

VOLUME 47, ISSUE 6
ISSUE DATE: **MARCH** 16, 2015
RULE ADOPTIONS

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

Adopted New Rules: N.J.A.C. 13:31

Board of Examiners of Electrical Contractors Rules

Proposed: September 15, 2014, at 46 N.J.R. 1930(a).

Adopted: January 7, 2015, by the Board of Examiners of Electrical Contractors, Joseph P. Schooley, President.

Filed: February 23, 2015, as R.2015 d.043, **without change**.

Authority: N.J.S.A. 45:1-14 et seq., and 45:5A-6; and P.L. 2013, c. 182 and P.L. 2013, c. 49.

Effective Date: March 16, 2015.

Expiration Date: March 16, 2022.

Summary of Public Comments and Agency Responses:

The official comment period ended November 14, 2014. In order to ensure compliance with P.L. 2013, c. 259, the comment period was extended through January 4, 2015. The Board of Examiners of Electrical Contractors (Board) received comments from the following:

1. Thomas J. Curnin, Bravo AV;

[page=652] 2. Robert Briant, CEO, Utility and Transportation Contractors Association of New Jersey;

3. Darren Reaman, Director of Government Affairs, Custom Electronic Design & Installation Association (CEDIA);

4. Anthony E. Pizzutillo, New Jersey Renewable Energy;

5. Eric DeGesero, Executive Director, New Jersey Independent Electrical Contractors;

6. Saul Sutton, All Media Consultants, LLC;

7. Thomas A. Buono, Vanguard Energy Partners; and

8. Ryan Herd, President, 1 Sound Choice, LLC.

1. COMMENT: One of the commenters expressed support for the Board's proposed changes.

RESPONSE: The Board thanks the commenter for its support.

2. COMMENT: Three commenters expressed concerns with the proposed amendments to N.J.A.C. 13:31-3.8 that specifies the activities that require licensure and business permits to include installing, maintaining, servicing, and handling exposed photovoltaic panels, solar inverters, and all other electrical components. The commenters believe the amendments would unnecessarily increase the licensing requirements for handling photovoltaic panels and add substantial costs to the impacted construction projects, which would impact the solar industry in New Jersey. In addition, the commenters believe that the Board misstates the safety risks and notes that the Board cites no health or hospital incident data to support its concerns. The commenters further note that the United States Department of Labor, Bureau of Labor Statistics recognizes the occupation of "Solar Photovoltaic Installers" and does not list any requirement that these workers be licensed electricians.

RESPONSE: Pursuant to N.J.S.A. 45:5A-2(d), an electrical contractor means a person who engages in the business of contracting to install, erect, or repair electrical equipment for the generation, transmission, or utilization of electrical energy. The Board notes that because exposed photovoltaic panels and solar inverters are capable of generating, transmitting, and using electrical energy in excess of 10 volts, the installing, maintaining, servicing, and handling of these components must be done by those licensed or permitted to engage in electrical contracting. The Board also notes that the United States Department of Labor, Bureau of Labor Statistics does not regulate the electrical contracting industry; each state establishes its own regulatory framework.

3. COMMENT: One commenter objected to the proposed amendments to N.J.A.C. 13:31-3.8 and recommended revising the proposed rule language to reflect that the installing, maintaining, servicing, and handling of only the "high-voltage" elements of the alternating current elements is done by those licensed or permitted to engage in electrical contracting. The commenter noted that photovoltaic solar systems are a hybrid of "low-voltage and high-voltage systems," and the amendments should allow home technology professionals to work on the "low-voltage" direct current (DC) side of a photovoltaic solar system while allowing a licensed electrician to complete the photovoltaic installation on the alternating current (AC) side of the transformer.

RESPONSE: The Board notes that New Jersey does not have a "low-voltage" exemption to the electrical contracting business permit requirements. To the extent the wiring equals or exceeds 10 volts, the installing, maintaining, servicing, and handling of photovoltaic panels, solar inverters, and all other electrical components must be done by those licensed or permitted to engage in electrical contracting.

4. COMMENT: Four commenters objected to limiting the applicability of the telecommunication wiring exemption to those that solely provide telecommunication wiring services as defined in N.J.A.C. 13:31-4.1. One of these commenters noted that limiting the exemption changes the classification of the work performed by home technology professionals, which "they have always done and done safely" and would require them to be licensed as an electrical contractor. The commenter further noted that the wired infrastructure used in residential electronic systems is not in place to deliver electricity, but rather to deliver information and intelligence in the form of voice, data, audio, and video systems. In addition, the commenter noted that "residential electronic systems are limited-energy and non-lethal." The commenter also noted that the proposed amendment "would place a severe burden on home technology professionals by forcing them to be licensed as an electrician and obtain a license that does not properly address their profession. The work of home technology professionals is a completely separate trade from electricians and

should not be bundled solely under an electrician license." In addition, the commenter noted that New Jersey law, which does not require a business permit for any work with a potential of less than 10 volts, does not make a proper distinction between "low-voltage" electronic systems work and "high-voltage" electrical contracting work. The commenter also stated that no other state in the United States has a "high-voltage" threshold as low as 10 volts and encourages a more representative voltage level that takes into account and supports the diverse technologies used in the residential electronic systems industry.

RESPONSE: The Board's amendments to N.J.A.C. 13:31-4.1 clarify the applicability of the existing telecommunication wiring exemption and do not alter its applicability. Pursuant to N.J.A.C. 13:31-4.1, the telecommunication wiring exemption does not exempt a business entity from the license and business permit requirements for the work of an electrical contractor, as defined in N.J.S.A. 45:5A-2, or when engaging in the alarm business or in the provision of locksmith services, as defined in N.J.S.A. 45:5A-2. The exemption applies to a business solely when it is engaged in telecommunication wiring as defined in the rule. The Board further notes that N.J.S.A. 45:5A-18 provides for an exemption from the electrical contracting business permit requirements for any work with a potential of less than 10 volts. The Board does not have the authority to increase the statutory voltage level.

5. COMMENT: Three commenters expressed concern with the Board's proposed amendments to N.J.A.C. 13:31-4.3 pertaining to LED drivers. The commenters believe that removing LED drivers from the statutory exemption is contrary to the legislative intent of N.J.S.A. 45:5A-18(c). The commenters noted that, compared to traditional lighting, LED lighting is safer, longer lasting, and easier to install, utilizes a "low-voltage" power supply and is non-lethal. In addition, one of these commenters noted that LEDs are one of today's most energy-efficient lighting technology and replace the traditional 110 AC power distribution in homes with a new standard more appropriate to the "low-voltage" needs and digital capabilities of electronic devices. The commenter believes that LED lighting is appropriately within the exemption under N.J.S.A. 45:5A-18(c) and the Board should not restrict the installation of "low-voltage" LED lighting systems as the exclusive work of "high-voltage" electrical contractors.

RESPONSE: New Jersey does not have a "low-voltage" exemption to the business permit requirements. N.J.S.A. 45:5A-18 provides for an exemption from the electrical contracting business permit requirements for any work with a potential of less than 10 volts. Because an LED lighting system exceeds 10 volts, it does not qualify for the statutory exemption under N.J.S.A. 45:5A-18(i). In addition, the Board believes that, as almost all LED lighting systems involve wiring, the replacement of LED drivers is a potentially dangerous activity for persons not properly trained in electrical contracting. Therefore, to ensure the health, safety, and welfare of the general public, the Board is clarifying that the replacement of LED drivers is not included within the statutory exemption authorizing unlicensed individuals to test, service, or repair electrical equipment or apparatus. Such work, therefore, must be performed by a licensed electrical contractor.

6. COMMENT: One commenter suggested that the Board amend N.J.A.C. 13:31-2.1 to delete the provision that allows for experience to substitute for an approved four-year apprenticeship program. The commenter believes that the Board should require a four-year U.S. Department of Labor Apprenticeship as one of the eligibility requirements to sit for the licensing examination and that the current rule, which allows for experience to substitute for the apprenticeship, is inadequate for ensuring that candidates have the requisite skill set across the entire spectrum of electrical work to be proficient in performing services for the public.

RESPONSE: The Board believes the current eligibility qualifications to sit for the examination for a license as an electrical contractor produce qualified candidates and changes are not necessary to ensure the competency of the candidates. The Board declines to change the rule as suggested by the commenter.

7. COMMENT: One commenter was concerned that the residential electronic systems industry does not have proper representation on the Board of Examiners of Electrical Contractors. The commenter noted that, [page=653] with the constant technological advancement in the home integration market, a proper regulatory infrastructure must be in place to meet the needs of this dynamic industry and suggested including a proper voice for the residential electronic systems industry on the Board.

RESPONSE: The Board does not have the authority to appoint its own members. Board members are appointed by the Governor.

Federal Standards Statement

A Federal standards analysis is not required because the expired rules adopted herein as new rules with amendments, new rules, and repeals are governed by N.J.S.A. 45:5A-1 et seq., and, therefore, are not subject to any Federal standards or requirements governing the practice of electrical contracting.

Full text of the expired rules adopted herein as new rules may be found in the New Jersey Administrative Code at N.J.A.C. 13:31.

Full text of the adopted amendments and new rules follows:

SUBCHAPTER 1. GENERAL RULES AND REGULATIONS

13:31-1.2 Definitions

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

...

"Employee" means a person whose remuneration is reported on a Form W-2 to the Internal Revenue Service, and whose work is supervised pursuant to the provisions of N.J.A.C. 13:31-3.4.

...

"Regular employee" as used in N.J.S.A. 45:5A-18(k) and (l) means an individual hired to work on an ongoing and continuous basis, whose remuneration is reported on a Form W-2 to the Internal Revenue Service, for the performance of functions, which include those associated with the installation, repair, and maintenance of electrical work for the State, county, municipality, or school district which occupies the premises on which such work is done.

13:31-1.3 Bonds

An action may be maintained on the bond required by N.J.S.A. 45:5A-19 by any person injured, aggrieved, or damaged through the failure of the principal to perform the duties

prescribed for electrical contractors under the provisions of N.J.S.A. 45:5A-1 et seq., or any rule of the Board.

13:31-1.4 Compliance with laws

Electrical contractors, qualified journeyman electricians, and business permit holders shall comply with all general and special Federal, State, and municipal laws, ordinances, and regulations pertaining to the business of electrical contracting and those employed or engaged in the practice of electrical contracting. Violations of any such Federal, State, and municipal laws, ordinances, and regulations may be deemed occupational misconduct within the meaning of N.J.S.A. 45:1-21(e) and may subject a licensee or registrant to disciplinary action as set forth at N.J.S.A. 45:1-21 et seq.

13:31-1.5 Identification of licensees and permittees; vehicles; stationery; advertising

(a) All commercial vehicles utilized in the practice of licensed electrical contracting shall be visibly marked on both sides with the following information:

1. The name of the licensed electrical contractor in lettering at least three inches in height; and

2. The words "Electrical Contractor business permit number" or "Electrical Contractor Bus. Permit #" followed by the business permit number of the business permit holder in lettering at least three inches in height.

i. Where available space for lettering is limited, either by design of the vehicle or by the presence of other legally specified identification markings, making strict compliance with (a)1 or 2 above impractical, the size of the lettering shall be as close to three inches high as possible within the limited space, provided the name is clearly visible and readily identifiable.

(b) All business correspondence and stationery shall display the following information:

1. (No change.)

2. The words "Electrical Contractor business permit number" or "Electrical Contractor Bus. Permit #" followed by the business permit number of the business permit holder; and

3. (No change.)

(c) All advertising shall include the following information:

1. (No change.)

2. The words "Electrical Contractor business permit number" or "Electrical Contractor Bus. Permit #" followed by the business permit number of the business permit holder; and

3. (No change.)

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

13:31-1.6 Fee schedule

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

1.-5. (No change.)

6. Business permit:

i.-iii. (No change.)

7.-8. (No change.)

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

10. Replacement license/business permit fee..... \$ 25.00

11.-16. (No change.)

13:31-1.7 Continuing education requirements

(a)-(g) (No change.)

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

1.-3. (No change.)

4. Solicit program or course evaluations from both participants and the instructors;

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; and

6. Retain accurate records of attendance for a six-year period and submit such documentation to the Board upon request.

(i)-(k) (No change.)

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

(a) Every licensee, qualified journeyman electrician, and business permit holder shall give notice to the Board of any change of his or her address of record within 10 days of such change. For purposes of this section, "address of record" means an address designated by a licensee, qualified journeyman electrician, or business permit holder which is part of the public record and which may be disclosed upon request. "Address of record" may be a licensee, qualified journeyman electrician, or business permit holder's home, business, or mailing address, but shall not be a post office box unless the licensee, qualified journeyman electrician, or business permit holder also provides another address that includes a street, city, state, and zip code.

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

SUBCHAPTER 2. LICENSURE AND BUSINESS PERMIT REQUIREMENTS

13:31-2.2 Examinations

(a) The Board licensing examination shall be prepared and administered by a third-party vendor, but no license shall be granted except by the Board. The examination shall consist of three written sections: electrical contractor, business and law, and alarm systems.

(b) An applicant must obtain a passing grade on all sections of the Board licensing examination. An applicant taking the licensing examination for the first time shall take all sections of the examination.

(c) Any applicant who fails to pass any section(s) of the Board licensing examination shall retake the failed section(s) as provided below:

1. An applicant shall not be eligible to retake the failed section(s) for six months from the date of such failure;

2. If an applicant fails to obtain a passing score on the previously failed section(s) during the second examination, the applicant shall not be eligible to retake those section(s) of the examination for six months following the date of reexamination; and

3. If the applicant fails to obtain a passing score on the previously failed section(s) during the third examination, the applicant shall forfeit [page=654] all passing scores received on any section(s) and shall be required to retake all sections of the examination.

(d) If an applicant fails to obtain a passing score on all sections of the Board licensing examination within five years of the date of approval to take the examination for the first time, the application for licensure shall be deemed abandoned and closed.

(e) If an applicant fails to sit for the Board licensing examination within two years of the date of approval to take the examination for the first time, the application for licensure shall be deemed abandoned and closed.

(f) An applicant shall complete all required application forms and questionnaires supplied by the Board. Examinations shall be held at least four times a year. Information about scheduled examinations and submissions of completed applications including appropriate fees may be obtained from the Board offices at Post Office Box 45006, Newark, New Jersey 07101 and on the Board's website at www.state.nj.us/lps/ca/electric/index.htm.

13:31-2.3 License renewal

(a) The Board shall send a notice of renewal to each licensee at least 60 days prior to the expiration of the license. The notice of renewal shall explain inactive renewal and advise the licensee of the option to renew as inactive. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew provided that the license is renewed within 60 days from the date the notice is sent or within 30 days following the date of license expiration, whichever is later.

(b) A licensee shall renew his or her license for a period of three years from the last expiration date. The licensee shall submit a renewal application to the Board, along with the renewal fee set forth in N.J.A.C. 13:31-1.6, prior to the date of license expiration.

(c) 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, or hold himself or herself out as eligible to engage in the practice of electrical contracting in New Jersey until such time as the license is returned

to active status.

(d) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee, and a late fee as set forth in N.J.A.C. 13:31-1.6. During this 30-day period, the license shall be valid and the licensee shall not be deemed practicing without a license.

(e) A licensee who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended without a hearing.

(f) A licensee who continues to engage in the practice of electrical contracting with a suspended license shall be deemed to be engaging in the unauthorized practice of electrical contracting and shall be subject to action consistent with N.J.S.A. 45:1-14 et seq., even if no notice of suspension has been provided to the individual.

13:31-2.4 License reactivation

(a) A licensee who holds an inactive license pursuant to N.J.A.C. 13:31-2.3(c) may apply to the Board for reactivation of the inactive license. A licensee seeking reactivation of an inactive license shall submit:

1. A renewal application;

2. A certification of employment listing each job held during the period of inactive license status, which includes the name, address, and telephone number of each employer;

3. The renewal fee for the triennial period for which reactivation is sought as set forth in N.J.A.C. 13:31-1.6; and

4. Evidence of having completed all continuing education credits for the current triennial registration period that were required to be completed during the triennial period immediately prior to the renewal period for which reactivation is sought, consistent with the requirements set forth in N.J.A.C. 13:31-1.7.

i. An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of electrical contracting and submits proof of having satisfied that state's continuing education requirements for that license, shall be deemed to have satisfied the requirements of (a)4 above. If the other state does not have any continuing education requirements, the requirements of (a)4 above apply.

ii. To the extent that specific courses are required to satisfy the continuing education requirement for, or are required to have been satisfied prior to, the triennial period for which reactivation is sought, the Board will allow applicants to take the courses within 12 months following reactivation. If the Board concludes, in accordance with (b) below, that there are practice deficiencies in need of remediation, then (b) below shall apply.

(b) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Board may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reactivation of the license. If that examination or assessment identifies deficiencies or educational needs, the Board may require the applicant, as a condition of reactivation of licensure, to take and successfully complete any education or training or to submit to any supervision, monitoring,

or limitations, that the Board determines are necessary to assure that the applicant practices with reasonable skill and safety. The Board, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Board following the restoration of the license. The Board in its discretion may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Board following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following factors including, but not limited to:

1. Length of duration license was inactive;
2. Employment history;
3. Professional history;
4. Disciplinary history and any action taken against the applicant's license by any licensing board;
5. 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;
6. Pending proceedings against a professional or occupational license issued to the licensee by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
7. 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.

13:31-2.5 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. 13:31-2.3(e) may apply to the Board for reinstatement. A licensee applying for reinstatement shall submit:

1. A reinstatement application;
2. A certification of employment listing each job held during the period of suspended license, which includes the name, address, and telephone number of each employer;
3. The renewal fee for the triennial period for which reinstatement is sought;
4. The past due renewal fee for the triennial period immediately preceding the renewal period for which reinstatement is sought;
5. The reinstatement fee set forth in N.J.A.C. 13:31-1.6; and
6. Evidence of having completed all continuing education credits for the current triennial registration period which were required to be completed during the triennial period immediately prior to the renewal period for which reinstatement is sought, consistent with the requirements set forth in N.J.A.C. 13:31-1.7.

i. An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of electrical contracting and submits proof of having satisfied that state's continuing education requirements for that license, shall be deemed to have satisfied the requirements of (a)6 above. If the other state does not have any continuing education requirements, the requirements of (a)6 above apply.

[page=655] ii. To the extent that specific courses are required to satisfy the continuing education requirement for, or are required to have been satisfied prior to, the triennial period for which reinstatement is sought, the Board will allow applicants to take the courses within 12 months following reinstatement. If the Board concludes, in accordance with (b) below, that there are practice deficiencies in need of remediation, (b) below shall apply.

(b) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Board may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reinstatement license. If that examination or assessment identifies deficiencies or educational needs, the Board may require the applicant, as a condition of reinstatement of licensure, to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations, as the Board determines are necessary to assure that the applicant practices with reasonable skill and safety. The Board in its discretion may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Board following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following factors including, but not limited to:

1. Length of duration license was suspended;
2. Employment history;
3. Professional history;
4. Disciplinary history and any action taken against the applicant's license by any licensing board;
5. 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;
6. Pending proceedings against a professional or occupational license issued to the licensee by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
7. 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.

13:31-2.6 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 under N.J.A.C. 13:31-2.1 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. The applicant has been honorably discharged from active military service;
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 under N.J.A.C. 13:31-2.1.
 - 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.
 - ii. An applicant seeking credit for education courses completed while in the military and outside of the military that are not part of an earned bachelor's degree in electrical engineering shall submit to the Board a transcript of his or her education for a determination that the education courses completed are substantially equivalent in level, scope, and intent to the educational background under N.J.A.C. 13:31-2.1. For the purpose of determining substantial equivalence of the applicant's military education or training, the Board shall consider only those courses relevant to the practice of electrical engineering that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and
3. The applicant complies with all other requirements for licensure, including successful completion of the Board's licensing examination as set forth in N.J.A.C. 13:31-2.2.

(c) It is the applicant's responsibility to provide timely and complete evidence of the education, training, and/or service gained in the military for review and consideration.

(d) If the applicant's military training, education, or experience, or a portion thereof, is not deemed to be substantially equivalent to that required for licensure, the Board shall credit whatever portion of the military training, education, or experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:31-2.1 for the issuance of the license.

(e) Satisfactory evidence of such education, training, or service will be assessed on a case-by-case basis.

SUBCHAPTER 3. STANDARDS OF PRACTICE

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 sign and seal all applications for electrical permits and inspection. The pressure seal shall remain the property of the Board and shall be returned to the Board as provided in (c) below.

(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. 13:31-2.4;
2. The licensee's employment has been terminated or the licensee has resigned from the business entity for which the pressure seal was issued;
3. The licensee no longer holds a position as a qualifying licensee for the business for which the pressure seal was issued; or
4. The business entity for which the pressure seal was issued ceases to operate.

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

(h) A licensee seeking a replacement 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 replacement pressure seal.

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, if applicable, 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)-(c) (No change.)

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

1. If the employee performing the electrical work has less than three and one half years electrical 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 electrical work has more than three and one half years electrical experience working under the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., and its [page=656] implementing rules set forth in the Uniform Construction Code, N.J.A.C. 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) (No change.)

13:31-3.5 Joint ventures; subcontracting of electrical work

(a)-(d) (No change.)

13:31-3.6 Identification card required

(a) (No change.)

(b) Use of an identification card by any person other than the licensee to whom it is issued 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.

13:31-3.8 Activities requiring licensure and business permit

(a) The following words and terms, when used in this section, shall have the following meaning unless the context indicates otherwise.

...

"Premises wiring" means interior and exterior wiring, including power, lighting, control, and signal circuit wiring, together with all of their associated hardware, fittings, and wiring devices, both permanently and temporarily installed, that extends from the service point of utility conductors or source of power such as a battery, a photovoltaic system, or a generator, transformer, or converter windings, to the outlets. Premises wiring does not include wiring internal to appliances, fixtures, motors, controllers, motor control centers, and similar equipment.

(b) Installing, maintaining, or servicing wiring for the supplying of power from the service point on a customer's premises to an appliance or other equipment used by the customer for the purpose of light, heat, or power, shall be performed only by a licensee holding a business permit or an employee, except as provided in N.J.S.A. 45:5A-18 and (c) below.

(c) (No change.)

(d) Installing, maintaining, servicing, and handling exposed photovoltaic panels, solar inverters, and all other electrical components shall be performed only by a licensee holding a business permit or an employee.

SUBCHAPTER 4. LICENSURE EXEMPTIONS

13:31-4.1 Limited telecommunications wiring exemption

(a) Pursuant to N.J.S.A. 45:5A-18, the Board may grant an exemption from the license and business permit requirements of N.J.S.A. 45:5A-9(a) to a business engaged in telecommunications wiring. Nothing in this section shall be deemed to exempt a business entity from the license and business permit requirements of N.J.S.A. 45:5A-9(a) for the work of an electrical contractor as defined in N.J.S.A. 45:5A-2 or from the license requirements of N.J.S.A. 45:5A-25 when engaging in the alarm business or in the provision of locksmithing services as defined in N.J.S.A. 45:5A-2.

(b)-(j) (No change.)

13:31-4.3 Testing, servicing, or repairing of electrical equipment or apparatus exemption

(a) Pursuant to N.J.S.A. 45:5A-18(c), testing, servicing, or repairing of electrical equipment or apparatus, consistent with the provisions of this section, shall be exempt from the license and business permit requirements of N.J.S.A. 45:5A-9(a).

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

...

"Servicing or repairing" means restoration or improvement of electrical equipment or apparatus by replacing a component of the electrical equipment or apparatus that is worn or broken, such that the electrical equipment or apparatus, once serviced or repaired, conforms to the manufacturer's original specifications. "Servicing or repairing" shall not be construed to permit the replacement of ballasts or light emitting diode (LED) drivers.

...

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 in 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.-3. (No change.)

13:31-5.2 Registration renewal

(a) The Board shall send a notice of renewal to each qualified journeyman electrician, at least 60 days prior to the expiration of the registration. The notice of renewal shall explain inactive renewal and advise the registrant of the option to renew as inactive. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew provided that the registration is renewed within 60 days from the date the notice is sent or within 30 days following the date of registration expiration, whichever is later.

(b) A qualified journeyman electrician shall renew his or her registration for a period of

three years from the last expiration date. The registrant shall submit a renewal application to the Board, along with the renewal fee set forth in N.J.A.C. 13:31-1.6, prior to the date of registration expiration.

(c) A qualified journeyman electrician may, upon application to the Board, renew his or her certificate of registration by choosing inactive status. A qualified journeyman electrician electing to renew his or her certificate of registration as inactive shall not perform or supervise electrical work as provided in N.J.S.A. 45:5A-18(k) and N.J.A.C. 13:31-3.4, or hold himself or herself out as eligible to perform or supervise electrical work as provided in N.J.S.A. 45:5A-18(k) and N.J.A.C. 13:31-3.4, in New Jersey until such time as the registration is returned to active status. An inactive registrant shall also not perform work as provided in N.J.S.A. 45:5A-18(l) unless, as set forth in N.J.S.A. 45:5A-18(l), the registrant holds a civil service title with a job description that includes electrical work pursuant to the "Civil Service Act," N.J.S.A. 11A:1-1 et seq., or is an employee of a State authority who has completed an apprenticeship training program approved by the United States Department of Labor, Bureau of Apprenticeship Training, that deals specifically with electrical work, and is of a minimum duration of three years.

(d) If a qualified journeyman electrician does not renew the registration prior to its expiration date, the registrant may renew the registration within 30 days of its expiration by submitting a renewal application, a renewal fee, and a late fee as set forth in N.J.A.C. 13:31-1.6. During this 30-day period, the certificate of registration shall be valid and the registrant shall not be deemed practicing without a registration.

(e) A qualified journeyman electrician who fails to submit a renewal application within 30 days of registration expiration shall have his or her certificate of registration suspended without a hearing.

(f) A qualified journeyman electrician who continues to perform or supervise electrical work as provided in N.J.S.A. 45:5A-18(k) and N.J.A.C. 13:31-3.4 with a suspended registration shall be deemed to be engaging in the unauthorized practice of a qualified journeyman electrician and shall be subject to action consistent with N.J.S.A. 45:1-14 et seq., even if no notice of suspension has been provided to the individual. A qualified journeyman electrician who continues to perform work as provided in N.J.S.A. 45:5A-18(l) with a suspended registration unless, as set forth in N.J.S.A. 45:5A-18(l), the registrant holds a civil [page=657] service title with a job description that includes electrical work pursuant to the "Civil Service Act," N.J.S.A. 11A:1-1 et seq., or is an employee of a State authority and has completed an apprenticeship training program approved by the United States Department of Labor, Bureau of Apprenticeship Training, that deals specifically with electrical work, and is of a minimum duration of three years, shall be deemed to be engaging in the unauthorized practice of a qualified journeyman electrician and shall be subject to action consistent with N.J.S.A. 45:1-14 et seq., even if no notice of suspension has been provided to the individual.

13:31-5.3 Registration reactivation

(a) A qualified journeyman electrician who holds an inactive certificate of registration pursuant to N.J.A.C. 13:31-5.2(c) may apply to the Board for reactivation of the inactive certificate of registration. A registrant seeking reactivation of an inactive certificate of registration shall submit:

1. A renewal application;

2. A certification of employment listing each job held during the period of inactive registration, which includes the name, address, and telephone number of each employer;

3. The renewal fee for the triennial period for which reactivation is sought as set forth in N.J.A.C. 13:31-1.6; and

4. Evidence of having completed all continuing education credits for the current triennial registration period that were required to be completed during the triennial period immediately prior to the renewal period for which reactivation is sought, consistent with the requirements set forth in N.J.A.C. 13:31-5.5.

i. An applicant who holds a valid, current license or certificate of registration in good standing issued by another state to perform or supervise electrical work as provided in N.J.S.A. 45:5A-18(k) and (l), and N.J.A.C. 13:31-3.4 and submits proof of having satisfied that state's continuing education requirements for that certification of registration, shall be deemed to have satisfied the requirements of (a)4 above. If the other state does not have any continuing education requirements, the requirements of (a)4 above apply.

ii. To the extent that specific courses are required to satisfy the continuing education requirement for, or are required to have been satisfied prior to, the triennial period for which reactivation is sought, the Board will allow applicants to take the courses within 12 months following reactivation. If the Board concludes, in accordance with (b) below, that there are practice deficiencies in need of remediation, (b) below applies.

(b) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Board may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reactivation of the registration. If that examination or assessment identifies deficiencies or educational needs, the Board may require the applicant, as a condition of reactivation of registration, to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations, as the Board determines are necessary to assure that the applicant practices with reasonable skill and safety. The Board in its discretion may restore the certificate of registration subject to the applicant's completion of the training within a period of time prescribed by the Board following the restoration of the certificate of registration. The Board in its discretion may restore the certificate of registration subject to the applicant's completion of the training within a period of time prescribed by the Board following the restoration of the certificate of registration. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following factors including, but not limited to:

1. Length of duration certificate of registration was inactive;

2. Employment history;

3. Professional history;

4. Disciplinary history and any action taken against the applicant's license or registration by any licensing board;

5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the performance of supervision of electrical work or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any

other jurisdiction;

6. Pending proceedings against a professional or occupational license, registration, or certificate issued to the applicant by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

7. 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.

13:31-5.4 Registration reinstatement

(a) Pursuant to N.J.S.A. 45:1-7.1.c, a qualified journeyman electrician who has had his or her certification of registration suspended pursuant to N.J.A.C. 13:31-5.2(e) may apply to the Board for reinstatement. A registrant applying for reinstatement shall submit:

1. A reinstatement application;

2. A certification of employment listing each job held during the period of suspended registration, which includes the name, address, and telephone number of each employer;

3. The renewal fee for the triennial period for which reinstatement is sought;

4. The past due renewal fee for the triennial period immediately preceding the renewal period for which reinstatement is sought;

5. The reinstatement fee set forth in N.J.A.C. 13:31-1.6; and

6. Evidence of having completed all continuing education credits for the current triennial registration period that were required to be completed during the triennial period immediately prior to the renewal period for which reinstatement is sought, consistent with the requirements set forth in N.J.A.C. 13:31-5.5.

i. An applicant who holds a valid, current license or certificate of registration in good standing issued by another state to perform or supervise electrical work as provided in N.J.S.A. 45:5A-18(k) and (l), and N.J.A.C. 13:31-3.4 and submits proof of having satisfied that state's continuing education requirements for that certification of registration, shall be deemed to have satisfied the requirements of (a)6 above. If the other state does not have any continuing education requirements, the requirements of (a)6 above shall apply.

ii. To the extent that specific courses are required to satisfy the continuing education requirement for, or are required to have been satisfied prior to, the triennial period for which reinstatement is sought, the Board will allow applicants to take the courses within 12 months following reinstatement. If the Board concludes, in accordance with (b) below, that there are practice deficiencies in need of remediation, then (b) below shall apply.

(b) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Board may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reinstatement of the certificate of registration. If that examination or assessment identifies deficiencies or educational needs, the Board may require the applicant as a condition of reinstatement of the certificate of registration to take and successfully complete any

education or training or to submit to any supervision, monitoring, or limitations, as the Board determines are necessary to assure that the applicant practices with reasonable skill and safety. The Board in its discretion may restore the certificate of registration subject to the applicant's completion of the training within a period of time prescribed by the Board following the restoration of the certificate of registration. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following factors including, but not limited to:

1. Length of duration certificate of registration was suspended;
2. Employment history;
3. Professional history;
4. Disciplinary history and any action taken against the applicant's license or registration by any licensing board;
5. 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;
- [page=658] 6. Pending proceedings against a professional or occupational license, registration, or certificate issued to the applicant by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
7. 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.

Recodify existing 13:31-5.4 and 5.5 as 5.5 and 5.6

(No change to text.)