

# ASSEMBLY, No. 3897

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MARCH 1, 2005

**Sponsored by:**

**Assemblyman VINCENT PRIETO**

**District 32 (Bergen and Hudson)**

**Assemblyman NEIL M. COHEN**

**District 20 (Union)**

**Assemblyman BRIAN P. STACK**

**District 33 (Hudson)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT providing for the licensing of heating, ventilating and air  
2 conditioning contractors, amending P.L.1971, c.60, P.L.1974, c.46  
3 and P.L.1978, c.73 and supplementing Title 45 of the Revised  
4 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 of this act shall be known  
10 and may be cited as "The State Heating, Ventilating and Air  
11 Conditioning Contracting License Law."

12  
13 2. (New section) As used in this act:  
14 "Apprentice HVAC tradesperson" means any person who, as his  
15 principal occupation, is engaged in learning and assisting in the  
16 installation and servicing of HVAC systems.

17 "Board" means the State Board of Examiners of Heating,  
18 Ventilation and Air Conditioning Contractors created by section 3 of  
19 this act.

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

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

26 "Heating, ventilating and air conditioning" or "HVAC" means the  
27 process of treating and protecting the environment by the responsible  
28 handling, dispensing, collecting and cleaning of chlorofluorocarbons  
29 and other refrigerants in stationary sources, and controlling the  
30 temperature, humidity and cleanliness of air by using the "wet," "dry,"  
31 "radiant," "conduction," "convection," "direct," or "indirect" method  
32 or combination of methods, including those which utilize solar energy,  
33 to meet the environmental requirements of a designated area.  
34 "HVAC" also means the installation, maintenance and repair of: power  
35 boiler systems, hydronic heating systems, fire tube and water tube  
36 boilers, pressure steam and hot water boilers, furnaces and space  
37 heaters, and appurtenances utilizing electric, fossil fuel or solar energy  
38 other than for the use of heating potable water; warm air heating or  
39 refrigeration and evaporative cooling systems, ventilation and exhaust  
40 systems, dust collectors, air handling equipment, heating or cooling  
41 coils, air or refrigerant compressors, chillers, cooling towers,  
42 evaporators, condensers, plenums, fans, blowers, air cleaners,  
43 mechanical ventilation for radon mitigation, humidifiers, filters,

**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.**

1 louvers, mixing boxes and appurtenances; hydronic heating and chilled  
2 water pipe, condensate piping not regulated under P.L.1968, c.362  
3 (C.45:14C-1 et seq.), valves, fittings, fuel oil storage tanks not  
4 regulated under P.L.1986, c.102 (C.58:10A-21 et seq.), burners and  
5 piping, hydronic heating, expansion tanks, pumps, gauges, humidity  
6 and thermostatic controls; natural or manufactured gas piping on the  
7 load side of a meter; supply water piping to equipment being served  
8 from an existing dedicated source connected downstream from an  
9 approved backflow preventer, except in replacement cases, the  
10 installation of the required approved backflow device downstream  
11 from a pre-existing valve; and the maintaining, installing or connecting  
12 of: pneumatic controls and control piping, for the control of air, liquid,  
13 or gas temperatures, radiators, convectors, unit cabinet heaters, fan  
14 coil units, flues, or patented chimneys; and pneumatic controls and  
15 control piping, of automatic oil, gas or coal burning equipment,  
16 mechanical refrigeration equipment, gasoline or diesel oil dispensing  
17 equipment and in replacement cases only, the connection thereof of the  
18 wiring from an electrical service disconnect box of adequate size to  
19 accommodate the equipment and controls and previously dedicated to  
20 that equipment, and the testing and balancing of air and hydronic  
21 systems, but does not include the design or preparation of  
22 specifications for equipment or systems to be installed that are within  
23 the practice of professional engineering as defined in subsection (b) of  
24 section 2 of P.L.1938, c.342 (C.45:8-28).

25 "Heating, ventilating and air conditioning contracting" means  
26 undertaking or advertising to undertake, for a fixed price, fee,  
27 commission, or gain of whatever nature, the planning, laying out,  
28 installation, construction, maintenance, service, repair, alteration or  
29 modification to any portion of any system, product or equipment or  
30 appurtenances used for the environmental needs or control of any  
31 heating, ventilating and air conditioning system.

32 "Heating, ventilating and air conditioning contractor" means any  
33 person, firm, partnership, corporation or other legal entity licensed  
34 according to the provisions of this act which obtains a pressure seal  
35 pursuant to sections 18 and 19 of this act and which advertises,  
36 undertakes or offers to undertake for another the planning, laying out,  
37 supervising, installing, or repairing of HVAC systems, apparatus or  
38 equipment. In order to act as an "HVAC contractor," an individual  
39 shall be a bona fide representative of the legal entity licensed pursuant  
40 to the provisions of this act.

41 "Journeyman HVAC tradesperson" means any person who installs,  
42 alters, repairs and renovates HVAC systems in accordance with  
43 standards, rules and regulations established by the board and who  
44 works under the supervision of an HVAC contractor.

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

1 "Replacement" means a change of equipment with the same type or  
2 similar equipment.

3  
4 3. (New section) There is created within the Division of Consumer  
5 Affairs in the Department of Law and Public Safety the State Board of  
6 Examiners of Heating, Ventilation and Air Conditioning Contractors.  
7 The board shall consist of nine members who are residents of the State  
8 of New Jersey and who, except for the member from the department  
9 in the Executive Branch of State Government, shall be appointed by  
10 the Governor. In addition to the two public members appointed to  
11 represent the interests of the public pursuant to the provisions of  
12 subsection b. of section 2 of P.L.1971, c.60 (C.45:1-2.2), one member  
13 shall be from a department in the Executive Branch of State  
14 Government who shall serve without compensation at the pleasure of  
15 the Governor; three members shall be practicing HVAC contractors  
16 with at least 10 years experience; two members shall be mechanical  
17 inspectors with at least 10 years experience; and one member shall be  
18 a journeyman HVAC tradesperson of at least 10 years experience.

19 The Governor shall appoint each member, other than the State  
20 executive department member, for terms of four years, except that of  
21 the members first appointed, other than the State executive department  
22 member, two shall serve for a term of four years, two shall serve for  
23 a term of three years, two shall serve for a term of two years, and two  
24 shall serve for terms of one year. Any vacancy in the membership shall  
25 be filled for the unexpired term in the manner provided for the original  
26 appointment. No member of the board may serve more than two  
27 successive terms in addition to any unexpired term to which he has  
28 been appointed. The Governor may remove any member of the board,  
29 other than the State executive department member, for cause.

30

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

33 a. Administer the provisions of this act;

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

37 c. Examine, evaluate and supervise all examinations and  
38 procedures;

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

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

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

46 g. Establish standards for continuing education; and

1 h. Prescribe or change the charges for examinations, licensures,  
2 renewals and other services performed pursuant to P.L.1974, c.46  
3 (C.45:1-3.1 et seq.).  
4

5 5. (New section) Any person desiring to obtain a State HVAC  
6 contractor's license shall make application for licensure to the board  
7 and shall pay all the fees required in connection with the application,  
8 and be examined as required by this act.  
9

10 6. (New section) On or after the effective date of this act, a  
11 municipality, local board of health or any other agency shall not issue  
12 or renew any HVAC contractor's license.  
13

14 7. (New section) a. A person shall not work as an HVAC  
15 contractor or use the title or designation of "licensed HVAC  
16 contractor" or "HVAC contractor" unless licensed pursuant to the  
17 provisions of this act.

18 b. A person, firm, partnership, corporation or other legal entity  
19 shall not engage in the business of HVAC contracting or advertise in  
20 any manner as an HVAC contractor or use the title or designation of  
21 "licensed HVAC contractor" or "HVAC contractor" unless authorized  
22 to act as an HVAC contractor pursuant to the provisions of this act.  
23

24 8. (New section) Nothing in this act shall be construed to prevent  
25 the practice of engineering by a holder of a license to practice that  
26 profession in this State, but no engineer shall use the designation  
27 "licensed HVAC contractor" unless licensed as an HVAC contractor  
28 under the provisions of this act.  
29

30 9. (New section) The provisions of this act shall not apply to a  
31 single family home owner who personally occupies his own dwelling  
32 and who solely performs HVAC work on his own dwelling, upon  
33 receipt of all required permits, except that any HVAC work involving  
34 chlorofluorocarbons (CFC's) or hydrochlorofluorocarbons (HCFC's)  
35 shall be performed only by a licensed HVAC contractor.  
36

37 10. (New section) The provisions of this act shall not apply to any  
38 public utility company regulated by the Board of Public Utilities  
39 pursuant to Title 48 of the Revised Statutes that performs emergency  
40 repair services to prevent an imminent threat to the health and safety  
41 of life or property, which repair services include, but are not limited  
42 to, turning off, disconnecting, shutting down or disabling any  
43 equipment or condition or the provision of any products.  
44

45 11. (New section) The provisions of this act shall not deny to any  
46 municipality the power to inspect HVAC work or equipment or the

1 power to enforce the standards and manner in which HVAC work shall  
2 be done, but no municipality, local board of health or other agency  
3 shall require any HVAC contractor licensed under this act, or  
4 authorized to engage in the business of HVAC contracting under this  
5 act, to obtain any additional license, apply for or take any examination,  
6 or pay any licensing fee.

7

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

18 The qualifications for an HVAC contractor's license shall be as  
19 follows: The person shall be 21 or more years of age and a citizen or  
20 legal resident of the United States, and shall have been employed in the  
21 HVAC contracting business for a period of five years next preceding  
22 the date of his application for a license. Three or more of the five  
23 years shall have been spent while engaged or employed as a  
24 journeyman HVAC tradesperson. At least two years of the five years  
25 shall have been spent in an HVAC apprenticeship or other training  
26 program approved by the Department of Education, with proof of  
27 passage and successful completion of this program while actively  
28 engaged or employed as an apprentice as determined by the board. In  
29 lieu of the above requirements a person shall have been awarded a  
30 bachelor's degree in HVAC technology from an accredited college or  
31 university in the United States which the board finds acceptable and,  
32 in addition, shall have been engaged or employed in the practical work  
33 of installing HVAC systems for three years.

34 Proof of compliance with the qualifications or those in lieu thereof  
35 shall be submitted to the board in writing, sworn to by the applicant,  
36 and accompanied by two recent passport-size photographs of the  
37 applicant.

38

39 13. (New section) a. Every HVAC contractor's license  
40 examination shall be substantially uniform and shall be designed so as  
41 to establish the competence and qualifications of the applicant to  
42 perform the type of work and business as described in this act. The  
43 examination may be theoretical or practical in nature, or both.

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

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

4 d. All applicants for HVAC licenses, renewals or reexaminations  
5 shall pay a fee for each license issuance or renewal, or reexamination  
6 as determined by the board.

7  
8 14. (New section) Licenses shall be renewed biennially by the  
9 board upon written application of the holder and payment of the  
10 prescribed fee and renewal of the bond required by section 17 of this  
11 act. A license may be renewed without reexamination, if the  
12 application for renewal is made within 30 days next preceding or  
13 following the scheduled expiration date. Any applicant for renewal  
14 making application at any time subsequent to the 30th day next  
15 following the scheduled expiration date may be required by the board  
16 to be re-examined, and that person shall not continue to act as a  
17 licensed HVAC contractor, as described in this act, and no firm,  
18 corporation or other legal entity for which the person is the bona fide  
19 representative shall operate under a license in the HVAC business, as  
20 described in this act, until a valid license has been secured or is held by  
21 a bona fide representative.

22 Any license expiring while the holder is outside the continental  
23 limits of the United States in connection with any project undertaken  
24 by the government of the United States, or while in the services of the  
25 Armed Forces of the United States, shall be renewed without the  
26 holder being required to be reexamined, upon payment of the  
27 prescribed fee at any time within four months after the person's return  
28 to the United States or discharge from the armed forces, whichever is  
29 later.

30  
31 15. (New section) The board may in its discretion grant licenses  
32 without examination to applicants so licensed by other states; provided  
33 that equal reciprocity is provided for New Jersey HVAC contractors  
34 by the law of the applicant's domiciliary state and provided further that  
35 the domiciliary state's standards are equal to or comparable to those  
36 of this State.

37  
38 16. (New section) No firm, corporation or other legal entity  
39 operating under and by virtue of this act shall be denied the privilege  
40 of conducting and continuing the business of HVAC contracting, by  
41 reason of death, termination of employment, illness or a substantial  
42 disability of the bona fide representative of the firm, corporation or  
43 other entity, provided that: the firm, corporation or other entity has  
44 complied with the other provisions of this act; the firm, corporation or  
45 other entity maintains a place of business within this State; and another  
46 bona fide representative of the entity obtains a State license within six

1 months from the date of the death, termination of employment, illness  
2 or disability. The board may promulgate additional regulations  
3 governing the management and operation of an entity during that  
4 period of time when the entity shall be in operation without having a  
5 bona fide representative.

6  
7 17. (New section) In addition to any other bonds that may be  
8 required pursuant to contract, no HVAC contractor licensed under  
9 this act shall undertake to do any HVAC work in the State unless and  
10 until he shall have first entered into a bond in favor of the State of  
11 New Jersey in the sum of \$3,000 executed by a surety company  
12 authorized to transact business in this State, approved by the  
13 Department of Banking and Insurance and to be conditioned on the  
14 faithful performance of the provisions of this act. No municipality  
15 shall require any similar bond from any HVAC contractor licensed  
16 under this act. The board shall by rule and regulation provide who  
17 shall be eligible to receive the financial protection afforded by the bond  
18 required to be filed by this section. The bond shall be for the term of  
19 12 months and shall be renewed at each expiration for a similar period.

20  
21 18. (New section) To be eligible to obtain and retain a pressure  
22 seal, and renew an HVAC license, an HVAC contractor shall:

23 a. Secure, maintain and file with the board a certificate of general  
24 liability insurance from an insurance company authorized and licensed  
25 to do business in this State covering the HVAC contracting done by  
26 that HVAC contractor. The minimum amount of general liability  
27 insurance shall be \$300,000 for the combined property damage and  
28 bodily injury to or death of one or more persons in any one accident  
29 or occurrence;

30 b. File with the board its Federal Tax Identification number; and

31 c. Comply with any continuing education requirements regarding  
32 license renewal for an HVAC contractor established by the board  
33 through regulation.

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

38  
39 19. (New section) a. The board shall provide a pressure seal to an  
40 HVAC contractor at the time of the issuance of a license or as soon  
41 thereafter as deemed appropriate by the board. No pressure seal shall  
42 be provided by the board or retained by an HVAC contractor unless  
43 the HVAC contractor complies with the provisions of sections 17 and  
44 18 of this act. The HVAC contractor shall pay the cost of the pressure  
45 seal, but the seal shall remain the property of the board. The pressure  
46 seal shall be surrendered to the board immediately upon suspension,

1 revocation or expiration of the license or upon a finding of  
2 noncompliance with the provisions of section 18 of this act.

3 b. An HVAC contractor shall impress his pressure seal upon all  
4 applications for HVAC permits from the appropriate duly licensed  
5 State inspection agency.

6 c. A pressure seal shall be used exclusively by an HVAC contractor  
7 or in the conduct of the HVAC contractor's practice. An HVAC  
8 contractor shall not willfully or negligently allow any person to use his  
9 pressure seal.

10

11 20. (New section) Notwithstanding any other provision of this act  
12 to the contrary, the board shall, upon application to it and submission  
13 of satisfactory proof and the payment of the prescribed fee within six  
14 months following the effective date of this act, issue an HVAC license  
15 without examination to: a. any licensed master plumber who has been  
16 engaged in the heating, ventilating or air conditioning business for at  
17 least two years prior to the date of his application for an HVAC  
18 license; or b. any person who has been engaged as a heating,  
19 ventilating and air conditioning contractor for at least two years prior  
20 to his date of application for an HVAC license.

21 A person entitled to an HVAC license under the provisions of this  
22 section shall comply with the remaining provisions of this act.

23

24 21. (New section) a. Nothing in this act shall be construed to  
25 prevent licensed master plumbers from engaging in the installation,  
26 maintenance and repair of: power boiler systems, hot water and steam  
27 heating systems, fire tube and water tube boilers, pressure steam and  
28 hot water boilers, space heaters, unit heaters, and appurtenances  
29 utilizing electricity, fossil fuel or solar energy; steam, hot water and  
30 chilled water pipe, condensate piping, valves, fittings, fuel oil storage  
31 tanks not regulated under P.L.1986, c.102 (C.58:10A-21 et seq.),  
32 burners and piping, expansion tanks, pumps, gauges on the load side  
33 of a meter; and thermostatic controls; or natural or manufactured gas  
34 piping; and the installation, maintenance or connection of: pneumatic  
35 controls and control piping for the control of air, liquid or gas  
36 temperatures, radiators, convectors, cabinet unit heaters, fan coil units,  
37 air handlers utilizing hydronic coils, mechanical ventilation for radon  
38 mitigation, humidifiers, flues and patented chimneys; or of pneumatic  
39 controls and control piping of automatic oil, gas or coal burning  
40 equipment, gasoline or diesel oil dispensing equipment and in  
41 replacement cases only, the connection thereof of the wiring from a  
42 dedicated electrical service disconnect box of adequate size to  
43 accommodate the equipment and controls, and the testing and  
44 balancing of hydronic systems.

45 b. Nothing in this act shall be construed to prevent licensed  
46 electrical contractors from engaging in the installation of: electrical

1 resistance heating equipment and ventilation equipment with the  
2 exhaust duct not exceeding 60 square inches in area, or in commercial  
3 applications the connection sleeve between a roof-top mounted  
4 exhaust fan and its central connecting register, provided that this  
5 connection sleeve is not more than 15 feet in length; and the  
6 maintenance and repair of the electrical sections of any equipment used  
7 for heating, ventilating or air conditioning.

8  
9 22. (New section) Notwithstanding any other provision of this act  
10 to the contrary, a licensed master plumber or a person with an HVAC  
11 license shall not perform any electrical work which has a potential of  
12 greater than 30 volts, involving the wiring of equipment used for  
13 heating, ventilating or air conditioning, except in the case of  
14 replacement installations as described in sections 2 and 21 of this act  
15 or as provided for in section 18 of P.L.1962, c.162 (C.45:5A-18).

16  
17 23. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read as  
18 follows:

19 1. The provisions of this act shall apply to the following boards  
20 and commissions: the New Jersey State Board of Accountancy, the  
21 New Jersey State Board of Architects, the New Jersey State Board of  
22 Cosmetology and Hairstyling, the Board of Examiners of Electrical  
23 Contractors, the New Jersey State Board of Dentistry, the State Board  
24 of Mortuary Science of New Jersey, the State Board of Professional  
25 Engineers and Land Surveyors, the State Board of Marriage and  
26 Family Therapy Examiners, the State Board of Medical Examiners, the  
27 New Jersey Board of Nursing, the New Jersey State Board of  
28 Optometrists, the State Board of Examiners of Ophthalmic Dispensers  
29 and Ophthalmic Technicians, the Board of Pharmacy, the State Board  
30 of Professional Planners, the State Board of Psychological Examiners,  
31 the State Board of Examiners of Master Plumbers, the New Jersey  
32 Real Estate Commission, the State Board of Shorthand Reporting, the  
33 State Board of Veterinary Medical Examiners, the Radiologic  
34 Technology Board of Examiners, the Acupuncture Examining Board,  
35 the State Board of Chiropractic Examiners, the State Board of  
36 Respiratory Care, the State Real Estate Appraiser Board, the State  
37 Board of Social Work Examiners, the State Board of Examiners of  
38 Heating, Ventilation and Air Conditioning, the State Board of Public  
39 Movers and Warehousemen and the State Board of Physical Therapy  
40 Examiners.

41 (cf: P.L.2003, c.18, s.18)

42  
43 24. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read as  
44 follows:

45 1. The provisions of this act shall apply to the following boards  
46 and commissions: the New Jersey State Board of Accountancy, the

1 New Jersey State Board of Architects, the New Jersey State Board of  
2 Cosmetology and Hairstyling, the Board of Examiners of Electrical  
3 Contractors, the New Jersey State Board of Dentistry, the State Board  
4 of Mortuary Science of New Jersey, the State Board of Professional  
5 Engineers and Land Surveyors, the State Board of Marriage and  
6 Family Therapy Examiners, the State Board of Medical Examiners, the  
7 New Jersey Board of Nursing, the New Jersey State Board of  
8 Optometrists, the State Board of Examiners of Ophthalmic Dispensers  
9 and Ophthalmic Technicians, the Board of Pharmacy, the State Board  
10 of Professional Planners, the State Board of Psychological Examiners,  
11 the State Board of Examiners of Master Plumbers, the State Board of  
12 Shorthand Reporting, the State Board of Veterinary Medical  
13 Examiners, the Radiologic Technology Board of Examiners, the  
14 Acupuncture Examining Board, the State Board of Chiropractic  
15 Examiners, the State Board of Respiratory Care, the State Real Estate  
16 Appraiser Board, the New Jersey Cemetery Board, the State Board of  
17 Social Work Examiners, the State Board of Examiners of Heating,  
18 Ventilation and Air Conditioning Contractors and the State Board of  
19 Physical Therapy Examiners.

20 (cf: P.L.2003, c.261, s.39)

21

22 25. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read as  
23 follows:

24 2. The provisions of this act shall apply to the following boards  
25 and all professions or occupations regulated by, through or with the  
26 advice of those boards: the New Jersey State Board of Accountancy,  
27 the New Jersey State Board of Architects, the New Jersey State Board  
28 of Cosmetology and Hairstyling, the Board of Examiners of Electrical  
29 Contractors, the New Jersey State Board of Dentistry, the State Board  
30 of Mortuary Science of New Jersey, the State Board of Professional  
31 Engineers and Land Surveyors, the State Board of Marriage and  
32 Family Therapy Examiners, the State Board of Medical Examiners, the  
33 New Jersey Board of Nursing, the New Jersey State Board of  
34 Optometrists, the State Board of Examiners of Ophthalmic Dispensers  
35 and Ophthalmic Technicians, the Board of Pharmacy, the State Board  
36 of Professional Planners, the State Board of Psychological Examiners,  
37 the State Board of Examiners of Master Plumbers, the State Board of  
38 Shorthand Reporting, the State Board of Veterinary Medical  
39 Examiners, the Acupuncture Examining Board, the State Board of  
40 Chiropractic Examiners, the State Board of Respiratory Care, the  
41 State Real Estate Appraiser Board, the State Board of Social Work  
42 Examiners, the State Board of Examiners of Heating, Ventilation and  
43 Air Conditioning Contractors, the State Board of Physical Therapy  
44 Examiners, the Professional Counselor Examiners Committee, the New  
45 Jersey Cemetery Board, the Orthotics and Prosthetics Board of  
46 Examiners, the Occupational Therapy Advisory Council, the

1 Electrologists Advisory Committee, the Alcohol and Drug Counselor  
2 Committee, the Fire Alarm, Burglar Alarm, and Locksmith Advisory  
3 Committee, the Home Inspection Advisory Committee, the Massage,  
4 Bodywork and Somatic Therapy Examining Committee, and the  
5 Audiology and Speech-Language Pathology Advisory Committee.  
6 (cf: P.L.2003, c.18, s.20)

7

8 26. This act shall take effect immediately, except that section 7  
9 shall take effect 360 days following the appointment and qualification  
10 of the board members, and provided that the director and board may  
11 take such anticipatory action as may be necessary to effectuate that  
12 provision of the act.

13

14

15

#### STATEMENT

16

17 This bill establishes licensing requirements for those persons  
18 engaged in the business of heating, ventilating and air conditioning  
19 contracting and the responsible collection and disbursement of  
20 chlorofluorocarbons and other refrigerants to protect the environment.  
21 The bill establishes the State Board of Examiners of Heating,  
22 Ventilation and Air Conditioning Contractors which shall consist of  
23 nine members. Two members shall be public members; three members  
24 shall be heating, ventilating and air conditioning contractors with at  
25 least 10 years experience; two members shall be mechanical inspectors  
26 with at least 10 years experience, one member shall be a journeyman  
27 HVAC tradesperson with at least 10 years experience; and one  
28 member shall be a State executive department member.

29 The bill also requires heating, ventilating and air conditioning  
30 (HVAC) firms to carry general liability insurance and to file their  
31 Federal Tax Identification number with the State Board of Examiners  
32 of Heating, Ventilation and Air Conditioning Contractors.  
33 Additionally, it regulates the possession and use of a pressure seal by  
34 an HVAC contractor.

35 The bill establishes standards of eligibility for licensure of HVAC  
36 contractors. It requires that, to be eligible, a person must have been  
37 engaged or employed in the HVAC industry for a period of five years  
38 next preceding the date of his application for a State license. The bill  
39 provides that three or more of the five years shall have been spent  
40 while engaged or employed as a journeyman HVAC tradesperson. At  
41 least two of the five years shall have been spent in an HVAC  
42 apprenticeship or other training program approved by the board. In  
43 lieu of these requirements, the board may accept as satisfactory a  
44 background including a bachelor's degree in HVAC technology from  
45 an accredited college or university which the board finds acceptable  
46 and, in addition, shall have been engaged or employed in practical

1 work experience of installing HVAC systems for three years.

2 Furthermore, the bill provides for a biennial license renewal of  
3 HVAC contractors.

4 Also, the bill enumerates specific practices in which a licensed  
5 master plumber may be engaged, provided that he does not hold  
6 himself out to the public as a licensed HVAC contractor. In addition,  
7 the bill denotes specific work that is permissible for licensed  
8 electricians to perform. It further provides that nothing in this bill  
9 should be construed to prevent the practice of engineering by any  
10 person who holds an engineering license and also states that no  
11 engineer shall use the designation of licensed HVAC contractor unless  
12 so licensed in accordance with the provisions of this bill. The bill  
13 further stipulates that its provisions shall not apply to any public utility  
14 company regulated by the Board of Public Utilities pursuant to Title  
15 48 of the Revised Statutes that performs emergency repair services to  
16 prevent an imminent threat to the health and safety of life or property,  
17 which repair services include, but are not limited to, turning off,  
18 disconnecting, shutting down or disabling any equipment or condition  
19 or the provision of any products.

20 In addition, the bill provides that any licensed master plumber or  
21 any other person who applies for an HVAC contractor's license within  
22 six months following the bill's effective date, and who has been  
23 engaged in the heating, ventilating or air conditioning business for at  
24 least two years prior to the date of application, shall receive the  
25 HVAC contractor's license, without examination, upon application to  
26 the board, and submission of satisfactory proof and the payment of a  
27 prescribed fee.