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RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

N.J.A.C. 13:45A-17A.2, 17A.3, 17A.6, 17A.8, and 17A.9

Notice of Administrative Corrections

Home Elevation Contractor Registration

Take notice that the **Division of Consumer Affairs** discovered errors in N.J.A.C. 13:45A-17A, adopted as special new rules effective October 1, 2014 (see 46 N.J.R. 2188(a)) and as concurrent new rules effective April 21, 2015 (see 47 N.J.R. 1014(b)). Upon adoption of the concurrent new rules, the Division determined not to adopt N.J.A.C. 13:45A-17A.14, Identification badges and notice statement, and that special adopted new rule expired May 12, 2015. However, the Division inadvertently overlooked several other provisions of the new rules concerning identification badges that, with concurrent new rule N.J.A.C. 13:45A-17A.14 not being adopted, should have been deleted upon adoption of the concurrent new rules, specifically the definitions of "badge declaration" and "State authorized vendor or vendors" at N.J.A.C. 13:45A-17A.2; the text "and shall obtain a new badge identifying the person as a home improvement contractor" in N.J.A.C. 13:45A-17A.3(d); N.J.A.C. 13:45A-17A.6(c) and 17A.8(a)9; and the last sentence of N.J.A.C. 13:45A-17A.9. Through this notice of administrative corrections, published pursuant to N.J.A.C. 1:30-2.7, the identification badge-related provisions are deleted.

Full text of the corrected rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

13:45A-17A.2 Definitions

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

...

["Badge declaration" means the electronic form that a registered entity must complete, as set forth in N.J.A.C. 13:45A-17A.14(b), that identifies individuals performing, engaging, or attempting to engage in the face-to-face sale of home improvements, including home elevations, on behalf of the entity at a location or locations in this State other than the business location or locations disclosed pursuant to N.J.A.C. 13:45A-17A.4(c).]

...

["State authorized vendor or vendors" means the business or businesses with which the State has contracted to act on behalf of the Director for the issuance and management of

home improvement contractor identification badges.]

...

13:45A-17A.3 Registration required

(a)-(c) (No change.)

(d) A person registered as a home elevation contractor shall be exempt from the requirement to register as a home improvement contractor pursuant to N.J.A.C. 13:45A-17.3(a)9; provided that if a person's home elevation registration is surrendered, suspended, revoked, not renewed, or otherwise is no longer valid, such person shall register as a home improvement contractor under N.J.A.C. 13:45A-17.3 prior to engaging in the business of making or selling home improvements [and shall obtain a new badge identifying the person as a home improvement contractor].

(e)-(f) (No change.)

13:45A-17A.6 Duty to update information

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

(c) [Whenever there is a deletion or addition to the list of individuals required to wear identification badges pursuant to N.J.A.C. 13:45A-17A.14, the registered home elevation contractor shall inform the Division within three business days of the deletion or addition by logging on to the Division's website and amending the badge declaration. Any additions to the list shall be accompanied by the badge fee. Any individual added to the entity's list of individuals required to wear a badge shall not perform, engage, or attempt to engage in the face-to-face sales of home elevations on behalf of the entity at a location or locations in this State other than the business location or locations disclosed by the entity pursuant to N.J.A.C. 13:45A-17A.4(c) until the individual has obtained and is wearing a badge.]

(Reserved)

(d) (No change.)

13:45A-17A.8 Refusal to issue, suspension, or revocation of registration; hearing; other sanctions

(a) The Director may refuse to issue or renew, or may suspend or revoke any registration issued by the Division upon proof that an applicant or registrant or any of its officers, directors, principals, or persons with an ownership interest of 10 percent or more in the entity:

1.-8. (No change.)

9. [Has failed to comply with the badge requirements set forth in N.J.A.C. 13:45A-17A.14. It shall be an affirmative defense to a charge of failing to return a badge to the State authorized vendor that the entity used its best efforts to collect and surrender the badge;]

(Reserved)

10.-13. (No change.)

(b)-(e) (No change.)

13:45A-17A.9 Reinstatement of suspended registration

A registration that is suspended by the Director may be reinstated upon the home elevation contractor satisfying the conditions for reinstatement as determined by the Director and paying all outstanding fees, fines, penalties, and restitution, including the payment of the reinstatement fee specified in N.J.A.C. 13:45A-17A.13. [If a suspended registration is reinstated, all individuals associated with the reinstated entity required to wear badges pursuant to N.J.A.C. 13:45A-17A.14 shall obtain new badges.]