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ISSUE DATE: **OCTOBER 3, 2016**
RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

Adopted New Rules: N.J.A.C. 13:31-2.7 and 5.7

Adopted Amendments: N.J.A.C. 13:31-1.6 and 5.1

Temporary Courtesy License and Registration for a Nonresident Military Spouse

Proposed: April 4, 2016, at 48 N.J.R. 561(a).

Adopted: July 6, 2016, by the State Board of Examiners of Electrical Contractors, Joseph P. Schooley, President.

Filed: September 7, 2016, as R.2016 d.122, **without change**.

Authority: N.J.S.A. 45:1-15.5 and 45:5A-6.

Effective Date: October 3, 2016.

Expiration Date: March 16, 2022.

[page=2072] **Summary** of Public Comments and Agency Responses:

The official comment period ended on June 3, 2016. **The Board of Examiners of Electrical Contractors (Board) received no comments on the notice of proposal.**

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments and new rules are governed by N.J.S.A. 45:5A-1 et seq., and are not subject to any Federal requirements or standards governing working as an electrician or as a qualified journeyman electrician.

Full text of the adoption follows:

SUBCHAPTER 1. GENERAL RULES AND REGULATIONS

13:31-1.6 Fee schedule

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

1.-16. (No change.)

17. Temporary courtesy license fee.....	\$ 50.00
18. Qualified journeyman electrician temporary courtesy registration fee.....	\$ 20.00
19. Renewal of temporary courtesy license fee.....	\$ 50.00
20. Renewal of qualified journeyman electrician temporary courtesy registration fee.....	\$ 20.00

SUBCHAPTER 2. LICENSURE AND BUSINESS PERMIT REQUIREMENTS

13:31-2.7 Temporary courtesy license

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

"Another jurisdiction" means the District of Columbia, a territory of the United States, or a state other than New Jersey.

"Nonresident military spouse" means a person who is not domiciled in this State who is the spouse of an active duty member of the Armed Forces of the United States, where the active duty service member is a resident of New Jersey for one of the following reasons:

1. He or she has been temporarily transferred to this State in the course of his or her military service;
2. He or she is legally domiciled in this State; or
3. He or she has moved to this State on a permanent change-of-station basis.

(b) An individual who is licensed, registered, or certified in another jurisdiction may apply to obtain a temporary courtesy license pursuant to N.J.S.A. 45:1-15.5, if he or she:

1. Meets the definition of nonresident military spouse set forth in (a) above;
2. Holds a license, registration, or certificate in good standing in a jurisdiction that has licensure, registration, or certification requirements equivalent to New Jersey's requirements for licensure set forth in N.J.A.C. 13:31-2.1;
3. Has been actively working in the electrical field for at least two of the five years immediately preceding the date of application for the temporary courtesy license, for which purpose relevant full-time experience in the discharge of official duties in the Armed Forces of the United States or an agency of the Federal government shall be credited in the counting of years of service.
 - i. The Board may require a nonresident military spouse who has not been actively working in the electrical field in another jurisdiction during the two years immediately preceding the application to undergo additional training, testing, mentoring, monitoring, or education as the Board determines necessary, to assure that the applicant practices with reasonable skill and safety. In making its determination whether the applicant must undergo additional

training, testing, monitoring, or education, the Board shall consider the following factors including, but not limited to:

(1) Employment history;

(2) Professional history;

(3) Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of electrical contracting or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

(4) Civil litigation related to the practice of electrical contracting or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;

4. Has not committed an act in another jurisdiction that would have constituted grounds for the denial, suspension, or revocation of his or her license in New Jersey, has not been disciplined, or is not the subject of an investigation of an unresolved complaint or a review procedure or disciplinary proceeding conducted by, or is pending before, a professional or occupational licensing or credentialing entity in another jurisdiction;

5. Has satisfied any continuing education requirements in the jurisdiction meeting the requirements of (b)2 above, where he or she holds a current license, registration, or certificate to work in the electrical field, and, at the discretion of the Board, completes such continuing education hours or credits as may be required by the Board within the time frame the Board may establish.

i. In making its determination whether the applicant must complete additional continuing education hours or credits, the Board shall consider the following factors including, but not limited to:

(1) Employment history;

(2) Professional history;

(3) Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of electrical contracting or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

(4) Civil litigation related to the practice of electrical contracting or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

6. Completes a 10-hour course of study relating to the most recent edition of the National Electrical Code (Code), nine hours of which shall pertain to the Code and one hour of which shall pertain to applicable State statutes and rules. The course of study shall be provided by a Board-approved continuing education sponsor.

(c) An applicant for a temporary courtesy license shall submit, or arrange to submit, to the Board:

1. A completed application form, provided by the Board;
2. A non-refundable application fee and a temporary courtesy license fee as set forth in N.J.A.C. 13:31-1.6;
3. Written or electronic verification of status of licensure, registration, or certification from a jurisdiction in which the applicant is currently licensed, registered, or certified. The verification shall be sent directly to the Board from the applicable state board. The applicant shall also provide a list of all jurisdictions in which the applicant is currently or has been licensed, registered, or certified;
4. Proof that the applicant was actively working in the electrical field in another jurisdiction, including any time spent discharging official duties in the Armed Forces or for an agency of the Federal government, for at least two of the last five years immediately preceding the date of application.

(d) A temporary courtesy license shall be valid for one year.

(e) An individual who holds a temporary courtesy license may apply to the Board for a renewal of the license for an additional year by submitting a renewal application to the Board and paying a renewal fee as set forth in N.J.A.C. 13:31-1.6.

(f) A nonresident military spouse who holds a temporary courtesy license pursuant to this section shall be entitled to the same rights and be subject to the same obligations as provided by the Board for New Jersey residents, except that revocation or suspension of a nonresident military spouse's license, registration, or certificate in the nonresident military spouse's state of residence or any jurisdiction in which the nonresident military spouse held licensure, registration, or certification shall automatically cause the same revocation or suspension of the person's temporary courtesy license in New Jersey, if that revocation or suspension was based on a charge or commission of a criminal offense, competency, or harmful or inappropriate behavior.

SUBCHAPTER 5. QUALIFIED JOURNEYMAN ELECTRICIANS

13:31-5.1 Registration as qualified journeyman electrician

(a) (No change.)

[page=2073] (b) A nonresident military spouse as defined in N.J.A.C. 13:31-5.7(a) may apply for a temporary courtesy certificate of registration, if he or she satisfies the criteria set forth in N.J.A.C. 13:31-5.7(b) through (f).

13:31-5.7 Temporary courtesy registration as qualified journeyman electrician

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

"Another jurisdiction" means the District of Columbia, a territory of the United States, or a state other than New Jersey.

"Nonresident military spouse" means a person who is not domiciled in this State who is the spouse of an active duty member of the Armed Forces of the United States, where the active duty service member is a resident of New Jersey for one of the following reasons:

1. He or she has been temporarily transferred to this State in the course of his or her military service;

2. He or she is legally domiciled in this State; or

3. He or she has moved to this State on a permanent change-of-station basis.

(b) An individual who is licensed, registered, or certified in another jurisdiction may apply to obtain a temporary courtesy certificate of registration as a qualified journeyman pursuant to N.J.S.A. 45:1-15.5, if he or she:

1. Meets the definition of nonresident military spouse set forth in (a) above;

2. Holds a license, registration, or certificate in good standing in a jurisdiction that has licensure, registration, or certification requirements equivalent to New Jersey's requirements for registration set forth in N.J.A.C. 13:31-5.1;

3. Has been engaged in the active practice of a qualified journeyman electrician for at least two of the five years immediately preceding the date of application for the temporary courtesy certificate of registration, for which purpose relevant full-time experience in the discharge of official duties in the Armed Forces of the United States or an agency of the Federal government shall be credited in the counting of years of service.

i. The Board may require a nonresident military spouse who has not been engaged in the active practice of a qualified journeyman electrician in another jurisdiction during the two years immediately preceding the application to undergo additional training, testing, mentoring, monitoring, or education as the Board determines necessary, to assure that the applicant practices with reasonable skill and safety. In making its determination whether the applicant must undergo additional training, testing, monitoring, or education, the Board shall consider the following factors including, but not limited to:

(1) Employment history;

(2) Professional history;

(3) Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of a qualified journeyman electrician or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

(4) Civil litigation related to the practice of a qualified journeyman electrician or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;

4. Has not committed an act in another jurisdiction that would have constituted grounds for the denial, suspension, or revocation of his or her certificate of registration in New Jersey, has not been disciplined, or is not the subject of an investigation of an unresolved complaint or a review procedure or disciplinary proceeding conducted by, or is pending before, a professional or occupational licensing or credentialing entity in another jurisdiction;

5. Has satisfied any continuing education requirements in the jurisdiction meeting the requirements of (b)² above, where he or she holds a current license, registration, or

certificate to practice as a qualified journeyman electrician, and, at the discretion of the Board, completes such continuing education hours or credits as may be required by the Board within the time frame the Board may establish.

i. In making its determination whether the applicant must complete additional continuing education hours or credits, the Board shall consider the following factors including, but not limited to:

(1) Employment history;

(2) Professional history;

(3) Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of a qualified journeyman electrician or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

(4) Civil litigation related to the practice of a qualified journeyman electrician or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

6. Completes a 10-hour course of study relating to the most recent edition of the National Electrical Code (Code), nine hours of which shall pertain to the Code and one hour of which shall pertain to applicable State statutes and rules. The course of study shall be provided by a Board-approved continuing education sponsor.

(c) An applicant for a temporary courtesy certificate of registration shall submit, or arrange to submit, to the Board:

1. A completed application form, provided by the Board;

2. A non-refundable application fee and a temporary courtesy registration fee as set forth in N.J.A.C. 13:31-1.6;

3. Written or electronic verification of status of licensure, registration, or certification from a jurisdiction in which the applicant is currently licensed, registered, or certified. The verification shall be sent directly to the Board from the applicable state board. The applicant shall also provide a list of all jurisdictions in which the applicant is currently or has been licensed, registered, or certified;

4. Proof that the applicant was engaged in the practice of a qualified journeyman electrician in another jurisdiction, including any time spent discharging official duties in the Armed Forces or for an agency of the Federal government, for at least two of the last five years immediately preceding the date of application.

(d) A temporary courtesy certificate of registration shall be valid for one year.

(e) An individual who holds a temporary courtesy certificate of registration may apply to the Board for a renewal of the registration for an additional year by submitting a renewal application to the Board and paying a renewal fee as set forth in N.J.A.C. 13:31-1.6.

(f) A nonresident military spouse who holds a temporary courtesy certificate of registration pursuant to this section shall be entitled to the same rights and be subject to the same

obligations as provided by the Board for New Jersey residents, except that revocation or suspension of a nonresident military spouse's license, registration, or certificate in the nonresident military spouse's state of residence or any jurisdiction in which the nonresident military spouse held licensure, registration, or certification shall automatically cause the same revocation or suspension of the person's temporary courtesy certificate of registration in New Jersey, if that revocation or suspension was based on a charge or commission of a criminal offense, competency, or harmful or inappropriate behavior.