

54 N.J.R. 1914 (b)

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RULE ADOPTIONS

Reporter

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Agency

LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

Administrative Code Citation

Adopted Amendments: N.J.A.C. 13:31-2.1, 2.4, 2.5, 2.6, 2.7, 3.3, and 5.1

Adopted New Rule: N.J.A.C. 13:31-2.3

Text

Qualifications for Licensure

Proposed: September 7, 2021, at 53 N.J.R. 1473(a).

Adopted: January 12, 2022, by the Board of Examiners of Electrical Contractors, Joseph Schooley, Chairman.

Filed: September 6, 2022, as R.2022 d.127, **without change.**

Authority: N.J.S.A. 45:5A-6; and P.L. 2018, c. 155.

Effective Date: October 3, 2022.

Expiration Date: December 18, 2025.

Summary of Public Comments and Agency Responses:

The official comment period ended November 6, 2021. The Board of Examiners of Electrical Contractors (Board) received comments from Darren Reaman, Director of Government Affairs, Custom Electronic Design and Installation Association (CEDIA).

1. COMMENT: The commenter expresses concern that the proposed amendments and new rule will be costly and burdensome to residential integrators--who design, install, and integrate technology systems in homes--and industry in the State. The commenter states that the proposed amendments and new rule will have an economic impact by increasing the costs of training to enter the trade, which in turn, will decrease the number of electricians in the State. The commenter further states that the new requirements could create a barrier to entry to the industry. The commenter maintains that an apprenticeship should not be the only recognized type of training for licensing electrical contractors.

RESPONSE: The proposed rules implement P.L. 2018, c. 155, which revised the qualifications for licensure of electrical contractors to require five years of experience, including a four-year electrical apprenticeship program accredited and approved by the United States Department of Labor (DOL) and one year as a journeyman electrician. The Board believes that while the rules may result in fewer applicants for licensure, they will also ensure that licensees are well-equipped to perform their duties. The Board acknowledges that there may be costs to apprentices associated with completing an electrical apprenticeship program that is accredited and approved by DOL. However, the Board does not have the authority to deviate from the statutory requirement that an apprenticeship program be accredited and approved by DOL.

2. COMMENT: The commenter contends that the amendments and new rule will increase the cost of housing and electrical and technology services in the home and decrease the number of electricians in the State and the level of service on technology systems in the home.

RESPONSE: As noted in the Response to Comment 1, the Board does not have the authority to deviate from the statutory requirements, which are reflected in the amendments and new rule. The Board acknowledges that the amendments and new rule may result in a decrease in the number of electrical contractors in the State because potential candidates for licensure may not want to complete an apprenticeship program as a condition of licensure. The amendments and new rule may also result in an increase in prices for electrical services if licensees pass on the costs of the new education and training requirements to consumers in the form of higher prices for services. However, as noted in the Response to Comment 1, the Board also believes that the amendments and new rule will increase the number of better-qualified licensees. The Board disagrees with the commenter's statement that the amendments and new [page=1915] rule will increase the cost of housing and decrease the level of services on technology systems in the home because the Board is not aware

of any evidence that the revised qualifications for licensure has or will impact consumers in these ways. Moreover, even if the commenter's assertions were accurate, the Board does not have the authority to deviate from the statutory requirements, which are reflected in the amendments and new rule.

3. COMMENT: The commenter believes it is important that the Board recognize the skill set and training of residential integrators and grandfather their training and experience to meet the qualifications for licensure as electrical contractors. The commenter asserts that the rules should acknowledge the difference between technology systems work and electrical work. The commenter also states that many electricians are not current with new residential technology. The commenter avers that residential integrators perform important services, including services that facilitate working from home, virtual learning, and the growing aging-in-place population. The commenter contends that there are not enough residential integrators in the State to meet consumer demand for their services. The commenter contends that the new rule and amendments risk subjecting residents to longer waiting periods for the performance of services by electrical contractors.

RESPONSE: N.J.A.C. 13:31-2.3(c) provides a grandfathering period for certain applicants seeking licensure as electrical contractors that will conclude on December 17, 2022. The rule provides that "[b]etween December 17, 2018 and December 17, 2022, for an applicant who was employed in the electrical trade prior to December 17, 2018, or enrolled in a formal apprenticeship program completed prior to December 17, 2018, the Board shall accept one year of employment, in lieu of one year's enrollment in an electrical apprenticeship program, accredited and approved by the [DOL], up to a maximum total credit of four years." The Board recognizes that some, but not all, residential integrators may qualify for licensure pursuant to this provision.

The Board's rules at N.J.A.C. 13:31-4 differentiate between electrical contracting work and work that is exempt from licensure and business permit requirements. The Board notes that some residential integrators may perform work pursuant to the limited telecommunications wiring exemption at N.J.A.C. 13:31-4.1, upon application to, and approval by, the Board. However, the limited telecommunications wiring exemption does not permit residential integrators to perform home automation, which falls within the scope of electrical work. The Board notes that any electrical work that goes beyond the exemptions set forth at N.J.S.A. 45:5A-18 and N.J.A.C. 13:31-4.1, 4.2, and 4.3 must comply with electrical contractor licensing and business permit requirements. The Board disagrees with the commenter's statement that the amendments and new rule will subject residents to

longer wait times because the Board is not aware of any evidence that the revised qualifications for licensure has or will impact consumers in this way. Nonetheless, even if the commenter's assertion as to longer wait times is accurate, the Board does not have the authority to deviate from the statutory requirements, which are reflected in the amendments and new rule.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments and new rule are governed by N.J.S.A. 45:5A-1 et seq., and are not subject to any Federal laws or standards. Adopted new N.J.A.C. 13:31-2.3 does require applicants to successfully complete a four-year electrical apprenticeship program approved and accredited by the United States Department of Labor.

Full text of the adoption follows:

SUBCHAPTER 2. LICENSURE AND BUSINESS PERMIT REQUIREMENTS

13:31-2.1 Qualifications of applicants

(a) Applicants for examination for a license as an electrical contractor shall present proof to the Board that the applicant:

1.-2. (No change.)

3. Has met the experience requirements set forth at N.J.A.C. 13:31-2.3.

(b) In addition to the requirements at (a) above, applicants for examination for a license as an electrical contractor shall submit the application fee as set forth at N.J.A.C. 13:31-1.6.

(c) After an applicant has successfully passed the licensing examination, the applicant shall submit the license fee as set forth at N.J.A.C. 13:31-1.6.

13:31-2.3 Experience requirements

(a) For purposes of this section, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

"Accredited and approved" means that an apprenticeship program is registered with or approved by the United States Department of Labor.

"Journeyman electrician" means an individual who has successfully completed four years of a United States Department of Labor-accredited and approved apprenticeship. A "journeyman electrician" shall not be deemed a "qualified journeyman," as

that term is used at N.J.A.C. 13:31-5 and shall not supervise the performance of electrical work pursuant to N.J.A.C. 13:31-3.4.

"One year of employment" means 2,000 hours of practical hands-on experience.

"Practical hands-on experience" means experience working with tools in the installation, alteration, or repair of wiring for electric light, heat, or power, which work shall have been done in compliance with the National Electrical Code. "Practical hands-on experience" shall not include time spent in supervising or engaging in the practice of engineering, estimating, or performing managerial tasks.

(b) Applicants for examination for a license as an electrical contractor shall present proof to the Board that the applicant:

1. Has been, for a period of at least five years immediately preceding the submission of the application, employed or engaged in the business of electrical construction and installation. During that period, the applicant shall have:

i. Successfully completed a four-year electrical apprenticeship program accredited and approved by the United States Department of Labor while actively engaged or employed as an electrical apprentice.

(1) As proof of successful completion of the electrical apprenticeship program, the applicant shall submit a copy of a Certificate of Completion issued by the United States Department of Labor; and

ii. Obtained at least one year of practical hands-on experience as a journeyman electrician.

(1) The applicant shall complete the four-year electrical apprenticeship program prior to spending at least one year as a journeyman electrician.

(2) For the purposes of (b)iii above, one year of practical hands-on experience shall mean 2,000 hours.

(c) Between December 17, 2018 and December 17, 2022, for an applicant who was employed in the electrical trade prior to December 17, 2018, or enrolled in a formal electrical apprenticeship program completed prior to December 17, 2018, the Board shall accept one year of employment, in lieu of one year's enrollment in an electrical apprenticeship program, accredited and approved by the United States Department of Labor, up to a maximum total credit of four years.

1. As proof of each year of employment, the applicant shall submit, on a form provided by the Board, an affidavit from each employer acknowledging the number of hours that the applicant has had practical hands-on experience. In lieu of an affidavit, the Board shall accept as proof of employment copies of filed income tax returns or W-2 forms.

13:31-2.4 (No change in text.)

13:31-2.5 License reactivation

(a) A licensee who holds an inactive license pursuant to N.J.A.C. 13:31-2.4(c) may apply to the Board for reactivation of the inactive license. A licensee seeking reactivation of an inactive license shall submit:

1.-4. (No change.)

(b) (No change.)

13:31-2.6 License reinstatement

(a) Pursuant to N.J.S.A. 45:1-7.1.c, a licensee who has had his or her license suspended pursuant to N.J.A.C. 13:31-2.4(e) may apply to the Board for reinstatement. A licensee applying for reinstatement shall submit:

[page=1916] 1.-6. (No change.)

(b) (No change.)

13:31-2.7 Credit towards licensure for education, training, and experience received while serving as a member of the Armed Forces

(a) An applicant who has served in the Armed Forces of the United States and who does not meet all of the training, education, and experience requirements for licensure pursuant to N.J.A.C. 13:31-2.1 and 2.3 may apply to the Board for recognition of the applicant's training, education, or experience received while serving as a member of the Armed Forces, which the Board shall consider together with any training, education, and experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for certification.

(b) The Board shall issue a license to the applicant, if the applicant presents evidence to the Board that:

1. (No change.)

2. The relevant training, experience, and education the applicant has received in the military and outside the military is substantially equivalent in scope and character to the

training, experience, and education required for licensure pursuant to N.J.A.C. 13:31-2.1 and 2.3.

i. An applicant seeking credit for military training and experience shall submit to the Board the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586 or a successor form, as amended and supplemented; and

3. (No change.)

(c)-(e) (No change.)

13:31-2.8 (No change in text.)

SUBCHAPTER 3. STANDARDS OF PRACTICE

13:31-3.3 Pressure seal and signature requirements

(a)-(b) (No change.)

(c) A licensee shall immediately return to the Board the previously issued official pressure seal when:

1. The licensee has had his or her license suspended or revoked as a result of either a disciplinary order or a failure to pay licensing fees, or has registered with the Board as inactive pursuant to N.J.A.C. 13:31-2.5;

2.-4. (No change.)

(d)-(h) (No change.)

SUBCHAPTER 5. QUALIFIED JOURNEYMAN ELECTRICIANS

13:31-5.1 Registration as qualified journeyman electrician

(a) A person shall register as a qualified journeyman electrician in order to engage in the activities set forth at N.J.S.A. 45:5A-18(k), and, if the person is not a licensee, in order to supervise the performance of electrical work pursuant to N.J.A.C. 13:31-3.4. In order to register as a qualified journeyman electrician, an applicant shall submit the registration fee set forth at N.J.A.C. 13:31-1.6 and shall submit a completed application that establishes that the applicant:

1. (No change.)

2. 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, which work shall have been done in compliance with the National Electrical Code, 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, or performing managerial tasks. At least 4,000 hours of the practical experience shall have been obtained within five years of the date of application; or

3. (No change.)

(b) (No change.)

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