

CHAPTER 32**STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS****Authority**

N.J.S.A. 45:14C-7 and P.L. 2003, c. 205.

Source and Effective Date

R.2003 d.165, effective March 28, 2003.
See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 32, State Board of Examiners of Master Plumbers, expires on September 24, 2008. See: 40 N.J.R. 1607(a).

Chapter Historical Note

Chapter 32, State Board of Examiners of Master Plumbers, was adopted and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 32 was readopted as R.1987 d.481, effective October 23, 1987. See: 19 N.J.R. 1630(a), 19 N.J.R. 2197(c).

Pursuant to Executive Order No. 66(1978), Chapter 32 was readopted as R.1992 d.457, effective October 21, 1992. See: 24 N.J.R. 2334(a), 24 N.J.R. 4270(b). As part of R.1992 d.457, effective November 16, 1992, Subchapter 2, regarding a "uniform penalty letter," was repealed and Subchapter 2, Fees, was adopted as new rules.

Pursuant to Executive Order No. 66(1978), Chapter 32 was readopted as R.1997 d.456, effective October 8, 1997. As part of R.1997 d.456, effective November 3, 1997, Subchapter 1, General Rules and Regulations, was renamed Purpose and Scope, Board Meetings; Subchapter 2, Fees, was recodified as Subchapter 5, Fees; and Subchapter 2, Application, Experience Requirements, Examination; Subchapter 3, Identification of Licensees; Bona Fide Representative; Supervision; and Subchapter 4, Miscellaneous, were adopted as new rules. See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Subchapter 6, Continuing Education, was adopted as R.2002 d.80, effective March 18, 2002. See: 33 N.J.R. 3731(a), 34 N.J.R. 1266(a).

Chapter 32, State Board of Examiners of Master Plumbers, was readopted as R.2003 d.165, effective March 28, 2003. See: Source and Effective Date. See, also, section annotations.

Subchapter 7, Medical Gas Piping, was adopted as new rules by R.2007 d.137, effective May 7, 2007. See: 38 N.J.R. 3737(a), 39 N.J.R. 1748(b).

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**SUBCHAPTER 1. PURPOSE AND SCOPE, BOARD
MEETINGS****13:32-1.1 Purpose and scope**

The rules contained in this chapter implement the provisions of the State Plumbing Licensing Law (N.J.S.A. 45:14C-1 et seq.) and provide for the licensing and regulation of master plumbers and the regulation of plumbing contractors.

Repeal and New Rule, R.1987 d.481, effective November 16, 1987.
See: 19 N.J.R. 1630(a), 19 N.J.R. 2197(c).

Old text replaced.

New Rule, R.1997 d.456, effective November 3, 1997.

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

Former N.J.A.C. 13:32-1.1, "Board Meetings" recodified to N.J.A.C. 13:32-1.2.

Amended by R.2001 d.12, effective March 3, 2001.

See: 31 N.J.R. 3984(a), 33 N.J.R. 56(a).

Inserted "and regulation" preceding "of master plumbers" and substituted "and the regulation of plumbing contractors" for "and qualified journeymen".

Amended by R.2003 d.165, effective April 21, 2003.

See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

Deleted “of 1968, P.L. 1978, c.362” following “State Plumbing Licensing Law”; revised the N.J.S.A. reference.

13:32-1.2 Board meetings

(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.

(e) Copies of the minutes of meetings shall be mailed to all members as soon as practicable after each meeting.

Repeal and New Rule, R.1987 d.481, effective November 16, 1987.
See: 19 N.J.R. 1630(a), 19 N.J.R. 2197(c).

Old text replaced.

Recodified from N.J.A.C. 13:32-1.1 by R.1997 d.456, effective November 3, 1997.

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

Former N.J.A.C. 13:32-1.2, “Application; qualifications; examination registration form” recodified to N.J.A.C. 13:32-2.1.

Case Notes

Remand to properly composed state board of examiners of master plumbers for reconsideration of imposition of sanctions upon master plumber was appropriate; four out of seven members of board originally imposing sanctions were not statutorily qualified to hold positions. Matter of Fichner, 144 N.J. 459, 677 A.2d 201 (1996).

13:32-1.3 Definitions

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

“Apprentice plumber” means any person other than a master plumber or journeyman plumber who, as his or her principal occupation, is engaged in learning and assisting in the installation of plumbing.

“Board” means the State Board of Examiners of Master Plumbers.

“Bona fide representative” means a licensed master plumber who is the holder of not less than 10 percent of a plumbing contractor in the State of New Jersey.

“Journeyman plumber” means an individual who has completed four years engaged in learning and assisting in the installation of plumbing and who works under the supervision of a master plumber or supervisory journeyman plumber.

“Licensed master plumber” means a person licensed pursuant to N.J.S.A. 45:14C-1 et seq. who has the qualifications, training, experience and technical knowledge necessary to properly plan, lay out, install and repair plumbing apparatus and equipment and to supervise others in the performance of such work in accordance with the rules established in this chapter.

“Plumbing” means the practice, materials and fixtures used in the installation, maintenance, extension, alteration, repair and removal of all piping, plumbing fixtures, plumbing appliances and plumbing apparatus in connection with any of the following: sanitary drainage, storm facilities and building sewers to their respective final connection to an approved point of disposal, venting systems, public and private water supply systems of any premises to and within the property line of any building or structure to their final connection with an approved supply system. “Plumbing” also means the practice and materials used in the installation, maintenance, extension, alteration, repair or removal of stormwater, refrigeration and air conditioning drains, liquid waste or sewage. “Plumbing” does not include the final connection to an approved point of disposal or an approved supply system which extends beyond three feet of a building or structure.

“Plumbing contractor” means any individual licensed master plumber operating as a sole proprietor who, or a firm, partnership, corporation or other legal entity which undertakes for another the planning, laying out, supervising, installing or making of additions, alterations and repairs in the installation of plumbing who either acts, or has a licensed master plumber who acts, as a bona fide representative as required by N.J.S.A. 45:14C-2(d) and (h) and this subchapter.

“Supervisory journeyman plumber” means an individual who has completed an apprenticeship program approved by both a Federal agency and a Federally certified State agency recognized by the Board and has completed three additional years as a journeyman plumber working with tools in the installation, maintenance, extension, alteration, repair and removal of all piping, plumbing fixtures, plumbing appliances, and plumbing apparatus as defined in the word “plumbing.”

“10 percent ownership” means that the bona fide representative is entitled to 10 percent of any net profits from a business, owns a 10 percent equity interest in a plumbing contractor, and is entitled to 10 percent of the net proceeds from the sale of a business in the event of sale of the business. If the plumbing contractor is a corporation, the bona fide representative owns stock equaling a 10 percent equity interest, and, if there are more than one class of stock, the stock owned by the bona fide representative is the highest level stock with full voting rights.

New Rule, R.2001 d.12, effective March 3, 2001.

See: 31 N.J.R. 3984(a), 33 N.J.R. 56(a).

Former N.J.A.C. 13:32-1.3, Examinations, repealed.

Amended by R.2003 d.165, effective April 21, 2003.

See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

Substituted "Licensed master plumber" for "Master plumber"; in "Plumbing contractor", substituted "licensed master plumber" for "licensee".

Amended by R.2005 d.69, effective February 22, 2005.
See: 36 N.J.R. 1718(b), 37 N.J.R. 616(a).
Added "Plumbing".

13:32-1.4 Scope of practice

(a) This section prescribes the permissible scope of plumbing practice which shall include that which is defined as plumbing in N.J.A.C. 13:32-1.3.

(b) Plumbing shall be performed by a master plumber, an authorized plumbing contractor, or by employees working under the supervision of a master plumber as permitted by N.J.S.A. 45:14C-1 et seq. and N.J.A.C. 13:32-3.3.

(c) For purposes of this section, the following shall also be considered within the scope of the practice of plumbing and shall only be performed by individuals designated in (b) above:

1. Performing of plumbing work, including minor work and ordinary repairs even though a permit is not required;
2. Installation and service of storm, sanitary, and water piping to the final point of connection within three feet of the exterior of a building or structure located on private property;
3. Installation of the water service and backflow preventer for fire suppression systems and water sprinkler systems;
4. Plumbing work performed at a place of business by employees of that business on property owned by the business;
5. Disconnection and sealing of water and sewer lines;
6. Installation and service of all direct and indirect drain piping associated with mechanical equipment that is connected to a sewer system;
7. Installation and completion of plumbing, at no cost, notwithstanding that the property is owned by a nonprofit organization;
8. Installation or disconnection of water filtration or water softening equipment, water heaters, humidifiers, ice making equipment or backflow preventers;
9. Installation of water piping on the house side of a well water compression tank; and
10. Installation and service of storm, sanitary and water piping between buildings or structures on a property.

(d) For purposes of this section, the following may be performed by licensed master plumbers or by individuals who are not licensed master plumbers:

1. The clearance of stoppages and installation or removal of a cleanout or cleanout equivalent necessary to clear the stoppage;
2. The installation and service of storm, sanitary, and water piping from the final point of connection more than three feet from the exterior of a building or structure located on private property;

3. The installation, service, and maintenance of fire suppression systems and lawn sprinkler systems downstream from a back flow prevention device;

4. The installation, service, and maintenance of gas and hydronic piping;

5. The demolition or removal of plumbing, provided the water and sewer utilities are first disconnected and sealed outside the building;

6. The installation and service of transmission piping by water or sewer utilities; and

7. The installation and service of water lines to mechanical equipment downstream from a back flow prevention device.

(e) The provisions of this section shall not apply to:

1. A single-family home owner who performs plumbing work in his or her own dwelling; and

2. Plumbing work performed by full-time employees of a public agency on property owned by that agency.

(f) A licensed master plumber may perform a task listed in (d) above, as long as he or she performs the task in a manner consistent with professional plumbing standards.

(g) An individual who is licensed pursuant to N.J.S.A. 58:4A-23 et seq. is not engaged in the unlicensed practice of plumbing when he or she is performing the tasks that he or she is licensed to perform.

Amended by R.1973 d.170, effective June 22, 1973.

See: 5 N.J.R. 90(a), 5 N.J.R. 239(c).

Repealed by R.1997 d.456, effective November 3, 1997.

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

Section was "Bond".

New Rule, R.2005 d.69, effective February 22, 2005.

See: 36 N.J.R. 1718(b), 37 N.J.R. 616(a).

Amended by R.2007 d.100, effective April 16, 2007.

See: 38 N.J.R. 4983(a), 39 N.J.R. 1486(a).

Rewrote (d) and (f).

13:32-1.5 (Reserved)

Repeal and New Rule, R.1983 d.580, effective December 19, 1983.

See: 15 N.J.R. 1171(a), 15 N.J.R. 2172(c).

Repealed old rule concerning dual representation prohibited and adopted new rule.

Amended by R.1992 d.457, effective November 16, 1992.

See: 24 N.J.R. 2334(a), 24 N.J.R. 4270(b).

Stylistic revisions to (a)1; revised (b)1.

Recodified to N.J.A.C. 13:32-3.2 and N.J.A.C. 13:32-3.3 by R.1997 d.456, effective November 3, 1997.

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

Section was "Bona fide representative, responsibilities and limitations".

13:32-1.6 (Reserved)

Repealed by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).
Section was "Change of address".

13:32-1.7 (Reserved)

Repeal and New Rule, R.1987 d.481, effective November 16, 1987.

See: 19 N.J.R. 1630(a), 19 N.J.R. 2197(c).

Old rule was renewal certificates.

Amended by R.1991 d.170, effective April 1, 1991.

See: 22 N.J.R. 784(a), 23 N.J.R. 1009(b).

Added "and business address, including the street name and number of the owner or qualified bona fide representative" in (b).

Added (c).

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)-(b); added new (c)-(d); redesignated existing (c) as (e) without changes.

Repealed by R.1997 d.456, effective November 3, 1997.

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

Section was "Identification of licensees".

13:32-1.8 (Reserved)

Recodified to N.J.A.C. 13:32-4.1 by R.1997 d.456, effective November 3, 1997.

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

Section was "Requirement of pressure seal defined".

13:32-1.9 (Reserved)

Recodified to N.J.A.C. 13:32-4.2 by R.1997 d.456, effective November 3, 1997.

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

Section was "Requirement of identification card defined".

13:32-1.10 (Reserved)

New Rule, R.1991 d.170, effective April 1, 1991.

See: 22 N.J.R. 784(a), 23 N.J.R. 1009(b).

Repealed by R.1997 d.456, effective November 3, 1997.

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

Section was "Return of pressure seal".

13:32-1.11 (Reserved)

New Rule, R.1991 d.170, effective April 1, 1991.

See: 22 N.J.R. 784(a), 23 N.J.R. 1009(b).

Repealed by R.1997 d.456, effective November 3, 1997.

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

Section was "Supervision".

13:32-1.12 (Reserved)

Recodified to N.J.A.C. 13:32-4.5 by R.1997 d.456, effective November 3, 1997.

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

Section was "Professional prices".

SUBCHAPTER 2. APPLICATION, EXPERIENCE REQUIREMENTS, EXAMINATION

13:32-2.1 Eligibility for examinations

(a) To be eligible to take the plumbing license examination an applicant shall:

1. Be 21 years of age or older; and

2. Have completed the experience requirements set forth in N.J.A.C. 13:32-2.2.

(b) An applicant for the plumbing licensing examination shall submit to the Board:

1. A completed application for examination, 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. Proof that the applicant has met the experience requirements set forth in N.J.A.C. 13:32-2.2; and

3. The application fee as set forth in N.J.A.C. 13:32-5.1.

(c) After the Board has reviewed the information required in (b) above, the Board shall send a letter that informs the applicant whether he or she is eligible to take the licensing examination required by N.J.A.C. 13:32-2.4 and, if deemed eligible, of the time and place of examination.

Amended by R.1987 d.481, effective November 16, 1987.

See: 19 N.J.R. 1630(a), 19 N.J.R. 2197(c).

Amended by R.1991 d.170, effective April 1, 1991.

See: 22 N.J.R. 784(a), 23 N.J.R. 1009(b).

Revised application requirements in (b) to indicate that a post office box number as applicant's mailing address is not a complete application.

Amended by R.1992 d.457, effective November 16, 1992.

See: 24 N.J.R. 2334(a), 24 N.J.R. 4270(b).

Revised (c).

Amended by R.1997 d.15, effective January 6, 1997.

See: 28 N.J.R. 3709(a), 29 N.J.R. 148(a).

Inserted new (b); and recodified former (b) and (c) as (c) and (d).

Recodified from N.J.A.C. 13:32-1.2 and amended by R.1997 d.456, effective November 3, 1997.

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

Inserted new (a); recodified (a) as (b); and deleted (b) and (d).

Former N.J.A.C. 13:32-2.1, "Fees" recodified to N.J.A.C. 13:32-5.1.

Amended by R.2003 d.165, effective April 21, 2003.

See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

Rewrote the section.

13:32-2.2 Experience requirements

(a) For purposes of this section, "practical hands-on experience" means experience in the installation, maintenance, extension, alteration, repair and removal of piping, plumbing fixtures, plumbing appliances and plumbing apparatus as defined in N.J.S.A. 45:14C-2(g). Practical hands-on experience does not include time spent in performing managerial tasks such as supervising, engineering, estimating, or time spent performing tasks which do not constitute the practice of plumbing as defined in N.J.A.C. 13:32-1.3.

(b) Applicants for examination for a license as a master plumber shall present proof to the Board that he or she:

1. Has completed a four year apprenticeship program approved by both the United States Department of Labor and a Federally certified state agency, and has completed

one year of practical hands-on experience as a journeyman plumber; or

2. Has been awarded a bachelor's degree in mechanical, plumbing or sanitary engineering from a college or university accredited by a regional accreditation agency recognized by the Council on Post-Secondary Accreditation or the United States Department of Education, and has completed one year of practical hands-on experience as a journeyman plumber.

New Rule, R.1997 d.456, effective November 3, 1997.

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

Repeal and New Rule, R.2002 d.122, effective April 15, 2002.

See: 33 N.J.R. 4059(a), 34 N.J.R. 1551(a).

Section was "Experience requirements".

Amended by R.2003 d.165, effective April 21, 2003.

See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

Deleted (c) through (g).

13:32-2.3 Examinations

(a) Examinations shall be prepared and administered by Experior Assessments, LLC., or its successor, but no license shall be granted except by the Board. The Board chairman may designate members of the Board to oversee the administration of the examination.

(b) Examinations shall be held at least four times annually and at such additional times as the Board may determine.

(c) Examinations shall consist of three parts:

1. Written examination based on the National Standard Plumbing Code as adopted by the State of New Jersey pursuant to the Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq.;

2. Practical examination; and

3. Written examination of laws and regulations governing the occupation and business of plumbing.

(d) In order to pass the examination an applicant must receive a minimum grade of 70 in each of the three areas outlined in (c) above.

Recodified from N.J.A.C. 13:32-1.3(a) through (d) and amended by R.1997 d.456, effective November 3, 1997.

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

N.J.A.C. 13:32-1.3(a) through (d), recodified as (a), (b), (d) and (e) respectively; and inserted new (c).

Amended by R.2003 d.165, effective April 21, 2003.

See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

Rewrote the section.

13:32-2.4 Failure of examination; when retaking permitted

(a) An applicant who has failed the plumbing licensing examination may review his or her examination upon written request to Experior Assessments, LLC., or its successors, and payment to the testing service of its review fee.

(b) No person who has failed the examination shall be eligible to be reexamined for a period of six months from the date of the examination filed by such person.

Recodified from N.J.A.C. 13:32-1.3(e) and amended by R.1997 d.456, effective November 3, 1997.

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

N.J.A.C. 13:32-1.3(e) recodified as (a); and inserted new (b).

Amended by R.2003 d.165, effective April 21, 2003.

See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

In (a), inserted "plumbing licensing" preceding "examination" and substituted "Experior Assessments, LLC., or its successors," for "the Board-approved testing service".

13:32-2.5 Licensure

(a) After an applicant has successfully passed the licensing examination, he or she shall submit to the Board:

1. A surety bond in the sum of \$3,000 as required pursuant to N.J.S.A. 45:14C-26;

2. A completed application for a pressure seal; and

3. The licensing fee as set forth in N.J.A.C. 13:32-5.1.

New Rule, R.2003 d.165, effective April 21, 2003.

See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

13:32-2.6 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. 13:32-6.1 have been completed during the prior biennial period.

(b) The Board shall send a notice of renewal to each licensed master plumber, 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 failure to renew.

(c) The licensed master plumber shall submit the renewal application and pay the renewal fee pursuant to N.J.A.C. 13:32-5.1 prior to the date of expiration of the license. If the licensed master plumber does not renew the license prior to its expiration date, the licensed master plumber 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. 13:32-5.1. A licensed master plumber who fails to renew the license within 30 days after the expiration date of the license shall be suspended without a hearing.

(d) A person who continues to practice or hold him or herself out as a licensed master plumber after being suspended shall be deemed to have committed unlicensed practice pursuant to N.J.S.A. 45:14C-12.3, even if no notice of suspension has been provided to the person.

(e) A person seeking reinstatement within five years following the suspension of a license 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. 13:32-5.1;

3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:32-5.1;

4. A certification verifying completion of the continuing education credits required pursuant to N.J.A.C. 13:32-6.1 for each biennial renewal period the license is suspended; and

5. An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

(f) A person seeking reinstatement after more than five years following the suspension of a license shall successfully complete the examination required for initial licensure as set forth in N.J.A.C. 13:32-2.3 and shall submit:

1. A completed reinstatement application;
2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:32-5.1;
3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:32-5.1; and
4. An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

(g) Renewal applications for all licensed master plumbers shall provide the applicant with the option of either active or inactive renewal. Applicants electing to renew as inactive shall not practice or hold themselves out to the public as licensed master plumbers. A licensed master plumber renewing as inactive shall submit to the Board:

1. A completed renewal application; and
2. The pressure seal.

(h) Upon application to the Board, the Board may permit an applicant who has been on inactive status to return to active status provided such applicant completes the continuing education credits that are required per biennial period for each biennial period that the applicant is on inactive status and the applicant pays the renewal fee as set forth in N.J.A.C. 13:32-5.1. The Board shall return the licensed master plumber's pressure seal when the licensed master plumber returns to active status.

New Rule, R.2003 d.165, effective April 21, 2003.
See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

SUBCHAPTER 3. IDENTIFICATION OF LICENSEES; BONA FIDE REPRESENTATIVE; SUPERVISION

13:32-3.1 Identification of licensed master plumber; vehicles, stationery; advertising

(a) All commercial vehicles used in the practice of State-licensed master plumbing shall be marked on both sides with the following information:

1. The name of the licensed master plumber in lettering at least one inch in height;

2. The words "Plumbing license number" or "Plumbing Lic. #" followed by the license number of the owner or qualified bona fide representative in lettering at least one inch in height; and

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

(b) All business correspondence, invoices and stationery shall display:

1. The name of the licensed master plumber; and
2. The words "Plumbing license number" or "Plumbing Lic. #" followed by the license number of the owner or qualified bona fide representative; and
3. The business address, including the street name and number of the owner or qualified bona fide representative.

(c) All advertising shall include:

1. The name of the licensed master plumber;
2. The business address, including the street name and number of the owner or qualified bona fide representative; and
3. The words "Plumbing license number" or "Plumbing Lic. #" followed by the license number of the owner or qualified bona fide representative.

(d) Every State-licensed master plumber whose name, office address, place of practice or license 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) If a plumbing contractor intends to subcontract, in a calendar year, more than one-third of the work which it contracts to perform, or subcontracted in the previous calendar year more than one-third of the work which it contracted to perform, all advertising by the plumbing contractor shall state: "A substantial part of the work which we undertake may be performed by independent licensed plumbing subcontractors."

New Rule, R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).
Amended by R.1999 d.245, effective August 2, 1999.
See: 31 N.J.R. 250(b), 31 N.J.R. 2223(a).

Rewrote (a); in (c), inserted a new 2, and recodified former 2 as 3.
Amended by R.2001 d.12, effective March 3, 2001.

See: 31 N.J.R. 3984(a), 33 N.J.R. 56(a).

In (b), inserted "invoices" preceding "and stationery" and added (e) and (f).

Amended by R.2003 d.165, effective April 21, 2003.

See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

In (a)3, substituted "licensed master plumber" for "licensee" throughout; in (c), inserted "or subcontracted in the previous calendar year more than one-third of the work which it contracted to perform." preceding "all advertising"; deleted (f).

13:32-3.2 Bona fide representative; reporting responsibilities

(a) A licensed master plumber seeking to act as a bona fide representative for any firm, partnership, corporation or other legal entity contemplated by N.J.S.A. 45:14C-2 shall comply with the following within 30 days of assuming the role of a bona fide representative:

1. Register with the Board, providing the name of the plumbing contractor, its business address and if the plumbing contractor is a corporation, the names of the officers of record;

2. Attest to the bona fide representative's ownership interest in the plumbing contractor as follows:

- i. If a licensed master plumber claims to hold 10 percent or more but less than 50 percent of the issued and outstanding stock or capital of the plumbing contractor, the licensed master plumber shall provide the Board with a written affidavit which states the percentage of outstanding shares held by the licensed master plumber. The affidavit shall be executed by the corporate secretary or other appropriate representative of the plumbing contractor;

- ii. If a licensed master plumber claims to hold 50 percent or more of the issued and outstanding stock or capital of the plumbing contractor, the licensed master plumber shall provide a written affidavit which states the percentage of outstanding shares held by the licensed master plumber upon a request by the Board. The affidavit shall be executed by the corporate secretary or other appropriate representative of the plumbing contractor;

3. Provide to the Board proof that the plumbing contractor has consented that the bona fide representative will act as the agent for service of process within this State. Such proof shall be in writing and on a form provided by the Board; and

4. Provide to the Board the acceptance of liability by the plumbing contractor for any monetary penalty, monies to be paid for restoration to consumers of fees paid for services or for delays suffered by consumers and costs assessed against the bona fide representative while acting within the scope of his or her employment on behalf of the plumbing contractor. Such acceptance of liability shall be in writing and on a form provided by the Board.

(b) In order to evaluate the claims relating to the bona fide representative ownership interest in the plumbing contractor pursuant to (a)2 above, the Board, at any time, may request that the bona fide representative provide any Federal, State or local government tax documentation which the plumbing contractor is required to file with the governmental tax authorities.

(c) If a bona fide representative for any firm, partnership, corporation or other legal entity contemplated by N.J.S.A. 45:14C-1 et seq. withdraws as the bona fide representative, the firm, partnership, corporation or other legal entity may continue to operate for 60 days without a bona fide representative provided that a licensee supervises all work to be conducted in the same manner as required by a bona fide representative pursuant to N.J.A.C. 13:32-3.3(a)3, the bona fide representative and the firm, partnership, corporation or other legal entity notifies the Board within 10 days of the withdrawal of the bona fide representative and the supervising licensee notifies the Board within 10 days of being appointed as the supervising licensee.

(d) If the bona fide representative for any firm, partnership, corporation or other legal entity contemplated by N.J.S.A. 45:14C-2 is unable to perform the duties of a bona fide representative because of death, illness or disability, the firm, partnership, corporation or other legal entity may continue to operate for six months without a bona fide representative provided that a licensed master plumber supervises all work to be conducted in the same manner as required by a bona fide representative pursuant to N.J.A.C. 13:32-3.3(a)3 and the licensed master plumber and the firm, partnership, corporation or other legal entity notify the Board within 10 days after the death, illness or disability of the bona fide representative.

Recodified from N.J.A.C. 13:32-1.5(a) by R.1997 d.456, effective November 3, 1997.

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

Amended by R.2001 d.12, effective March 3, 2001.

See: 31 N.J.R. 3984(a), 33 N.J.R. 56(a).

Rewrote the section.

Amended by R.2003 d.165, effective April 21, 2003.

See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

Substituted "licensed master plumber" for "licensee" throughout.

Amended by R.2005 d.69, effective February 22, 2005.

See: 36 N.J.R. 1718(b), 37 N.J.R. 616(a).

Rewrote (c).

13:32-3.3 Bona fide representative responsibilities

(a) A bona fide representative registered with the Board pursuant to N.J.A.C. 13:32-3.2 shall:

1. Give notice to the Board in writing concerning any change in the name or address of the entity within 10 days of the change.

2. Secure or instruct an authorized employee, or for the purpose of this section only, an independent contractor licensed as a master plumber, to secure all necessary permits as may be required by State and local law for the performance of plumbing work to be performed by the plumbing contractor for which the licensed master plumber acts as a qualified bona fide representative. In making an application for permit issuance, the authorized employ-

ee or independent plumbing contractor shall have in his or her possession a letter authorizing him or her to make the application. A letter of authorization may authorize a permit application for a specific period of time, not to exceed 60 days, and shall have affixed to it the seal of the bona fide representative. In all circumstances, the permit shall be signed by a licensed master plumber and all work shall be supervised in the manner set forth in (a)3 below;

3. Supervise in the manner described in (a)3i through iv below the performance of all plumbing work performed by the plumbing contractor for which the licensed master plumber acts as the bona fide representative. Such supervision shall assure the effective compliance with State and local plumbing codes and the performance of work in accordance with proper plumbing practice;

i. If the person performing the work is a New Jersey licensed master plumber, the bona fide representative shall require at the beginning of the job an initial report on the work to be performed and upon completion of the job a final report on the work performed;

ii. If the person performing the work is a supervisory journeyman, the bona fide representative or a New Jersey licensed master plumber employed by the bona fide representative shall maintain daily contact with the supervisory journeyman either directly, by telephone or through writing. Any such contact shall be recorded by and maintained in the files of the bona fide representative or the New Jersey licensed master plumber employed by the bona fide representative;

iii. If the person performing the work is a journeyman, the bona fide representative, a New Jersey licensed master plumber employed by the bona fide representative or the supervisor journeyman shall maintain daily contact with the journeyman either directly, by telephone or through writing and, where the work requires a plumbing permit, shall inspect the work upon completion. Any such contact shall be recorded by the bona fide representative, the New Jersey licensed master plumber employed by the bona fide representative or the supervisory journeyman; and

iv. If the person performing the work is an apprentice, the bona fide representative shall ensure constant on-site supervision by a New Jersey licensed master plumber employed by the bona fide representative or a supervisory journeyman during all times that plumbing services are being performed;

4. Be responsible for any and all violations of N.J.S.A. 45:14C-1 et seq. committed by employees of the plumbing contractor for which he or she is serving as a bona fide representative if said violations were committed during the course of work which he or she was required to supervise;

5. Serve as a bona fide representative for only one plumbing contractor;

6. Maintain a place of business in the State of New Jersey; and

7. Provide each supervisory journeyman of the plumbing contractor that performs plumbing work with an identification card that includes:

- i. The name of the supervisory journeyman;
- ii. The name and address of the plumbing contractor;

iii. The name and license number of the bona fide representative;

iv. The seal of the bona fide representative; and

v. The issue and expiration dates of the identification card. The expiration date shall not exceed one year from the date of issue.

(b) Nothing herein shall preclude the Board from proceeding against both the bona fide representative for an entity or any other licensed master plumber 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 licensed master plumber who has failed to perform the duties required by N.J.S.A. 45:14C-1 et seq.

(c) The bona fide representative of any plumbing contractor which contracts to provide plumbing services to a consumer and wishes to subcontract that plumbing work to another plumbing contractor shall:

1. Subcontract only to a plumbing contractor who is either a sole proprietor or which has a bona fide representative who is registered with the Board. The bona fide representative for the original plumbing contractor shall be responsible for ensuring that the subcontractor has a registered bona fide representative;

2. Require of the subcontractor that a copy of any permit applications, permits and changes in application or permit shall be delivered to the original plumbing contractor within five business days of the date the application or permit is filed;

3. Notify the consumer, prior to the beginning of any work, that the work has been subcontracted to another licensed master plumber or legally qualified plumbing contractor and provide the consumer with the name, address and telephone number of the subcontractor and the name and license number of the subcontractor's bona fide representative;

4. Advise the consumer prior to the beginning of any work that he or she has the right to terminate the contract prior to the beginning of any work because of the subcontracting;

5. Notify the consumer that the original contractor as well as the subcontractor remain liable for any defects, damages or other losses which may result from the negligence, misconduct or insolvency of the subcontractor;

6. Require that the subcontractor immediately notify the original contractor of any complaints by the consumer or the consumer's representative or by any governmental official; and

7. Supervise the work of the bona fide representative for the subcontractor in the same manner as required by (a)3i above.

(d) The bona fide representative shall have sufficient knowledge of the plumbing contractor's bookkeeping system and financial accounts to inform the Board, upon request by the Board, regarding the plumbing contractor's price-setting, billings, costs, subcontractors, overhead costs and profits.

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.

Amended by R.2001 d.12, effective March 3, 2001.

See: 31 N.J.R. 3984(a), 33 N.J.R. 56(a).

Rewrote the section.

Amended by R.2003 d.165, effective April 21, 2003.

See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

Substituted "licensed master plumber" for "licensee" throughout.

13:32-3.4 Supervision

Any plumbing work that a licensed master plumber agrees to perform, that has not been subcontracted to another licensed master plumber, shall be performed only by the licensed master plumber or the employees of the licensed master plumber or the plumbing contractor.

New Rule, R.1997 d.456, effective November 3, 1997.

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

Amended by R.2003 d.165, effective April 21, 2003.

See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

Rewrote the section.

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 to a licensed master plumber, the Board shall authorize the vendor that issues pressure seals to furnish a pressure seal to the licensed master plumber. After the Board has informed an applicant that he or she has passed the licensing examination, the applicant shall submit to the Board the initial pressure seal fee pursuant to N.J.A.C. 13:32-5.1. The pressure seal shall remain the property of the Board and shall be returned to the Board as provided in (e) below.

(b) The seal shall be used exclusively by the licensed master plumber in the conduct of the plumbing business practice. The licensed master plumber shall impress the seal upon all applications for plumbing permits.

(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 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. 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 licensed master plumber 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. 45:14C-1 and 45:1-14 et seq.

(e) A licensed master plumber who fails to renew the license in accordance with N.J.S.A. 45:1-7.1 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.

(f) A licensed master plumber 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 licensed master plumber no longer possesses the pressure seal. The licensed master plumber shall submit to the Board the replacement pressure seal fee pursuant to N.J.A.C. 13:32-5.1. The replacement pressure seal shall remain the property of the Board and shall be returned to the Board as provided in (e) above.

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).

Amended by R.2003 d.165, effective April 21, 2003.

See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

Rewrote the section.

Amended by R.2007 d.101, effective April 16, 2007.

See: 38 N.J.R. 4984(a), 39 N.J.R. 1487(a).

Rewrote (a) and (f).

13:32-4.2 Requirement of identification card

(a) At the time of the biennial renewal of the license, the Board shall furnish a wallet size identification card to every licensed master plumber. The card shall be used exclusively by the licensed master plumber in the conduct of his or her practice. A licensed master plumber is required to present the identification card upon request when applying for plumbing permits.

(b) Use of an identification card by any person, other than the licensed master plumber to whom the identification card is issued or by the agent authorized to act on behalf of the licensed master plumber, 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 in the future.

(c) A licensed master plumber who willfully or negligently allows an unlicensed or 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).

Amended by R.2003 d.165, effective April 21, 2003.

See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

Rewrote the section.

13:32-4.3 Actions on the surety bond

(a) Any person, partnership or corporation including any political subdivision of State government who has been injured, aggrieved or damaged through the failure of a licensed master plumber 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 the surety bond.

New Rule, R.1997 d.456, effective November 3, 1997.

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

Amended by R.2003 d.165, effective April 21, 2003.

See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

Deleted former (a); recodified former (b) as (a); in new (a), substituted "a licensed master plumber" for "the obligor", and substituted "the surety bond" for "such bond".

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

(a) Every licensed master plumber shall notify the Board in writing of the licensed master plumber's office address. Every licensed master plumber shall notify the Board in writing 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 licensed master plumber's address on file with the Board shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding against the licensed master plumber.

New Rule, R.1997 d.456, effective November 3, 1997.

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

Amended by R.2003 d.165, effective April 21, 2003.

See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

In (a), substituted "notify the Board in writing" for "give notice in writing to the Board"; substituted "licensed master plumber" for "licensee" throughout.

13:32-4.5 Unconscionable pricing

(a) A licensed master plumber of the Board shall not charge an excessive price for services. A price is excessive when, after review of the facts, a licensed master plumber 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 licensed master plumber 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 licensed master plumber 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).

Amended by R.2003 d.165, effective April 21, 2003.

See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

Substituted "licensed master plumber" for "licensee" throughout.

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 Fee schedule

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

1. Application fee without prior registration (non-refundable).....\$100.00
2. Application fee with prior registration (non-refundable).....50.00
3. Initial license fee:
 - i. If paid during the first year of a biennial renewal period.....160.00
 - ii. If paid during the second year of a biennial renewal period80.00

4. License renewal fee, biennial	160.00
5. Registration as an apprentice (non-refundable)	50.00
6. Registration as a journeyman without prior registration (non-refundable)	75.00
7. Registration as a journeyman with prior registration (non-refundable)	50.00
8. Late renewal fee	50.00
9. Reinstatement fee	150.00
10. Initial pressure seal	25.00
11. Replacement pressure seal	25.00
12. Duplicate license fee	25.00
13. Replacement wall certificate	40.00
14. Verification of licensure	25.00
15. Continuing education sponsor application fee	100.00

(b) The following fees shall be charged by the Board in connection with the certification of medical gas piping installers, medical gas piping brazers and medical gas piping instructors:

1. Application fee	\$75.00
2. Initial certification as medical gas piping installer:	
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. Initial certification as medical gas piping brazer	\$50.00
4. Initial certification as instructor in medical gas piping:	
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
5. Certification renewal as a medical gas piping installer, triennial	\$150.00
6. Certification renewal as a medical gas piping brazer, annual	\$50.00
7. Certification renewal as a medical gas piping instructor, triennial	\$150.00
8. Late renewal fee	\$50.00
9. Reinstatement fee	\$150.00
10. Inactive fee... (to be determined by Director by regulation)	

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).

Amended by R.1999 d.212, effective July 6, 1999.

See: 31 N.J.R. 836(b), 31 N.J.R. 1816(b).

Rewrote (a).

Amended by R.2002 d.80, effective March 18, 2002.

See: 33 N.J.R. 3731(a), 34 N.J.R. 1266(a).

In (a), added 14.

Amended by R.2007 d.101, effective April 16, 2007.

See: 38 N.J.R. 4984(a), 39 N.J.R. 1487(a).

Added new (a)10; recodified former (a)10 through (a)14 as (a)11 through (a)15; and in (a)11, substituted "pressure seal" for "seal press" and "25.00" for "40.00".

Amended by R.2007 d.137, effective May 7, 2007.

See: 38 N.J.R. 3737(a), 39 N.J.R. 1748(b).

Added (b).

SUBCHAPTER 6. CONTINUING EDUCATION

13:32-6.1 License renewal, continuing education requirement

(a) Every licensee shall successfully complete five credits of continuing education at an approved course per biennial period. Licensees applying for their first biennial renewal are exempt from this continuing education requirement.

(b) A licensee shall indicate on the license renewal form that he or she has completed the continuing education requirements required by this subchapter. Failure to meet the continuing education requirements as set forth in this subchapter or the falsification of any information submitted with the renewal application may result in an appearance before the Board, or the imposition of disciplinary sanctions pursuant to N.J.S.A. 45:1-21 et seq.

(c) Every licensee shall maintain, for a period of four years, a record of all verification of attendance forms for all continuing education courses the licensee has completed. Licensees who teach a continuing education course during a biennial period shall maintain, for a four year period, records which indicate that the licensee has taught a Board approved continuing education course.

(d) The Board may review the records of any licensee, at any time, in order to ensure that the licensee has complied with the continuing education requirements.

Amended by R.2003 d.165, effective April 21, 2003.

See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

Deleted former (c); recodified former (d) through (e) as (c) through (d).

Public Notice: Continuing education topics.

See: 37 N.J.R. 4582(a).

13:32-6.2 Continuing education sponsors; Board approval; duties

(a) All sponsors of continuing education courses shall obtain Board approval prior to offering a continuing education course for an upcoming biennial period. The Board shall maintain a list of approved courses at the Board offices and shall furnish this information to licensees upon request.

(b) A sponsor seeking Board approval shall appear before the Board and submit, prior to that appearance, the following:

1. Detailed descriptions of course content and estimated hours of instruction;
2. Curriculum vitae of each instructor, including specific background which qualifies the individual as an instructor in specific areas; and
3. The continuing education sponsor application fee pursuant to N.J.A.C. 13:32-5.1(a)14.

(c) The sponsor of a continuing education course shall furnish each attendee a verification of attendance, which shall include the following:

1. The title, date and location of course or program offering;
2. The name and license number of the attendee;
3. The number of hours attended; and
4. The name and signature of the sponsor or instructor.

(d) The sponsor of a continuing education course shall monitor the attendance at each approved course and maintain an attendance log which lists the name and license number of every licensee who attends a course. The program sponsor shall submit the attendance log to the Board upon completion of the course. The log shall document that each licensee has completed the sponsor's course.

(e) The sponsor shall obtain course evaluations from both participants and instructors and maintain these evaluations as part of the sponsor records.

(f) The Board may evaluate the performance of any continuing education instructor through observation of the instructor during the presentation of a course or evaluate the qualifications and abilities of the instructor by conducting an interview during a Board meeting.

(g) A continuing education class shall consist of no more than 50 people.

13:32-6.3 Required course topics

(a) Three months prior to the beginning of a biennial period, the Board shall determine which topics shall be provided by program sponsors for the upcoming biennial period. The Board shall determine these topics at a regularly scheduled public Board meeting.

(b) The list of topics which shall be required by the Board for a biennial period shall be published as a public notice in the New Jersey Register and shall be available at the Board offices.

Public Notice: Continuing education topics.
See: 35 N.J.R. 5168(b).
Public Notice: Continuing education topics.
See: 37 N.J.R. 4582(a).
Public Notice: Continuing education topics.
See: 39 N.J.R. 263(a).

13:32-6.4 Credit awarded

(a) One continuing education credit shall equal one hour of attendance at a continuing education course.

(b) A licensee who teaches a continuing education course shall earn five credits of continuing education for the biennial period in which he or she teaches.

13:32-6.5 Waiver of continuing education requirement

(a) The Board may waive continuing education requirements on an individual basis for reasons of hardship, such as

illness, disability, military duty or other good cause which prevents the licensee from completing continuing education credits during a biennial period.

(b) Any licensee seeking a waiver of the continuing education requirements shall apply to the Board in writing 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.

SUBCHAPTER 7. MEDICAL GAS PIPING

13:32-7.1 Purpose and scope

(a) The purpose of this subchapter is to implement the provisions of P.L. 2003, c. 205 (N.J.S.A. 45:14C-28 et seq.), which requires medical gas piping installers and brazers to be certified by the Board.

(b) Except as set forth in (d) below, no person shall install, improve, repair or maintain medical gas piping within a health care facility licensed pursuant to P.L. 1971, c. 136 (N.J.S.A. 26:2H-1 et seq.) located after the source valve and intended for patient use unless certified by the Board.

(c) No person shall provide instruction regarding the installation, improvement, repair or maintenance of medical gas piping unless certified as an instructor by the Board.

(d) This subchapter shall not apply to any electrical contractor licensed pursuant to P.L. 1962, c. 162 (N.J.S.A. 45:5A-1 et seq.), or any person employed by such an electrical contractor, who is performing the duties of his or her employment and who is acting within the scope of his or her profession or occupation.

13:32-7.2 Definitions

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

"ASSE" means the American Society of Sanitary Engineering.

"AWS" means the American Welding Society.

"Board" means the State Board of Examiners of Master Plumbers.

"Brazing" means joining metals by the use of brass filler or intensely heating the metals to be joined and applying a high temperature melting solder which ranges in melting point from alloys rich in silver to pure copper.

"Medical gas piping" means the piping used for medical gases within a health care facility licensed pursuant to P.L. 1971, c. 136 (N.J.S.A. 26:2H-1 et seq.), located after the source valve and intended for patient use.

“NFPA” means the National Fire Protection Association.

“NITC” means the National Inspection Testing and Certification Corporation.

13:32-7.3 Certification as a medical gas piping installer

(a) To be eligible for certification as a medical gas piping installer an applicant shall be either:

1. A licensed master plumber in New Jersey;
2. A journeyman plumber who has successfully completed an apprenticeship program accredited by the United States Department of Labor;
3. An apprentice plumber who has successfully completed at least three years of an apprenticeship program accredited by the United States Department of Labor;
4. A steam fitter or pipe fitter employed by a plumbing contractor; or
5. An individual who holds certification from NFPA.

(b) An applicant for certification as a medical gas piping installer shall submit to the Board:

1. A completed application for certification;
2. Two affidavits attesting to the applicant’s good moral character;
3. Evidence that the applicant has met the qualifications of (a) above;
4. Evidence that the applicant has successfully completed 32 hours of classroom training, taught by an instructor certified pursuant to N.J.A.C. 13:32-7.5, in the January 19, 2004 ASSE Series 6010 Professional Qualifications Standards for Medical Gas Systems Installers, incorporated herein by reference, as amended and supplemented, published by the ASSE, 901 Canterbury Road, Suite A, Westlake, OH, 44145;
5. Evidence that the applicant has passed the examination requirements of (c) below; and
6. The application fee and initial certification fee pursuant to N.J.A.C. 13:32-5.1.

(c) To qualify for certification, an applicant shall either:

1. Successfully pass the NITC Medical Gas Installer examination; or
2. Successfully pass a brazer examination offered by the AWS and successfully complete a training program in installation approved by a major medical gas producer.

13:32-7.4 Certification to perform only brazing incidental to installation of medical gas piping

(a) To be eligible for certification to perform only brazing incidental to installation of medical gas piping, an applicant shall be either:

1. A licensed master plumber in New Jersey;
2. A journeyman plumber who has successfully completed an apprenticeship program accredited by the United States Department of Labor;
3. An apprentice plumber who has successfully completed at least three years of an apprenticeship program accredited by the United States Department of Labor;
4. A steam fitter or pipe fitter employed by a plumbing contractor; or
5. An individual who holds a certification from NFPA.

(b) An applicant for certification to perform only brazing incidental to installation of medical gas piping shall submit to the Board:

1. A completed application for certification;
2. Two affidavits attesting to the applicant’s good moral character;
3. Evidence that the applicant has met the qualifications of (a) above;
4. Evidence that the applicant has successfully completed 20 hours of classroom training related to the performance of brazing duties required to install, improve, repair or maintain medical gas piping taught by an instructor certified pursuant to N.J.A.C. 13:32-7.5, including 10 hours in practical, hands-on experience in brazing;
5. Evidence that the applicant has passed the examination requirements of (c) below; and
6. The application fee and initial certification fee pursuant to N.J.A.C. 13:32-5.1.

(c) To qualify for certification, an applicant shall either:

1. Successfully pass the NITC Brazing Processes; or
2. Successfully pass a brazer examination offered by the AWS and successfully complete a training program in brazing of medical gas piping approved by a major medical gas producer.

13:32-7.5 Certification of medical gas piping instructors

(a) To be eligible for certification as a medical gas piping instructor an applicant shall be either:

1. A licensed master plumber in New Jersey;

2. A journeyman plumber who has successfully completed an apprenticeship program accredited by the United States Department of Labor;

3. A steam fitter or pipe fitter employed by a plumbing contractor;

4. An individual who has engaged in the practice of installing medical gas piping for the past five years; or

5. An individual who holds certification from NFPA for the past five years.

(b) An applicant for certification as a medical gas piping instructor shall submit to the Board:

1. A completed application for certification;

2. Evidence that the applicant has met the qualifications of (a) above;

3. Evidence that the applicant has successfully completed a 40-hour course that covers the January 19, 2004 ASSE Series 6050 Professional Qualifications Standards for Medical Gas Systems Instructors, incorporated herein by reference, as amended and supplemented, published by the ASSE, 901 Canterbury Road, Suite A, Westlake, OH, 44145;

4. Evidence that the applicant has passed the examination requirements of (c) below; and

5. The application fee and initial certification fee pursuant to N.J.A.C. 13:32-5.1.

(c) To qualify for certification, an applicant shall:

1. Successfully pass the NITC Medical Gas Instructor examination; or

2. Successfully pass a brazer examination offered by the AWS and a training program in instructional training approved by a major medical gas producer.

13:32-7.6 Certification for individuals engaged in practice prior to January 7, 2004

(a) An applicant who applies prior to May 7, 2009 and who has engaged in the installation, improvement, repair or maintenance of medical gas piping since at least January 7, 2001, shall be eligible for certification if he or she meets the requirements of N.J.A.C. 13:32-7.3(c).

(b) An applicant who applies prior to May 7, 2009 and who has engaged in brazing incidental to the installation, improvement, repair or maintenance of medical gas piping since at least January 7, 2001, shall be eligible for certification if he or she meets the requirements of N.J.A.C. 13:37-7.4(c).

13:32-7.7 Renewal of certificates

(a) Certificates for instructors and installers shall be renewed triennially on a form provided by the Board. Certificates to perform only brazing incidental to installation of

medical gas piping shall be renewed annually on a form provided by the Board.

(b) The Board shall send a notice of renewal to each certificiant at least 60 days prior to the expiration of the certificate. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalty 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 60 before the renewals were issued.

(c) Certificants shall submit the renewal application and pay the renewal fee pursuant to N.J.A.C. 13:32-5.1 prior to the date of expiration of the certificate. If a certificiant does not renew the certificate prior to its expiration date, he or she may renew the certificate 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. 13:32-5.1. A certificiant who fails to renew the certificate within 30 days after the expiration date of the certificate shall be suspended without a hearing.

(d) A person who continues to practice or hold him or herself out as a certificiant after being suspended shall be deemed to have engaged in uncertified practice pursuant to N.J.S.A. 45:14C-28, even if no notice of suspension has been provided to the person.

(e) A person seeking reinstatement within five years following the suspension of a certificate shall submit to the Board:

1. A completed reinstatement application;

2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:32-5.1;

3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:32-5.1; and

4. An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

(f) A person seeking reinstatement after more than five years following the suspension of a certificate shall successfully complete the examination required for initial certification as set forth in N.J.A.C. 13:32-7.3(c), 7.4(c) or 7.5(c) and shall submit to the Board:

1. A completed reinstatement application;

2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:32-5.1;

3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:32-5.1; and

4. An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

(g) Renewal applications for certificants shall provide the applicant with the option of either active or inactive renewal. Applicants electing to renew as inactive shall not practice or hold themselves out to the public as certificants. A certificant renewing as inactive shall submit a completed renewal application to the Board.

(h) Upon application to the Board, the Board may permit an applicant who has been on inactive status to return to active status provided such applicant pays the renewal fee as set forth in N.J.A.C. 13:32-5.1.