

CHAPTER 32A**STATE BOARD OF EXAMINERS OF HEATING,
VENTILATING, AIR CONDITIONING, AND
REFRIGERATION CONTRACTORS RULES****Authority**

N.J.S.A. 45:1-15.1, 45:1-21, and 45:16A-1 et seq.,
specifically 45:16A-4.

Source and Effective Date

R.2013 d.060, effective April 15, 2013 (operative March 1, 2014).
See: 44 N.J.R. 647(a), 45 N.J.R. 910(a), 45 N.J.R. 1658(c),
45 N.J.R. 2335(a), 45 N.J.R. 2606(a).

Chapter Expiration Date

Chapter 32A, State Board of Examiners of Heating, Ventilating, Air
Conditioning, and Refrigeration Contractors Rules, expires on April 15,
2020.

Chapter Historical Note

Chapter 32A, State Board of Examiners of Heating, Ventilating, Air
Conditioning, and Refrigeration Contractors Rules, was adopted as new
rules by R.2013 d.060, effective April 15, 2013 (operative March 1,
2014). See: Source and Effective Date.

Administrative correction. See: 45 N.J.R. 1249(c).

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**SUBCHAPTER 1. PURPOSE AND SCOPE;
DEFINITIONS****13:32A-1.1 Purpose and scope**

(a) The rules contained in this chapter provide for the
licensing and regulation of master heating, ventilating, air
conditioning, and refrigeration contractors, implementing the
provisions of the State Heating, Ventilating, Air Conditioning
and Refrigeration Contracting License Law (P.L. 2007,
c. 211, N.J.S.A. 45:16A-1 et seq.).

(b) This chapter does not apply to any person who is:

1. Licensed to practice in New Jersey and is practicing
within the scope of practice of his or her profession in-
cluding architects, professional engineers, well drillers and
pump installers, electrical contractors, and master plumb-
ers, as long as such person does not identify him- or herself
as a licensed Master HVACR contractor;
2. A chimney service professional regulated by the
Division of Consumer Affairs as a home improvement con-
tractor acting within the scope of practice of his or her
profession as long as such person does not identify him- or
herself as a licensed Master HVACR contractor;
3. A single-family home owner who personally oc-
cupies his or her own dwelling and who performs work on
his or her own dwelling, except that any HVACR work
involving chlorofluorocarbons (CFCs) or hydrochloro-
fluorocarbons (HCFCs) shall be performed only by a
licensed Master HVACR contractor;
4. Licensed as a master plumber and is engaged in the
installation, maintenance, and repair of:
 - i. Power boiler systems, hot water and steam
heating systems, fire tube and water tube boilers, pres-
sure steam and hot water boilers, space heaters, unit
heaters, and appurtenances utilizing electricity, fossil
fuel, or solar energy;
 - ii. Steam, hot water and chilled water pipe, con-
densate piping, valves, fittings, burners and piping, ex-
pansion tanks, pumps, and gauges on the load side of a
meter;
 - iii. Thermostatic controls; or
 - iv. Natural or manufactured gas piping;

5. Licensed as a master plumber and is engaged in the installation, maintenance, or connection of:

i. Pneumatic and/or direct digital controls and control piping for the control of air, liquid, or gas temperatures, radiators, convectors, cabinet unit heaters, fan coil units, air handlers utilizing hydronic coils, mechanical ventilation for radon mitigation, humidifiers, flues, and patented chimneys; or

ii. Pneumatic and/or direct digital controls and control piping of automatic oil, gas, or coal burning equipment, gasoline or diesel oil dispensing equipment, and, in replacement cases only, connecting to them the wiring from a dedicated electrical service disconnect box of adequate size to accommodate the equipment and controls, and the testing and balancing of hydronic systems;

6. Licensed as a master plumber and is engaged in the installation, repair, testing, or closure of waste oil underground storage tanks;

7. Licensed as an electrical contractor and is engaged in the installation of:

i. Electrical resistance heating equipment and ventilation equipment with an exhaust duct not exceeding 60 square inches in area; or

ii. In commercial applications the connection sleeve between a roof-top mounted exhaust fan and its central connecting register, provided that this connection sleeve is not more than 15 inches in length or the length necessary to penetrate a roof or other similar openings; or

8. Licensed as an electrical contractor and is engaged in the maintenance and repair of the electrical sections of any equipment used for heating, ventilating, air conditioning, or refrigeration.

(c) This chapter shall not apply to any public utility company regulated by the Board of Public Utilities or any related competitive business segment of that public utility that offers competitive services pursuant to the "Electric Discount and Energy Competition Act," P.L. 1999, c. 21 (N.J.S.A. 48:3-49 et seq.). This chapter does not apply to HVACR work performed on buildings, structures, or premises owned or operated by a public utility holding company or its subsidiaries.

(d) This chapter shall not apply to any liquefied petroleum gas marketer licensed by the Department of Community Affairs.

(e) This chapter shall not apply to a person who performs service, repair, or maintenance work necessary for the continued normal performance of heating, ventilating, air conditioning, and refrigeration systems as part of his or her employment for an entity that owns or operates:

1. A general hospital licensed pursuant to P.L. 1971, c. 136 (N.J.S.A. 26:2H-1 et seq.);

2. A building that contains a steam boiler, pressure vessel, or refrigeration plant, which is subject to test and inspection pursuant to N.J.S.A. 34:7-14; or

3. A casino-hotel facility operated under the provisions of the "Casino Control Act," P.L. 1977, c. 110 (N.J.S.A. 5:12-1 et seq.), which shall include any building containing heating, ventilating, air conditioning, and refrigeration systems operated by one or more casino-hotel facilities as part of an agreement or arrangement to share systems.

(f) This chapter shall not apply to a person who performs service, repair, or maintenance work necessary for the continued normal performance of heating, ventilating, air conditioning, and refrigeration systems if:

1. That person has completed an education that complies with the requirements of N.J.A.C. 13:32A-2.2;

2. That person is an employee of the owner or lessee of the property at which the services, repairs, or maintenance work is being performed, who was hired to work on an ongoing and continuous basis, and whose remuneration is reported on a Form W-2 to the Internal Revenue Service; and

3. That person and his or her employer do not engage in or offer HVACR contracting to the public.

Amended by R.2015 d.069, effective May 4, 2015.

See: 46 N.J.R. 2079(a), 47 N.J.R. 902(a).

Added (e) and (f).

13:32A-1.2 Definitions

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

"Board" means the State Board of Examiners of Heating, Ventilating, Air Conditioning, and Refrigeration Contractors.

"Bona fide representative" means a licensed master HVACR contractor who:

1. In the case of a sole proprietorship, is the owner of the business;

2. In the case of a partnership, is a partner in the business;

3. In the case of a limited liability company, is a manager; or

4. In the case of a corporation, is an executive officer.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

"Heating, ventilating, air conditioning, and refrigeration" or "HVACR" means the process of treating and protecting the environment by the responsible handling, dispensing, collecting, and cleaning of chlorofluorocarbons and other refrigerants in stationary sources, and controlling the temperature,

or 2.6, the applicant shall submit to the Board the initial pressure seal fee pursuant to N.J.A.C. 13:32A-6.1. The pressure seal shall remain the property of the Board and shall be returned to the Board as provided in (f) below.

(c) The seal shall be used exclusively by the master HVACR contractor in the conduct of the heating, ventilating, air conditioning, and refrigeration business practice. The master HVACR contractor shall impress the seal upon all applications for heating, ventilating, air conditioning, and refrigeration permits.

(d) Use of a seal by any person other than the master HVACR contractor to whom it was issued or the securing of a heating, ventilating, air conditioning, and refrigeration 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 an 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, which does not preclude the Board from proceeding against unlicensed practice pursuant to any other law or rule. Nothing in this subsection shall be deemed to preclude a bona fide representative from securing a heating, ventilating, air conditioning, and refrigeration permit for the heating, ventilating, air conditioning, and refrigeration business he or she represents.

(e) A master HVACR contractor who willfully or negligently allows an unlicensed or 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. 45:16A-1 et seq. and 45:1-14 et seq.

(f) A master HVACR contractor who has been suspended for failure to renew a license in accordance with N.J.A.C. 13:32A-3.1 or who has had his or her license suspended or revoked for any reason shall return the pressure seal to the Board within 30 days of the suspension, revocation, or lapse of license.

(g) A master HVACR contractor who no longer possesses a pressure seal due to theft, loss, or other cause shall replace the seal by submitting to the Board a notarized letter detailing why the master HVACR contractor no longer possesses the pressure seal. The master HVACR contractor shall submit to the Board the replacement pressure seal fee pursuant to N.J.A.C. 13:32A-6.1. The replacement pressure seal shall remain the property of the Board and shall be returned to the Board as provided in (f) above.

(h) Only the Board recognized vendor of seal presses shall issue or create seal presses. No other entity or person shall issue or create seal presses.

13:32A-2.5 Reciprocity with other states

(a) An individual who is licensed to practice HVACR contracting in another state may obtain a license in New Jersey without taking the master HVACR licensing examination as long as the other state:

1. Has licensure standards equal to or comparable to licensure requirements in New Jersey; and
2. Permits New Jersey licensees to obtain licensure based upon a New Jersey license.

(b) An applicant for a master HVACR contractor license who is licensed in another state shall submit:

1. A completed application for licensure through reciprocity, on a form provided by the Board, which shall include a full street name and number. An application containing only a post office box number as a mailing address shall not be considered a complete application;
2. Proof that the applicant is at least 21 years of age;
3. A passport size photograph of the applicant taken within the last six months;
4. Proof that the applicant has met the education requirements of N.J.A.C. 13:32A-2.2;
5. Proof that the state in which he or she is licensed allows New Jersey licensed master HVACR contractors to obtain a license in that state based upon New Jersey licensure;
6. Proof that the applicant is licensed in the other state; and
7. The application fee as set forth in N.J.A.C. 13:32A-6.1.

(c) Once the Board has reviewed the submitted information, and has determined whether the other state meets the requirements of (a) above, the Board shall inform the applicant whether he or she qualifies for licensure and, if eligible, that he or she should submit the information and documentation required by N.J.A.C. 13:32A-2.4.

13:32A-2.6 Issuance of license to individuals engaged in practice as of March 1, 2012

(a) Prior to September 1, 2014, a licensed master plumber or any other person may apply for a license as a master HVACR contractor without satisfying the education requirements of N.J.A.C. 13:32A-2.2 or the examination requirements of N.J.A.C. 13:32A-2.3 if the person has for at least two years prior to the date the application is submitted to the Board engaged in the practice of installing, servicing, maintaining, planning the installation, laying out the installation, and supervising the installation and/or servicing of HVACR systems.

1. For the purposes of this subsection, engaging in the practice of installing, servicing, maintaining, planning the installation, laying out the installation, or supervising the installation and/or servicing of HVACR systems shall include:

i. Being employed as an inspector of HVACR systems and holding a license as a mechanical inspector or a plumbing inspector from the Department of Community Affairs; and

ii. Teaching courses in the HVACR field at an apprentice or other training program approved by the United States Department of Labor or a bachelor's degree program in a college or university accredited by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education. Such an applicant shall have worked as a master HVACR contractor for at least five years prior to, or during, the time he or she was teaching HVACR courses.

(b) An applicant who meets the requirements of (a) above shall submit:

1. A completed application for licensure, on a form provided by the Board, including a full street name and number. An application containing only a post office box number as a mailing address shall not be considered a complete application;

2. A passport size photograph of the applicant taken within the last six months;

3. Proof that the applicant has met the experience requirements of (a) above. Such proof may include:

i. An attestation from a master HVACR contractor indicating that the applicant has completed the requirements of (a) above;

ii. Any certifications the applicant has obtained indicating expertise in the field of heating, ventilating, air conditioning, and refrigeration contracting;

iii. Any education the applicant has completed related to the field of heating, ventilating, air conditioning, and refrigeration contracting;

iv. An employment history showing that the applicant has engaged in the practice of heating, ventilating, air conditioning, and refrigeration contracting;

v. A copy of a Form W-2 that has been submitted to the Internal Revenue Service indicating that the applicant engaged in the practice of heating, ventilating, air conditioning, and refrigeration contracting; or

vi. Any other documentation that demonstrates to the Board that the applicant has completed at least two years of experience in heating, ventilating, air conditioning, and refrigeration contracting.

4. The application and licensing fees as set forth in N.J.A.C. 13:32A-6.1.

Administrative correction.
See: 45 N.J.R. 2335(a), 2606(a).

SUBCHAPTER 3. RENEWAL OF LICENSURE

13:32A-3.1 Renewal of license

(a) Licenses shall be renewed biennially on a form provided by the Board. Each applicant for renewal shall attest that the continuing education requirements of N.J.A.C. 13:32A-4.1 have been completed during the prior biennial period.

(b) The Board shall send a notice of renewal to each master HVACR contractor, at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for any unlicensed practice during the period following the licensure expiration, not to exceed the number of days short of the 60 before the notice of renewal was sent.

(c) The master HVACR contractor shall submit the renewal application and pay the renewal and pressure seal fees pursuant to N.J.A.C. 13:32A-6.1 prior to the date of expiration of the license.

(d) If the master HVACR contractor does not renew the license prior to its expiration date, the master HVACR contractor may renew the license no later than 30 days after its expiration date by submitting a renewal application and paying a renewal fee and a late fee pursuant to N.J.A.C. 13:32A-6.1. If a master HVACR contractor fails to renew the license within 30 days after the expiration date, the license shall be suspended without a hearing. A master HVACR contractor whose license has been suspended shall return his or her pressure seal to the Board.

(e) A person who continues to practice or hold himself or herself out as a master HVACR contractor after his or her license has been suspended pursuant to (d) above shall be deemed to have committed unlicensed practice pursuant to N.J.S.A. 45:16A-7, even if no notice of suspension has been provided to the person.

(f) A person seeking reinstatement within five years following the suspension of a license pursuant to (d) above shall submit the following to the Board:

1. A completed reinstatement application;

2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:32A-6.1;

3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:32A-6.1;