

VOLUME 49, ISSUE 2
ISSUE DATE: JANUARY 17, 2017
RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF EXAMINERS OF HEATING, VENTILATING, AIR CONDITIONING,
AND REFRIGERATION CONTRACTORS

Adopted Amendment: N.J.A.C. 13:32A-3.1

Adopted New Rules: N.J.A.C. 13:32A-3.2 and 3.3

Renewal of License; License Reactivation; License Reinstatement

Proposed: January 19, 2016, at 48 N.J.R. 116(a).

Adopted: May 3, 2016, by State Board of Examiners of Heating, Ventilating, Air Conditioning, and Refrigeration Contractors, Michael Maloney, President.

Filed: December 13, 2016, as R.2017 d.013, **without change**.

Authority: N.J.S.A. 45:16A-4.

Effective Date: January 17, 2017.

Expiration Date: April 15, 2020.

Summary of Public Comment and Agency Response:

The Official comment period ended March 19, 2016. The Board received one comment from Dan O’Gorman.

COMMENT: The commenter supports the amendment and new rules.

RESPONSE: The Board thanks the commenter for his support.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted amendment and new rules.

Full text of the adoption follows:

13:32A-3.1 Renewal of license

(a) (No change.)

(b) The Board shall send a notice of renewal to each master HVACR contractor, 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 at least 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.

(c) A master HVACR contractor shall renew his or her license for a period of two years from the last expiration date. The master HVACR contractor shall submit the renewal application and pay the renewal fee pursuant to N.J.A.C. 13:32A-6.1 prior to the date of expiration of the license.

(d) A master HVACR contractor may renew his or her license by choosing inactive status. A master HVACR contractor electing to renew license as inactive shall return his or her pressure seal to the Board. A master HVACR contractor with an inactive license shall not practice as a master HVACR contractor, or hold himself or herself out as eligible to practice as a master HVACR contractor, in New Jersey until such time as the license is returned to active status.

(e) If the master HVACR contractor does not renew the license prior to its expiration date, the master HVACR contractor 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. 13:32A-6.1. During this 30-day period, the license shall be valid and the master HVACR contractor shall not be deemed practicing without a license.

(f) A master HVACR contractor who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended without a hearing. A master HVACR contractor whose license has been suspended shall return his or her pressure seal to the Board.

(g) A person who continues to practice or hold himself or herself out as a master HVACR contractor after his or her license has been suspended pursuant to (f) above shall be deemed to have committed unlicensed practice pursuant to N.J.S.A. 45:16A-7 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 person.

13:32A-3.2 License reactivation

(a) A master HVACR contractor who holds an inactive license pursuant to N.J.A.C. 13:32A-3.1(d) may apply to the Board for reactivation of the inactive license. A master HVACR contractor 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 which includes the names, addresses, and telephone number of each employer;
3. If the renewal application is sent during the first year of the biennial renewal period, the renewal fee for the biennial period for which reactivation is sought as set forth in N.J.A.C. 13:32A-6.1. If the renewal application is sent during the second year of the biennial period, half of the renewal fee for the biennial period for which reactivation is sought as set forth in N.J.A.C. 13:32A-6.1; and
4. Evidence of having completed all continuing education credits for the current biennial registration period, consistent with the requirements set forth in N.J.A.C. 13:32A-4.1.

(b) An applicant who holds a valid, current license in good standing issued by another state to practice as a master HVACR contractor and submits proof of having satisfied that state's continuing education requirements, 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 shall apply.

(c) The Board shall return the master HVACR contractor's pressure seal when the master HVACR contractor returns to active status.

(d) 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 education or training, or to submit to supervision, monitoring, or limitations, as the Board determines necessary to assure that the applicant practices with reasonable skill and safety. The Board may restore the license subject to the applicant's completion of 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 non-exhaustive issues:

1. Length of time the license was inactive;
2. Employment history;
3. Professional history;
4. Disciplinary history and any action taken against the applicant's license by any professional or occupational licensing board;
5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to practice as a master HVACR contractor or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
- [page=208] 6. Pending proceedings against a professional or occupational license issued to the applicant by a professional or occupational board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
7. Civil litigation related to practice as a master HVACR contractor or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

13:32A-3.3 License reinstatement

(a) A person who has had his or her license suspended pursuant to N.J.A.C. 13:32A-3.1(f) may apply to the Board for reinstatement. A person 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 names, addresses, and telephone number of each employer;
3. The renewal fee set forth in N.J.A.C. 13:32A-6.1 for the biennial period for which reinstatement is sought;
4. The past due renewal fee for the biennial period immediately preceding the renewal period for which reinstatement is sought;
5. The reinstatement fee set forth in N.J.A.C. 13:32A-6.1; and
6. Evidence of having completed all continuing education credits for the current biennial registration period, consistent with the requirements set forth in N.J.A.C. 13:32A-4.1.

(b) An applicant who holds a valid, current license in good standing issued by another state to practice as a master HVACR contractor and submits proof of having satisfied that state's continuing education requirements, 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.

(c) 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 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 education or training, or to submit to supervision, monitoring, or limitations, as the Board determines necessary to assure that the applicant practices with reasonable skill and safety. The Board may restore the license subject to the applicant's completion of 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 non-exhaustive issues:

1. Length of time the license was suspended;
2. Employment history;
3. Professional history;
4. Disciplinary history and any action taken against the applicant's license by any licensing or occupational board;
5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to practice as a master HVACR contractor 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 or occupational board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
7. Civil litigation related to practice as a master HVACR contractor or other professional or

occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.