

13:32-4.3 Actions on the surety bond

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

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.2003 d.165, effective April 21, 2003.
 See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

Deleted former (a); recodified former (b) as (a); in new (a), substituted "a licensed master plumber" for "the obligor", and substituted "the surety bond" for "such bond".
 Amended by R.2008 d.260, effective September 2, 2008.
 See: 40 N.J.R. 1607(a), 40 N.J.R. 5045(b).
 In (a), inserted a comma following "corporation" and substituted "this chapter" for "any rule of the Board".

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

(a) Every licensed master plumber shall notify the Board in writing of his or her New Jersey office address. Every licensed master plumber shall notify the Board in writing of any change in his or her residence or office address 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 licensed master plumber's address on file with the Board shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding against the licensed master plumber.

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.2003 d.165, effective April 21, 2003.
 See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

In (a), substituted "notify the Board in writing" for "give notice in writing to the Board"; substituted "licensed master plumber" for "licensee" throughout.
 Amended by R.2008 d.260, effective September 2, 2008.
 See: 40 N.J.R. 1607(a), 40 N.J.R. 5045(b).
 In (a), substituted "his or her New Jersey" for "the licensed master plumber's" and "office address" for "business".

13:32-4.5 Unconscionable pricing

(a) A licensed master plumber of the Board shall not charge an excessive price for services. A price is excessive when, after review of the facts, a licensed master plumber 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 licensed master plumber 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 licensed master plumber 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).
 Amended by R.2003 d.165, effective April 21, 2003.
 See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).
 Substituted "licensed master plumber" for "licensee" throughout.

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. Initial pressure seal.....25.00
11. Replacement pressure seal25.00
12. Duplicate license fee 25.00
13. Replacement wall certificate40.00
14. Verification of licensure.....25.00
15. Continuing education sponsor application fee..... 100.00

(b) The following fees shall be charged by the Board in connection with the certification of medical gas piping installers, medical gas piping brazers and medical gas piping instructors:

1. Application fee\$75.00
2. Initial certification as medical gas piping installer:
 - i. If paid during the first year of a triennial renewal period\$150.00
 - ii. If paid during the second year of a triennial renewal period\$100.00
 - iii. If paid during the third year of a triennial renewal period\$50.00
3. Initial certification as medical gas piping brazer.....\$50.00
4. Initial certification as instructor in medical gas piping:
 - i. If paid during the first year of a triennial renewal period\$150.00
 - ii. If paid during the second year of a triennial renewal period\$100.00
 - iii. If paid during the third year of a triennial renewal period\$50.00
5. Certification renewal as a medical gas piping installer, triennial.....\$150.00
6. Certification renewal as a medical gas piping brazer, annual\$50.00
7. Certification renewal as a medical gas piping instructor, triennial\$150.00
8. Late renewal fee\$50.00
9. Reinstatement fee\$150.00
10. Inactive fee ... (to be determined by Director by regulation)

Recodified from N.J.A.C. 13:32-2.1 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.1999 d.212, effective July 6, 1999.

See: 31 N.J.R. 836(b), 31 N.J.R. 1816(b).

Rewrote (a).

Amended by R.2002 d.80, effective March 18, 2002.

See: 33 N.J.R. 3731(a), 34 N.J.R. 1266(a).

In (a), added 14.

Amended by R.2007 d.101, effective April 16, 2007.

See: 38 N.J.R. 4984(a), 39 N.J.R. 1487(a).

Added new (a)10; recodified former (a)10 through (a)14 as (a)11 through (a)15; and in (a)11, substituted "pressure seal" for "seal press" and "25.00" for "40.00".

Amended by R.2007 d.137, effective May 7, 2007.

See: 38 N.J.R. 3737(a), 39 N.J.R. 1748(b).

Added (b).

SUBCHAPTER 6. CONTINUING EDUCATION

13:32-6.1 License renewal, continuing education requirement

(a) Every licensee shall successfully complete five credits of continuing education at an approved course per biennial period. Licensees applying for their first biennial renewal are exempt from this continuing education requirement.

(b) A licensee shall indicate on the license renewal form that he or she has completed the continuing education requirements required by this subchapter. Failure to meet the continuing education requirements as set forth in this subchapter or the falsification of any information submitted with the renewal application may result in an appearance before the Board, or the imposition of disciplinary sanctions pursuant to N.J.S.A. 45:1-21 et seq.

(c) Every licensee shall maintain, for a period of four years, a record of all verification of attendance forms for all continuing education courses the licensee has completed. Licensees who teach a continuing education course during a biennial period shall maintain, for a four year period, records which indicate that the licensee has taught a Board approved continuing education course.

(d) The Board may review the records of any licensee, at any time, in order to ensure that the licensee has complied with the continuing education requirements.

Amended by R.2003 d.165, effective April 21, 2003.

See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

Deleted former (c); recodified former (d) through (e) as (c) through (d).

Public Notice: Continuing education topics.

See: 35 N.J.R. 5168(b).

Public Notice: Continuing education topics.

See: 37 N.J.R. 4582(a).

Public Notice: Continuing education topics.

See: 39 N.J.R. 263(a).

Public Notice: Continuing education topics.

See: 42 N.J.R. 1092(c).

13:32-6.2 Continuing education sponsors; Board approval; duties

(a) All sponsors of continuing education courses shall obtain Board approval prior to offering a continuing education course for an upcoming biennial period. The Board shall maintain a list of approved courses at the Board offices and shall furnish this information to licensees upon request.

(b) A sponsor seeking Board approval shall appear before the Board and submit, prior to that appearance, the following:

1. Detailed descriptions of course content and estimated hours of instruction;
2. Curriculum vitae of each instructor, including specific background which qualifies the individual as an instructor in specific areas; and
3. The continuing education sponsor application fee pursuant to N.J.A.C. 13:32-5.1(a)15.

(c) The sponsor of a continuing education course shall furnish each attendee a verification of attendance, which shall include the following:

1. The title, date and location of course or program offering;
2. The name and license number of the attendee;
3. The number of hours attended; and
4. The name and signature of the sponsor or instructor.

(d) The sponsor of a continuing education course shall monitor the attendance at each approved course and maintain an attendance log which lists the name and license number of every licensee who attends a course. The program sponsor shall submit the attendance log to the Board upon completion

of the course. The log shall document that each licensee has completed the sponsor's course.

(e) The sponsor shall obtain course evaluations from both participants and instructors and maintain these evaluations as part of the sponsor records.

(f) The Board may evaluate the performance of any continuing education instructor through observation of the instructor during the presentation of a course or evaluate the qualifications and abilities of the instructor by conducting an interview during a Board meeting.

(g) A continuing education class shall consist of no more than 50 people.

Amended by R.2008 d.260, effective September 2, 2008.

See: 40 N.J.R. 1607(a), 40 N.J.R. 5045(b).

In (b)3, updated the N.J.A.C. reference.

13:32-6.3 Required course topics

(a) Three months prior to the beginning of a biennial period, the Board shall determine which topics shall be provided by program sponsors for the upcoming biennial period. The Board shall determine these topics at a regularly scheduled public Board meeting.

(b) The list of topics which shall be required by the Board for a biennial period shall be published as a public notice in the New Jersey Register and shall be available at the Board offices.

Public Notice: Continuing education topics.

See: 35 N.J.R. 5168(b).

Public Notice: Continuing education topics.

See: 37 N.J.R. 4582(a).

Public Notice: Continuing education topics.

See: 39 N.J.R. 263(a).

Public Notice: Continuing education topics.

See: 42 N.J.R. 1092(c).

13:32-6.4 Credit awarded

(a) One continuing education credit shall equal one hour of attendance at a continuing education course.

(b) A licensee who teaches a continuing education course shall earn five credits of continuing education for the biennial period in which he or she teaches.

13:32-6.5 Waiver of continuing education requirement

(a) The Board may waive continuing education requirements on an individual basis for reasons of hardship, such as illness, disability, military duty or other good cause which prevents the licensee from completing continuing education credits during a biennial period.

(b) Any licensee seeking a waiver of the continuing education requirements shall apply to the Board in writing and set forth in specific detail the reasons for requesting the waiver. The licensee shall provide the Board with such supplemental materials as will support the request for waiver.

SUBCHAPTER 7. MEDICAL GAS PIPING

13:32-7.1 Purpose and scope

(a) The purpose of this subchapter is to implement the provisions of P.L. 2003, c. 205 (N.J.S.A. 45:14C-28 et seq.), which requires medical gas piping installers and brazers to be certified by the Board.

(b) Except as set forth in (d) below, no person shall install, improve, repair or maintain medical gas piping within a health care facility licensed pursuant to P.L. 1971, c. 136 (N.J.S.A. 26:2H-1 et seq.) located after the source valve and intended for patient use unless certified by the Board.

(c) No person shall provide instruction regarding the installation, improvement, repair or maintenance of medical gas piping unless certified as an instructor by the Board.

(d) This subchapter shall not apply to any electrical contractor licensed pursuant to P.L. 1962, c. 162 (N.J.S.A. 45:5A-1 et seq.), or any person employed by such an electrical contractor, who is performing the duties of his or her employment and who is acting within the scope of his or her profession or occupation.

13:32-7.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

“ASSE” means the American Society of Sanitary Engineering.

“AWS” means the American Welding Society.

“Board” means the State Board of Examiners of Master Plumbers.

“Brazing” means joining metals by the use of brass filler or intensely heating the metals to be joined and applying a high temperature melting solder which ranges in melting point from alloys rich in silver to pure copper.

“Medical gas piping” means the piping used for medical gases within a health care facility licensed pursuant to P.L. 1971, c. 136 (N.J.S.A. 26:2H-1 et seq.), located after the source valve and intended for patient use.

“NFPA” means the National Fire Protection Association.

“NITC” means the National Inspection Testing and Certification Corporation.

13:32-7.3 Certification as a medical gas piping installer

(a) To be eligible for certification as a medical gas piping installer an applicant shall be either:

1. A licensed master plumber in New Jersey;

2. A journeyman plumber who has successfully completed an apprenticeship program accredited by the United States Department of Labor;

3. An apprentice plumber who has successfully completed at least three years of an apprenticeship program accredited by the United States Department of Labor;

4. A steam fitter or pipe fitter employed by a plumbing contractor; or

5. An individual who holds certification from NFPA.

(b) An applicant for certification as a medical gas piping installer shall submit to the Board:

1. A completed application for certification;

2. Two affidavits attesting to the applicant's good moral character;

3. Evidence that the applicant has met the qualifications of (a) above;

4. Evidence that the applicant has successfully completed 32 hours of classroom training, taught by an instructor certified pursuant to N.J.A.C. 13:32-7.5, in the January 19, 2004 ASSE Series 6010 Professional Qualifications Standards for Medical Gas Systems Installers, incorporated herein by reference, as amended and supplemented, published by the ASSE, 901 Canterbury Road, Suite A, Westlake, OH, 44145;

5. Evidence that the applicant has passed the examination requirements of (c) below; and

6. The application fee and initial certification fee pursuant to N.J.A.C. 13:32-5.1.

(c) To qualify for certification, an applicant shall either:

1. Successfully pass the NITC Medical Gas Installer examination; or

2. Successfully pass a brazer examination offered by the AWS and successfully complete a training program in installation approved by a major medical gas producer.

13:32-7.4 Certification to perform only brazing incidental to installation of medical gas piping

(a) To be eligible for certification to perform only brazing incidental to installation of medical gas piping, an applicant shall be either:

1. A licensed master plumber in New Jersey;

2. A journeyman plumber who has successfully completed an apprenticeship program accredited by the United States Department of Labor;

3. An apprentice plumber who has successfully completed at least three years of an apprenticeship program accredited by the United States Department of Labor;

4. A steam fitter or pipe fitter employed by a plumbing contractor; or

5. An individual who holds a certification from NFPA.

(b) An applicant for certification to perform only brazing incidental to installation of medical gas piping shall submit to the Board:

1. A completed application for certification;

2. Two affidavits attesting to the applicant's good moral character;

3. Evidence that the applicant has met the qualifications of (a) above;

4. Evidence that the applicant has successfully completed 20 hours of classroom training related to the performance of brazing duties required to install, improve, repair or maintain medical gas piping taught by an instructor certified pursuant to N.J.A.C. 13:32-7.5, including 10 hours in practical, hands-on experience in brazing;

5. Evidence that the applicant has passed the examination requirements of (c) below; and

6. The application fee and initial certification fee pursuant to N.J.A.C. 13:32-5.1.

(c) To qualify for certification, an applicant shall either:

1. Successfully pass the NITC Brazing Processes; or

2. Successfully pass a brazer examination offered by the AWS and successfully complete a training program in brazing of medical gas piping approved by a major medical gas producer.

13:32-7.5 Certification of medical gas piping instructors

(a) To be eligible for certification as a medical gas piping instructor an applicant shall be either:

1. A licensed master plumber in New Jersey;

2. A journeyman plumber who has successfully completed an apprenticeship program accredited by the United States Department of Labor;

3. A steam fitter or pipe fitter employed by a plumbing contractor;

4. An individual who has engaged in the practice of installing medical gas piping for the past five years; or

5. An individual who holds certification from NFPA for the past five years.

(b) An applicant for certification as a medical gas piping instructor shall submit to the Board:

1. A completed application for certification;

2. Evidence that the applicant has met the qualifications of (a) above;

3. Evidence that the applicant has successfully completed a 40-hour course that covers the January 19, 2004 ASSE Series 6050 Professional Qualifications Standards for Medical Gas Systems Instructors, incorporated herein by reference, as amended and supplemented, published by the ASSE, 901 Canterbury Road, Suite A, Westlake, OH, 44145;

4. Evidence that the applicant has passed the examination requirements of (c) below; and

5. The application fee and initial certification fee pursuant to N.J.A.C. 13:32-5.1.

(c) To qualify for certification, an applicant shall:

1. Successfully pass the NITC Medical Gas Instructor examination; or

2. Successfully pass a brazer examination offered by the AWS and a training program in instructional training approved by a major medical gas producer.

13:32-7.6 Certification for individuals engaged in practice prior to January 7, 2004

(a) An applicant who applies prior to May 7, 2009 and who has engaged in the installation, improvement, repair or maintenance of medical gas piping since at least January 7, 2001, shall be eligible for certification if he or she meets the requirements of N.J.A.C. 13:32-7.3(c).

(b) An applicant who applies prior to May 7, 2009 and who has engaged in brazing incidental to the installation, improvement, repair or maintenance of medical gas piping since at least January 7, 2001, shall be eligible for certification if he or she meets the requirements of N.J.A.C. 13:37-7.4(c).

13:32-7.7 Renewal of certificates

(a) Certificates for instructors and installers shall be renewed triennially on a form provided by the Board. Certificates to perform only brazing incidental to installation of medical gas piping shall be renewed annually on a form provided by the Board.

(b) The Board shall send a notice of renewal to each certificant at least 60 days prior to the expiration of the certificate. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalty or fines shall apply to the holder for any unlicensed practice during the period following the licensure expiration, not to exceed the number of days short of 60 before the renewals were issued.

(c) Certificants shall submit the renewal application and pay the renewal fee pursuant to N.J.A.C. 13:32-5.1 prior to the date of expiration of the certificate. If a certificant does not renew the certificate prior to its expiration date, he or she may renew the certificate no later than 30 days after its expiration date by submitting a renewal application and pay-

ing a renewal fee and a late fee pursuant to N.J.A.C. 13:32-5.1. A certificant who fails to renew the certificate within 30 days after the expiration date of the certificate shall be suspended without a hearing.

(d) A person who continues to practice or hold him or herself out as a certificant after being suspended pursuant to (c) above shall be deemed to have engaged in uncertified practice pursuant to N.J.S.A. 45:14C-28, even if no notice of suspension has been provided to the person.

(e) A person seeking reinstatement within five years following the suspension of a certificate pursuant to (c) above shall submit to the Board:

1. A completed reinstatement application;

2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:32-5.1;

3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:32-5.1; and

4. An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

(f) A person seeking reinstatement after more than five years following the suspension of a certificate pursuant to (c) above shall successfully complete the examination required for initial certification as set forth in N.J.A.C. 13:32-7.3(c), 7.4(c) or 7.5(c) and shall submit to the Board:

1. A completed reinstatement application;

2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:32-5.1;

3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:32-5.1; and

4. An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

(g) Renewal applications for certificants shall provide the applicant with the option of either active or inactive renewal. Applicants electing to renew as inactive shall not practice or hold themselves out to the public as certificants. A certificant renewing as inactive shall submit a completed renewal application to the Board.

(h) Upon application to the Board, the Board may permit an applicant who has been on inactive status to return to active status provided such applicant pays the renewal fee as set forth in N.J.A.C. 13:32-5.1.

Amended by R.2008 d.260, effective September 2, 2008.
See: 40 N.J.R. 1607(a), 40 N.J.R. 5045(b).

In (d) and the introductory paragraphs of (e) and (f), inserted "pursuant to (c) above".