

CHAPTER 32
STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS

Authority
 N.J.S.A. 45:14C-7.

Source and Effective Date
 R.2003 d.165, effective March 28, 2003.
 See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

Chapter Expiration Date
 Chapter 32, State Board of Examiners of Master Plumbers, expires on March 28, 2008.

Chapter Historical Note
 Chapter 32, State Board of Examiners of Master Plumbers, was adopted 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 As part of R.1992 d.457, effective November 16, 1992, Subchapter 2, regarding a "uniform penalty letter," was repealed and Subchapter 2, Fees, was adopted as new rules.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. 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: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Subchapter 6, Continuing Education, was adopted as R.2002 d.80, effective March 18, 2002. See: 33 N.J.R. 3731(a), 34 N.J.R. 1266(a).

Chapter 32, State Board of Examiners of Master Plumbers, was readopted as R.2003 d.165, effective March 28, 2003. See: Source and Effective Date. 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 (N.J.S.A. 45:14C-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 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".

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

Deleted "of 1968, P.L. 1978, c.362" following "State Plumbing Licensing Law"; revised the N.J.S.A. reference.

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.

"Licensed 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 licensed master plumber 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 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.

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 "Master plumber"; in "Plumbing contractor", substituted "licensed master plumber" for "licensee".

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.

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

4. A certification verifying completion of the continuing education credits required pursuant to N.J.A.C. 13:32-6.1 for each biennial renewal period the license is suspended; and

5. 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 license shall successfully complete the examination required for initial licensure as set forth in N.J.A.C. 13:32-2.3 and shall submit:

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 all licensed master plumbers 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 licensed master plumbers. A licensed master plumber renewing as inactive shall submit to the Board:

1. A completed renewal application; and

2. The pressure seal.

(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 completes the continuing education credits that are required per biennial period for each biennial period that the applicant is on inactive status and the applicant pays the renewal fee as set forth in N.J.A.C. 13:32-5.1. The Board shall return the licensed master plumber's pressure seal when the licensed master plumber returns to active status.

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

SUBCHAPTER 3. IDENTIFICATION OF LICENSEES; BONA FIDE REPRESENTATIVE; SUPERVISION

13:32-3.1 Identification of licensed master plumber; vehicles, stationery; advertising

(a) All commercial vehicles used in the practice of State-licensed master plumbing shall be marked on both sides with the following information:

1. The name of the licensed master plumber in lettering at least one inch in height;

2. The words "Plumbing license number" or "Plumbing Lic. #" followed by the license number of the owner or qualified bona fide representative in lettering at least one inch in height; and

3. The name of the owner or lessee of the vehicle and the municipality from which the licensed master plumber practices or where the licensed master plumber has a principal office in lettering at least three inches in height.

i. Where available space for lettering is limited, either by design of the vehicle or by the presence of other legally specified identification markings, making strict compliance with (a)3 above impractical, the size of the lettering shall be as close to three inches high as is possible within the limited space, provided the name is clearly visible and readily identifiable.

(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, or subcontracted in the previous calendar year more than one-third of the work which it contracted 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."

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 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).

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)3, substituted "licensed master plumber" for "licensee" throughout; in (e), inserted "or subcontracted in the previous calendar year more than one-third of the work which it contracted to perform," preceding "all advertising"; deleted (f).

13:32-3.2 Bona fide representative; reporting responsibilities

(a) A licensed master plumber 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 licensed master plumber 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 licensed master plumber shall provide the Board with a written affidavit which states the percentage of outstanding shares held by the licensed master plumber. The affidavit shall be executed by the corporate secretary or other appropriate representative of the plumbing contractor;

- ii. If a licensed master plumber claims to hold 50 percent or more of the issued and outstanding stock or capital of the plumbing contractor, the licensed master plumber shall provide a written affidavit which states the percentage of outstanding shares held by the licensed master plumber 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 licensed master plumber 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 licensed master plumber and the firm, partnership, corporation or other legal entity notify the Board within 10 days after 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 March 3, 2001.

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

Rewrote the section.

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.

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 licensed master plumber 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 licensed master plumber and all work shall be supervised in the manner set forth in (a)3 below;