

CHAPTER 31**BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS****Authority**

N.J.S.A. 45:5A-6.

Source and Effective Date

R.2002 d.164, effective May 2, 2002.
See: 33 N.J.R. 3404(a), 34 N.J.R. 1932(b).

Chapter Expiration Date

Chapter 31, Board of Examiners of Electrical Contractors, expires on May 2, 2007.

Chapter Historical Note

Chapter 31, Board of Examiners of Electrical Contractors, was adopted and became effective prior to September 1, 1969.

Subchapter 2, Forms, containing a section on a uniform penalty letter was repealed by R.1981 d.372, effective October 8, 1981. See: 13 N.J.R. 442(b), 13 N.J.R. 707(d).

Pursuant to Executive Order No. 66(1978), Chapter 31, Board of Examiners of Electrical Contractors, was readopted as R.1987 d.44, effective December 12, 1986. See: 18 N.J.R. 2113(d), 19 N.J.R. 137(a).

Pursuant to Executive Order No. 66(1978), Chapter 31, Board of Examiners of Electrical Contractors, was readopted as R.1991 d.596, effective November 20, 1991. See: 23 N.J.R. 2917(a), 23 N.J.R. 3762(a).

Pursuant to Executive Order No. 66(1978), Chapter 31, Board of Examiners of Electrical Contractors, was readopted as R.1996 d.559, effective November 6, 1996. See: 28 N.J.R. 4163(a), 28 N.J.R. 5077(b).

Chapter 31, Board of Examiners of Electrical Contractors, was readopted as R.2002 d.164, effective May 2, 2002. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL RULES AND REGULATIONS**13:31-1.1 Board meetings; quorum**

(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.

Amended by R.1987 d.44, effective January 5, 1987.
See: 18 N.J.R. 2113(d), 19 N.J.R. 137(a).

Old text deleted and new text substituted.

13:31-1.2 Definitions

(a) Minor repair work within the meaning of N.J.S.A. 45:5A-18(a) shall include, without limitation, the replacement of lamps and fuses operating at less than 150 volts to ground with a like or similar item.

(b) "Qualified journeyman electrician" as used in N.J.S.A. 45:5A-18(k) shall mean and include any person who is either:

1. The holder of a current valid license to practice electrical contracting issued by the Board;

2. A person who has acquired 8,000 hours of practical experience working with tools in the installation, alteration or repair of wiring for electric light, heat or power and who has had a minimum of 576 classroom hours of related instruction. The requirement of practical experience shall not include time spent in supervising, engineering, estimating and other managerial tasks; or

3. A person who can demonstrate to the satisfaction of the Board that he or she has gathered the required experience through alternative means.

(c) "Regular employee" as used in N.J.S.A. 45:5A-18(l) shall mean an individual who receives a regular salary for the performance of functions which include, but are not necessarily exclusively limited to, those associated with the installation, repair and maintenance of electrical work for the State, county, municipality, or school district which occupies the premises on which such work is done.

Amended by R.1987 d.44, effective January 5, 1987.
See: 18 N.J.R. 2113(d), 19 N.J.R. 137(a).

Deleted text " , existing wall switches . . . existing incandescent fixtures." and added "operating at less . . .".

Amended by R.1991 d.596, effective December 16, 1991.
See: 23 N.J.R. 2917(a), 23 N.J.R. 3762(a).

Corrected error.

Amended by R.1992 d.66, effective February 3, 1992.
See: 23 N.J.R. 979(a), 24 N.J.R. 471(b).

Section revised.

Amended by R.1998 d.543, effective November 16, 1998.
See: 30 N.J.R. 2351(a), 30 N.J.R. 4057(a).

In (b), substituted "Qualified" for "The term qualified" at the beginning of the introductory paragraph and added 3.

Amended by R.1999 d.244, effective August 2, 1999.
See: 30 N.J.R. 4112(a), 31 N.J.R. 2222(b).

Added (c).

Recodified from N.J.A.C. 13:31-1.4 by R.2002 d.164, effective June 3, 2002.

See: 33 N.J.R. 3404(a), 34 N.J.R. 1932(b).

Former N.J.A.C. 13:31-1.2, Qualification of applicants, recodified to N.J.A.C. 13:31-2.1.

13:31-1.3 Bonds

An action may be maintained on the bond required by N.J.S.A. 45:5A-19 by any person injured, aggrieved or damaged through the failure of the obligor to perform the duties prescribed for electrical contractors under the provisions of N.J.S.A. 45:5A-1, et seq. or any rule of the Board.

Recodified from N.J.A.C. 13:31-1.5 by R.2002 d.164, effective June 3, 2002.

See: 33 N.J.R. 3404(a), 34 N.J.R. 1932(b).

Former N.J.A.C. 13:31-1.3, Examinations, recodified to N.J.A.C. 13:31-2.2.

Case Notes

Ordinance regulating building contractors invalidated as too vague and imprecise; eligibility for financial benefits of bond. *New Jersey Builders Ass'n v. Mayor and Tp. Council, Tp. of East Brunswick*, 60 N.J. 222, 287 A.2d 725 (1972).

13:31-1.4 Compliance with laws

Electrical contractors and business permit holders shall comply with all general and special Federal, State and municipal laws, ordinances and regulations pertaining to the business of electrical contracting and those employed or engaged therein. Violations of any such Federal, State and municipal laws, ordinances and regulations may be deemed occupational misconduct within the meaning of N.J.S.A. 45:1-21(e) and may subject a licensee to disciplinary action as set forth at N.J.S.A. 45:1-21 et seq.

Recodified from N.J.A.C. 13:31-1.6 and amended by R.2002 d.164, effective June 3, 2002.

See: 33 N.J.R. 3404(a), 34 N.J.R. 1932(b).

Rewrote section. Former N.J.A.C. 13:31-1.4, Definitions, recodified to N.J.A.C. 13:31-1.2.

13:31-1.5 Identification of licensees, permittees and qualified journeyman electricians; vehicles; stationery; advertising

(a) All commercial vehicles utilized in the practice of licensed electrical contracting shall be visibly marked on both sides with the following information:

1. The name of the licensed electrical contractor in lettering at least three inches in height;

2. The words "Electrical Contractor license number" or "Electrical Contractor Lic. #" followed by the license number of the qualifying licensee and the words "Electrical Contractor business permit number" or "Electrical Contractor Bus. Permit #" followed by the business permit number of the business permit holder in lettering at least three inches in height; and

3. The name of the owner or lessee of the vehicle and the municipality from which the licensee practices or where the licensee 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)1, 2 or 3 above impractical, the size of the lettering shall be as close to three inches high as possible within the limited space, provided the name is clearly visible and readily identifiable.

(b) All business correspondence and stationery shall display the following information:

1. The name of the licensed electrical contractor;

2. The words "Electrical Contractor license number" or "Electrical Contractor Lic. #" followed by the license number of the qualifying licensee and the words "Electrical Contractor business permit number" or "Electrical Contractor Bus. Permit #" followed by the business permit number of the business permit holder; and

3. The business address, including the street name and number, of the qualifying licensee.

(c) All advertising shall include the following information:

1. The name of the licensed electrical contractor;

2. The words "Electrical Contractor license number" or "Electrical Contractor Lic. #" followed by the license number of the qualifying licensee and the words "Electrical Contractor business permit number" or "Electrical Contractor Bus. Permit #" followed by the business permit number of the business permit holder; and

New Rule, R.2002 d.164, effective June 3, 2002.
See: 33 N.J.R. 3404(a), 34 N.J.R. 1932(b).

13:31-2.4 Inactive license status

A licensee may, upon application to the Board, renew his or her license by choosing inactive status. A licensee electing to renew his or her license as inactive shall not engage in the practice of electrical contracting for the entire triennial registration period. An inactive licensee may resume the practice of electrical contracting upon submission of evidence to the Board of having completed the continuing education requirements set forth in N.J.A.C. 13:31-1.7.

New Rule, R.2002 d.164, effective June 3, 2002.
See: 33 N.J.R. 3404(a), 34 N.J.R. 1932(b).

SUBCHAPTER 3. STANDARDS OF PRACTICE

13:31-3.1 Worker's compensation

(a) Business permit holders shall obtain the worker's compensation insurance required by the laws of this State covering employees employed by the business permit holder or his subcontractor. Business permit holders shall maintain on file a certificate of insurance evidencing such coverage.

(b) Business permit holders shall ensure that all temporary employees working under the supervision of the permit holders have obtained the required worker's compensation coverage.

Amended by R.1987 d.44, effective January 5, 1987.
See: 18 N.J.R. 2113(d), 19 N.J.R. 137(a).

"Worker's" substituted for "workmen's".

Amended by R.1998 d.543, effective November 16, 1998.

See: 30 N.J.R. 2351(a), 30 N.J.R. 4057(a).

In (a), added a new last sentence; and added (b).

Recodified from N.J.A.C. 13:31-1.7 and amended by R.2002 d.164, effective June 3, 2002.

See: 33 N.J.R. 3404(a), 34 N.J.R. 1932(b).

In (a), rewrote the second sentence; rewrote (b).

13:31-3.2 Work standards and inspections

(a) Every licensee who performs or supervises the installation, erection, repair or alteration of electrical equipment for the generation, transmission or utilization of electrical energy subject to "The Electrical Contractors Licensing Act of 1962" (N.J.S.A. 45:5A-1 et seq.) shall ensure that the work performed is in conformity with the standards of the Uniform Construction Code, N.J.A.C. 5:23, in effect at the time work is performed.

(b) Every licensee who performs or supervises work described in (a) above shall secure permits when required and, within a reasonable time after completion of the work, secure an inspection of the completed work when required to ensure conformity with the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., and the Uniform Construction Code, N.J.A.C. 5:23.

(c) Every licensee shall be responsible for correcting, within a reasonable time and at no additional charge to the customer, any Code violation discovered in the work performed or supervised by the licensee.

(d) Failure to comply with (a), (b) or (c) above may be deemed occupational misconduct within the meaning of N.J.S.A. 45:1-21(e) and may subject the licensee to disciplinary action as set forth in N.J.S.A. 45:1-21 et seq.

Amended by R.1982 d.92, effective April 5, 1982.

See: 13 N.J.R. 607(b), 14 N.J.R. 346(c).

Rule concerning inspection authorities repealed and replaced with rule concerning work standards and inspections.

Recodified from N.J.A.C. 13:31-1.8 and amended by R.2002 d.164, effective June 3, 2002.

See: 33 N.J.R. 3404(a), 34 N.J.R. 1932(b).

Rewrote section.

13:31-3.3 Pressure seal and signature requirements

(a) At the time of the issuance of the license or as soon thereafter as deemed appropriate, the Board shall furnish a pressure seal to every licensed electrical contractor. The cost of the pressure seal shall be paid for by the licensed electrical contractor to whom it is issued. The pressure seal shall be used exclusively by the licensed electrical contractor in the conduct of his or her practice. The licensed electrical contractor shall be required to impress the pressure seal upon all applications for electrical inspection by the appropriate duly licensed State inspection agency and shall sign all applications for electrical permits. The pressure seal shall remain the property of the Board and shall be returned to the Board as provided in (c) below.

(b) No person, other than the electrical contractor to whom the license and business permit shall have been issued by the Board, shall have the right to use the pressure seal. Any violation of this provision shall subject the person wrongfully using the pressure seal, and the licensee who willfully or negligently allows such unlicensed and unauthorized person to use said seal to such penalties and sanctions as shall be imposed by the Board pursuant to authority granted by N.J.S.A. 45:5A-1 et seq. and 45:1-14 et seq.

(c) A licensee whose license is suspended or revoked as a result of either a disciplinary order or a failure to pay licensing fees, or who has registered with the Board as inactive pursuant to N.J.A.C. 13:31-2.4, shall immediately return to the Board the previously issued official pressure seal.

(d) If the person whose license qualified a business entity to engage in electrical contracting is rendered incapable of fulfilling his or her professional duties due to death, illness or other condition, the licensee or such other individual who may lawfully act for the business entity may delay returning the official pressure seal for at least six months provided that:

1. The Board is immediately notified in writing of the name of a new electrical contractor licensed by the Board,

or a qualified journeyman electrician registered with the Board, or other person with substantially equivalent experience who shall qualify the business entity during the interim period provided by this subsection; and

2. The business entity complies with all the provisions of the Electrical Contractors Licensing Act of 1962 and all regulations adopted thereafter.

(e) During this six month period, the business entity may complete work in progress and may contract for new work provided that all such electrical work is performed or supervised by the person whose name is provided to the Board pursuant to (d)1 above.

(f) The Board may, for good cause shown, extend by six months the interim period during which electrical contracting may be performed provided that the conditions set forth in (d) above are satisfied.

(g) By the end of either the initial six-month period or the additional six-month extension period, the pressure seal issued by the Board to the individual licensee, qualified journeyman electrician or other qualified person cited in (d) above shall be returned to the Board consistent with N.J.S.A. 45:5A-14.

New Rule, R.1976 d.369, effective November 19, 1976.

See: 8 N.J.R. 424(d), 8 N.J.R. 563(a).

Amended by R.1987 d.44, effective January 5, 1987.

See: 18 N.J.R. 2113(d), 19 N.J.R. 137(a).

Deleted subsection (c).

Amended by R.1991 d.596, effective December 16, 1991.

See: 23 N.J.R. 2917(a), 23 N.J.R. 3762(a).

Corrected error in (a).

Amended by R.1994 d.332, effective July 5, 1994.

See: 26 N.J.R. 1594(a), 26 N.J.R. 2795(b).

Recodified from N.J.A.C. 13:31-1.10 and amended by R.2002 d.164, effective June 3, 2002.

See: 33 N.J.R. 3404(a), 34 N.J.R. 1932(b).

Rewrote section.

13:31-3.4 Supervision of electrical work

(a) The licensee whose license qualifies the holder of a business permit to engage in the business of electrical contracting in the State of New Jersey shall assume full responsibility for the inspection and supervision of all electrical work to be performed by the permittee in compliance with recognized safety standards.

(b) The qualifying licensee shall be deemed not to have assumed such required responsibility where he engages in the following acts and practices:

1. Failure to personally inspect and supervise the work of employees where necessary and appropriate.

2. Failure to ensure that electrical workers are afforded the degree of personal on-site supervision commensurate with their level of competence and the complexity of the work to be performed.

3. Failure to be personally available on a reasonable basis where circumstances require personal availability.

4. Regular and continuous absence from the principal office of the permit holder where the permit holder maintains a New Jersey office; or the regular and continuous absence from the work sites of electrical work performed in New Jersey where the permit holder does not maintain a New Jersey office.

New Rule, R.1987 d.242, effective June 15, 1987.

See: 19 N.J.R. 49(a), 19 N.J.R. 1099(a).

Recodified from N.J.A.C. 13:31-1.13 by R.2002 d.164, effective June 3, 2002.

See: 33 N.J.R. 3404(a), 34 N.J.R. 1932(b).

13:31-3.5 Joint ventures

(a) Where two or more persons form a joint venture for the purpose of contracting to perform electrical work in New Jersey, each party to the joint venture shall hold a business permit issued by the Board to engage in electrical contracting in New Jersey.

(b) The term "persons," as used in (a) above, is defined to mean individuals, corporations, partnerships or other business entities.

New Rule, R.1987 d.242, effective June 15, 1987.

See: 19 N.J.R. 49(a), 19 N.J.R. 1099(a).

Public Notice: Receipt of petition for rulemaking and action on petition.

See: 28 N.J.R. 2087(b).

Recodified from N.J.A.C. 13:31-1.15 by R.2002 d.164, effective June 3, 2002.

See: 33 N.J.R. 3404(a), 34 N.J.R. 1932(b).

13:31-3.6 Identification card required

(a) At the time of triennial renewal of the license and/or business permit, the Board shall furnish a wallet size identification card to every licensee. The card shall be used exclusively by the licensee in the conduct of his or her practice. A licensee who willfully or negligently allows an unlicensed or an unauthorized person to use his or her 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. 45:5A-1 et seq. and 45:1-14 et seq. The licensee shall be required to present the identification card upon request to the appropriate duly licensed inspection agency upon all applications for electrical permits.

(b) Use of an identification card by any person other than the 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 or she 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 pursuant to the provisions of N.J.S.A. 45:1-14 et seq.