, and refrigeration systems operated by one or more casino-hotel facilities as part of an agreement or arrangement to share systems.

(f) This chapter shall not apply to a person who performs service, repair, or maintenance work necessary for the continued normal performance of heating, ventilating, air conditioning, and refrigeration systems if:

1. That person has completed an education that complies with the requirements of N.J.A.C. 13:32A-2.2;

2. That person is an employee of the owner or lessee of the property at which the services, repairs, or maintenance work is being performed, who was hired to work on an ongoing and continuous basis, and whose remuneration is reported on a Form W-2 to the Internal Revenue Service; and

3. That person and his or her employer do not engage in or offer HVACR contracting to the public.

Amended by R.2015 d.069, effective May 4, 2015.

See: 46 N.J.R. 2079(a), 47 N.J.R. 902(a).

Added (e) and (f).

13:32A-1.2 Definitions

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

"Board" means the State Board of Examiners of Heating, Ventilating, Air Conditioning, and Refrigeration Contractors.

"Bona fide representative" means a licensed master HVACR contractor who:

1. In the case of a sole proprietorship, is the owner of the business;

2. In the case of a partnership, is a partner in the business;

3. In the case of a limited liability company, is a manager; or

4. In the case of a corporation, is an executive officer.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

"Heating, ventilating, air conditioning, and refrigeration" or "HVACR" means the process of treating and protecting the environment by the responsible handling, dispensing, collecting, and cleaning of chlorofluorocarbons and other refrigerants in stationary sources, and controlling the temperature,

humidity, and cleanliness of air by using the “wet,” “dry,” “radiant,” “conduction,” “convection,” “direct,” or “indirect” method or combination of methods, including those that utilize solar energy, to meet the environmental requirements of a designated area. “HVACR” also means the installation, servicing, connecting, maintenance, or repair of the following:

1. Power boiler systems, hydronic heating systems, fire tube and water tube boilers, pressure steam and hot water boilers, furnaces and space heaters, water recovery systems, and appurtenances utilizing electric, fossil fuel, wood pellets, or solar energy, other than those appurtenances utilized solely for the purpose of heating potable water;

2. Warm air heating or refrigeration and evaporative cooling systems, ventilation and exhaust systems, dust collectors, air handling equipment, heating or cooling coils, air or refrigerant compressors, chillers, cooling towers, evaporators, condensers, plenums, fans, blowers, air cleaners, mechanical ventilation for radon mitigation, humidifiers, filters, louvers, mixing boxes and appurtenances, energy recovery systems, geo-thermal systems (limited to horizontal or lateral connections between wells to the heat pump and appurtenances therefrom into the structure, but does not include the drilling of the well, grouting of the borehole, placement of any components into the well, or decommissioning the borehole, which all require licensing and permitting under N.J.A.C. 7:9D), and related air distribution systems connected to any of these systems and appurtenances;

3. Hydronic heating and chilled water pipe, valves, fittings, burners and piping, hydronic heating, expansion tanks, refrigeration piping, pumps, gauges, humidity, and thermostatic controls;

4. Condensate piping not discharged into a sanitary sewer (disposal of condensate from such piping must be performed pursuant to the Uniform Construction Code and any relevant local ordinances);

5. Natural or manufactured gas piping on the load side of a meter;

6. Supply water piping to equipment being served from an existing dedicated source connected downstream from an approved backflow preventer;

7. The installation of a replacement non-testable backflow device downstream from a pre-existing valve, in residential dwellings categorized as in Group R-4 or R-5 pursuant to N.J.A.C. 5:23-3.14;

8. Pneumatic and/or direct digital controls, control piping, and any type of heat tracing, for the control of air, liquid, or gas temperatures, radiators, convectors, unit cabinet heaters, or fan coil units;

9. Pneumatic and/or direct digital controls and control piping of automatic oil, gas, coal burning, or any other

product of combustion equipment, mechanical refrigeration equipment, gasoline, or diesel oil dispensing equipment, and the testing and balancing of air and hydronic systems, but does not include the design or preparation of specifications for equipment or systems to be installed that are within the practice of professional engineering as defined in subsection (b) of section 2 of P.L. 1938, c. 342 (N.J.S.A. 45:8-28); and

10. In replacement cases only, the connection of the wiring from an equipment service disconnect box of adequate size to accommodate pneumatic and/or direct digital controls and control piping of automatic oil, gas, coal burning, or any other product of combustion equipment, mechanical refrigeration equipment, gasoline, or diesel oil dispensing equipment previously dedicated to that equipment, as long as:

i. The heating or cooling capacity of each piece of equipment is 25 tons or less;

ii. The voltage of the system is 240 volts or less; and

iii. The connection of the wiring is performed according to all relevant provisions in the Uniform Construction Code.

“Heating, ventilating, air conditioning, and refrigeration contracting” means undertaking or advertising to undertake, for a fixed price, fee, commission, or gain of whatever nature, the planning, laying out, installation, construction, maintenance, service, repair, alteration, or modification to any portion of any system, product, or equipment, or appurtenances used for the environmental needs or control of any heating, ventilating, air conditioning, and refrigeration system.

“HVACR apprentice” means a person who is enrolled in an HVACR apprenticeship or other training program approved by the United States Department of Labor and who engages in the installation, alteration, repair, service, or renovation of HVACR systems under the supervision of a Master HVACR contractor as part of that apprenticeship or other training program.

“HVACR journeyman” means any person who installs, alters, repairs, services, maintains, or renovates HVACR systems and who works under the supervision of a Master HVACR contractor.

“Master heating, ventilating, air conditioning, and refrigeration contractor” or “master HVACR contractor” means any person licensed by the Board who obtains a pressure seal and advertises, undertakes, or offers to undertake for another, the planning, laying out, supervising, installing, servicing, maintaining, renovating, testing, commissioning, starting-up, or repairing of HVACR systems, apparatus, or equipment. In order to act as a “Master HVACR contractor,” an individual shall be a bona fide representative of the legal entity licensed pursuant to the provisions of this chapter.

“Replacement” means a change of equipment with the same type or similar equipment.

“Retrofit” means a change in design, construction, or equipment already in operation in order to incorporate later improvements.

Amended by R.2015 d.069, effective May 4, 2015.

See: 46 N.J.R. 2079(a), 47 N.J.R. 902(a).

In definition “ ‘Heating, ventilating, air conditioning, and refrigeration’ or ‘HVACR’ ”, rewrote paragraph 4.

13:32A-1.3 Electrical work

(a) Except in replacement cases described in the definition of “heating, ventilating, air conditioning, and refrigeration,” a master HVACR contractor shall not perform any electrical work:

1. With a potential of more than 10 volts, except as provided in (a)2 below; or
2. With a potential of more than 30 volts, in class III structures, as defined by N.J.A.C. 5:23-1.4.

SUBCHAPTER 2. APPLICATION FOR LICENSURE

13:32A-2.1 Eligibility for examinations

(a) An applicant for the master HVACR licensing examination shall submit to the Board:

1. A completed application for examination, on a form provided by the Board, including a full street name and number. An application containing only a post office box number as a mailing address shall not be considered a complete application;
2. Proof that the applicant is at least 21 years of age;
3. A passport size photograph of the applicant taken within the last six months;
4. Proof that the applicant has met the education requirements of N.J.A.C. 13:32A-2.2; and
5. The application fee as set forth in N.J.A.C. 13:32A-6.1.

(b) After the Board has reviewed the information required in (a) above, the Board shall send a letter that informs the applicant whether he or she is eligible to take the licensing examination required by N.J.A.C. 13:32A-2.3 and, if deemed eligible, of the time and place of examination.

13:32A-2.2 Education requirements

(a) An applicant for licensure as a master HVACR contractor shall complete one of the following:

1. Five years of employment in the HVACR contracting business, which consists of:
 - i. Four or more years in an HVACR apprenticeship or other training program approved by the United States Department of Labor, which includes education in the proper management of chlorofluorocarbons and other refrigerants, including high global warming potential gases; and
 - ii. One or more years employment as an HVACR journey person;
2. A bachelor’s degree in HVACR from a college or university accredited by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education, which includes education in the proper management of chlorofluorocarbons and other refrigerants, including high global warming potential gases, and one year experience in the practical work of installing, servicing, or maintaining HVACR systems; or
3. A bachelor’s degree in a field related to HVACR from a college or university accredited by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education, which includes education in the proper management of chlorofluorocarbons and other refrigerants, including high global warming potential gases, and three years experience in the practical work of installing, servicing, and maintaining HVACR systems.

(b) Pursuant to N.J.S.A. 45:16A-13, successful completion of an HVACR program given by a technical school, trade school, county college, or community college accredited by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education, shall satisfy two of the four years required by (a)1i above.

13:32A-2.3 Examinations

(a) Examinations shall be prepared and administered by a third-party vendor, but no license shall be granted except by the Board. The Board chairperson may designate members of the Board to oversee the administration of the examination.

(b) Examinations shall be held at least four times annually.

(c) Examinations shall consist of a written portion covering practice issues in HVACR contracting and a written portion on the laws and rules governing the practice of HVACR contracting in New Jersey.

(d) In order to pass the examination an applicant must receive a minimum grade of 70 in each of the two areas set forth in (c) above.

(e) An applicant who fails the master HVACR licensing examination shall not be permitted to retake the examination for six months from the date he or she failed the examination.