

CHAPTER 32
STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS

Authority

N.J.S.A. 45:14C-7 and 45:1-3.2.

Source and Effective Date

R.1997 d.456, effective October 8, 1997.
See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Executive Order No. 66(1978) Expiration Date

Chapter 32, State Board of Examiners of Master Plumbers, expires on October 8, 2002.

Chapter Historical Note

Chapter 32, State Board of Examiners of Master Plumbers, was filed 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 As part of R.1992 d.457, effective November 16, 1992, Subchapter 2, regarding a "uniform penalty letter," was repealed and Subchapter 2, Fees, was adopted as new rules.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. See: Source and Effective Date. 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, 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 of 1968, P.L. 1968, c.362 (N.J.S.A. 45:1C-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 January 2, 2001 (operative 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".

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.

"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 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 licensee 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 January 2, 2001 (operative 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.

13:32-1.4 (Reserved)

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".

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".

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 January 2, 2001 (operative March 3, 2001).

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

Rewrote the section.

13:32-3.4 Supervision

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

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

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

SUBCHAPTER 4. MISCELLANEOUS

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

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

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

(c) Use of a seal by any person other than the State licensed master plumber to whom it was issued or the securing of a plumbing permit for an unlicensed person shall be deemed to be the use or employment of dishonesty, fraud, deception, misrepresentation or false pretense. Such conduct may be grounds for the suspension or revocation of the license of the unauthorized user if he or she is already licensed by the Board. With respect to an unlicensed user, such conduct shall be grounds for the refusal to issue a State license at any point in the future. Nothing herein shall be deemed to preclude a bona fide representative from securing a plumbing permit for the plumbing contractor he or she represents.

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

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

New Rule, R.1982 d.388, effective November 1, 1982.

See: 14 N.J.R. 750(a), 14 N.J.R. 1219(e).

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

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

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

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

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

Revised (a).

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

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

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

13:32-4.2 Requirement of identification card

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

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

already licensed by the Board. With respect to an unlicensed user, such conduct shall be grounds for the refusal to issue a State license at any point in the future.

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

New Rule, R.1987 d.257, effective July 6, 1987.
See: 19 N.J.R. 352(b), 19 N.J.R. 1227(b).
Recodified from N.J.A.C. 13:32-1.9 and amended by R.1997 d.456, effective November 3, 1997.
See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).
Added (c).

13:32-4.3 Bond; action on the bond

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

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

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

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

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

(b) Service of an administrative complaint or other process initiated by the Board, the Attorney General or the Division of Consumer Affairs at the licensee's address on file with the Board shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding against the licensee.

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

13:32-4.5 Unconscionable pricing

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

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

1. The time and effort required;
2. The novelty or difficulty of the job;
3. The skill required to perform the job properly;
4. Any special conditions placed upon the performance of the job by the person or entity for which the work is being performed;
5. The experience, reputation and ability of the licensee to perform the services; and
6. The price customarily charged in the locality for similar services.

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

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

Case Notes

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

SUBCHAPTER 5. FEES

13:32-5.1 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. Replacement seal press 40.00
11. Duplicate license fee 25.00
12. Replacement wall certificate 40.00
13. Verification of licensure 25.00

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

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).