

[Second Reprint]

ASSEMBLY, No. 1016

STATE OF NEW JERSEY
212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblyman BRIAN P. STACK

District 33 (Hudson)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Co-Sponsored by:

**Assemblyman Diegnan, Assemblywoman Voss, Assemblymen Panter,
Biondi, Conners, Assemblywoman Greenstein and Senator Coniglio**

SYNOPSIS

Establishes the State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors.

CURRENT VERSION OF TEXT

As reported by the Senate Labor Committee on June 21, 2007, with amendments.



(Sponsorship Updated As Of: 6/22/2007)

1 AN ACT providing for the licensing of heating, ventilating **[and]** ,¹
2 air conditioning 'and refrigeration' contractors, amending
3 P.L.1971, c.60, P.L.1974, c.46 and P.L.1978, c.73 and
4 supplementing Title 45 of the Revised Statutes.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. (New section) Sections 1 through **[22]** ²**[27]**~~28~~² of this act
10 shall be known and may be cited as "The State Heating, Ventilating
11 **[and]** ,¹ Air Conditioning 'and Refrigeration' Contracting License
12 Law."

13
14 2. (New section) As used in this act:

15 **["Apprentice HVAC tradesperson"** means any person who, as
16 his principal occupation, is engaged in learning and assisting in the
17 installation and servicing of HVAC systems.]¹

18 "Board" means the State Board of Examiners of Heating,
19 Ventilating **[and]** ,¹ Air Conditioning 'and Refrigeration'
20 Contractors created by section 3 of this act.

21 "Bona fide representative" means: in the case of a sole
22 proprietorship, the owner; in the case of a partnership, a partner; in
23 the case of a limited liability company, a manager; or in the case of
24 a corporation, an executive officer.

25 "Director" means the Director of the Division of Consumer
26 Affairs in the Department of Law and Public Safety.

27 "Heating, ventilating **[and]** ,¹ air conditioning 'and
28 refrigeration'" or **["HVAC"]** "HVACR"¹ means the process of
29 treating and protecting the environment by the responsible handling,
30 dispensing, collecting and cleaning of chlorofluorocarbons and
31 other refrigerants in stationary sources, and controlling the
32 temperature, humidity and cleanliness of air by using the "wet,"
33 "dry," "radiant," "conduction," "convection," "direct," or "indirect"
34 method or combination of methods, including those which utilize
35 solar energy, to meet the environmental requirements of a
36 designated area. **["HVAC"]** "HVACR"¹ also means the
37 installation, 'servicing, connecting,' maintenance **[and]** or' repair
38 of 'the following':

39 power boiler systems, hydronic heating systems, fire tube and
40 water tube boilers, pressure steam and hot water boilers, furnaces
41 and space heaters, and appurtenances utilizing electric, fossil fuel ¹ ,
42 wood pellets' or solar energy¹ ,¹ other than 'those appurtenances

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ARP committee amendments adopted December 7, 2006.

²Senate SLA committee amendments adopted June 21, 2007.

1 utilized solely¹ for the ¹[use] purpose¹ of heating potable water;
 2 warm air heating or refrigeration and evaporative cooling
 3 systems, ventilation and exhaust systems, dust collectors, air
 4 handling equipment, heating or cooling coils, air or refrigerant
 5 compressors, chillers, cooling towers, evaporators, condensers,
 6 plenums, fans, blowers, air cleaners, mechanical ventilation for
 7 radon mitigation, humidifiers, filters, louvers, mixing boxes and
 8 appurtenances; hydronic heating and chilled water pipe, condensate
 9 piping not regulated under P.L.1968, c.362 (C.45:14C-1 et seq.),
 10 valves, fittings, ²[fuel oil storage tanks not regulated under
 11 P.L.1986, c.102 (C.58:10A-21 et seq.),]² burners and piping,
 12 hydronic heating, expansion tanks, pumps, gauges, humidity and
 13 thermostatic controls;

14 natural or manufactured gas piping on the load side of a meter;
 15 supply water piping to equipment being served from an existing
 16 dedicated source connected downstream from an approved
 17 backflow preventer, except in replacement cases, the installation of
 18 the required approved backflow device downstream from a pre-
 19 existing valve; and ¹[the maintaining, installing or connecting of:]¹
 20 pneumatic controls and control piping, for the control of air, liquid,
 21 or gas temperatures, radiators, convectors, unit cabinet heaters, fan
 22 **coil units, flues, or patented chimneys; and pneumatic controls and**
 23 control piping, of automatic oil, gas or coal burning equipment,
 24 mechanical refrigeration equipment, gasoline or diesel oil
 25 dispensing equipment and in replacement cases only, the connection
 26 thereof of the wiring from an electrical service disconnect box of
 27 adequate size to accommodate the equipment and controls and
 28 previously dedicated to that equipment, and the testing and
 29 balancing of air and hydronic systems, but does not include the
 30 design or preparation of specifications for equipment or systems to
 31 be installed that are within the practice of professional engineering
 32 as defined in subsection (b) of section 2 of P.L.1938, c.342 (C.45:8-
 33 28).

34 "Heating, ventilating ¹[and] ¹ air conditioning ¹and
 35 refrigeration¹ contracting" means undertaking or advertising to
 36 undertake, for a fixed price, fee, commission, or gain of whatever
 37 nature, the planning, laying out, installation, construction,
 38 maintenance, service, repair, alteration or modification to any
 39 portion of any system, product or equipment or appurtenances used
 40 for the environmental needs or control of any heating, ventilating
 41 ¹[and] ¹ air conditioning ¹and refrigeration¹ system.

42 "1[Heating] Master heating¹, ventilating ¹[and] ¹ air
 43 conditioning ¹and refrigeration¹ contractor" means any person,
 44 firm, partnership, corporation or other legal entity licensed
 45 according to the provisions of this act which obtains a pressure seal
 46 pursuant to sections ¹[18] ²[23¹]²⁴² and ¹[19] ²[24¹]²⁵² of this
 47 act and which advertises, undertakes or offers to undertake for

1 another the planning, laying out, supervising, installing,
 2 'servicing' or repairing of **'[HVAC] HVACR'** systems, apparatus
 3 or equipment. In order to act as **'[an "HVAC contractor,"]** a
 4 "Master HVACR contractor^{2, 2"} an individual shall be a bona fide
 5 representative of the legal entity licensed pursuant to the provisions
 6 of this act.

7 **'["Journeyman HVAC tradesperson"]** "HVACR
 8 journeyperson" means any person who installs, alters, repairs
 9 **'[and] services or'** renovates **'[HVAC] HVACR'** systems in
 10 accordance with standards, rules and regulations established by the
 11 board and who works under the supervision of **'[an HVAC] a**
 12 Master HVACR' contractor.

13 "Retrofit" means a change in design, construction or equipment
 14 already in operation in order to incorporate later improvements.

15 "Replacement" means a change of equipment with the same type
 16 or similar equipment.

17 "Undertake or offer to undertake for another" means a
 18 contractor who is listed in a public bid as the proposed
 19 subcontractor by the contractor placing the bid for ²[a]an² HVACR
 20 contract.'
 21

22 3. (New section) There is created within the Division of
 23 Consumer Affairs in the Department of Law and Public Safety the
 24 State Board of Examiners of Heating, **'[Ventilation and]**
 25 Ventilating, Air Conditioning **'and Refrigeration'** Contractors.
 26 The board shall consist of nine members who are residents of the
 27 State of New Jersey and who, except for the member from the
 28 department in the Executive Branch of State Government, shall be
 29 appointed by the Governor. In addition to the two public members
 30 appointed to represent the interests of the public pursuant to the
 31 provisions of subsection b. of section 2 of P.L.1971, c.60 (C.45:1-
 32 2.2), one member shall be from a department in the Executive
 33 Branch of State Government who shall serve without compensation
 34 at the pleasure of the Governor; three members shall be practicing
 35 **'[HVAC] Master HVACR'** contractors with at least 10 years
 36 experience; two members shall be mechanical inspectors with at
 37 least 10 years experience; and one member shall be ²[a]an²
 38 **'[journeyman HVAC tradesperson] HVACR journeyperson'** of at
 39 least 10 years experience.

40 The Governor shall appoint each member, other than the State
 41 executive department member, for terms of four years, except that
 42 of the members first appointed, other than the State executive
 43 department member, two shall serve for a term of four years, two
 44 shall serve for a term of three years, two shall serve for a term of
 45 two years, and two shall serve for terms of one year. Any vacancy
 46 in the membership shall be filled for the unexpired term in the

1 manner provided for the original appointment. No member of the
2 board may serve more than two successive terms in addition to any
3 unexpired term to which he has been appointed. The Governor may
4 remove any member of the board, other than the State executive
5 department member, for cause.

6

7 4. (New section) The board shall, in addition to other powers
8 and duties it may possess by law:

9 a. Administer the provisions of this act;

10 b. Examine and pass on the qualifications of all applicants for
11 license under this act, and issue a license to each qualified
12 successful applicant;

13 c. Examine, evaluate and supervise all examinations and
14 procedures;

15 d. Adopt a seal which shall be affixed to all licenses issued by it;

16 e. Adopt rules and regulations pursuant to the "Administrative
17 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as it may
18 deem necessary to enable it to perform its duties under and to
19 enforce the provisions of this act;

20 f. Annually publish a list of the names and addresses of all
21 persons who are licensed under this act;

22 g. Establish standards for continuing education; and

23 h. Prescribe or change the charges for examinations, licensures,
24 renewals and other services performed pursuant to P.L.1974, c.46
25 (C.45:1-3.1 et seq.).

26

27 5. (New section) Any person desiring to obtain a State
28 '[HVAC] Master HVACR' contractor's license shall make
29 application for licensure to the board and shall pay all the fees
30 required in connection with the application, and be examined as
31 required by this act.

32

33 6. (New section) On or after the effective date of this act, a
34 municipality, local board of health or any other agency shall not
35 issue or renew any '[HVAC] Master HVACR' contractor's license.

36

37 7. (New section) a. A person shall not work as '[an HVAC] a
38 Master HVACR' contractor or use the title or designation of
39 "licensed '[HVAC] Master HVACR'contractor" or '["HVAC]
40 "Master HVACR' contractor" unless licensed pursuant to the
41 provisions of this act.

42 b. A person, firm, partnership, corporation or other legal entity
43 shall not engage in the business of '[HVAC] HVACR' contracting
44 or advertise in any manner as '[an HVAC] a Master HVACR'
45 contractor or use the title or designation of "licensed '[HVAC]
46 Master HVACR' contractor" or '["HVAC] "Master HVACR'
47 contractor" unless authorized to act as '[an HVAC] a Master

1 HVACR¹ contractor pursuant to the provisions of this act.

2
3 8. (New section) Nothing in this act shall be construed to
4 prevent ¹["the practice of engineering by a holder of a license to
5 practice that profession in this State, but no engineer"] any person
6 licensed by the State, including, but not limited to, architects,
7 professional engineers, electrical contractors, or master plumbers,
8 from acting within the scope of practice of his profession or
9 occupation, but no person¹ shall use the designation "licensed
10 ¹["HVAC"] Master HVACR¹ contractor" unless licensed as ¹["an
11 HVAC"] a Master HVACR¹ contractor under the provisions of this
12 act.

13
14 9. (New section) The provisions of this act shall not apply to a
15 single family home owner who personally occupies his own
16 dwelling and who solely performs ¹["HVAC"] HVACR¹ work on his
17 own dwelling, upon receipt of all required permits, except that any
18 ¹["HVAC"] HVACR¹ work involving chlorofluorocarbons (CFC's)
19 or hydrochlorofluorocarbons (HCFC's) shall be performed only by a
20 licensed ¹["HVAC"] Master HVACR¹ contractor.

21
22 10. (New section) The provisions of this act shall not apply to
23 any public utility company regulated by the Board of Public
24 Utilities pursuant to Title 48 of the Revised Statutes ¹["that performs
25 emergency repair services to prevent an imminent threat to the
26 health and safety of life or property, which repair services include,
27 but are not limited to, turning off, disconnecting, shutting down or
28 disabling any equipment or condition or the provision of any
29 products"] , or any related competitive business segment of that
30 public utility that offers competitive services pursuant to the
31 "Electric Discount and Energy Competition Act," P.L.1999, c.23
32 (C.48:3-49 et al.). The provisions of this act also shall not apply to
33 HVACR work performed on buildings, structures or premises
34 owned or operated by a public utility holding company or its
35 subsidiaries¹.

36
37 11. (New section) The provisions of this act shall not deny to
38 any municipality the power to inspect ¹["HVAC"] HVACR¹ work or
39 equipment or the power to enforce the standards and manner in
40 which ¹["HVAC"] HVACR¹ work shall be done, but no municipality,
41 local board of health or other agency shall require any ¹["HVAC"]
42 Master HVACR¹ contractor licensed under this act, or authorized to
43 engage in the business of ¹["HVAC"] HVACR¹ contracting under
44 this act, to obtain any additional license, apply for or take any
45 examination, or pay any licensing fee.

1 ²12. (New section) The provisions of this act shall not apply to
2 any liquefied petroleum gas marketer licensed by the Department of
3 Community Affairs pursuant to subchapter 10 of chapter 18 of Title
4 5 of the New Jersey Administrative Code.²

5
6 ²~~[12.]~~² 13. (New section) Not less than 30 days and not more
7 than 60 days prior to the date set for the examination for ¹[an
8 HVAC] a Master HVACR¹ contractor's license, every person,
9 except as provided in this act, desiring to apply for a license, who
10 meets the qualifications as set forth in this act, shall deliver to the
11 board, personally or by certified mail, return receipt requested,
12 postage prepaid, a certified check or money order payable to the
13 Treasurer of the State of New Jersey in the required amount,
14 together with the written application required by the board,
15 completed as described in the application, and together with proof
16 of qualifications as described in this act.

17 The qualifications for ¹[an HVAC] a Master HVACR¹
18 contractor's license shall be as follows: The person shall be 21 or
19 more years of age and a citizen or legal resident of the United
20 States, and shall have been employed in the ¹[HVAC] HVACR¹
21 contracting business for a period of five years next preceding the
22 date of his application for a license. Three or more of the five years
23 shall have been spent while engaged or employed as ²[a]an²
24 ¹[journeyman HVAC tradesperson] HVACR journeyperson or
25 licensed plumber engaged in the work described¹. At least ²[two]
26 four² years of the five years shall have been spent in ¹[an HVAC]
27 ²[a]an² HVACR¹ apprenticeship or other training program
28 approved by the ¹United States¹ Department of ¹[Education]
29 Labor¹, with proof of passage and successful completion of this
30 program while actively engaged or employed as an apprentice as
31 determined by the board. In lieu of the above requirements a person
32 shall have been awarded a bachelor's degree ¹: a.¹ in ¹[HVAC]
33 HVACR¹ technology from an accredited college or university in the
34 United States which the board finds acceptable and, in addition,
35 shall have been engaged or employed in the practical work of
36 installing ¹[HVAC] HVACR¹ systems for three years ¹; or b. from
37 an accredited college or university in the United States which the
38 board finds acceptable and, in addition, shall have been engaged or
39 employed in the direct supervision of the installation of HVACR
40 systems for five years.

41 Proof of compliance with the qualifications or those in lieu
42 thereof shall be submitted to the board in writing, sworn to by the
43 applicant, and accompanied by two recent passport-size
44 photographs of the applicant.

45
46 ²[13.] 14.² (New section) a. Every ¹[HVAC] Master

1 HVACR¹ contractor's license examination shall be substantially
2 uniform and shall be designed so as to establish the competence and
3 qualifications of the applicant to perform the type of work and
4 business as described in this act. The examination may be
5 theoretical or practical in nature, or both.

6 b. The examination shall be held at least four times a year, at
7 Trenton or other place the board deems necessary. Public notice of
8 the time and place of the examination shall be given.

9 c. No person who has failed the examination shall be eligible to
10 be reexamined for a period of six months from the date of the
11 examination failed by that person.

12 d. All applicants for ¹[HVAC] Master HVACR¹ licenses,
13 renewals or reexaminations shall pay a fee for each license issuance
14 or renewal, or reexamination as determined by the board.

15

16 ²[~~14.~~]15.² (New section) Licenses shall be renewed biennially
17 by the board upon written application of the holder and payment of
18 the prescribed fee and renewal of the bond required by section
19 ¹[~~17~~] ²[~~22~~]23² of this act. A license may be renewed without
20 reexamination, if the application for renewal is made within 30 days
21 next preceding or following the scheduled expiration date. Any
22 applicant for renewal making application at any time subsequent to
23 the 30th day next following the scheduled expiration date may be
24 required by the board to be ²[re-examined]reexamined², and that
25 person shall not continue to act as a licensed ¹[HVAC] Master
26 HVACR¹ contractor, as described in this act, and no firm,
27 corporation or other legal entity for which the person is the bona
28 fide representative shall operate under a license in the ¹[HVAC]
29 HVACR¹ business, as described in this act, until a valid license has
30 been secured or is held by a bona fide representative.

31 Any license expiring while the holder is outside the continental
32 limits of the United States in connection with any project
33 undertaken by the government of the United States, or while in the
34 services of the Armed Forces of the United States, shall be renewed
35 without the holder being required to be reexamined, upon payment
36 of the prescribed fee at any time within four months after the
37 person's return to the United States or discharge from the armed
38 forces, whichever is later.

39

40 ²[~~15.~~]16.² (New section) The board shall require each Master
41 HVACR contractor, as a condition for biennial license renewal
42 pursuant to section ²[~~14~~]15² of this act, to complete any continuing
43 education requirements imposed by the board pursuant to section
44 ²[~~16~~]17² of this act.¹

45

46 ²[~~16.~~]17.² (New section) a. The board shall:

1 (1) Establish standards for continuing HVACR education,
2 including the subject matter and content of courses of study, the
3 selection of instructors, and the number and type of continuing
4 education credits required of a licensed Master HVACR contractor
5 as a condition for biennial license renewal, except that the number
6 of credits required shall not exceed five in any biennial license
7 period;

8 (2) Approve educational programs offering credit towards the
9 continuing HVACR education requirements; and

10 (3) Approve other equivalent educational programs, and shall
11 establish procedures for the issuance of credit upon satisfactory
12 proof of the completion of these programs.

13 b. In the case of education courses and programs, each hour of
14 instruction shall be equivalent to one credit.¹

15
16 ²[¹17.] 18.² (New section) The board may, in its discretion,
17 waive requirements for continuing HVACR education on an
18 individual basis for reasons of hardship such as illness or disability,
19 retirement of the license or other good cause.¹

20
21 ²[¹18.] 19.² (New section) The board shall not require
22 completion of continuing HVACR education credits for an initial
23 renewal of license.¹

24
25 ²[¹19.]20.² (New section) In the event a Master HVACR
26 contractor completes a number of continuing education credit hours
27 in excess of the number required by the board pursuant to section
28 ²[16]17² of this act, the board may allow those extra credits to be
29 carried over to satisfy the Master HVACR contractor's continuing
30 education requirement for the next biennial licensure period, but
31 shall not be applicable thereafter.¹

32
33 ¹[15.] ²[20.¹] 21.² (New section) The board may in its
34 discretion grant licenses without examination to applicants so
35 licensed by other states; provided that equal reciprocity is provided
36 for New Jersey ¹[HVAC] Master HVACR¹ contractors by the law
37 of the applicant's domiciliary state and provided further that the
38 domiciliary state's standards are equal to or comparable to those of
39 this State.

40
41 ¹[16.] ²[21.¹] 22.² (New section) No firm, corporation or other
42 legal entity operating under and by virtue of this act shall be denied
43 the privilege of conducting and continuing the business of
44 ¹[HVAC] HVACR¹ contracting, by reason of death, termination of
45 employment, illness or a substantial disability of the bona fide
46 representative of the firm, corporation or other entity, provided that:

1 the firm, corporation or other entity has complied with the other
 2 provisions of this act; the firm, corporation or other entity maintains
 3 a place of business within this State; and another bona fide
 4 representative of the entity obtains a State license within six months
 5 from the date of the death, termination of employment, illness or
 6 disability. The board may promulgate additional regulations
 7 governing the management and operation of an entity during that
 8 period of time when the entity shall be in operation without having
 9 a bona fide representative.

10
 11 ¹[17.] ²[22.¹] 23.² (New section) In addition to any other
 12 bonds that may be required pursuant to contract, no ¹[HVAC]
 13 Master HVACR¹ contractor licensed under this act shall undertake
 14 to do any ¹[HVAC] HVACR¹ work in the State unless and until he
 15 shall have first entered into a bond in favor of the State of New
 16 Jersey in the sum of \$3,000 executed by a surety company
 17 authorized to transact business in this State, approved by the
 18 Department of Banking and Insurance and to be conditioned on the
 19 faithful performance of the provisions of this act. No municipality
 20 shall require any similar bond from any ¹[HVAC] Master HVACR¹
 21 contractor licensed under this act. The board shall by rule and
 22 regulation provide who shall be eligible to receive the financial
 23 protection afforded by the bond required to be filed by this section.
 24 The bond shall be for the term of 12 months and shall be renewed at
 25 each expiration for a similar period.

26
 27 ¹[18.] ²[23.¹] 24.² (New section) To be eligible to obtain and
 28 retain a pressure seal, and renew ¹[an HVAC] ²[a]an² HVACR¹
 29 license, ¹[an HVAC] a Master HVACR¹ contractor shall:

30 a. Secure, maintain and file with the board a certificate of
 31 general liability insurance from an insurance company authorized
 32 and licensed to do business in this State ²or proof of self-insurance
 33 approved by the Department of Banking and Insurance² covering
 34 the ¹[HVAC] Master HVACR¹ contracting done by that ¹[HVAC]
 35 HVACR¹ contractor. The minimum amount of general liability
 36 insurance shall be ¹[\$300,000] \$500,000¹ for the combined
 37 property damage and bodily injury to or death of one or more
 38 persons in any one accident or occurrence; ²and²

39 b. File with the board its Federal Tax Identification number ²[;
 40 and] .²

41 ²[c. Comply with any continuing education requirements
 42 regarding license renewal for ¹[an HVAC] a Master HVACR¹
 43 contractor established by the board through regulation ¹pursuant to
 44 section 16 of this act¹.] Every licensed HVACR contractor whose
 45 general liability policy is cancelled or nonrenewed shall submit to
 46 the board a copy of the certificate of general liability insurance for a

1 new or replacement policy which meets the requirements of
 2 subsection a. of this section before the former policy is no longer
 3 effective.²

4 Every certificate of insurance required to be filed with the board
 5 pursuant to this section shall provide that cancellation of the
 6 insurance shall not be effective unless and until at least 10 days'
 7 notice of intention to cancel has been received in writing by the
 8 board.

9
 10 ¹[19.] ²[24.]¹ ²25.² (New section) a. The board shall provide a
 11 pressure seal to ¹[an HVAC] a Master HVACR¹ contractor at the
 12 time of the issuance of a license or as soon thereafter as deemed
 13 appropriate by the board. No pressure seal shall be provided by the
 14 board or retained by ¹[an HVAC] a Master HVACR¹ contractor
 15 unless the ¹[HVAC] Master HVACR¹ contractor complies with the
 16 provisions of sections ¹[17] ²[22]¹ ²23² and ¹[18] ²[23]¹ ²24² of this
 17 act. The ¹[HVAC] Master HVACR¹ contractor shall pay the cost
 18 of the pressure seal, but the seal shall remain the property of the
 19 board. The pressure seal shall be surrendered to the board
 20 immediately upon suspension, revocation or expiration of the
 21 license or upon a finding of noncompliance with the provisions of
 22 section ¹[18] ²[23]¹ ²24² of this act.

23 b. ¹[An HVAC] A Master HVACR¹ contractor shall impress his
 24 pressure seal upon all applications for ¹[HVAC] HVACR¹ permits
 25 from the appropriate duly licensed State inspection agency.

26 c. A pressure seal shall be used exclusively by ¹[an HVAC] a
 27 Master HVACR¹ contractor or in the conduct of the ¹[HVAC]
 28 Master HVACR¹ contractor's practice. ¹[An HVAC] A Master
 29 HVACR¹ contractor shall not willfully or negligently allow any
 30 person to use his pressure seal.

31
 32 ¹[20.] ²[25.]¹ ²26.² (New section) Notwithstanding any other
 33 provision of this act to the contrary, the board shall, upon
 34 application to it and submission of satisfactory proof and the
 35 payment of the prescribed fee within six months following the
 36 effective date of this act, issue ¹[an [HVAC] a Master HVACR¹
 37 license without examination to: a. any licensed master plumber who
 38 has been engaged in the heating, ventilating ¹[or] ¹ air
 39 conditioning ¹or refrigeration¹ business for at least two years prior
 40 to the date of his application for ¹[an HVAC] a Master HVACR¹
 41 license; or b. any person who has been engaged as a heating,
 42 ventilating ¹[and] ¹ air conditioning ¹and refrigeration¹ contractor
 43 for at least two years prior to his date of application for ¹[an
 44 HVAC] a Master HVACR¹ license.

45 A person entitled to ¹[an HVAC] a Master HVACR¹ license

1 under the provisions of this section shall comply with the remaining
2 provisions of this act.

3
4 ¹[21.] ²[~~26.~~¹] 27.² (New section) a. Nothing in this act shall
5 be construed to prevent licensed master plumbers from engaging in
6 the installation, maintenance and repair of: power boiler systems,
7 hot water and steam heating systems, fire tube and water tube
8 boilers, pressure steam and hot water boilers, space heaters, unit
9 heaters, and appurtenances utilizing electricity, fossil fuel or solar
10 energy; steam, hot water and chilled water pipe, condensate piping,
11 valves, fittings, ²[fuel oil storage tanks not regulated under
12 P.L.1986, c.102 (C.58:10A-21 et seq.),]² burners and piping,
13 expansion tanks, pumps, gauges on the load side of a meter;
14 ²[and]² thermostatic controls; or natural or manufactured gas
15 piping; ²[and] or² the installation, maintenance or connection of:
16 pneumatic controls and control piping for the control of air, liquid
17 or gas temperatures, radiators, convectors, cabinet unit heaters, fan
18 coil units, air handlers utilizing hydronic coils, mechanical
19 ventilation for radon mitigation, humidifiers, flues and patented
20 chimneys; or of pneumatic controls and control piping of automatic
21 oil, gas or coal burning equipment, gasoline or diesel oil dispensing
22 equipment and in replacement cases only, the connection thereof of
23 the wiring from a dedicated electrical service disconnect box of
24 adequate size to accommodate the equipment and controls, and the
25 testing and balancing of hydronic systems ²; or the installation,
26 repair, testing or closure of waste oil underground storage tanks².

27 b. Nothing in this act shall be construed to prevent licensed
28 electrical contractors from engaging in the installation of: electrical
29 resistance heating equipment and ventilation equipment with the
30 exhaust duct not exceeding 60 square inches in area, or in
31 commercial applications the connection sleeve between a roof-top
32 mounted exhaust fan and its central connecting register, provided
33 that this connection sleeve is not more than 15 ¹[feet] inches¹ in
34 length ¹or the length necessary to penetrate a roof or other similar
35 openings¹; and the maintenance and repair of the electrical sections
36 of any equipment used for heating, ventilating ¹[or] ,¹ air
37 conditioning ¹or refrigeration¹.

38
39 ¹[22.] ²[~~27.~~¹] 28.² (New section) Notwithstanding any other
40 provision of this act to the contrary, a licensed master plumber or a
41 person with ¹[an HVAC] a Master HVACR¹ license shall not
42 perform any electrical work which has a potential of greater than 30
43 volts, involving the wiring of equipment used for heating,
44 ventilating ¹[or] ,¹ air conditioning ¹or refrigeration¹, except in the

1 case of replacement installations as described in sections 2 and
2 ¹[21] ²[26¹]27² of this act or as provided for in section 18 of
3 P.L.1962, c.162 (C.45:5A-18).

4
5 ¹[23.] ²[28.¹] 29.² Section 1 of P.L.1971, c.60 (C.45:1-2.1) is
6 amended to read as follows:

7 1. The provisions of this act shall apply to the following boards
8 and commissions: the New Jersey State Board of Accountancy, the
9 New Jersey State Board of Architects, the New Jersey State Board
10 of Cosmetology and Hairstyling, the Board of Examiners of
11 Electrical Contractors, the New Jersey State Board of Dentistry, the
12 State Board of Mortuary Science of New Jersey, the State Board of
13 Professional Engineers and Land Surveyors, the State Board of
14 Marriage and Family Therapy Examiners, the State Board of
15 Medical Examiners, the New Jersey Board of Nursing, the New
16 Jersey State Board of Optometrists, the State Board of Examiners of
17 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
18 Pharmacy, the State Board of Professional Planners, the State Board
19 of Psychological Examiners, the State Board of Examiners of
20 Master Plumbers, the New Jersey Real Estate Commission, the
21 State Board of Court Reporting, the State Board of Veterinary
22 Medical Examiners, the Radiologic Technology Board of
23 Examiners, the Acupuncture Examining Board, the State Board of
24 Chiropractic Examiners, the State Board of Respiratory Care, the
25 State Real Estate Appraiser Board, the State Board of Social Work
26 Examiners, **[and] the State Board of Examiners of Heating,**
27 **¹[Ventilation and] Ventilating,¹ Air Conditioning ¹and**
28 **¹Refrigeration¹ Contractors,** the State Board of Physical Therapy
29 Examiners, the Orthotics and Prosthetics Board of Examiners, the
30 New Jersey Cemetery Board, the State Board of Polysomnography
31 and any other entity hereafter created under Title 45 to license or
32 otherwise regulate a profession or occupation.

33 (cf: P.L.2005, c.308, s.8)

34
35 ¹[24.] ²[29.¹] 30.² Section 1 of P.L.1974, c.46 (C.45:1-3.1) is
36 amended to read as follows:

37 1. The provisions of this act shall apply to the following boards
38 and commissions: the New Jersey State Board of Accountancy, the
39 New Jersey State Board of Architects, the New Jersey State Board
40 of Cosmetology and Hairstyling, the Board of Examiners of
41 Electrical Contractors, the New Jersey State Board of Dentistry, the
42 State Board of Mortuary Science of New Jersey, the State Board of
43 Professional Engineers and Land Surveyors, the State Board of
44 Marriage and Family Therapy Examiners, the State Board of
45 Medical Examiners, the New Jersey Board of Nursing, the New
46 Jersey State Board of Optometrists, the State Board of Examiners of
47 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of

1 Pharmacy, the State Board of Professional Planners, the State Board
 2 of Psychological Examiners, the State Board of Examiners of
 3 Master Plumbers, the State Board of Court Reporting, the State
 4 Board of Veterinary Medical Examiners, the Radiologic
 5 Technology Board of Examiners, the Acupuncture Examining
 6 Board, the State Board of Chiropractic Examiners, the State Board
 7 of Respiratory Care, the State Real Estate Appraiser Board, the New
 8 Jersey Cemetery Board, the State Board of Social Work Examiners
 9 **[and]** , the State Board of Examiners of Heating, ¹[Ventilation
 10 and] Ventilating,¹ Air Conditioning ¹and Refrigeration¹
 11 Contractors, the State Board of Physical Therapy Examiners, the
 12 State Board of Polysomnography, the Orthotics and Prosthetics
 13 Board of Examiners and any other entity hereafter created under
 14 Title 45 to license or otherwise regulate a profession or occupation.
 15 (cf: P.L.2005, c.308, s.10)

16
 17 ¹[25.] ²[30.¹] 31.² Section 2 of P.L.1978, c.73 (C.45:1-15) is
 18 amended to read as follows:

19 2. The provisions of this act shall apply to the following boards
 20 and all professions or occupations regulated by, through or with the
 21 advice of those boards: the New Jersey State Board of
 22 Accountancy, the New Jersey State Board of Architects, the New
 23 Jersey State Board of Cosmetology and Hairstyling, the Board of
 24 Examiners of Electrical Contractors, the New Jersey State Board of
 25 Dentistry, the State Board of Mortuary Science of New Jersey, the
 26 State Board of Professional Engineers and Land Surveyors, the
 27 State Board of Marriage and Family Therapy Examiners, the State
 28 Board of Medical Examiners, the New Jersey Board of Nursing, the
 29 New Jersey State Board of Optometrists, the State Board of
 30 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
 31 the Board of Pharmacy, the State Board of Professional Planners,
 32 the State Board of Psychological Examiners, the State Board of
 33 Examiners of Master Plumbers, the State Board of Court Reporting,
 34 the State Board of Veterinary Medical Examiners, the State Board
 35 of Chiropractic Examiners, the State Board of Respiratory Care, the
 36 State Real Estate Appraiser Board, the State Board of Social Work
 37 Examiners, the State Board of Examiners of Heating, ¹[Ventilation
 38 and] Ventilating,¹ Air Conditioning ¹and Refrigeration¹
 39 Contractors, the State Board of Physical Therapy Examiners, the
 40 State Board of Polysomnography, the Professional Counselor
 41 Examiners Committee, the New Jersey Cemetery Board, the
 42 Orthotics and Prosthetics Board of Examiners, the Occupational
 43 Therapy Advisory Council, the Electrologists Advisory Committee,
 44 the Acupuncture Advisory Committee, the Alcohol and Drug
 45 Counselor Committee, the Athletic Training Advisory Committee,
 46 the Certified Psychoanalysts Advisory Committee, the Fire Alarm,
 47 Burglar Alarm, and Locksmith Advisory Committee, the Home

1 Inspection Advisory Committee, the Interior Design Examination
2 and Evaluation Committee, the Hearing Aid Dispensers Examining
3 Committee, the Landscape Architect Examination and Evaluation
4 Committee, the Massage, Bodywork and Somatic Therapy
5 Examining Committee, the Perfusionists Advisory Committee, the
6 Physician Assistant Advisory Committee, and the Audiology and
7 Speech-Language Pathology Advisory Committee and any other
8 entity hereafter created under Title 45 to license or otherwise
9 regulate a profession or occupation.

10 (cf: P.L.2005, c.308, s.11)

11

12 ¹[26.] ²[31.¹] 32.² This act shall take effect immediately,
13 except that section 7 shall take effect 360 days following the
14 appointment and qualification of the board members, and provided
15 that the director and board may take such anticipatory action as may
16 be necessary to effectuate that provision of the act.