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NEW JERSEY REGISTER
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VOLUME 40, ISSUE 17

ISSUE DATE: SEPTEMBER 2, 2008

RULE ADOPTIONS

**LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF EXAMINERS OF MASTER PLUMBERS**

40 N.J.R. 5045(b)

Readoption with Amendments: N.J.A.C. 13:32

Rules of the State Board of Examiners of Master Plumbers

Proposed: March 17, 2008 at 40 N.J.R. 1607(a).

Adopted: May 22, 2008 by the New Jersey Board of Examiners of Master Plumbers, Peter Voros, Chairman.

Filed: August 4, 2008 as R.2008 d.260, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:14C-7.

Effective Dates: August 4, 2008, Readoption;

September 2, 2008, Amendments.

Expiration Date: August 4, 2013.

Summary of Public Comments and Agency Responses:

The official comment period ended May 16, 2008. The Board received one comment from the following individual:

1. Thomas Walsh, Plumbing Subcode Official, Township of East Brunswick, New Jersey Plumbing Inspectors Association, New Jersey State League of Master Plumbers

1. COMMENT: The commenter requests that the Board amend N.J.A.C. 13:32-1.4(a) to include a new sub-subsection 1, which would incorporate provisions from N.J.S.A. 45:16A-27. The commenter's proposed amendment

would state:

"The installation, maintenance and repair of: power boiler systems, hot water and steam heating systems, fire tube and water tube boilers, pressure steam and hot water boilers, space heaters, unit heaters, and appurtenances utilizing electricity, fossil fuel or solar energy; steam, hot water and chilled water pipe, condensate piping, valves, fittings, burners and piping, expansion tanks, pumps, gauges on the load side of a meter; thermostatic controls; or natural or manufactured gas piping; or the installation, maintenance or connection of: pneumatic controls and control piping for the control of air, liquid or gas temperatures, radiators, convectors, cabinet unit heaters, fan coil units, air handlers utilizing hydronic coils, mechanical ventilation for radon mitigation, humidifiers, flues and patented chimneys; or of pneumatic controls and control piping of automatic oil, gas or coal burning equipment, gasoline or diesel oil dispensing equipment and in replacement cases only, the connection thereof of the wiring from a dedicated electrical service disconnect box of adequate size to accommodate the equipment and controls, and the testing and balancing of hydronic systems; or the installation, repair, testing or closure of waste oil underground storage tanks."

RESPONSE: The Board agrees that N.J.A.C. 13:32-1.4(a) should be amended to incorporate provisions from N.J.S.A. 45:16A-27. The Board believes that such an amendment would require additional notice and public comment and will propose these amendments in a future rulemaking.

2. COMMENT: The commenter recommends that the heading of N.J.A.C. 13:32-1.4 be changed to "Scope of Professional Practice."

RESPONSE: The Board does not believe that the suggested change in the heading for N.J.A.C. 13:32-1.4 accurately describes the content of this rule and will not change the rules as the commenter suggests.

3. COMMENT: The commenter suggests that N.J.A.C. 13:32-1.4(c)1 be amended to read: "Performing of plumbing work, including minor work pursuant to N.J.A.C. 5:23-2.17A and ordinary repairs pursuant to N.J.A.C. 5:23-2.7."

RESPONSE: The Board believes that changing N.J.A.C. 13:32-1.4 as the commenter suggests would limit the work that may only be performed by a licensed master plumber. If the rule is changed as suggested by the commenter, any minor work that is not covered by N.J.A.C. 5:23-2.17A or 2.7 could be performed by unlicensed individuals. This is contrary to existing N.J.A.C. 13:32-1.4(c)1 and the Board will not change the rule as suggested by the commenter.

4. COMMENT: The commenter recommends that N.J.A.C. 13:32-1.4(c)3 be amended to read: "Installation, extension, alteration, repair, maintenance and removal of water service piping or water distribution piping, approved backflow prevention devices and assemblies including but not limited to fire protection and suppression systems, irrigation systems, mechanical equipment, culinary equipment, food processing or dispensing equipment or any cross connection between the potable water supply and any potential pollutant, contaminant or hazardous substance."

RESPONSE: The Board agrees that N.J.A.C. 13:32-1.4(c)3 should be amended as suggested by the commenter. The Board believes that such an amendment would require additional notice and public comment and will propose these amendments in a future rulemaking.

5. COMMENT: The commenter suggests that N.J.A.C. 13:32-1.4(c)4 be amended to read: "Plumbing work performed at a place of business by employees of that business on property owned by the business pursuant to N.J.A.C. 5:23-2.14(c)."

RESPONSE: The Board believes that the commenter's suggested change would limit the plumbing work that is reserved solely for licensed master plumbers. If the rule is changed as the commenter suggests, if work is not performed pursuant to N.J.A.C. 5:23-2.14(c), it is not reserved solely for licensed master plumbers. The Board will not change N.J.A.C. 13:32-1.4(c)4 as suggested by the commenter.

6. COMMENT: The commenter recommends that N.J.A.C. 13:32-1.4(c)6 be amended to read: "Installation extension, alteration, repair, maintenance, testing and removal of all direct and indirect drain piping associated with or connected to mechanical equipment that discharges to a sewer system."

RESPONSE: The Board agrees that N.J.A.C. 13:32-1.4(c)6 should be amended as suggested by the commenter. The Board believes that such an amendment would require additional notice and public comment and will propose these amendments in a future rulemaking.

7. COMMENT: The commenter requests that the Board amend N.J.A.C. 13:32-1.4(c)8 to read: "Installation and removal of water filtration or water softening equipment, water heaters, water storage tanks not regulated under N.J.A.C. 7:9D et. seq., humidifiers, dishwashers, ice making equipment, culinary equipment, food processing or dispensing equipment connected to the potable water supply."

RESPONSE: The Board agrees that N.J.A.C. 13:32-1.4(c)8 should be amended as suggested by the commenter. The Board believes that such an amendment would require additional notice and public comment and will propose these amendments in a future rulemaking.

8. COMMENT: The commenter recommends that N.J.A.C. 13:32-1.4(c)9 be amended to read: "Installation extension, alteration, repair, maintenance, testing and removal of water piping on the building side of a well water compression tank regulated under N.J.A.C. 7:9D; and"

RESPONSE: The Board agrees that N.J.A.C. 13:32-1.4(c)9 should be amended as suggested by the commenter. The Board believes that such an amendment would require additional notice and public comment and will propose these amendments in a future rulemaking.

9. COMMENT: The commenter suggests that N.J.A.C. 13:32-1.4(c)10 be amended to read: "Installation, extension, alteration, repair, maintenance, testing and removal of storm, sanitary and water piping between buildings or structures on a property."

RESPONSE: The Board agrees that the term "service" means "installation, extension, alteration, repair, maintenance, testing and removal" and is changing N.J.A.C. 13:32-1.4(c)10 upon adoption for clarification.

10. COMMENT: The commenter recommends that the Board amend N.J.A.C. 13:32-1.4(d)3 to read: "The installation, service and maintenance of fire suppression systems regulated under N.J.A.C. 5:74 et. seq., irrigation systems regulated under N.J.A.C. 7:9 et seq. and hydronic and solar systems piping regulated under N.J.S.A. 45:16A downstream from an approved backflow prevention device or assembly."

RESPONSE: The Board agrees that N.J.A.C. 13:32-1.4(d)3 should be amended as suggested by the commenter. The Board believes that such an amendment would require additional notice and public comment and will propose these amendments in a future rulemaking.

11. COMMENT: The commenter requests that the Board amend N.J.A.C. 13:32-1.4(d)4 to read: "The installation, service and maintenance, of gas appliances regulated under N.J.S.A. 45:16A et seq."

RESPONSE: The Board agrees that N.J.A.C. 13:32-1.4(d)4 should be amended as suggested by the commenter. The Board believes that such an amendment would require additional notice and public comment and will propose these amendments in a future rulemaking.

12. COMMENT: The commenter recommends that N.J.A.C. 13:32-1.4(d)7 be amended to read: "The installation, maintenance and repair of water piping to mechanical equipment downstream from an approved backflow prevention device or assembly."

RESPONSE: The Board agrees that N.J.A.C. 13:32-1.4(d)7 should be amended as suggested by the commenter. The Board believes that such an amendment would require additional notice and public comment and will propose these amendments in a future rulemaking.

13. COMMENT: The commenter suggests that the Board adopt a new N.J.A.C. 13:32-1.4(d)8, which would read: "The testing of backflow prevention devices and assemblies by certified individuals regulated under N.J.A.C. 7:10-10.8."

RESPONSE: The Board agrees that N.J.A.C. 13:32-1.4(d)8 should be amended as suggested by the commenter. The Board believes that such an amendment would require additional notice and public comment and will propose these amendments in a future rulemaking.

14. COMMENT: The commenter requests that N.J.A.C. 13:32-1.4(e)2 be amended to read: "Plumbing work performed by full-time employees of a public agency on property owned by that agency pursuant to N.J.A.C. 5:23-2.14(e) et seq."

RESPONSE: The Board agrees that N.J.A.C. 13:32-1.4(e)2 should be amended as suggested by the commenter. The Board believes that such an amendment would require additional notice and public comment and will propose these amendments in a future rulemaking.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the rules readopted with amendments.

Full text of the readoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***):

13:32-1.3 Definitions

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

...

"Plumbing" means the practice, materials and fixtures used in the installation, maintenance, extension, alteration, repair and removal of all piping, plumbing fixtures, plumbing appliances and plumbing apparatus in connection with any of the following:

1. Sanitary drainage;
2. Storm facilities and building sewers to their respective final connection to an approved point of disposal;
3. Venting systems; and
4. Public and private water supply systems of any premises to and within the property line of any building or structure to their final connection with an approved supply system.

"Plumbing" also means the practice and materials used in the installation, maintenance, extension, alteration, repair or removal of storm water, refrigeration and air conditioning drains, liquid waste or sewage. "Plumbing" does not include the final connection to an approved point of disposal or an approved supply system which extends beyond three feet of a

building or structure.

"Plumbing contractor" means any individual licensed master plumber operating as a sole proprietor who, or a firm, partnership, corporation or other legal entity, which undertakes for another the planning, laying out, supervising, installing or making of additions, alterations and repairs in the installation of plumbing who either acts, or has a licensed master plumber who acts, as a bona fide representative as required by N.J.S.A. 45:14C-2(d) and (h) and this chapter.

"Supervisory journeyman plumber" means an individual who has completed an apprenticeship program approved by the United States Department of Labor and has completed three additional years as a journeyman plumber working with tools in the installation, maintenance, extension, alteration, repair and removal of all piping, plumbing fixtures, plumbing appliances, and plumbing apparatus as defined in the word "plumbing."

...

13:32-1.4 Scope of practice

(a) (No change.)

(b) Plumbing shall only be performed by a master plumber, an authorized plumbing contractor, or by employees working under the supervision of a master plumber as permitted by N.J.S.A. 45:14C-1 et seq. and N.J.A.C. 13:32-3.3(a)3.

(c) For purposes of this section, the following shall also be considered within the scope of the practice of plumbing and shall only be performed by individuals designated in (b) above:

1.-6. (No change.)

Recodify existing 8.-9. as 7.-8. (No change in text.)

9. Installation *[and service]**, **extension, alteration, repair, maintenance, testing and removal*** of storm, sanitary and water piping between buildings or structures on a property.

(d) If an individual does not charge for the services listed in (c) above, or if he or she provides such services for a non-profit organization, the provision of these services is the practice of plumbing and the individual shall be a licensed master plumber.

(e) For purposes of this section, the following may be performed by both licensed master plumbers and individuals who are not licensed master plumbers:

1.-7. (No change.)

(f) (No change in text.)

(g) A licensed master plumber may perform a task listed in (e) above, as long as he or she performs the task in a manner consistent with professional plumbing standards.

(h) (No change in text.)

13:32-2.1 Eligibility for examinations

(a)-(b) (No change.)

(c) After the Board has reviewed the information required in (b) above, the Board shall send a letter that informs the applicant whether he or she is eligible to take the licensing examination required by N.J.A.C. 13:32-2.3 and, if deemed eligible, of the time and place of examination.

13:32-2.2 Experience requirements

(a) For purposes of this section, "practical hands-on experience" means experience in the installation, maintenance, extension, alteration, repair and removal of piping, plumbing fixtures, plumbing appliances and plumbing apparatus. Practical hands-on experience does not include time spent in performing managerial tasks, such as supervising, engineering, estimating, or time spent performing tasks, which do not constitute the practice of plumbing as defined in N.J.A.C. 13:32-1.3.

(b) Applicants for examination for a license as a master plumber shall present proof to the Board that he or she:

1. Has completed a four-year apprenticeship program approved by the United States Department of Labor and has completed one year of practical hands-on experience as a journeyman plumber; or

2. (No change.)

13:32-2.6 Renewal of license

(a) (No change.)

(b) The Board shall send a notice of renewal to each licensed master plumber, at least 60 days prior to the expiration of the license. 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 any unlicensed practice during the period following the licensure expiration, not to exceed the number of days short of the 60 before the notice of renewal was sent.

(c) (No change.)

(d) A person who continues to practice or hold himself or herself out as a licensed master plumber after being suspended pursuant to (c) above shall be deemed to have committed unlicensed practice pursuant to N.J.S.A. 45:14C-12.3, even if no notice of suspension has been provided to the person.

(e) A person seeking reinstatement within five years following the suspension of a license pursuant to (c) above shall submit the following to the Board:

1.-5. (No change.)

(f) A person seeking reinstatement after more than five years following the suspension of a license pursuant to (c) above shall successfully complete the examination required for initial licensure as set forth in N.J.A.C. 13:32-2.3 and shall submit:

1.-4. (No change.)

(g)-(h) (No change.)

13:32-3.1 Identification of licensed master plumber; vehicles, stationery; advertising

(a) (No change.)

(b) All business correspondence, invoices and stationery shall display:

1.-2. (No change.)

3. The New Jersey business address, including the street name and number of the owner or qualified bona fide representative.

(c) All advertising shall include:

1. (No change.)

2. The New Jersey business address, including the street name and number of the owner or qualified bona fide representative; and

3. (No change.)

(d) Every State-licensed master plumber whose name, New Jersey office address, place of practice or license number appears or is mentioned in any advertisement of any kind or character shall be presumed to have caused, permitted, or approved the advertising and shall be personally responsible for its content and character.

(e) (No change.)

13:32-3.2 Bona fide representative; reporting responsibilities

(a) A licensed master plumber seeking to act as a bona fide representative for any firm, partnership, corporation or other legal entity shall comply with the following within 30 days of assuming the role of a bona fide representative:

1. Register with the Board, providing the name of the plumbing contractor, its New Jersey business address and if the plumbing contractor is a corporation, the names of the officers of record;

2.-4. (No change.)

(b) In order to evaluate the claims relating to the bona fide representatives ownership interest in the plumbing contractor pursuant to (a)2 above, the Board, at any time, may request that the bona fide representative provide any Federal, State or local government tax documentation, which the plumbing contractor is required to file with governmental tax authorities.

(c) If a bona fide representative for any firm, partnership, corporation or other legal entity withdraws as the bona fide representative, the firm, partnership, corporation or other legal entity may continue to operate for 60 days without a bona fide representative provided that:

1. A licensee supervises all work conducted in the same manner as required by a bona fide representative pursuant to N.J.A.C. 13:32-3.3(a)3;

2. The bona fide representative and the firm, partnership, corporation or other legal entity notifies the Board within 10 days of the withdrawal of the bona fide representative; and

3. The supervising licensee notifies the Board within 10 days of being appointed as the supervising licensee.

(d) If the bona fide representative for any firm, partnership, corporation or other legal entity is unable to perform the duties of a bona fide representative because of death, illness or disability, the firm, partnership, corporation or other legal entity may continue to operate for six months without a bona fide representative provided that:

1. A licensed master plumber supervises all work conducted in the same manner as required by a bona fide representative pursuant to N.J.A.C. 13:32-3.3(a)3;

2. The firm, partnership, corporation or other legal entity notify the Board within 10 days of the death, illness or disability of the bona fide representative; and

3. The supervising licensee notifies the Board within 10 days of being appointed as the supervising licensee.

13:32-3.3 Bona fide representative responsibilities

(a) A bona fide representative registered with the Board pursuant to N.J.A.C. 13:32-3.2 shall:

1. Give notice to the Board in writing concerning any change in the name or address of the entity within 10 days of the change;

2. (No change.)

3. Supervise in the manner described in (a)3i through iv below the performance of all plumbing work performed by the plumbing contractor for which the licensed master plumber acts as the bona fide representative. Such supervision shall assure the effective compliance with State and local plumbing codes and the performance of work in accordance with proper plumbing practice.

i.-iv. (No change.)

4.-6. (No change.)

7. Provide each supervisory journeyman of the plumbing contractor that performs plumbing work with an identification card that includes:

i. (No change.)

ii. The name and New Jersey address of the plumbing contractor;

iii.-v. (No change.)

(b) (No change.)

(c) The bona fide representative of any plumbing contractor, which contracts to provide plumbing services to a consumer and wishes to subcontract that plumbing work to another plumbing contractor shall:

1.-2. (No change.)

3. Notify the consumer, prior to the beginning of any work, that the work has been subcontracted to another licensed master plumber or legally qualified plumbing contractor and provide the consumer with the name, New Jersey address

and telephone number of the subcontractor and the name and license number of the subcontractor's bona fide representative;

4.-7. (No change.)

(d) (No change.)

13:32-3.4 Responsibility of licensed master plumber to perform contracted work

Any plumbing work that a licensed master plumber agrees to perform, that has not been subcontracted to another licensed master plumber, shall be performed only by the licensed master plumber or the employees of the licensed master plumber or the plumbing contractor.

13:32-4.1 Requirement of pressure seal; penalties for misuse; return of pressure seal

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

(e) A licensed master plumber who has been suspended for failure to renew the license in accordance with N.J.A.C. 13:32-2.6 or who has had his or her license suspended or revoked for any reason shall return the pressure seal to the Board within 30 days of the suspension, revocation or lapse of license.

(f) (No change.)

13:32-4.3 Actions on the surety bond

(a) Any person, partnership or corporation, including any political subdivision of State government who has been injured, aggrieved or damaged through the failure of a licensed master plumber to perform the duties required by N.J.S.A. 45:14C-1 et seq. or this chapter shall be eligible to receive the financial protection of, and may maintain an action on the surety bond.

13:32-4.4 Change of address; service of process

(a) Every licensed master plumber shall notify the Board in writing of his or her New Jersey office address. Every licensed master plumber shall notify the Board in writing of any change in his or her residence or office address within 10 days after such change.

(b) (No change.)

13:32-6.2 Continuing education sponsors; Board approval; duties

(a) (No change.)

(b) A sponsor seeking Board approval shall appear before the Board and submit, prior to that appearance, the following:

1.-2. (No change.)

3. The continuing education sponsor application fee pursuant to N.J.A.C. 13:32-5.1(a)15.

(c)-(g) (No change.)

13:32-7.7 Renewal of certificates

(a)-(c) (No change.)

(d) A person who continues to practice or hold him or herself out as a certificant after being suspended pursuant to (c) above shall be deemed to have engaged in uncertified practice pursuant to N.J.S.A. 45:14C-28, even if no notice of suspension has been provided to the person.

(e) A person seeking reinstatement within five years following the suspension of a certificate pursuant to (c) above shall submit to the Board:

1.-4. (No change.)

(f) A person seeking reinstatement after more than five years following the suspension of a certificate pursuant to (c) above shall successfully complete the examination required for initial certification as set forth in N.J.A.C. 13:32-7.3(c), 7.4(c) or 7.5(c) and shall submit to the Board:

1.-4. (No change.)

(g)-(h) (No change.)