

**NEW JERSEY REGISTER  
VOLUME 39, ISSUE 18  
ISSUE DATE: SEPTEMBER 17, 2007  
RULE ADOPTIONS  
LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS**

39 N.J.R. 3940(a)

Readoption with Amendments: N.J.A.C. 13:31

Board of Examiners of Electrical Contractors Rules

Proposed: May 7, 2007 at 39 N.J.R. 1632(a).

Adopted: August 1, 2007 by the Board of Examiners of Electrical Contractors, Joseph P. Schooley, Chairperson.

Filed: August 23, 2007 as R.2007 d.301, without change.

Authority: N.J.S.A. 45:5A-6 and 45:1-15.

Effective Date: August 23, 2007, Readoption;

September 17, 2007, Amendments.

Expiration Date: August 23, 2012.

Summary of Public Comment and Agency Response:

The Board received no comments on the proposal.

**Federal Standards Statement**

A Federal standards analysis is not required because the rules readopted with amendments are governed by N.J.S.A. 45:5A-1 et seq., and, therefore, are not subject to any Federal standards or requirements. Although the rules in N.J.A.C. 13:31 are not subject to any mandated Federal requirements or standards, where deemed appropriate, the Board has voluntarily required licensees and permit holders to comply with applicable Federal laws and regulations. Specifically, N.J.A.C. 13:31-1.4 requires all licensed electrical contractors and business permit holders to comply with all general and special Federal laws and regulations pertaining to the business of electrical contracting. In addition, N.J.A.C. 13:31-4.1, which exempts from the licensure and business permit requirements of chapter 31 any entity performing telecommunications wiring, requires all exempt entities to comply with applicable Federal Communications Commission regulations set forth at 47 CFR   68.1 et seq.

The Board also notes that applicants for licensure seeking to satisfy the experience requirement set forth at N.J.A.C. 13:31-2.1 may enroll in an apprenticeship program approved by both a Federal agency and a Federally-certified State agency. Such applicants would be required to comply with all Federal requirements of such programs.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:31.

Full text of the adopted amendments follows:

**13:31-1.6 Fee schedule**

(a) The following fees shall be charged by the Board:

1.-8. (No change.)

9. Initial/replacement seal press. . . . . \$ 25.00

10.-15. (No change.)

**13:31-1.7 Continuing education requirements**

(a) Upon triennial license renewal, a licensee shall attest that he or she has completed courses of continuing education of the types and number of credits specified in (b), (c), (d) and (e) below. Falsification of any information submitted on the renewal application may require an appearance before the Board and may subject a licensee to disciplinary action as set forth at N.J.S.A. 45:1-21 et seq.

(b) Each applicant for triennial license renewal shall be required to complete, during the preceding triennial period, except as provided in (b)1 below, a minimum of 34 credit hours of continuing education.

Recodify existing 2.-4. as 1.-3. (No change in text.)

(c) A licensee, who is not exempt pursuant to (b)1 above, shall complete a minimum of a 10 hour course of study relating to the most recent edition of the National Electrical Code, nine hours of which shall pertain to the code and one hour of which shall pertain to applicable State statutes and rules. A licensee shall obtain the balance of continuing education credits in the following areas:

1.-3. (No change.)

4. Supervisory responsibilities as set forth in N.J.A.C. 13:31-3.4; and

5. (No change.)

(d)-(e) (No change.)

(f) The Board may perform audits on randomly selected licensees or upon any licensee who is the subject of a complaint received by the Board or who is the subject of any Board investigation to determine compliance with continuing education requirements. A licensee shall maintain the following documentation for a period of six years after completion of the credits and shall submit such documentation to the Board upon request:

1.-3. (No change.)

(g) (No change.)

(h) All sponsors of continuing education programs or courses shall:

1.-4. (No change.)

5. Submit a fee pursuant to N.J.A.C. 13:31-1.6 for each submission of course or program offering(s) for which Board approval is sought, per triennial period. A sponsor shall submit any changes to an approved course or program offering, including changes to course content, hours of instruction, or course lecturer, to the Board for review. A sponsor shall submit the fee set forth at N.J.A.C. 13:31-1.6 upon submission of such changes.

(i)-(j) (No change.)

**13:31-1.8 Notification of change of address or business name; service of process; termination or resignation of qualifying licensee**

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

(c) A licensee who has been terminated or has resigned from his or her position as a qualifying licensee for a business shall immediately notify the Board of such termination or resignation.

(d) A licensee shall immediately notify the Board of any change in the name of the electrical contracting business in which he or she is engaged as the qualifying licensee.

### **13:31-2.2 Examinations**

(a) The Board examination shall be the National Electrical Contractor Licensing Examination developed and administered by Thomson Prometric, LLC.

(b)-(c) (No change.)

### **13:31-2.3 License renewal; suspension; reinstatement**

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

(c) A licensee who has had his or her license suspended pursuant to (a) above may apply to the Board for reinstatement within five years following the date of license expiration. A licensee applying for reinstatement shall submit a renewal application, all past delinquent renewal fees and the reinstatement fee set forth in N.J.A.C. 13:31-1.6, as well as evidence of having completed all continuing education credits for the current triennial registration period within three years prior to the date of application for reinstatement, consistent with the requirements set forth in N.J.A.C. 13:31-1.7.

(d) A licensee who has had his or her license suspended pursuant to (a) above who is applying for reinstatement more than five years following the date of license expiration shall submit a renewal application, all past delinquent renewal fees and the reinstatement fee set forth in N.J.A.C. 13:31-1.6, and shall retake and pass the National Electrical Contractor Licensing Examination.

(e) The Board shall send a notice of renewal to each licensee, at least 60 days prior to the expiration of the license. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalty or fines shall apply to the holder for any unlicensed practice during the period following the licensure expiration, not to exceed the number of days short of 60 before the renewals were issued.

### **13:31-2.4 Inactive license status**

A licensee may, upon application to the Board, renew his or her license by choosing inactive status. A licensee electing to renew his or her license as inactive shall not engage in the practice of electrical contracting for the entire triennial registration period. An inactive licensee may resume the practice of electrical contracting upon application to the Board, which shall include the submission of the renewal fee set forth in N.J.A.C. 13:31-1.6 and evidence of having completed the continuing education requirements for the current triennial registration period within three years prior to the date of application for the return to active status, as set forth in N.J.A.C. 13:31-1.7.

### **13:31-3.2 Work standards and inspections**

(a) Every licensee who performs or supervises the installation, erection, repair or alteration of electrical equipment for the generation, transmission or utilization of electrical energy subject to The Electrical Contractors Licensing Act of 1962, N.J.S.A. 45:5A-1 et seq., shall ensure that the work performed is in conformity with the standards of the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., and its implementing rules set forth in the Uniform Construction Code, N.J.A.C. 5:23, in effect at the time work is performed.

(b) Every licensee who performs or supervises work described in (a) above shall secure permits when required and, within a reasonable time after completion of the work, secure an inspection of the completed work when required to ensure conformity with the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., and its implementing rules set forth in the Uniform Construction Code, N.J.A.C. 5:23.

(c)-(d) (No change.)

### **13:31-3.3 Pressure seal and signature requirements**

(a) At the time of the issuance of the license or as soon thereafter as deemed appropriate, the Board shall furnish a pressure seal to every licensed electrical contractor. The cost of the pressure seal, as set forth in N.J.A.C. 13:31-1.6, shall be paid for by the licensed electrical contractor to whom it is issued. The pressure seal shall be used exclusively by the licensed electrical contractor in the conduct of his or her practice. The licensed electrical contractor shall be required to impress the pressure seal upon all applications for electrical inspection by the appropriate duly licensed State inspection agency and shall sign all applications for electrical permits. The pressure seal shall remain the property of the Board and shall be returned to the Board as provided in (c) below.

(b) No person, other than the electrical contractor to whom the license and business permit shall have been issued by the Board, shall have the right to use the pressure seal. Any violation of this provision shall subject the person wrongfully using the pressure seal, and the licensee who willfully or negligently allows such unlicensed and unauthorized person to use said seal to such penalties and sanctions or disciplinary action as shall be imposed by the Board pursuant to authority granted by N.J.S.A. 45:5A-1 et seq., 45:1-14 et seq. and 45:1-21 et seq.

(c) A licensee whose license is suspended or revoked as a result of either a disciplinary order or a failure to pay licensing fees, or who has registered with the Board as inactive pursuant to N.J.A.C. 13:31-2.4, or who has been terminated or has resigned from his or her position as a qualifying licensee for a business, shall immediately return to the Board the previously issued official pressure seal. A licensee seeking a new pressure seal following the return of a previously issued pressure seal to the Board shall remit the fee set forth in N.J.A.C. 13:31-1.6 for the issuance of the new pressure seal.

(d)-(g) (No change.)

### **13:31-3.4 Supervision of electrical work**

(a) The qualifying licensee shall assume full responsibility for the inspection and supervision of all electrical work, other than electrical activities exempt pursuant to N.J.S.A. 45:5A-18, to be performed by the business permit holder in compliance with N.J.A.C. 13:31-1.4 and the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., and its implementing rules set forth in the Uniform Construction Code, N.J.A.C. 5:23.

(b) The qualifying licensee shall:

1. Supervise the installation, erection, repair or alteration of electrical equipment for the generation, transmission or utilization of energy, other than electrical activities exempt pursuant to N.J.S.A. 45:5A-18, to ensure that such work is performed in compliance with N.J.A.C. 13:31-1.4 and with the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., and its implementing rules set forth in the Uniform Construction Code, N.J.A.C. 5:23, in effect at the time that the work is performed.

2.-4. (No change.)

(c) (No change.)

(d) A qualifying licensee, licensee or qualified journeyman electrician shall provide the following supervision:

1. If the employee performing the work has less than three and one half years experience working under the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., and its implementing rules set forth in the Uniform Construction Code N.J.A.C. 5:23, the qualifying licensee, licensee or qualified journeyman electrician shall ensure constant on-site supervision of the employee; or

2. If the employee performing the work has more than three and one half years experience working under the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., and its implementing rules set forth in the Uniform

Construction Code, 5:23, the qualifying licensee, licensee or qualified journeyman electrician shall provide the employee with a verbal or written work order specifying the type of work to be performed, and at the conclusion of the job, the employee shall confirm that the work order has been completed.

(e) A qualifying licensee who violates any provision of this section shall be deemed to have engaged in occupational misconduct within the meaning of N.J.S.A. 45:1-21(e) and shall be subject to disciplinary action as set forth at N.J.S.A. 45:1-21 et seq.

### **13:31-3.6 Identification card required**

(a) At the time of triennial renewal of the license and/or business permit, the Board shall furnish a wallet size identification card to every licensee. The card shall be used exclusively by the licensee in the conduct of his or her practice. A licensee who willfully or negligently allows an unlicensed or an unauthorized person to use his or her identification card shall be deemed to have engaged in occupational misconduct and shall be subject to disciplinary action as shall be imposed by the Board pursuant to authority granted by N.J.S.A. 45:5A-1 et seq., 45:1-14 et seq. and 45:1-21 et seq. The licensee shall be required to present the identification card upon request to the appropriate duly licensed inspection agency upon all applications for electrical permits.

(b) Use of an identification card by any person other than the licensee to whom it is issued or his 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 or may result in other disciplinary action against such unauthorized user by the Board pursuant to N.J.S.A. 45:1-21 et seq. 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 or any other action permitted by law pursuant to the provisions of N.J.S.A. 45:1-14 et seq., including a finding that such person has engaged in the unlicensed practice of electrical contracting.

### **13:31-4.1 Limited telecommunications wiring exemption**

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

(c) An applicant for a telecommunications wiring exemption shall provide the following to the Board:

1.-2. (No change.)

3. A certification that the applicant is familiar with and will comply with applicable National Electrical Code requirements, including, but not limited to, Article 800 (communication circuits) and the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., and its implementing rules set forth in the Uniform Construction Code, N.J.A.C. 5:23, and that the applicant will be responsible for obtaining any required local permits and inspections for all work;

4.-5. (No change.)

(d)-(j) (No change.)

### **13:31-4.2 Limited well drillers or pump installers exemption**

(a) Well drillers or pump installers licensed pursuant to N.J.S.A. 58:4A-4.1 et seq., are exempt from the license and business permit requirements of N.J.S.A. 45:5A-9(a) for work involving the installation, servicing, or maintenance of well or water pumps.

1. (No change.)

2. Nothing in this section shall be deemed to exempt such work from permits and inspections required by the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq. and its implementing rules set forth in the Uniform

Construction Code, N.J.A.C. 5:23.