

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

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 31, Board of Examiners of Electrical Contractors, expires on October 29, 2007. See: 39 N.J.R. 1632(a).

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Subchapter 2, Forms, containing a section on a uniform penalty letter was repealed by R.1981 d.372, effective October 8, 1981.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

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

“Act” means the Electrical Contractor Licensing Act of 1962, P.L. 1962, c.162, N.J.S.A. 45:5A-1 et seq.

“Apprentice” means a person who is enrolled in a four-year apprenticeship program approved by both a Federal agency and a Federally certified state agency.

“Board” means the Board of Examiners of Electrical Contractors established pursuant to N.J.S.A. 45:5A-3.

“Business permit holder” means an electrical contractor who has obtained a business permit pursuant to N.J.S.A. 45:5A-9.

“Licensee” means a person who has satisfied the requirements of N.J.A.C. 13:31-2.1 and 2.2 and has been issued a

license as an electrical contractor by the Board pursuant to N.J.S.A. 45:5A-9.

“Minor repair work” shall include, without limitation, the replacement of lamps and fuses operating at less than 150 volts to ground with like or similar lamps or fuses.

“Qualified journeyman electrician” means:

1. A person who has a current license to practice electrical contracting issued by the Board;

2. A person who has acquired 8,000 hours of practical hands-on 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 instruction in the installation, alteration or repair of wiring for electric light, heat or power. “Practical hands-on experience,” as used in this definition, does not include time spent supervising, engaging in the practice of engineering, estimating or performing other managerial tasks; or

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

“Qualifying licensee” means a licensee who has satisfied the requirements of N.J.A.C. 13:31-2.1 and 2.2 and whose license qualifies a business permit holder to engage in the business of electrical contracting in the State of New Jersey.

“Regular employee” as used in N.J.S.A. 45:5A-18(*l*) means an individual who receives a regular salary for the performance of functions which include 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 swatches ... 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.

Repeal and New Rule, R.2004 d.190, effective May 17, 2004.

See: 35 N.J.R. 3438(a), 36 N.J.R. 2533(a).
Section was “Definitions”.

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

(d) Every licensed electrical contractor whose name, office address, place of practice, license number or business permit 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) No licensee shall perform electrical contracting work without having in his or her possession a business permit identification as provided in N.J.S.A. 45:5A-9.

(f) Upon request, the Board shall issue a qualified journeyman electrician identification card to an individual who satisfies the definition of N.J.A.C. 13:31-1.2 and requests such a card. The fee, as set forth in N.J.A.C. 13:31-1.6, shall be payable only one time.

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

Added "and advertising" to text.
Amended by R.1994 d.467, effective September 19, 1994.
See: 26 N.J.R. 1218(b), 26 N.J.R. 3877(a).
Amended by R.1996 d.143, effective March 18, 1996.
See: 28 N.J.R. 63(a), 28 N.J.R. 1553(a).

Added (d).
Amended by R.1998 d.543, effective November 16, 1998.
See: 30 N.J.R. 2351(a), 30 N.J.R. 4057(a).
In (d), deleted "either" following "definition of" and updated N.J.A.C. references in the first sentence.
Recodified from N.J.A.C. 13:31-1.9 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. 13:31-1.5, Bonds, recodified to N.J.A.C. 13:31-1.3.

13:31-1.6 Fee schedule

(a) The following fees shall be charged by the Board:

1. Application fee (non-refundable).....\$100.00
2. Initial license fee:
 - 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. Triennial license renewal\$150.00
4. Late renewal fee (within 30 days)\$ 50.00
5. Reinstatement fee\$100.00
6. Initial business permit:
 - i. If paid during the first year of a triennial renewal period\$ 75.00
 - ii. If paid during the second year of a triennial renewal period\$ 50.00
 - iii. If paid during the third year of a triennial renewal period\$ 25.00
7. Triennial business permit renewal\$ 75.00
8. Late renewal fee, permit\$ 25.00
9. Replacement seal press\$ 40.00
10. Duplicate license/business permit fee\$ 25.00
11. Replacement wall license/business permit.....\$ 40.00
12. Verification of licensure\$ 25.00
13. Identification card, qualified journeyman electrician (payable one time)\$10.00

14. Telecommunications wiring exemption—application fee and issuance of identification card (non-refundable).....\$120.00
15. Continuing education sponsor fee\$100.00

New Rule, R.1986 d.193, effective June 2, 1986.
See: 18 N.J.R. 462(a), 18 N.J.R. 1201(b).
Amended by R.1991 d.163, effective March 18, 1991.
See: 23 N.J.R. 22(a), 23 N.J.R. 879(a).
Upon adoption amended to reflect P.L. 1991 c.6, triennial renewals.
Administrative Correction to (a)1: Application fee should be \$50.00.
See: 23 N.J.R. 1199(a).
Amended by R.1993 d.93, effective February 16, 1993.
See: 24 N.J.R. 339(a), 25 N.J.R. 705(a).
Added new (a)6.
Amended by R.1994 d.594, effective December 5, 1994.
See: 26 N.J.R. 2742(a), 26 N.J.R. 4780(a).
Administrative Correction.
See: 27 N.J.R. 5032(a).
Amended by R.1996 d.143, effective March 18, 1996.
See: 28 N.J.R. 63(a), 28 N.J.R. 1553(a).
In (a) added free for qualified journeyman electrician.
Amended by R.2002 d.121, effective April 15, 2002.
See: 33 N.J.R. 2238(a), 34 N.J.R. 1548(a).
Added (a)15.
Recodified from N.J.A.C. 13:31-1.11 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. 13:31-1.6, Familiarity with laws, recodified to N.J.A.C. 13:31-1.4.

13:31-1.7 Continuing education requirements

(a) Upon triennial license renewal, a licensee shall attest that he or she has completed courses of continuing education of the types and number of credits specified in (b), (c), (d) and (e) below. Falsification of any information submitted on the renewal application may require an appearance before the Board and may result in penalties and/or suspension or revocation of the license pursuant to N.J.S.A. 45:1-21 through 45:1-25.

(b) Each applicant for triennial license renewal shall be required to complete during the preceding triennial period, except as provided in (b)1 and 2 below, a minimum of 34 credit hours of continuing education.

1. For the triennial registration period ending on March 31, 2003, licensees not exempt pursuant to (b)2 below shall be required to complete 10 credit hours of continuing education, including nine hours on the most recent edition of the National Electrical Code and one hour on applicable State statutes and rules;

2. Licensees shall not be required to complete the continuing education requirements for the triennial registration period in which they initially received licensure.

3. A licensee who completes more than the minimum continuing education credits set forth above in any triennial registration period may carry no more than eight of the additional credits into a succeeding triennial period;

4. Any continuing education credits completed by the licensee in compliance with an order or directive from the Board as set forth in (j) below shall not be used to satisfy

the minimum continuing education requirements as set forth in this section.

(c) A licensee, who is not exempt pursuant to (b)2 above, shall complete a minimum of a 10 hour course of study relating to the most recent edition of the National Electrical Code, nine hours of which shall pertain to the code and one hour of which shall pertain to applicable State statutes and rules. A licensee shall obtain the balance of continuing education credits in the following areas:

1. Installation, erection, repair or alteration of electrical equipment for the generation, transmission or utilization of electrical energy;
2. Transmission or utilization of electrical energy;
3. Job estimating, management and business practices;
4. Supervisory responsibilities as set forth in N.J.A.C. 13:31-1.13; and
5. Any other subjects relevant to electrical contracting and electrical construction.

(d) A licensee may obtain continuing education credits from the following:

1. Successful completion of continuing education courses or programs approved by the Board pursuant to (h) below. The Board shall approve only such continuing education courses and programs as are available and advertised on a reasonable nondiscriminatory basis to all persons practicing electrical contracting in the State and are directly related to the practice of electrical contracting in the State of New Jersey, except that an electrical contracting association or other professional or technical association offering continuing education programs or courses may impose a reasonable differential in program or course registration fees for licensees who are not members of that association. The Board shall maintain a list of all approved programs, courses and lecturers at the Board office and shall furnish this information to licensees upon request;
2. Participation in instructional activities such as developing curriculum for a new program or course and/or teaching a new program or course, provided the program or course is directly related to the practice of electrical contracting in the State of New Jersey. "New" means that the licensee has never taught or developed curriculum for that course or program in any educational setting;
3. Authorship of a textbook or manual or a chapter of a textbook or manual directly related to the practice of electrical contracting in the State of New Jersey, provided the textbook or manual, as published, is at least 7,500 words in length; and
4. Authorship of a published article related to the practice of electrical contracting in the State of New Jersey, provided the article, as published, is at least 250 words in length.

(e) Credit for continuing education shall be granted as follows for each triennial registration period:

1. Attendance at continuing education programs and courses approved by the Board: one credit for each hour of attendance at an approved program or course. Credit shall not be granted for programs or courses that are less than one instructional hour long. Credit shall not be granted for more than eight instructional hours obtained in one day. Completion of an entire program or course or segment of program or course instruction shall be required in order to receive any continuing education credit;
2. Participation in instructional activities: one credit per hour of program or course instruction to a maximum of 15 credits per triennial registration period;
3. Authorship of a textbook or manual or a chapter of a textbook or manual: five continuing education credits per textbook or manual or chapter of a textbook or manual, to a maximum of 10 credits per triennial registration period; and
4. Authorship of a published article: two continuing education credits per published article, to a maximum of eight credits per triennial registration period.

(f) The Board shall perform audits on randomly selected licensees to determine compliance with continuing education requirements. A licensee shall maintain the following documentation for a period of six years after completion of the credits and shall submit such documentation to the Board upon request:

1. For attendance at programs or courses approved by the Board: a certificate of completion from the sponsor;
2. For publication of manual, textbook, or article: the published item, including the date of publication; and
3. For developing curriculum or teaching a course or program: documentation, including a copy of the curriculum, location, date and time of course, duration of course by hour, and letter from sponsor confirming that the licensee developed or taught the course or program.

(g) The Board may waive the continuing education requirements of this section on an individual basis for reasons of hardship, such as severe illness, disability, or military service, or for retirement of the licensee.

1. A licensee seeking a waiver of the continuing education requirements shall apply to the Board in writing at least 90 days prior to license renewal 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.

2. A waiver of continuing education requirements granted pursuant to this subsection shall only be effective for the triennial period in which such waiver is granted. If the condition(s) which necessitated the waiver persist(s) into the next triennial period, a licensee shall apply to the Board for the renewal of such waiver for the new triennial period.

(h) All sponsors of continuing education programs or courses shall:

1. Obtain Board approval, in each triennial period, prior to representing that any course, seminar or program fulfills the requirements of this section;

2. Submit the following for each course or program offered, for evaluation by the Board:

i. A detailed description of course content and the hours of instruction; and

ii. A curriculum vitae of each lecturer, including specific background which qualifies the individual as a lecturer in the area of instruction;

3. Monitor the attendance at each approved course and furnish to each enrollee a verification of attendance, which shall include at least the following information:

i. The title, date and location of program or course offering;

ii. The name and license number of attendee;

iii. The number of hours attended; and

iv. The name and signature of officer or responsible party;

4. Solicit program or course evaluations from both participants and the instructors; and

5. Submit a fee pursuant to N.J.A.C. 13:31-1.11 for each submission of course or program offering(s) for which Board approval is sought, per triennial period.

(i) Sponsors of continuing education programs or courses shall not:

1. Teach the 10 hour course of study on the National Electrical Code set forth in (c) above prior to the January following the publication of the most recent edition of the National Electrical Code; and

2. Conduct a continuing education course or program with more than 75 participants.

(j) The Board may direct or order a licensee to complete continuing education credits:

1. As part of a disciplinary or remedial measure in addition to the required 34 hours of continuing education credit; or

2. To correct a deficiency in the licensee's continuing education requirements.

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

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

Amended by R.1996 d.143, effective March 18, 1996.

See: 18 N.J.R. 63(a), 28 N.J.R. 1553(a).

Added (c).

Public Notice: Notice of Receipt of and Action on a Petition for Rulemaking.

See: 29 N.J.R. 4576(a), 29 N.J.R. 5111(a), 30 N.J.R. 248(a), 30 N.J.R. 495(b).

Repeal and New Rule, R.2002 d.121, effective April 15, 2002.

See: 33 N.J.R. 2238(a), 34 N.J.R. 1548(a).

Section was "Continuing education".

Recodified from N.J.A.C. 13:31-1.12 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. 13:31-1.7, Worker's compensation, recodified to N.J.A.C. 13:31-3.1.

13:31-1.8 Notification of change of address; service of process

(a) Every licensee and business permit holder shall give notice to the Board of any change of his or her address of record within 10 days of such change. For purposes of this section, "address of record" means an address designated by a licensee or business permit holder which is part of the public record and which may be disclosed upon request. "Address of record" may be a licensee or business permit holder's home, business or mailing address, but shall not be a post office box.

(b) Service of an administrative complaint or other process initiated by the Board, the Attorney General or the Division of Consumer Affairs at the licensee or business permit holder's address of record shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding against the licensee or business permit holder.

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. 13:31-1.14 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. 13:31-1.8, Work standards and inspections, recodified to N.J.A.C. 13:31-3.2.

SUBCHAPTER 2. LICENSURE AND BUSINESS PERMIT REQUIREMENTS

13:31-2.1 Qualifications of applicants

(a) Applicants for examination for a license as an electrical contractor shall present proof to the Board that the applicant:

1. Is over the age of 21 years;

2. Holds a high school diploma or equivalency certificate; and

3. Has had, immediately preceding the submission of the application, at least five years of practical hands-on experience working with tools in the installation, altera-

tion, or repair of wiring for electric light, heat or power, which work shall have been done in compliance with the National Electrical Code. "Practical hands-on experience" shall not include time spent in supervising, engaging in the practice of engineering, estimating and performing other managerial tasks. In the alternative, the applicant may satisfy the practical hands-on experience requirement by having:

i. Completed a four-year apprenticeship program approved by both a Federal agency and a Federally certified State agency and at least one year of practical hands-on experience as defined in (a)3 above. A certificate of completion issued by the apprenticeship program and a certification by an employer regarding the additional year of practical hands-on experience shall be submitted with the application for the electrical contractor's examination; or

ii. Satisfied the definition of a qualified journeyman electrician as set forth in N.J.A.C. 13:31-1.2 and completed at least one year of practical hands-on experience as defined in (a)3 above. The applicant shall submit proof of having satisfied the definition of a qualified journeyman electrician in N.J.A.C. 13:31-1.2 and a certification by an employer regarding the additional year of practical hands-on experience;

iii. Earned a bachelor's degree in electrical engineering and completed two years of practical hands-on experience as defined in (a)3 above. The applicant shall submit a copy of his or her diploma and a certification by an employer regarding the additional two years of practical hands-on experience; or

iv. Worked in the field of electrical contracting for at least five years immediately preceding the date of application. The applicant shall submit a certification by an employer establishing that the applicant has at least five years of practical hands-on experience as defined in (a)3 above.

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

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

Added text in (a) "The required term . . . other managerial tasks."

Amended by R.1996 d.143, effective March 18, 1996.

See: 28 N.J.R. 63(a), 28 N.J.R. 1553(a).

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), rewrote 3.

Recodified from N.J.A.C. 13:31-1.2 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.

13:31-2.2 Examinations

(a) The Board examination shall be the National Electrical Contractor Licensing Examination developed and administered by Experior Assessment, LLC.

(b) An applicant must obtain a passing grade on the National Electrical Contractor Licensing Examination. Any applicant who fails to pass the Board examination shall not be eligible to retake the examination for six months from the date of such failure.

(c) An applicant shall complete all required application forms and questionnaires supplied by the Board. Examinations shall be held at least four times a year. Information about scheduled examinations and deadlines for submissions of completed applications including appropriate fees may be obtained from the Board offices at Post Office Box 45006, Newark, New Jersey 07101.

Amended by R.1981 d.491, effective December 21, 1981.

See: 13 N.J.R. 664(a), 13 N.J.R. 946(c).

(c): "two" was "three"; (c)1: "and" added and deleted after (c)2; (c)3 deleted.

(d): Old text deleted and new text substituted therefor.

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

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

Deleted old text and substituted new.

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

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

Revised (c).

Amended by R.1994 d.331, effective July 5, 1994.

See: 26 N.J.R. 1218(a), 26 N.J.R. 2795(a).

Recodified from N.J.A.C. 13:31-1.3 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), inserted "and administered" following "developed", and substituted "Experior Assessment, LLC" for "the National Assessment Institute of College Park, Maryland".

13:31-2.3 License renewal; suspension; reinstatement

(a) A licensee shall renew his or her license for a period of three years from the last expiration date. The licensee shall remit a renewal application to the Board, along with the renewal fee set forth in N.J.A.C. 13:31-1.6, prior to the date of license expiration. A licensee who submits a renewal application within 30 days following the date of license expiration shall submit the renewal fee, as well as the late fee set forth in N.J.A.C. 13:31-1.6. A licensee who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended without a hearing.

(b) A licensee who continues to engage in the practice of electrical contracting with a suspended license shall be deemed to be engaging in the unauthorized practice of electrical contracting and shall be subject to the penalties set forth in N.J.S.A. 45:1-25 et seq.

(c) A licensee who has had his or her license suspended pursuant to (a) above may apply to the Board for reinstatement within five years following the date of license expiration. A licensee applying for reinstatement shall submit a renewal application, all past delinquent renewal fees and the reinstatement fee set forth in N.J.A.C. 13:31-1.6, as well as evidence of having completed all delinquent continuing education credits consistent with the 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).

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 qualifying licensee shall assume full responsibility for the inspection and supervision of all electrical work, other than electrical activities exempt pursuant to N.J.S.A. 45:5A-18, to be performed by the business permit holder in compliance with the Electrical Subcode of the Uniform Construction Code, set forth at N.J.A.C. 5:23-3.16 and N.J.A.C. 13:31-1.4.

(b) The qualifying licensee shall:

1. Supervise the installation, erection, repair or alteration of electrical equipment for the generation, transmission or utilization of energy, other than electrical activities exempt pursuant to N.J.S.A. 45:5A-18, to ensure that such work is performed in compliance with N.J.A.C. 13:31-1.4 and with the provisions of the Electrical Subcode of the Uniform Construction Code, set forth at N.J.A.C. 5:23-3.16, in effect at the time that the work is performed.

2. Personally inspect the work of employees pursuant to (d) below;

3. 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 pursuant to (d) below; and

4. Be present, on a regular and continuous basis, at the principal office of the business permit holder, where the business permit holder maintains a New Jersey office, or at work sites of electrical work performed in New Jersey, where the business permit holder does not maintain a New Jersey office.

(c) Every 10 employees who are performing electrical work at either one job site or who are performing electrical work at several jobs at different sites simultaneously shall be supervised, pursuant to (d) below, by a qualifying licensee or by a licensee or qualified journeyman electrician.

(d) A qualifying licensee, licensee or qualified journeyman electrician shall provide the following supervision:

1. If the employee performing the work has less than three and one half years experience working under the Uniform Construction Code set forth at N.J.A.C. 5:23-3.16, the qualifying licensee, licensee or qualified journeyman electrician shall ensure constant on-site supervision of the employee; or

2. If the employee performing the work has more than three and one half years experience working under the Uniform Construction Code set forth at N.J.A.C. 5:23-3.16, the qualifying licensee, licensee or qualified journeyman electrician shall provide the employee with a verbal or written work order specifying the type of work to be performed, and at the conclusion of the job, the employee shall confirm that the work order has been completed.

(e) A qualifying licensee who violates any provision of this section shall be deemed to have engaged in occupational misconduct within the meaning of N.J.S.A. 45:1-21(e) and shall be subject to the provisions of N.J.S.A. 45:1-21.

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).

Amended by R.2004 d.190, effective May 17, 2004.

See: 35 N.J.R. 3438(a), 36 N.J.R. 2533(a).

Rewrote the section.

13:31-3.5 Joint ventures; subcontracting of electrical work

(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.

(c) An electrical contractor holding a business permit issued by the Board may only subcontract electrical work to a person or persons holding a business permit issued by the Board.

(d) An electrical contractor holding a business permit shall not subcontract electrical work to be performed by unlicensed persons. This provision shall not be interpreted to prohibit an electrical contractor holding a business permit from assigning electrical work to be performed by his or her unlicensed employees.

(e) The term “employee,” as used in (d) above, is defined to mean persons hired to work on an ongoing and continuous basis, whose remuneration is reported on a Form W-2 to the Internal Revenue Service, and whose work is supervised pursuant to the provisions of N.J.A.C. 13:31-3.4.

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).

Amended by R.2006 d.108, effective March 20, 2006.

See: 37 N.J.R. 583(a), 38 N.J.R. 1460(a).

Section heading was “Joint ventures”; added (c) through (e).

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.

New Rule, R.1987 d.244, effective June 15, 1987.

See: 19 N.J.R. 352(a), 19 N.J.R. 1100(a).

Amended by R.1994 d.594, effective December 5, 1994.

See: 26 N.J.R. 2742(a), 26 N.J.R. 4780(a).

Recodified from N.J.A.C. 13:31-1.16 and amended by R.2002 d.164, effective June 3, 2002.

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

Neutralized gender references throughout; in (b), inserted reference to N.J.S.A. 45:1-14 et seq.

13:31-3.7 Unconscionable pricing

(a) A licensee of the State Board of Examiners of Electrical Contractors shall not charge an excessive fee for services. A fee is excessive when, after a review of the facts, a licensee of ordinary prudence and familiarity with local market rates would recognize that the price is so high as to be manifestly unconscionable or overreaching under the circumstances. The Board shall consider the following factors in determining whether a fee is excessive:

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 licensee to perform the services;
6. The cost of materials; and
7. The price customarily charged in the locality for similar services.

(b) It shall constitute occupational misconduct within the meaning of N.J.S.A. 45:1-21(e) to charge an excessive price for services.

New Rule, R.1998 d.543, effective November 16, 1998.

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

Recodified from N.J.A.C. 13:31-1.19 by R.2002 d.164, effective June 3, 2002.

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

13:31-3.8 Activities requiring licensure and business permit

(a) The following words and terms, when used in this section, shall have the following meaning unless the context indicates otherwise.

“Service point” means the point of connection between the facilities of the public utility serving a customer and the premises wiring.

“Premises wiring” means interior and exterior wiring, including power, lighting, control and signal circuit wiring, together with all of their associated hardware, fittings and wiring devices, both permanently and temporarily installed, that extends from the service point of utility conductors or source of power such as a battery, a solar photovoltaic

system, or a generator, transformer or converter windings, to the outlets. Premises wiring does not include wiring internal to appliances, fixtures, motors, controllers, motor control centers, and similar equipment.

(b) Installing, maintaining or servicing wiring for the supplying of power from the service point on a customer's premises to an appliance or other equipment used by the customer for the purpose of light, heat or power, shall be performed only by a licensee holding a business permit, except as provided in N.J.S.A. 45:5A-18 and (c) below.

(c) Installing, maintaining or servicing wiring for the supplying of power from the service point on a customer's premises to an appliance or other equipment used by the customer for the purpose of light, heat or power may be performed by an employee of a public utility offering services that relate to an end user's premises wiring and determined by the Board of Public Utilities to be competitive, provided that the employee has obtained a license from the Board or is working under the supervision of such a licensee and the utility has obtained a business permit from the Board pursuant to N.J.S.A. 45:5A-9.

New Rule, R.2003 d.87, effective March 3, 2003.
See: 34 N.J.R. 1622(a), 35 N.J.R. 1269(b).

SUBCHAPTER 4. LICENSURE EXEMPTIONS

13:31-4.1 Limited telecommunications wiring exemption

(a) Pursuant to N.J.S.A. 45:5A-18, the Board may grant an exemption from the license and business permit requirements of N.J.S.A. 45:5A-9(a) to a business engaged in telecommunications wiring.

(b) For purposes of this subsection, "telecommunications wiring" means wiring within a premises, either inside or outside a building for voice and/or data transmission at voltage(s) compatible with the system being installed and connected to an FCC recognized communication network at the point of connection provided by the public utility providing communication services to the customer. It shall also include the interconnection of data wiring between computers and/or terminals.

(c) An applicant for a telecommunications wiring exemption shall provide the following to the Board:

1. The full name and address of the applicant together with the nature of the business entity (for example, corporation, partnership or individual proprietorship) and the names and addresses of the owners, partners and/or officers of the entity;

2. A certification that the applicant is familiar with and is in full compliance with Part 68 of the Federal Communications Commission regulations (47 C.F.R. sec-

tion 68.1 et seq.) concerning installation of telecommunications wiring and any other applicable Federal regulations;

3. A certification that the applicant is familiar with and will comply with applicable National Electrical Code requirements, including, but not limited to, Article 800 (communication circuits) and the regulations of the New Jersey Department of Community Affairs and that the applicant will be responsible for obtaining any required local permits and inspections for all work;

4. A certification that the applicant shall not perform the following work unless or until an electrical contractor's business permit is obtained from the Board:

- i. Wiring defined by the National Electrical Code as service conductors (the conductors from the service point to the service disconnecting means), feeder (all circuit conductors between the service equipment, the source of a separately derived system, or other power supply source and the final branch-circuit overcurrent device), and branch circuit (the circuit conductors between the final overcurrent device protecting the circuit and the outlets(s)). Wiring between power supplies integral with telecommunication equipment and the telecommunication equipment is not intended to be prohibited.

- ii. Telecommunications wiring from telecommunication equipment to power operated controlled equipment; or

- iii. Installation of work in hazardous/classified areas as defined by Article 500 of the National Electrical Code. Classified areas are those in which hazardous liquids, vapors, gases, dusts and fiber are normally present (Division 1 locations) or may be present due to maintenance or equipment malfunction (Division 2 locations); and

5. A certification that the business shall not subcontract telecommunications wiring work to a person or business entity not having a business permit or a telecommunications wiring exemption issued by the Board.

(d) The application shall be accompanied by a processing fee as set forth in N.J.A.C. 13:31-1.6.

(e) The Board may require a personal interview with the applicant.

(f) If the applicant meets Board requirements for exemption set forth in this subsection, the Board shall issue a letter and an identification card designating the business as exempt.

(g) The exempt entity shall notify the Board in writing of any change of address within 10 days of the address change.

(h) The exempt entity shall notify the Board in writing of any change in name, ownership or form of ownership within 30 days of such change.

(i) After an opportunity to be heard pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., a telecommunications wiring exemption may be revoked on a showing that the exempt entity has engaged in the unlicensed practice of electrical contracting involving non-exempt electrical work; or that the exempt entity has a history of failure to pass local inspections or to obtain required permits; or for any reason which may serve as a basis to suspend, revoke or deny a license to engage in electrical contracting as more particularly set forth in N.J.S.A. 45:1-21 et seq.

(j) Nothing in this section shall preclude a licensed electrical contractor from performing telecommunications wiring.

New Rule, R.1993 d.93, effective February 16, 1993.
See: 24 N.J.R. 339(a), 25 N.J.R. 705(a).
Recodified from N.J.A.C. 13:31-1.17 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 (c)4i; in (d), revised N.J.A.C. reference.

13:31-4.2 Limited well drillers or pump installers exemption

(a) Well drillers or pump installers licensed pursuant to N.J.S.A. 58:4A-4.1 et seq., are exempt from the license and business permit requirements of N.J.S.A. 45:5A-9(a) for work involving the installation, servicing, or maintenance of well or water pumps.

1. Such work includes any exterior wiring from the well or water pump to the outside of the building and any interior wiring from the exterior wall terminating at the load side terminals of the pump controller, pressure switch or disconnecting means for the pump which must be no more than 10 feet from the point where the exterior wiring enters the building.

2. Nothing in this section shall be deemed to exempt such work from permits and inspections required by the State Uniform Construction Code Act, P.L. 1975, c.217 (N.J.S.A. 52:27D-119 et seq.) or rules adopted pursuant thereto.

New Rule, R.1998 d.543, effective November 16, 1998.

See: 30 N.J.R. 2351(a), 30 N.J.R. 4057(a).
Recodified from N.J.A.C. 13:31-1.18 by R.2002 d.164, effective June 3, 2002.
See: 33 N.J.R. 3404(a), 34 N.J.R. 1932(b).

13:31-4.3 Testing, servicing or repairing of electrical equipment or apparatus exemption

(a) For purposes of this section, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

“Ballast” means a component of an electric-discharge lamp used to obtain the necessary circuit conditions for starting and operating the electric-discharge lamp.

“Branch circuit” means the circuit conductor between the final overcurrent device protecting the circuit and the outlet(s).

“Electrical equipment or apparatus” means utilization equipment, other than electric signs, that are connected to a branch circuit.

“Servicing or repairing” means restoration or improvement of electrical equipment or apparatus by replacing a component of the electrical equipment or apparatus that is worn or broken such that the electrical equipment or apparatus, once serviced or repaired, conforms to the manufacturer’s original specifications. “Servicing or repairing” shall not be construed to permit the replacement of ballasts.

“Testing” means procedures used to determine proper operation of electric equipment or apparatus or to isolate non-functioning components of such equipment or apparatus.

“Utilization equipment” means equipment that utilizes electric energy for electronic, electromechanical, chemical, heating, lighting or similar purpose.

(b) Pursuant to N.J.S.A. 45:5A-18(c), testing, servicing or repairing of electrical equipment or apparatus, consistent with the provisions of this section, shall be exempt from the license and business permit requirements of N.J.S.A. 45:5A-9(a).

New Rule, R.2004 d.417, effective November 1, 2004.
See: 35 N.J.R. 4818(a), 36 N.J.R. 4983(a).