

5. Serve as a bona fide representative for only one entity.

(b) Nothing herein shall preclude the Board from proceeding against both the bona fide representative for an entity or any other licensee employed by such an entity who can be shown to have violated the Board's enabling legislation or any regulation adopted thereunder. Nothing shall preclude any person entitled to maintain an action on a bond from proceeding pursuant to N.J.A.C. 13:32-4.3 against the bona fide representative and any other licensee who has failed to perform the duties required by N.J.S.A. 45:14C-1 et seq.

Recodified from N.J.A.C. 13:32-1.5(b) and (c) and amended by R.1997 d.456, effective November 3, 1997.
See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).
Amended N.J.A.C. references.

13:32-3.4 Supervision

Any and all plumbing work supervised by a licensed master plumber shall be performed only by the licensee's or plumbing contractor's employees.

New Rule, R.1997 d.456, effective November 3, 1997.
See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

SUBCHAPTER 4. MISCELLANEOUS

13:32-4.1 Requirement of pressure seal; penalties for misuse; return of pressure seal

(a) At the time of the issuance of the license or as soon thereafter as deemed appropriate, the Board of Examiners of Master Plumbers shall furnish a seal to every State-licensed master plumber. The cost of the seal shall be paid for by the State-licensed master plumber to whom it is issued. The seal shall be used exclusively by the State-licensed master plumber in the conduct of his or her practice including service as a bona fide representative consistent with N.J.A.C. 13:32-3.2. The State-licensed Master plumber is required to impress the said seal upon all applications for plumbing permits by the appropriate duly licensed State inspection agency.

(b) An example of such pressure seal shall be duly impressed upon the master plumber's application for license renewal.

(c) Use of a seal by any person other than the State licensed master plumber to whom it was issued or the securing of a plumbing permit for an unlicensed person shall be deemed to be the use or employment of dishonesty, fraud, deception, misrepresentation or false pretense. Such conduct 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. Nothing herein shall be deemed to preclude a bona fide representative from securing a plumbing permit for the plumbing contractor he or she represents.

(d) A licensee who willfully or negligently allows an unlicensed and unauthorized person to use his or her seal shall be subject to such penalties and sanctions as shall be imposed by the Board pursuant to authority granted by N.J.S.A. 45:14C-1 and 45:1-14 et seq.

(e) A licensee who fails to renew the State license in accordance with N.J.S.A. 45:14C-18 or who has had his or her license suspended or revoked for any reason shall immediately return the pressure seal to the Board.

New Rule, R.1982 d.388, effective November 1, 1982.
See: 14 N.J.R. 750(a), 14 N.J.R. 1219(e).
Amended by R.1991 d.170, effective April 1, 1991.
See: 22 N.J.R. 784(a), 23 N.J.R. 1009(b).

Added "or the securing of a plumbing permit for an unlicensed person" and "Nothing herein shall be deemed to preclude a bona fide representative from securing a plumbing permit for the plumbing contractor he represents." is (b).

Amended by R.1992 d.457, effective November 16, 1992.
See: 24 N.J.R. 2334(a), 24 N.J.R. 4270(b).

Revised (a).

Recodified from N.J.A.C. 13:32-1.8 and amended by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Deleted (b); recodified (c) as (b); and added new (c) through (e).

13:32-4.2 Requirement of identification card

(a) At the time of the biennial renewal of the license, the State Board of Examiners of Master Plumbers shall furnish a wallet size identification card to every licensee. The card shall be used exclusively by the licensee master plumber in the conduct of his or her practice. A State-licensed master plumber is required to present said identification card upon request to the appropriate duly licensed inspection agency upon all applications for plumbing permits.

(b) Use of an identification card by any person other than a licensee to whom it is issued or his or her 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.

(c) A licensee who willfully or negligently allows an unlicensed and 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. 45:14C-1 and 45:1-14 et seq.

New Rule, R.1987 d.257, effective July 6, 1987.

See: 19 N.J.R. 352(b), 19 N.J.R. 1227(b).
Recodified from N.J.A.C. 13:32-1.9 and amended by R.1997 d.456,
effective November 3, 1997.
See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).
Added (c).

13:32-4.3 Bond; action on the bond

(a) An applicant who has passed the examination and furnished the Board with a bond in the sum of \$3,000 as required pursuant to N.J.S.A. 45:14C-25 shall be issued a State master plumber's license.

(b) Any person, partnership or corporation including any political subdivision of State government who has been injured, aggrieved or damaged through the failure of the obligor to perform the duties required by N.J.S.A. 45:14C-1 et seq. or any rule of the Board shall be eligible to receive the financial protection of, and may maintain an action on such bond.

New Rule, R.1997 d.456, effective November 3, 1997.
See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

13:32-4.4 Change of address; service of process

(a) Every licensee shall notify the Board of the licensee's office address. Every licensee shall give notice in writing to the Board of any change in his or her residence or business within 10 days after such change.

(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's address on file with the Board shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding against the licensee.

New Rule, R.1997 d.456, effective November 3, 1997.
See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

13:32-4.5 Unconscionable pricing

(a) A licensee of the Board of Examiners of Master Plumbers shall not charge an excessive price for services. A price is excessive when, after review of the facts, a licensee of ordinary prudence would be left with a definite and firm conviction that the price is so high as to be manifestly unconscionable or overreaching under the circumstances.

(b) Factors which may be considered in determining whether a price is excessive include, but are not limited to, the following:

- 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; and
- 6. The price customarily charged in the locality for similar services.

(c) Charging an excessive price shall constitute occupational misconduct within the meaning of N.J.S.A. 45:1-21(e) and may subject the licensee to disciplinary action.

New Rule, R.1991 d.170, effective April 1, 1991.
See: 22 N.J.R. 784(a), 23 N.J.R. 1009(b).
Recodified from N.J.A.C. 13:32-1.12 by R.1997 d.456, effective November 3, 1997.
See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Case Notes

Votes of members of State Board of Master Plumbers in disciplinary proceeding. Matter of Fichner, 282 N.J.Super. 422, 660 A.2d 545 (A.D.1995).

SUBCHAPTER 5. FEES

13:32-5.1 Fees

(a) Charges for licensure and other services are as follows:

- 1. Application fee (non-refundable) \$100.00
- 2. Initial license fee:
 - i. If paid during the first year of a biennial renewal period 120.00;
 - ii. If paid during the second year of a biennial renewal period 60.00;
- 3. License renewal fee, biennial 120.00;
- 4. Late renewal fee 50.00;
- 5. Reinstatement fee 150.00;
- 6. Replacement seal press 40.00;
- 7. Duplicate license fee 25.00;
- 8. Replacement wall certificate 40.00;
- 9. Verification of licensure 25.00.

Recodified from N.J.A.C. 13:32-2.1 by R.1997 d.456, effective November 3, 1997.
See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).