

CHAPTER 62**LANDSCAPE IRRIGATION CONTRACTORS****Authority**

N.J.S.A. 45:5AA-1 et seq., particularly 45:5AA-6(f) and (g).

Source and Effective Date

R.2006 d.435, effective November 20, 2006.
See: 38 N.J.R. 3109(a), 38 N.J.R. 5357(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 62, Landscape Irrigation Contractors, expires on November 20, 2013. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 62, Landscape Irrigation Contractors, was adopted as R.1996 d.21, effective January 2, 1996. See: 27 N.J.R. 1098(a), 28 N.J.R. 148(a).

Pursuant to Executive Order No. 66(1978), Chapter 62, Landscape Irrigation Contractors, expired on January 2, 2001.

Chapter 62, Landscape Irrigation Contractors, was adopted as new rules by R.2001 d.225, effective July 2, 2001. See: 32 N.J.R. 3888(a), 33 N.J.R. 746(b), 33 N.J.R. 2289(a).

Chapter 62, Landscape Irrigation Contractors, was readopted as R.2006 d.435, effective November 20, 2006. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS**7:62-1.1 Scope**

Unless otherwise provided by a rule or statute, this chapter shall constitute the rules of the Landscape Irrigation Contractors Examining Board. These rules are promulgated pursuant to N.J.S.A. 45:5AA-1 et seq.

7:62-1.2 Construction

These rules shall be liberally construed to permit the Landscape Irrigation Contractors Examining Board to discharge its statutory functions.

7:62-1.3 Practice where rules do not govern

(a) The Board may rescind, amend, or expand these rules from time to time in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(b) The Board shall exercise its discretion with respect to any other matters not governed by these rules.

7:62-1.4 Definitions

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

“Board” means the Landscape Irrigation Contractors Examining Board established pursuant to N.J.S.A. 45:5AA-5 et seq.

“Business entity” means a business primarily engaged in landscape irrigation contracting.

“Candidate” means a person who is in the process of obtaining certification.

“Certificate” or “certification” means the certificate issued by the Board pursuant to N.J.S.A. 45:5AA-6c et seq.

“Certificate holder” means the person to whom the Board has issued the certificate.

“Certified landscape irrigation contractor” means a person engaged in the construction, repair, maintenance, improvement, and/or alteration of any portion of a landscape irrigation system who has successfully completed the requirements for certification and has a valid current certificate pursuant to N.J.S.A. 45:5AA-4 et seq. and 45:5AA-5a et seq. and this chapter.

“Department” means the Department of Environmental Protection.

“Division” means the Division of Revenue within the Department of Treasury.

“Duly authorized representative” means a person or company retained by the Board to perform administrative and/or testing functions.

“Examination” means a comprehensive examination to evaluate the knowledge, ability, and fitness of an applicant to perform as a landscape irrigation contractor.

“Experience” means working with the construction, repair, maintenance, improvement, and alteration of a landscape irrigation system and/or educational experience regarding landscape irrigation systems, which the Board may allow to be substituted for actual landscape irrigation experience. Field experience of at least three years must be acquired while employed under a certified irrigation contractor after January 1, 1997, the effective date of the N.J.S.A. 45:5AA-3. Educational experience shall be accepted by the Board as a substitute for one year's field experience only. Such educational substitution must consist of 12 college credits or 150 course hours of instruction related to landscape irrigation that is sponsored by a trade association, a college, a manufacturer or distributor of landscape irrigation equipment, or similar industrial source, or by this Board. Credit for educational experience may only be utilized to satisfy a maximum of one year of the three-year experience requirement.

“Landscape irrigation contracting” means the construction, repair, maintenance, improvement and alteration of any portion of a landscape irrigation system or drip irrigation system, including required wiring within the system and connection to the required power supply and the installation and connection to a public or private water supply system under terms and conditions of a contract.

“Landscape irrigation system” means any assemblage of components, materials or special equipment which is designed, constructed and installed for controlled dispersion of water from any safe and suitable source, including properly treated wastewater, for the purpose of irrigating landscape vegetation or the control of dust and erosion on landscape areas, including drip irrigation systems, integral pumping systems or integral control systems for manual, semi-automatic or automatic control of the operation of these systems.

“Registered certificate holder” means the person to whom the Board has issued a certification for landscape irrigation contracting and who has filed and been recorded by the Board as the person responsible for supervision of landscape irrigation work performed pursuant to N.J.A.C. 7:62-4.3.

“Revocation” means a surrender of a certificate, requiring the certified contractor to return the certificate to the Board and formally reapply for the examination at the end of the stated period of surrender.

“Suspension” means a temporary termination of a certificate, requiring the certified contractor to request the Board to reinstate his or her certificate at the end of the period of temporary termination.

Amended by R.2001 d.225, effective July 2, 2001.

See: 32 N.J.R. 3888(a), 33 N.J.R. 746(b), 33 N.J.R. 2289(a).

Deleted “Bureau”; in “Certified landscape irrigation contractor”, inserted “and has a valid current certificate”; added “Division”; rewrote “Experience”.

Amended by R.2006 d.435, effective December 18, 2006.

See: 38 N.J.R. 3109(a), 38 N.J.R. 5357(a).

Added definitions “Business entity”, “Registered certificate holder”, “Revocation” and “Suspension”; in definition “Certificate”, inserted “or ‘certification’”; and in definition “Experience”, rewrote the second sentence.

SUBCHAPTER 2. CERTIFICATION

7:62-2.1 Application for certification

(a) Upon request, each candidate shall be furnished with an application for certification by the Board or its duly authorized representative.

(b) In order to be considered by the Board or its duly authorized representative, an application must include the applicant's name, home address, social security number, most recent W-2, business address, business trade name, Federal employer identification number, New Jersey sales tax number, insurance company name and policy number for general liability/workmen's compensation insurance, a detailed description of the applicant's field experience of at least three years while employed under a certified irrigation contractor after January 1, 1997 – the effective date of N.J.S.A. 45:5AA-3, proof that the applicant is 18 years and older, a certification that the applicant has no prior violations of this chapter and the appropriate fee. Also, the applicant shall not have had his or her landscape irrigation contractors certificate revoked within one year of the date of the application. Additional documentation may be required if the Board deems it necessary to determine whether the applicant meets the above criteria.

(c) The Board or its duly authorized representative shall notify the candidate when his or her application has been deemed complete. Upon such notification, the candidate shall submit to the Board or its duly authorized representative a completed form requesting to take the examination and the required examination fee.

(d) If the Board or its duly authorized representative deems the application incomplete or finds that the candidate does not meet the requirements set forth in the Landscape Irrigation Contractor Certification Act, N.J.S.A. 45:5AA-1 et seq., it shall reject the application and notify the candidate of the reasons for rejection. The application fee shall not be refundable.

(e) Each candidate has a period of two years from the date his or her application is complete to pass the examination. An application shall expire two years and one day from the date it is deemed complete by the Board or its duly authorized representative. A candidate shall be required to submit a new