

CHAPTER 31

BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

Authority

N.J.S.A. 45:5A-6.

Source and Effective Date

R.1991 d.596, effective November 20, 1991.
See: 23 N.J.R. 2917(a), 23 N.J.R. 3762(a).

Executive Order No. 66(1978) Expiration Date

Chapter 31, Board of Examiners of Electrical Contractors, expires on November 20, 1996.

Chapter Historical Note

Chapter 31, Board of Examiners of Electrical Contractors, was filed and became effective prior to September 1, 1969. Subchapter 2, Forms, containing a section on a uniform penalty letter was repealed by R.1981 d.372, effective October 8, 1981. See: 13 N.J.R. 442(b), 13 N.J.R. 707(d). Pursuant to Executive Order No. 66(1978), Chapter 31 was readopted as R.1987 d.44, effective December 12, 1986. See: 18 N.J.R. 2113(d), 19 N.J.R. 137(a). Pursuant to Executive Order No. 66(1978), Chapter 31 was readopted as R.1991 d.596. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

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SUBCHAPTER 2. (RESERVED)

SUBCHAPTER 1. GENERAL RULES AND REGULATIONS

13:31-1.1 Board meetings; quorum

(a) Regular Board meetings shall be held in accordance with a schedule that is published yearly and filed with the Secretary of State.

(b) Special meetings may be held at the request of a Board member or called by the Chairman with publication of appropriate notice pursuant to the requirements of the Open Public Meetings Act.

(c) A majority of the voting members of the Board shall constitute a quorum thereof and no action of the Board shall be taken except on the affirmative vote of a majority of the members of the entire Board.

(d) In the absence of the chairman, members shall select one of the members attending the meeting to serve as chairman for that meeting.

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

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

Old text deleted and new text substituted.

13:31-1.2 Qualifications of applicants

(a) Applicants for examination for a license as an electrical contractor shall be over the age of 21 years and shall have had preceding the making of the application at least five years practical experience working with tools in the installation, alteration or repair of wiring for electric light, heat or power. The required term of practical experience shall not include time spent in supervising, engineering, estimating and other managerial tasks.

(b) An applicant having a bachelor's degree in electrical engineering shall require only two years of practical experience and applicants holding a certificate from an approved technical school shall require only 3½ years of practical experience.

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

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

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

13:31-1.3 Examinations

(a) The Board examination shall be the National Electrical Contractor Licensing Examination developed by the National Assessment Institute of College Park, Maryland.

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

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

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

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

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

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

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

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

Deleted old text and substituted new.

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

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

Revised (c).

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

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

13:31-1.4 Definitions

(a) Minor repair work within the meaning of N.J.S.A. 45:5A-18(a) shall include, without limitation, the replacement of lamps and fuses operating at less than 150 volts to ground with a like or similar item.

(b) The term "qualified journeyman electrician" as used in N.J.S.A. 45:5A-18(k) shall mean and include any person who is either:

1. The holder of a current valid license to practice electrical contracting issued by the Board; or

2. A person who has acquired 8,000 hours of practical experience working with tools in the installation, alteration or repair of wiring for electric light, heat or power and who has had a minimum of 576 classroom hours of related instruction. The requirement of practical experience shall not include time spent in supervising, engineering, estimating and other managerial tasks.

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

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

Deleted text "existing wall swatches ... existing incandescent fixtures." and added "operating at less ...".

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

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

Corrected error.

Amended by R.1992 d.66, effective February 3, 1992.

See: 23 N.J.R. 979(a), 24 N.J.R. 471(b).

Section revised.

13:31-1.5 Bonds

An action may be maintained on the bond required by N.J.S.A. 45:5A-19 by any person injured, aggrieved or damaged through the failure of the obligor to perform the duties prescribed for electrical contractors under the provisions of N.J.S.A. 45:5A-1, et seq. or any rule of the Board.

Case Notes

Ordinance regulating building contractors invalidated as too vague and imprecise; eligibility for financial benefits of bond. *New Jersey Builders Ass'n v. Mayor and Tp. Council, Tp. of East Brunswick*, 60 N.J. 222, 287 A.2d 725 (1972).

13:31-1.6 Familiarity with laws

Electrical contractors and business permit holders shall be familiar with all general and special Federal, State and municipal laws, ordinances and regulations pertaining to the business of electrical contracting and those employed or engaged therein.

13:31-1.7 Worker's compensation

Business permit holders shall obtain the worker's compensation insurance required by the laws of this State covering employees employed by the business permit holder or his subcontractor.

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

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

"Worker's" substituted for "workmen's".

13:31-1.8 Work standards and inspections

(a) Every licensee who performs or supervises the installation, erection, repair or alteration of electrical equipment for the generation, transmission or utilization of electrical energy subject to "The Electrical Contractors Licensing Act of 1962" (N.J.S.A. 45:5A-1 et seq.) shall assure that the work performed conforms to the standards of the National Electrical Code in effect at the time the work is performed.

(b) Every licensee who performs or supervises work described in (a) above shall, within a reasonable time after completion of the work, secure an inspection of the completed work in conformity with the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., and the Uniform Construction Code, N.J.A.C. 5:23-1.1 et seq.

(c) Every such licensee shall be responsible for correcting, within a reasonable time and at no additional charge to the customer, any Code violation discovered in the work performed or supervised by the licensee.

(d) Failure to comply with (a), (b) or (c) above shall be deemed occupational misconduct within the meaning of N.J.S.A. 45:1-21(e).

Amended by R.1982 d.92, effective April 5, 1982.

See: 13 N.J.R. 607(b), 14 N.J.R. 346(c).

Rule concerning inspection authorities repealed and replaced with rule concerning work standards and inspections.

13:31-1.9 Identification of licensees and permittees

(a) All vehicles utilized for the installation or repair of electrical equipment shall be visibly marked with the company name, the license number and the business permit number.

(b) All business correspondence and advertising shall display the license or business permit number.

(c) No licensee shall perform electrical contracting work without having in his possession a business permit identification as provided in N.J.S.A. 45:5A-9.

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

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

Added "and advertising" to text.

Amended by R.1994 d.467, effective September 19, 1994.

See: 26 N.J.R. 1218(b), 26 N.J.R. 3877(a).

13:31-1.10 Requirement of pressure seal defined

(a) At the time of the issuance of the license or as soon thereafter as deemed appropriate, the Board of Examiners of Electrical Contractors shall furnish a seal to every State-licensed electrical contractor. The cost of the seal shall be paid for by the State-licensed electrical contractor to whom it is issued. The seal shall be used exclusively by the State-licensed electrical contractor in the conduct of his practice. The State-licensed electrical contractor is required to impress the said seal upon all applications for electrical inspection by the appropriate duly licensed State inspection agency.

(b) No person, other than the electrical contractor to whom the license and business permit shall have been issued by this board, shall have the right to use the aforesaid seal. Any violation of this provision shall subject, first, the person wrongfully using the seal, and secondly, the licensee who willfully or negligently allows such unlicensed and unauthorized person to use said seal to such penalties and sanctions as shall be imposed by the board pursuant to authority granted by N.J.S.A. 45:5A-1 et seq. and N.J.S.A. 45:1-14 et seq.

(c) A licensee whose license is suspended or revoked as a result of either a disciplinary order or a failure to pay licensing fees shall immediately return to the Board the previously issued official pressure seal.

(d) If the person whose license qualified a business entity to engage in electrical contracting is rendered incapable of fulfilling his or her professional duties due to death, illness or other condition, the licensee or such other individual who may lawfully act for the business entity may delay returning the official pressure seal for at least six months provided that:

1. The Board is immediately notified in writing of the name of a new electrical contractor licensed by the Board, or of such other person as the Board deems acceptable, who shall qualify the business entity during the interim period provided by this subsection; and
2. The business entity complies with all the provisions of the Electrical Contractors Licensing Act of 1962 and all regulations adopted thereafter.

(e) During this interim period, the business entity may complete work in progress and may contract for new work provided that all such electrical work is performed or supervised by a licensed electrical contractor.

(f) The Board may, for good cause shown, extend by six months the interim period during which electrical contracting may be performed provided that the conditions set forth in (d) above are satisfied.

(g) By the end of either the initial six-month period or the additional six-month extension period, the pressure seal issued by the Board to the individual licensee cited in (d)

above shall be returned to the Board consistent with N.J.S.A. 45:5A-14.

New Rule, R.1976 d.369, effective November 19, 1976.

See: 8 N.J.R. 424(d), 8 N.J.R. 563(a).

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

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

Deleted subsection (c).

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

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

Corrected error in (a).

Amended by R.1994 d.332, effective July 5, 1994.

See: 26 N.J.R. 1594(a), 26 N.J.R. 2795(b).

13:31-1.11 Fee schedule

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

- | | |
|--|---------|
| 1. Application fee | \$50.00 |
| 2. Initial licensure | 100.00 |
| 3. Triennial license renewal | 150.00 |
| 4. Initial business permit | 25.00 |
| 5. Triennial business permit renewal | 75.00 |
| 6. Telecommunications wiring exemption—
application fee and issuance of identification card | 120.00 |

New Rule, R.1986 d.193, effective June 2, 1986.

See: 18 N.J.R. 462(a), 18 N.J.R. 1201(b).

Amended by R.1991 d.163, effective March 18, 1991.

See: 23 N.J.R. 22(a), 23 N.J.R. 879(a).

Upon adoption amended to reflect P.L. 1991 c.6, triennial renewals. Administrative Correction to (a)1: Application fee should be \$50.00. See: 23 N.J.R. 1199(a).

Amended by R.1993 d.93, effective February 16, 1993.

See: 24 N.J.R. 339(a), 25 N.J.R. 705(a).

Added new (a)6.

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

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

13:31-1.12 Continuing education

(a) At the time of publication of each new edition of the National Electrical Code, each licensee shall attend a course of study approved by the Board relating to the new Code.

(b) Proof of the completion of the Code course referred to in (a) above shall be provided to the Board by each licensee as a prerequisite to the renewal of his license.

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

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

13:31-1.13 Supervision of electrical work

(a) The licensee whose license qualifies the holder of a business permit to engage in the business of electrical contracting in the State of New Jersey shall assume full responsibility for the inspection and supervision of all electrical work to be performed by the permittee in compliance with recognized safety standards.

(b) The qualifying licensee shall be deemed not to have assumed such required responsibility where he engages in the following acts and practices:

1. Failure to personally inspect and supervise the work of employees where necessary and appropriate.

2. Failure to ensure that electrical workers are afforded the degree of personal on-site supervision commensurate with their level of competence and the complexity of the work to be performed.

3. Failure to be personally available on a reasonable basis where circumstances require personal availability.

4. Regular and continuous absence from the principal office of the permit holder where the permit holder maintains a New Jersey office; or the regular and continuous absence from the work sites of electrical work performed in New Jersey where the permit holder does not maintain a New Jersey office.

New Rule, R.1987 d.242, effective June 15, 1987.
See: 19 N.J.R. 49(a), 19 N.J.R. 1099(a).

13:31-1.14 Notification of change of address

Every licensee and business permit holder shall give notice to the Board of any change of address within 10 days of such change.

New Rule, R.1987 d.242, effective June 15, 1987.
See: 19 N.J.R. 49(a), 19 N.J.R. 1099(a).

13:31-1.15 Joint ventures

(a) Where two or more persons form a joint venture for the purpose of contracting to perform electrical work in New Jersey, each party to the joint venture shall hold a business permit issued by the Board to engage in electrical contracting in New Jersey.

(b) The term "persons," as used in (a) above, is defined to mean individuals, corporations, partnerships or other business entities.

New Rule, R.1987 d.242, effective June 15, 1987.
See: 19 N.J.R. 49(a), 19 N.J.R. 1099(a).

13:31-1.16 Requirement of identification card defined

(a) At the time of triennial renewal of the license and business permit, the Board of Examiners of Electrical Contractors shall furnish a wallet size identification card to every licensee. The card shall be used exclusively by the licensee in the conduct of his practice. A licensee who willfully or negligently allows an unlicensed or an unauthorized person to use his identification card shall be deemed to have engaged in occupational misconduct and shall be subject to such penalties and sanctions as shall be imposed by the Board pursuant to authority granted by N.J.S.A. 45:5A-1 et seq. and N.J.S.A. 45:1-14 et seq. The licensee is required to present said identification card upon request to the appropriate duly licensed inspection agency upon all applications for electrical permits.

(b) Use of an identification card by any person other than the licensee to whom it is issued or his duly authorized agent acting on the licensee's behalf shall be deemed to be the use or employment of dishonesty, fraud, deception, misrepresentation or false pretense. Such conduct shall be unlawful and may be grounds for the suspension or revocation of the license of the unauthorized user if he 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.

New Rule, R.1987 d.244, effective June 15, 1987.
See: 19 N.J.R. 352(a), 19 N.J.R. 1100(a).
Amended by R.1994 d.594, effective December 5, 1994.
See: 26 N.J.R. 2742(a), 26 N.J.R. 4780(a).

13:13-1.17 Limited telecommunications wiring exemption

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

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

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

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

2. A certification that the applicant is familiar with and is in full compliance with Part 68 of the Federal Communications Commission regulations (47 C.F.R. section 68.1 et seq.) concerning installation of telecommunications wiring and any other applicable Federal regulations;

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

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

i. Wiring defined by the National Electrical Code as service conductors (the supply conductors that extend from the main or transformers to the service equipment of the premises supplied), feeder (all conductors between service equipment or the source of a separately derived system and the final branch-circuit overcurrent device), and branch circuit (the connection between the final overcurrent device protecting the circuit and the outlet/appliance). Wiring between power supplies integral with telecommunication equipment and the telecommunication equipment is not intended to be prohibited.

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

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

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

(d) The application shall be accompanied by a processing fee as set forth in N.J.A.C. 13:31-1.11.

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

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

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

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

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

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

New Rule, R.1993 d.93, effective February 16, 1993.
See: 24 N.J.R. 339(a), 25 N.J.R. 705(a).

SUBCHAPTER 2. (RESERVED)