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ISSUE DATE: **NOVEMBER 7, 2016**  
**PUBLIC NOTICES**  
**LAW AND PUBLIC SAFETY**  
**DIVISION OF CONSUMER AFFAIRS**  
**STATE BOARD OF EXAMINERS OF HEATING, VENTILATING, AIR CONDITIONING,**  
**AND REFRIGERATION CONTRACTORS**

**N.J.A.C. 13:32A-1.1 and 1.2**

**Notice of Action on Petition for Rulemaking**

Petitioner: Ronald Kessner.

Authority: N.J.S.A. 52:14B-4.

**Take notice** that on September 22, 2016, Ronald Kessner requested that the State Board of Examiners of Heating, Ventilating, Air Conditioning, and Refrigeration Contractors (Board) amend N.J.A.C. 13:32A-1.1 to establish that N.J.A.C. 13:32A, regulations governing the licensure and regulation of master heating, ventilating, air conditioning, and refrigeration contractors, does not apply to "hearth products professionals" who are engaged in the installation, maintenance, and repair of hearths and patio and barbecue appliances and the vents that serve those appliances, and natural or manufactured gas piping on the load side of a meter. The petitioner requested that the Board define a "hearth products professional" as:

A home improvement contractor registered with the New Jersey **Division of Consumer Affairs**, engaging in the connection, venting, installation, inspection, repair or servicing of solid fuel, fuel oil, and fuel gas heat-producing appliances, outdoor solid fuel and fuel gas appliances, the installation, inspection, repair or servicing of vent connectors, metal and masonry chimney systems, the installation, service and maintenance of gas piping (as permitted in N.J.A.C. 13:32-1.4(e)4), and who is experienced in such work, is familiar with all precautions required, and has complied with all applicable requirements of the New Jersey residential and Building Codes, the International Fuel Gas code, the standards set forth in NFPA 31 and NFPA 211, and the Authority Having Jurisdiction.

The petitioner was concerned that the exemption for chimney service professionals in N.J.A.C. 13:32A-1.1(b)2 has been interpreted as applying only to the installation and servicing of chimneys or venting. The petitioner contends that individuals who install gas burning hearths and patio and barbecue appliances are acting within the scope of practice of chimney service professionals when they install gas lines.

**Take further notice** that at its October 4, 2016, meeting, the Board determined to deny the petition for rulemaking. The petitioner has requested that the Board create a new exemption to the licensure requirements of P.L. 2007, c. 211, the State Heating, Ventilating, Air Conditioning, and Refrigeration Contracting License Law (Act). The Board does not have the authority to create such an exemption. Such an exemption could be created only by the Legislature through an amendment to the Act.

A copy of this notice has been mailed to the petitioner pursuant to N.J.A.C. 1:30-4.2.

