

**CHAPTER 62****LANDSCAPE IRRIGATION CONTRACTORS****Authority**

N.J.S.A. 45:5AA-1 et seq., particularly 45:5AA-6(f) and (g).

**Source and Effective Date**

R.2001 d.225, effective July 2, 2001.

See: 32 N.J.R. 3888(a), 33 N.J.R. 746(b), 33 N.J.R. 2289(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 62, Landscape Irrigation Contractors, expires on December 29, 2006. See: 38 N.J.R. 3109(a).

**Chapter Historical Note**

Chapter 62, Landscape Irrigation Contractors, was adopted as R.1996 d.21, effective January 2, 1996. See: 27 N.J.R. 1098(a), 28 N.J.R. 148(a).

Pursuant to Executive Order No. 66(1978), Chapter 62, Landscape Irrigation Contractors, expired on January 2, 2001.

Chapter 62, Landscape Irrigation Contractors, was adopted as new rules by R.2001 d.225, effective July 2, 2001. See: Source and Effective Date.

**CHAPTER TABLE OF CONTENTS****SUBCHAPTER 1. GENERAL PROVISIONS**

- 7:62-1.1 Scope
- 7:62-1.2 Construction
- 7:62-1.3 Practice where rules do not govern
- 7:62-1.4 Definitions

**SUBCHAPTER 2. CERTIFICATION**

- 7:62-2.1 Application for certification
- 7:62-2.2 Notification of pass-fail
- 7:62-2.3 Passed candidates
- 7:62-2.4 Failed candidates
- 7:62-2.5 Re-examination
- 7:62-2.6 Renewal

**SUBCHAPTER 3. FEES**

- 7:62-3.1 Fee schedule

**SUBCHAPTER 4. OTHER PROVISIONS**

- 7:62-4.1 Identification of certificate holders
- 7:62-4.2 Pressure seal
- 7:62-4.3 Supervision of work
- 7:62-4.4 Enforcement
- 7:62-4.5 Change of address
- 7:62-4.6 Joint ventures

**SUBCHAPTER 1. GENERAL PROVISIONS****7:62-1.1 Scope**

Unless otherwise provided by a rule or statute, this chapter shall constitute the rules of the Landscape Irrigation

Contractors Examining Board. These rules are promulgated pursuant to N.J.S.A. 45:5AA-1 et seq.

**7:62-1.2 Construction**

These rules shall be liberally construed to permit the Landscape Irrigation Contractors Examining Board to discharge its statutory functions.

**7:62-1.3 Practice where rules do not govern**

(a) The Board may rescind, amend, or expand these rules from time to time in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(b) The Board shall exercise its discretion with respect to any other matters not governed by these rules.

**7:62-1.4 Definitions**

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

“Board” means the Landscape Irrigation Contractors Examining Board established pursuant to N.J.S.A. 45:5AA-5 et seq.

“Candidate” means a person who is in the process of obtaining certification.

“Certificate” means the certificate issued by the Board pursuant to N.J.S.A. 45:5AA-6c et seq.

“Certificate holder” means the person to whom the Board has issued the certificate.

“Certified landscape irrigation contractor” means a person engaged in the construction, repair, maintenance, improvement, and/or alteration of any portion of a landscape irrigation system who has successfully completed the requirements for certification and has a valid current certificate pursuant to N.J.S.A. 45:5AA-4 et seq. and 45:5AA-5a et seq. and this chapter.

“Department” means the Department of Environmental Protection.

“Division” means the Division of Revenue within the Department of Treasury.

“Duly authorized representative” means a person or company retained by the Board to perform administrative and/or testing functions.

“Examination” means a comprehensive examination to evaluate the knowledge, ability, and fitness of an applicant to perform as a landscape irrigation contractor.

"Experience" means working with the construction, repair, maintenance, improvement, and alteration of a landscape irrigation system and/or educational experience regarding landscape irrigation systems, which the Board may allow to be substituted for actual landscape irrigation experience. Field experience acquired after January 1, 1997 must comply with the requirements of the "Landscape Irrigation Contractor Certification Act," N.J.S.A. 45:5AA-1 et seq. and this chapter. Educational experience shall be accepted by the Board as a substitute for one year's field experience only. Such educational substitution must consist of 12 college credits or 150 course hours of instruction related to landscape irrigation that is sponsored by a trade association, a college, a manufacturer or distributor of landscape irrigation equipment, or similar industrial source, or by this Board. Credit for educational experience may only be utilized to satisfy a maximum of one year of the three year experience requirement.

"Landscape irrigation contracting" means the construction, repair, maintenance, improvement and alteration of any portion of a landscape irrigation system or drip irrigation system, including required wiring within the system and connection to the required power supply and the installation and connection to a public or private water supply system under terms and conditions of a contract.

"Landscape irrigation system" means any assemblage of components, materials or special equipment which is designed, constructed and installed for controlled dispersion of water from any safe and suitable source, including properly treated wastewater, for the purpose of irrigating landscape vegetation or the control of dust and erosion on landscape areas, including drip irrigation systems, integral pumping systems or integral control systems for manual, semi-automatic or automatic control of the operation of these systems.

Amended by R.2001 d.225, effective July 2, 2001.

See: 32 N.J.R. 3888(a), 33 N.J.R. 746(b), 33 N.J.R. 2289(a).

Deleted "Bureau"; in "Certified landscape irrigation contractor", inserted "and has a valid current certificate"; added "Division"; rewrote "Experience".

## SUBCHAPTER 2. CERTIFICATION

### 7:62-2.1 Application for certification

(a) Upon request, each candidate shall be furnished with an application for certification by the Board or its duly authorized representative.

(b) In order to be considered by the Board or its duly authorized representative, an application must include the applicant's name, home address, social security number, business address, business trade name, Federal employer identification number, New Jersey sales tax number, insurance company name and policy number for general

liability/workmen's compensation insurance, a description of the applicant's experience and the appropriate fee.

(c) If the Board or its duly authorized representative deems the application complete, it shall so notify the candidate.

(d) The Board or its duly authorized representative shall notify the candidate when his or her application has been deemed complete. Upon such notification, the candidate shall submit to the Board or its duly authorized representative a completed request to take examination form and the required examination fee.

(e) If the Board or its duly authorized representative deems the application incomplete or finds that the candidate does not meet the requirements set forth in the Landscape Irrigation Contractor Certification Act, N.J.S.A. 45:5AA-1 et seq., it shall reject the application and notify the candidate of the reasons for rejection. The application fee shall not be refundable.

(f) Each candidate has a period of two years from the date of his or her application to pass the examination. An application shall expire two years and one day from the date it is received by the Board or its duly authorized representative. A candidate shall be required to submit a new application and application fee once an application has expired.

Amended by R.2001 d.225, effective July 2, 2001.

See: 32 N.J.R. 3888(a), 33 N.J.R. 746(b), 33 N.J.R. 2289(a).

In (b), deleted "(optional)" following "social security number".

### 7:62-2.2 Notification of pass-fail

To receive certification, a candidate is required to obtain a passing score on the examination. The passing score will be set by the Board or its duly authorized representative. The Board or its duly authorized representative shall notify all candidates whether they have passed the examination within 60 days of the date of examination.

### 7:62-2.3 Passed candidates

The Board or its duly authorized representative shall issue a certificate to each candidate who successfully passes the examination and otherwise meets the standards and qualifications set forth in the Landscape Irrigation Contractor Certification Act, N.J.S.A. 45:5AA-1 et seq. Each initial certificate issued pursuant to the act shall expire on January 31 of the second calendar year following issuance.

### 7:62-2.4 Failed candidates

A candidate who has failed the examination shall be sent the date and location of the next exam which they are eligible to take pursuant to N.J.A.C. 7:62-2.5. The candidate shall also be notified of those subject areas in which a passing grade was not achieved.

Amended by R.2001 d.225, effective July 2, 2001.

See: 32 N.J.R. 3888(a), 33 N.J.R. 746(b), 33 N.J.R. 2289(a).

Rewrote the section.

**7:62-2.5 Re-examination**

A candidate who has failed the examination shall not be required to reapply for certification if said candidate's application has not expired. The candidate shall be allowed to retake the examination upon completing a request to take examination form and paying an examination re-take fee. The candidate shall wait a minimum of six months from the date he or she failed before he or she will be allowed to retake the examination.

**7:62-2.6 Renewal**

(a) The Board or its duly authorized representative shall issue a renewal of a certificate pursuant to N.J.S.A. 45:5AA-7c et seq.

(b) Each certificate holder shall renew his or her certification by submitting a complete renewal application and non-refundable bi-annual renewal fee to the Division. An application shall include any change in address, employment, or business or company name. The renewal application and renewal fee must be received 30 days prior to January 31 of the expiring year. Each renewed certificate shall remain valid for a period of two years and shall expire on January 31 of the second calendar year.

(c) If a renewal application and fee are not received, the certificate shall expire at 12:00 P.M. on January 31 of the expiring year. A person whose certificate has expired may renew his or her certificate within two years of its expiration date upon submittal of a renewal application and payment of a prorated fee. A new certificate shall be required of a person who fails to renew a certificate within two years of its expiration.

Amended by R.2001 d.225, effective July 2, 2001.  
See: 32 N.J.R. 3888(a), 33 N.J.R. 746(b), 33 N.J.R. 2289(a).  
In (b), substituted "Division" for "Bureau".

**SUBCHAPTER 3. FEES**

**7:62-3.1 Fee schedule**

(a) The fee schedule is as follows:

1. Application for certification	\$ 45.00
2. Re-application for certification	45.00
3. Examination fee	150.00
4. Examination re-take fee	150.00
5. Certification fee (initial)	300.00
6. Certification renewal fee (bi-annual)	300.00

**SUBCHAPTER 4. OTHER PROVISIONS**

**7:62-4.1 Identification of certificate holders**

(a) The Board or its duly authorized representative shall issue to the certificate holder an identification card. The

certificate holder shall carry the identification card in his or her possession at all times while performing landscape irrigation contracting.

(b) Any certificate holder who has failed to renew the certificate or who has had the certificate suspended or revoked for any reason, shall immediately return the identification card to the Board or its duly authorized representative.

**7:62-4.2 Pressure seal**

(a) Upon issuance of a certificate, the certificate holder is required to purchase a pressure seal.

(b) No person, other than the certificate holder to whom the seal has been issued, shall have the right to use aforesaid seal.

(c) The certificate holder shall emboss all construction permit applications, construction drawings, and construction contracts with the imprint of his or her seal.

**7:62-4.3 Supervision of work**

The certificate holder shall assume full responsibility for the inspection, compliance, and supervision of all landscape irrigation work performed by his or her company and/or employees.

**7:62-4.4 Enforcement**

Pursuant to N.J.S.A. 45:5AA-8 and 9, the Board may suspend or revoke a certificate and may assess civil penalties for violations of the Landscape Irrigation Contractor Certification Act. Those whose certificates have been suspended or revoked are entitled to a hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

**7:62-4.5 Change of address**

Each certificate holder shall give notice to the Board or its duly authorized representative of any address change within 10 days of such change.

**7:62-4.6 Joint ventures**

(a) Where two or more persons form a joint venture for the purpose of contracting landscape irrigation work in New Jersey, each party to the joint venture shall hold a valid certificate to engage in landscape irrigation contracting in New Jersey.

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