

## 54 N.J.R. 1085(a)

VOLUME 54, ISSUE 11, JUNE 6, 2022

### RULE ADOPTIONS

#### Reporter

54 N.J.R. 1085(a)

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#### Agency

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LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > STATE BOARD OF EXAMINERS OF HEATING, VENTILATING, AIR CONDITIONING AND REFRIGERATION CONTRACTORS

#### Administrative Code Citation

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**Adopted Amendments: N.J.A.C. 13:32A-1.1, 1.2, and 1.3**

#### Text

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##### **Electrical Contractor Exemption; Connection of Replacement Wiring**

Proposed: June 7, 2021, at 53 N.J.R. 997(a).

Adopted: September 7, 2021, by the State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors, Michael Maloney, President.

Filed: April 25, 2022, as R.2022 d.062, **without change.**

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

Effective Date: June 6, 2022.

Expiration Date: February 4, 2027.

##### **Summary** of Public Comments and Agency Responses:

The official comment period ended August 6, 2021. The Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors (Board) received comments from the following individuals:

1. Mitch Malec; and
2. Paul J. Mitchell.

1. COMMENT: A commenter contends that the Board of Examiners of Electrical Contractors, the Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors, and the Board of Examiners of Master Plumbers should meet in order to establish the work that can be performed solely by licensed electrical contractors, licensed master heating, ventilating, air conditioning, and refrigeration (HVACR) contractors, or licensed master plumbers.

RESPONSE: The Board has met with representatives of the Board of Examiners of Electrical Contractors and the Board of Examiners of Master Plumbers to discuss issues regarding scope of practice for their respective licensees. The Board will have such meetings in the future, if questions arise as to scopes of practice.

2. COMMENT: A commenter recommends that the Board obtain clarification from the Legislature as to its intent in passing P.L. 2019, c. 260, prior to adopting amendments to N.J.A.C. 13:32A-1.1, 1.2, and 1.3. The commenter also recommends that the Board obtain input from interested parties including the New Jersey Electrical Contractors Association, the New Jersey Independent Electrical Contractor Association, the National Electrical Contractors Association, and the Board Examiners of Electrical Contractors.

RESPONSE: The Board does not believe it is necessary to obtain guidance from the Legislature as to its intent in passing P.L. 2019, c. 260. That law sets forth that licensed electrical contractors who complete continuing education in the installation of gas piping may engage in the installation, maintenance, and repair of natural or manufactured gas piping while installing or repairing electric generators. The Board obtained input from the Board of Examiners of Electrical Contractors prior to proposing amendments at N.J.A.C. 13:32A-1.1, 1.2, and 1.3. The associations referenced by the commenter had the opportunity to comment on the proposed amendments during the 60-day comment period but did not provide any comments.

3. COMMENT: A commenter agrees that licensed electrical contractors should be able to run a gas line to a generator and that licensed master HVACR contractors should be able to replace an existing electrical disconnect, as long as such a disconnect is downstream from a properly sized electrical breaker. The commenter contends, however, that the proposed amendments at N.J.A.C. 13:32A-1.1, 1.2, and 1.3 should not be adopted until the Board establishes regulations that set forth details on working with disconnects.

RESPONSE: The Board has not set forth details on the provision of any work performed by master HVACR contractors. The authority for establishing such standards is within the purview of the Department of Community Affairs in its Uniform Construction Code at N.J.A.C. 5:23.

4. COMMENT: A commenter contends that legislation was enacted to permit electrical contractors to install gas black iron piping. The commenter asks if P.L. 2019, c. 260, allows licensed electrical contractors to install, maintain, and repair all gas piping associated with electrical generators or if it is limited to black iron pipe. The commenter believes that licensed electrical contractors have the necessary experience to install threaded black iron pipe for gas piping.

RESPONSE: P.L. 2019, c. 260, does not limit licensed electrical contractors to working with black iron piping for gas piping. The statute permits licensed electrical contractors who have completed the appropriate continuing education to install or repair gas piping relevant to electric generators without limitation as to the type of piping.

5. COMMENT: A commenter recommends that licensed electrical contractors confirm that their insurance covers gas piping before they are allowed to perform gas piping. The commenter also questions how the Board has the authority to impose continuing education requirements on licensed electrical contractors. The commenter also questions if the Board of Examiners of Electrical Contractors can establish limitations on the gas piping work its licensees can perform.

RESPONSE: The Board does not have the authority to require licensed electrical contractors to have insurance that covers gas piping. The Board does not have the authority to impose continuing education requirements on licensed electrical contractors. Provisions at N.J.A.C. 13:32A-1.1(b)9 that refer to continuing education hours provide guidance as to what a licensed electrical contractor must do in order to qualify for the licensing exemption at P.L. 2019, c. 260, and be able to perform installation of gas piping relevant to electrical generators without holding a license from the Board. The Board of Examiners of Electrical Contractors has authority over licensed electrical contractors and could impose limitations on the gas piping electrical contractors perform, as long as such limitations do not violate P.L. 2019, c. 260.

6. COMMENT: A commenter contends that some licensed electrical contractors may not need continuing education in the installation of gas piping. The commenter asks if one hour of continuing education in natural gas piping would satisfy the requirements at N.J.A.C. 13:32A-1.1, if a licensed electrical contractor only performs natural gas piping installation. The

commenter also recommends that the Board define "natural gas" and "manufactured gas."

RESPONSE: Pursuant to P.L. 2019, c. 260, the only way a licensed electrical contractor may qualify for an exemption to Board licensing requirements is if the licensed electrical contractor has completed the required continuing education. A licensed electrical contractor who completes only one hour of continuing education in natural gas piping has not met the requirements of the statute and could not perform any gas piping. The Board believes that the terms "natural gas" and "manufactured gas" are easily understood industry terms that need not be defined in regulation.

7. COMMENT: A commenter points out that N.J.A.C. 13:32A-1.1 is not limited to portable or permanent installations or to dwelling units or commercial buildings. The commenter believes that this means that licensed electrical contractors could install gas piping that has a quick [page=1086] connect/disconnect. Such a quick connect/disconnect can be used to other appliances and the commenter asks what will stop the use of such connections to other appliances.

RESPONSE: The commenter is correct that N.J.A.C. 13:32A-1.1 is not limited to portable or permanent installations or to dwelling units or commercial buildings. The rule is also not limited as to the type of gas piping that can be installed. The rule, based on P.L. 2019, c. 260, is limited to gas piping relevant to installing or repairing electric generators. If gas piping installed by a licensed electrical contractor is used for other appliances, that installation does not comply with the requirements at P.L. 2019, c. 260 or N.J.A.C. 13:32A-1.1.

8. COMMENT: A commenter asks if the gas piping installed by a licensed electrical contractor has to be "T-ed" off the main gas line, after a meter, with appropriate gas shutoffs, or if this piping can be "T-ed" off gas piping for a clothes dryer or gas range. The commenter asks if a licensed electrical contractor could extend gas piping to gas clothes dryers or gas ranges, which have electrical connections, if the licensed electrical contractor takes additional continuing education.

RESPONSE: P.L. 2019, c. 260, and N.J.A.C. 13:32A-1.1 would permit a licensed electrical contractor to install gas piping in any manner that is appropriate and relevant to the installation or repair of electric generators. If it is appropriate for such gas piping to be "T-ed" off gas piping for a clothes dryer or gas range, a licensed electrical contractor could install such gas piping. The statute and rules do not permit licensed electrical contractors to install gas piping that is not associated with electric generators, so licensed electrical

contractors could not extend gas piping to gas clothes dryers or gas ranges.

9. COMMENT: A commenter contends that paragraph five in the definition of "heating, ventilating, air conditioning, and refrigeration" at N.J.A.C. 13:32A-1.2 needs to be revised.

RESPONSE: The provision referred to by the commenter states that the installation, servicing, connecting, maintenance, or repair of natural or manufactured gas piping on the load side of a meter is within the scope of practice of HVACR. It is not clear why the commenter believes that this provision needs to be revised. Such services remain within the scope of practice of HVACR. The fact that a licensed electrical contractor who has completed the required continuing education could perform limited installation or repair of gas piping relevant to electric generators does not change the scope of practice of HVACR.

10. COMMENT: A commenter recommends that the definition of "heating, ventilating, air conditioning, and refrigeration" at N.J.A.C. 13:32A-1.2 be amended so that paragraph 10 in that definition would read: "In replacement cases only, the connection of the wiring of automatic oil, gas, coal burning equipment, mechanical refrigeration equipment, gasoline, or diesel oil dispensing equipment to an approved dedicated electrical disconnect means in accordance with the State Uniform Construction Code." The commenter believes that the rule should be amended as the statutory definition of "heating, ventilating, air conditioning, and refrigeration" does not refer to "direct digital controls" or "any other product of combustion equipment." While the commenter recommended that the term "direct digital controls" be removed from the definition of "heating, ventilating, air conditioning, and refrigeration," the commenter does not seek to prohibit licensed master HVACR contractors from working with direct digital controls.

RESPONSE: The statutory definition of "heating, ventilating, air conditioning, and refrigeration" at N.J.S.A. 45:16A-2 states that HVACR includes: "in replacement cases only, the connection ... of the wiring from an electrical service disconnect box of adequate size to accommodate the equipment and controls and previously dedicated to that equipment." The inclusion of "direct digital controls" and "any other product of combustion equipment" at N.J.A.C. 13:32A-1.2 is a clarification of the statutory term "equipment and controls" and is an appropriate inclusion in the definition.

11. COMMENT: A commenter contends that Article 100 of the National Electrical Code defines "disconnecting means" as "a device, group of devices, or other means whereby circuit conductors can be disconnected from their source of power." The

commenter asks if the exemption in the definition at N.J.A.C. 13:32A-1.2 for wiring is from an electrical service disconnect box. The commenter points out that the rule addresses replacement cases and existing electrical disconnect equipment that are of adequate size. The commenter contends that, if equipment is not of an adequate size, new equipment would need to be installed by a licensed electrical contractor. The commenter also points out that, even if the connection of wiring is done in accordance with relevant provisions of the Uniform Construction Code, the installation could be a violation of other provisions of the Uniform Construction Code.

RESPONSE: The Board believes that, by referring to the "exemption" at N.J.A.C. 13:32A-1.2, the commenter was discussing the provision that recognizes that replacement wiring is within the scope of practice of HVACR. The Board agrees that, if wiring is not a replacement and new equipment needs to be installed, such installation is not within the scope of practice of HVACR and a licensed electrical contractor would have to perform such an installation. The Board also agrees that any work performed has to comply with all provisions in the Uniform Construction Code.

12. COMMENT: A commenter points out that limitations in the definition of "heating, ventilating, air conditioning, and refrigeration" dealing with replacement cases of wiring have been amended to remove reference to the heating or cooling capacity of the equipment, limited to 25 tons or less, and the system voltage, limited to 240 volts or less. The commenter asks what justification there is to remove these limitations. The commenter also asks why these limitations were included in the rules when they were first adopted.

RESPONSE: The limitations referred to by the commenter do not appear in the statutory provisions on replacement of wiring. These limitations were put into regulation when the Board first adopted its rules, based upon discussion with the Board of Examiners of Electrical Contractors and concerns that both boards had with the scope of practice for previously unregulated master HVACR contractors. Years of experience with the now licensed practices of master HVACR contractors have alleviated these concerns and the Board, after consulting with the Board of Examiners of Electrical Contractors, no longer believes it is necessary to impose these limitations.

13. COMMENT: N.J.S.A. 45:16A-27 provides exemptions to licensing requirements for licensed master plumbers who perform certain tasks that would otherwise be considered the scope of practice for licensed master HVACR contractors. A commenter contends that these exemptions are codified in Board of Examiners of Master Plumbers rules at N.J.A.C. 13:32-1.4(j)6.

The commenter contends that N.J.A.C. 13:32-1.4(j)6 should be revised to allow licensed master plumbers to provide the same electrical work that licensed master HVACR contractors can perform.

RESPONSE: The Board does not have the authority to permit licensed master plumbers to provide electrical work. Such authority rests with the Legislature, which would have to provide such an exemption through statute.

14. COMMENT: A commenter contends that the proposed amendments at N.J.A.C. 13:32A-1.3 accurately reflect the limitations set forth at N.J.S.A. 45:16A-28.

RESPONSE: The Board thanks the commenter for his support.

15. COMMENT: A commenter asks if safeguards, such as training or continuing education, are in place to ensure that licensed master HVACR contractors can perform replacement electrical wiring without limitations.

RESPONSE: The Board is confident that the training and education master HVACR contractors complete in order to obtain licensure adequately prepares them to perform the replacement electrical wiring contemplated pursuant to N.J.S.A. 45:16A-28.

16. COMMENT: A commenter asks what accommodation pneumatic control piping receives in an electrical service disconnect box or in a feeder or branch circuit disconnect switch.

RESPONSE: The Board does not have the authority to establish standards for accommodations for piping. Such authority rests with the Department of Community Affairs and issues with such accommodations should be addressed to the Department.

#### **Federal Standards Statement**

A Federal standards analysis is not required because the adopted amendments are governed at N.J.S.A. 45:16A-4 et. seq., and do not involve any Federal standards or requirements.

**Full text** of the adoption follows:

[page=1087] SUBCHAPTER 1. PURPOSE AND SCOPE; DEFINITIONS

13:32A-1.1 Purpose and scope

(a) (No change.)

(b) This chapter does not apply to any person who is:

1.-6. (No change.)

7. Licensed as an electrical contractor and is engaged in the installation of:

i. (No change.)

ii. In commercial applications the connection sleeve between a roof-top mounted exhaust fan and its central connecting register, provided that this connection sleeve is not more than 15 inches in length or the length necessary to penetrate a roof or other similar openings;

8. Licensed as an electrical contractor and is engaged in the maintenance and repair of the electrical sections of any equipment used for heating, ventilating, air conditioning, or refrigeration; or

9. Licensed as an electrical contractor and is engaged in the installation, maintenance, and repair of natural or manufactured gas piping while installing or repairing electric generators, provided he or she has completed two hours of continuing education in the installation of gas piping relevant to installing or repairing electric generators, of which one hour is in natural gas piping and one hour is in manufactured gas piping.

(c)-(f) (No change.)

#### 13:32A-1.2 Definitions

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

. . .

"Heating, ventilating, air conditioning, and refrigeration" or "HVACR" means the process of treating and protecting the environment by the responsible handling, dispensing, collecting, and cleaning of chlorofluorocarbons and other refrigerants in stationary sources, and controlling the temperature, humidity, and cleanliness of air by using the "wet," "dry," "radiant," "conduction," "convection," "direct," or "indirect" method or combination of methods, including those that utilize solar energy, to meet the environmental requirements of a designated area. "HVACR" also means the provision of propane services and the installation, servicing, connecting, maintenance, or repair of the following:

1.-9. (No change.)

10. In replacement cases only, the connection of the wiring from an equipment service disconnect box of adequate size to accommodate pneumatic and/or direct digital controls and control



pipng of automatic oil, gas, coal burning, or any other product of combustion equipment, mechanical refrigeration equipment, gasoline, or diesel oil dispensing equipment previously dedicated to that equipment, as long as the connection of the wiring is performed according to all relevant provisions in the Uniform Construction Code.

. . .

13:32A-1.3 Electrical work

Except in replacement cases described in the definition of "heating, ventilating, air conditioning, and refrigeration," a master HVACR contractor shall not perform any electrical work with a potential of more than 30 volts.

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