

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 New Jersey 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 New Jersey 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, New Jersey 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).

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, (c)2 and (d), inserted "New Jersey".

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 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 New Jersey 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 governmental tax authorities.

(c) If a bona fide representative for any firm, partnership, corporation or other legal entity withdraws as the bona fide representative, the firm, partnership, corporation or other legal entity may continue to operate for 60 days without a bona fide representative provided that:

1. A licensee supervises all work conducted in the same manner as required by a bona fide representative pursuant to N.J.A.C. 13:32-3.3(a)3;
2. The bona fide representative and the firm, partnership, corporation or other legal entity notifies the Board within 10 days of the withdrawal of the bona fide representative; and
3. The supervising licensee notifies the Board within 10 days of being appointed as the supervising licensee.

(d) If the bona fide representative for any firm, partnership, corporation or other legal entity 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:

1. A licensed master plumber supervises all work conducted in the same manner as required by a bona fide representative pursuant to N.J.A.C. 13:32-3.3(a)3;
2. 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; and
3. The supervising licensee notifies the Board within 10 days of being appointed as the supervising licensee.

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.
Amended by R.2005 d.69, effective February 22, 2005.

See: 36 N.J.R. 1718(b), 37 N.J.R. 616(a).

Rewrote (c).

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

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

In the introductory paragraph of (a), deleted "contemplated by N.J.S.A. 45:14C-2" following "entity"; in (a)1, inserted "New Jersey"; in (b), inserted a comma following "documentation" and deleted "the" preceding "governmental"; rewrote the introductory paragraph of (c); added (c)1 through (c)3; rewrote the introductory paragraph of (d); and added (d)1 through (d)3.

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;

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 licensed master plumber 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 licensed master plumber, 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 licensed master plumber 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 licensed master plumber employed by the bona fide representative;

- iii. If the person performing the work is a journeyman, the bona fide representative, a New Jersey licensed master plumber employed by the bona fide representative or the supervisor 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 licensed master plumber 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 licensed master