

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

N.J.S.A. 45:14C-7.

Source and Effective DateR.2003 d.165, effective March 28, 2003.
See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).**Chapter Expiration Date**

Chapter 32, State Board of Examiners of Master Plumbers, expires on March 28, 2008.

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 As part of R.1992 d.457, effective November 16, 1992, Subchapter 2, regarding a "uniform penalty letter," was repealed and Subchapter 2, Fees, was adopted as new rules.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.

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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".

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 period 80.00
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

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".

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.