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RULE ADOPTION
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF EXAMINERS OF MASTER PLUMBERS
RULES OF THE STATE BOARD OF EXAMINERS OF MASTER PLUMBERS

Readoption with Amendments: N.J.A.C. 13:32

Proposed: November 4, 2002 at 34 N.J.R. 3675(a).

Adopted: January 23, 2003 by the State Board of Examiners of Master Plumbers, Ralph Wetzel, President.

Filed: March 28, 2003 as R.2003 d.165, with technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:14C-7.

Effective Dates: March 28, 2003, Readoption;
April 21, 2003, Amendments.
Expiration Date: March 28, 2008.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal standards or requirements applicable to the subject matters of the readopted rules with amendments.

Full text of the readoption can be found in the New Jersey Administrative Code at N.J.A.C. 13:32.

Full text of the adopted amendments follows:

<< NJ ADC 13:32-1.1 >>

13:32-1.1 Purpose and scope

The rules contained in this chapter implement the provisions of the State Plumbing Licensing Law (N.J.S.A. 45:14C-1 et seq.) and provide for the licensing and regulation of master plumbers and the regulation of plumbing contractors.

<< NJ ADC 13:32-1.3 >>

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.

"Licensed 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 licensed master plumber who acts, as a bona fide representative as required by N.J.S.A. 45:14C-2(d) and (h) and this subchapter.

<< NJ ADC 13:32-2.1 >>

13:32-2.1 Eligibility for examinations

(a) To be eligible to take the plumbing license examination an applicant shall:

1. Be 21 years of age or older; and
2. Have completed the experience requirements set forth in N.J.A.C. 13:32- 2.2.

(b) An applicant for the plumbing licensing examination shall submit to the Board:

1. A completed application for examination, on a form provided by the Board, including a full street name and number. An application containing only a post office box number as a mailing address shall not be considered a complete application;
2. Proof that the applicant has met the experience requirements set forth in N.J.A.C. 13:32-2.2; and
3. The application fee as set forth in N.J.A.C. 13:32-5.1.

(c) After the Board has reviewed the information required in (b) above, the Board shall send a letter that informs the applicant whether he or she is eligible to take the licensing examination required by N.J.A.C. 13:32-2.4 and, if deemed eligible, of the time and place of examination.

<< NJ ADC 13:32-2.2 >>

13:32-2.2 Experience requirements

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

<<-(c) An applicant for licensure who has, prior to November 1, 2002, performed plumbing for four years under the supervision of a licensee shall be eligible to take the licensing examination if the applicant has completed one additional year of practical hands-on experience as a journeyman plumber.->>

<<-(d) An applicant for licensure who has, prior to November 1, 2002, three years of practical hands-on experience under the supervision of a licensee shall be eligible to take the licensing examination if the applicant has completed a one year course concerning the plumbing subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.15 and the plumbing component of the Occupational Safety and Health Act (OSHA), N.J.S.A. 34:6A-25 et seq., in a four year apprenticeship program approved by both the United States Department of Labor and a Federally certified state agency, and has completed one additional year of practical hands-on experience as a journeyman plumber.->>

<<-(e) An applicant for licensure who has, prior to November 1, 2002, two years of practical hands-on experience under the supervision of a licensee shall be eligible to take the licensing examination if the applicant has completed the first two years of a four year apprenticeship program approved by both the United States Department of Labor and a Federally certified state agency and has completed one additional year of practical hands-on experience as a journeyman plumber.->>

<<-(f) An applicant for licensure who has, prior to November 1, 2002, one year of practical hands-on experience under the supervision of a licensee shall be eligible to take the licensing examination if the applicant has completed the first three years of a four year apprenticeship program approved by both the United States Department of Labor and a Federally certified state agency and has completed one additional year of practical hands-on experience as a

journeyman plumber.->>

<<-(g) Subsections (c) through (f) above shall expire on November 1, 2002.->>

<< NJ ADC 13:32-2.3 >>

13:32-2.3 Examinations

(a) Examinations shall be prepared and administered by Experior Assessments, LLC., or its successor, but no license shall be granted except by the Board. The Board chairman may designate members of the Board to oversee the administration of the examination.

(b) (No change.)

(c) Examinations shall consist of three parts:

1. Written examination based on the National Standard Plumbing Code as adopted by the State of New Jersey pursuant to the Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq.;

2. Practical examination; and

3. Written examination of laws and regulations governing the occupation and business of plumbing.

(d) In order to pass the examination an applicant must receive a minimum grade of 70 in each of the three areas outlined in (c) above.

<< NJ ADC 13:32-2.4 >>

13:32-2.4 Failure of examination; when retaking permitted

(a) An applicant who has failed the plumbing licensing examination may review his or her examination upon written request to Experior Assessments, LLC., or its successors, and payment to the testing service of its review fee.

(b) (No change.)

<< NJ ADC 13:32-2.5 >>

13:32-2.5 Licensure

(a) After an applicant has successfully passed the licensing examination, he or she shall submit to the Board:

1. A surety bond in the sum of \$3,000 as required pursuant to N.J.S.A. 45:14C-26;

2. A completed application for a pressure seal; and

3. The licensing fee as set forth in N.J.A.C. 13:32-5.1.

<< NJ ADC 13:32-2.6 >>

13:32-2.6 Renewal of license

(a) Licenses shall be renewed biennially on a form provided by the Board. Each applicant for renewal shall attest that the continuing education requirements of N.J.A.C. 13:32-6.1 have been completed during the prior biennial period.

(b) The Board shall send a notice of renewal to each licensed master plumber, at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or

finances shall apply to the holder for failure to renew.

(c) The licensed master plumber shall submit the renewal application and pay the renewal fee pursuant to N.J.A.C. 13:32-5.1 prior to the date of expiration of the license. If the licensed master plumber does not renew the license prior to its expiration date, the licensed master plumber may renew the license no later than 30 days after its expiration date by submitting a renewal application and paying a renewal fee and a late fee pursuant to N.J.A.C. 13:32-5.1. A licensed master plumber who fails to renew the license within 30 days after the expiration date of the license shall be suspended without a hearing.

(d) A person who continues to practice or hold him or herself out as a licensed master plumber after being suspended shall be deemed to have committed unlicensed practice pursuant to N.J.S.A. 45:14C-12.3, even if no notice of suspension has been provided to the person.

(e) A person seeking reinstatement within five years following the suspension of a license shall submit the following to the Board:

1. A completed reinstatement application;
2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:32-5.1;
3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:32-5.1;
4. A certification verifying completion of the continuing education credits required pursuant to N.J.A.C. 13:32-6.1 for each <<-year->> <<+ biennial renewal period+>> the license is suspended; and
5. An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

(f) A person seeking reinstatement after more than five years following the suspension of a license shall successfully complete the examination required for initial licensure as set forth in N.J.A.C. 13:32-2.3 and shall submit:

1. A completed reinstatement application;
2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:32-5.1;
3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:32-5.1; and
4. An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

(g) Renewal applications for all licensed master plumbers shall provide the applicant with the option of either active or inactive renewal. Applicants electing to renew as inactive shall not practice or hold themselves out to the public as licensed master plumbers. A licensed master plumber renewing as inactive shall submit to the Board:

1. A completed renewal application; and
2. The pressure seal.

(h) Upon application to the Board, the Board may permit an applicant who has been on inactive status to return to active status provided such applicant completes the continuing education credits that are required per biennial period for each biennial period that the applicant is on inactive status and the applicant pays the renewal fee as set forth in N.J.A.C. 13:32-5.1. The Board shall return the licensed master plumber's pressure seal when the licensed master plumber returns to active status.

13:32-3.1 Identification of licensed master plumber; vehicles, stationery; advertising

(a) All commercial vehicles used in the practice of State-licensed master plumbing shall be marked on both sides with the following information:

1.-2. (No change.)

3. The name of the owner or lessee of the vehicle and the municipality from which the licensed master plumber practices or where the licensed master plumber has a principal office in lettering at least three inches in height.

i. (No change.)

(b)-(d) (No change.)

(e) If a plumbing contractor intends to subcontract, in a calendar year, more than one-third of the work which it contracts to perform, or subcontracted in the previous calendar year more than one-third of the work which it contracted to perform, all advertising by the plumbing contractor shall state: "A substantial part of the work which we undertake may be performed by independent licensed plumbing subcontractors."

<< NJ ADC 13:32-3.2 >>

13:32-3.2 Bona fide representative; reporting responsibilities

(a) A licensed master plumber seeking to act as a bona fide representative for any firm, partnership, corporation or other legal entity contemplated by N.J.S.A. 45:14C-2 shall comply with the following within 30 days of assuming the role of a bona fide representative:

1. (No change.)

2. Attest to the bona fide representative's ownership interest in the plumbing contractor as follows:

i. If a licensed master plumber claims to hold 10 percent or more but less than 50 percent of the issued and outstanding stock or capital of the plumbing contractor, the licensed master plumber shall provide the Board with a written affidavit which states the percentage of outstanding shares held by the licensed master plumber. The affidavit shall be executed by the corporate secretary or other appropriate representative of the plumbing contractor;

ii. If a licensed master plumber claims to hold 50 percent or more of the issued and outstanding stock or capital of the plumbing contractor, the licensed master plumber shall provide a written affidavit which states the percentage of outstanding shares held by the licensed master plumber upon a request by the Board. The affidavit shall be executed by the corporate secretary or other appropriate representative of the plumbing contractor;

3.-4. (No change.)

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

(d) If the bona fide representative for any firm, partnership, corporation or other legal entity contemplated by N.J.S.A. 45:14C-2 is unable to perform the duties of a bona fide representative because of death, illness or disability, the firm, partnership, corporation or other legal entity may continue to operate for six months without a bona fide representative provided that a licensed master plumber supervises all work to be conducted in the same manner as required by a bona fide representative pursuant to N.J.A.C. 13:32- 3.3(a)3 and the licensed master plumber and the firm, partnership, corporation or other legal entity notify the Board within 10 days after the death, illness or disability of the bona fide representative.

<< NJ ADC 13:32-3.3 >>

13:32-3.3 Bona fide representative responsibilities

(a) A bona fide representative registered with the Board pursuant to N.J.A.C. 13:32-3.2 shall:

1. (No change.)

2. Secure or instruct an authorized employee, or for the purpose of this section only, an independent contractor licensed as a master plumber, to secure all necessary permits as may be required by State and local law for the performance of plumbing work to be performed by the plumbing contractor for which the licensed master plumber acts as a qualified bona fide representative. In making an application for permit issuance, the authorized employee or independent plumbing contractor shall have in his or her possession a letter authorizing him or her to make the application. A letter of authorization may authorize a permit application for a specific period of time, not to exceed 60 days, and shall have affixed to it the seal of the bona fide representative. In all circumstances, the permit shall be signed by a licensed master plumber and all work shall be supervised in the manner set forth in (a)3 below;

3. Supervise in the manner described in (a)3i through iv below the performance of all plumbing work performed by the plumbing contractor for which the licensed master plumber acts as the bona fide representative. Such supervision shall assure the effective compliance with State and local plumbing codes and the performance of work in accordance with proper plumbing practice;

i. If the person performing the work is a New Jersey licensed master plumber, the bona fide representative shall require at the beginning of the job an initial report on the work to be performed and upon completion of the job a final report on the work performed;

ii. If the person performing the work is a supervisory journeyman, the bona fide representative or a New Jersey licensed master plumber employed by the bona fide representative shall maintain daily contact with the supervisory journeyman either directly, by telephone or through writing. Any such contact shall be recorded by and maintained in the files of the bona fide representative or the New Jersey licensed master plumber employed by the bona fide representative;

iii. If the person performing the work is a journeyman, the bona fide representative, a New Jersey licensed master plumber employed by the bona fide representative or the supervisory journeyman shall maintain daily contact with the journeyman either directly, by telephone or through writing and, where the work requires a plumbing permit, shall inspect the work upon completion. Any such contact shall be recorded by the bona fide representative, the New Jersey licensed master plumber employed by the bona fide representative or the supervisory journeyman; and

iv. If the person performing the work is an apprentice, the bona fide representative shall ensure constant on-site supervision by a New Jersey licensed master plumber employed by the bona fide representative or a supervisory journeyman during all times that plumbing services are being performed;

4.-7. (No change.)

(b) Nothing herein shall preclude the Board from proceeding against both the bona fide representative for an entity or any other licensed master plumber employed by such an entity who can be shown to have violated the Board's enabling legislation or any regulation adopted thereunder. Nothing shall preclude any person entitled to maintain an action on a bond from proceeding pursuant to N.J.A.C. 13:32-4.3 against the bona fide representative and any other licensed master plumber who has failed to perform the duties required by N.J.S.A. 45:14C-1 et seq.

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

<< NJ ADC 13:32-3.4 >>

13:32-3.4 Supervision

Any plumbing work that a licensed master plumber agrees to perform, that has not been subcontracted to another licensed master plumber, shall be performed only by the licensed master plumber or the employees of the licensed

master plumber or the plumbing contractor.

<< NJ ADC 13:32-4.1 >>

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 the Board shall furnish a seal to the licensed master plumber.
- (b) The seal shall be used exclusively by the licensed master plumber in the conduct of the plumbing business practice. The licensed master plumber shall impress the seal upon all applications for plumbing permits.
- (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 an 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 licensed master plumber who willfully or negligently allows an unlicensed or 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 licensed master plumber who fails to renew the license in accordance with N.J.S.A. 45:1-7.1 or who has had his or her license suspended or revoked for any reason shall return the pressure seal to the Board within 30 days of the suspension, revocation or lapse of license.
- (f) A licensed master plumber who no longer possesses a pressure seal due to theft, loss or other cause, shall replace the seal by submitting to the Board:
1. A notarized letter, detailing why the licensed master plumber no longer possesses the pressure seal; and
 2. The replacement pressure seal fee pursuant to N.J.A.C. 13:32-5.1.

<< NJ ADC 13:32-4.2 >>

13:32-4.2 Requirement of identification card

- (a) At the time of the biennial renewal of the license, the Board shall furnish a wallet size identification card to every licensed master plumber. The card shall be used exclusively by the licensed master plumber in the conduct of his or her practice. A licensed master plumber is required to present the identification card upon request when applying for plumbing permits.
- (b) Use of an identification card by any person, other than the licensed master plumber to whom the identification card is issued or by the agent authorized to act on behalf of the licensed master plumber, 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 in the future.
- (c) A licensed master plumber who willfully or negligently allows an unlicensed or 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.

<< NJ ADC 13:32-4.3 >>

13:32-4.3 Actions on the surety bond

(a) Any person, partnership or corporation including any political subdivision of State government who has been injured, aggrieved or damaged through the failure of a licensed master plumber 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 the surety bond.

<< NJ ADC 13:32-4.4 >>

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

(a) Every licensed master plumber shall notify the Board in writing of the licensed master plumber's office address. Every licensed master plumber shall notify the Board in writing 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 licensed master plumber's address on file with the Board shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding against the licensed master plumber.

<< NJ ADC 13:32-4.5 >>

13:32-4.5 Unconscionable pricing

(a) A licensed master plumber of the Board shall not charge an excessive price for services. A price is excessive when, after review of the facts, a licensed master plumber 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.-4. (No change.)

5. The experience, reputation and ability of the licensed master plumber to perform the services; and

6. (No change.)

(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 licensed master plumber to disciplinary action.

<< NJ ADC 13:32-6.1 >>

13:32-6.1 License renewal, continuing education requirement

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

Recodify existing (d)-(e) as (c)-(d) (No change in text.)