

SENATE, No. 2393

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED DECEMBER 11, 2006

Sponsored by:
Senator JOSEPH CONIGLIO
District 38 (Bergen)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT providing for the licensing of heating, ventilating and air
2 conditioning contractors, amending P.L.1971, c.60, P.L.1974,
3 c.46 and P.L.1978, c.73 and supplementing Title 45 of the
4 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 of this act shall be
10 known 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
19 of 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
22 the case of a limited liability company, a manager; or in the case of
23 a corporation, an executive officer.

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

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

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 and chilled water pipe, condensate piping not regulated under
2 P.L.1968, c.362 (C.45:14C-1 et seq.), valves, fittings, fuel oil
3 storage tanks not regulated under P.L.1986, c.102 (C.58:10A-21 et
4 seq.), burners and piping, hydronic heating, expansion tanks,
5 pumps, gauges, humidity and thermostatic controls; natural or
6 manufactured gas piping on the load side of a meter; supply water
7 piping to equipment being served from an existing dedicated source
8 connected downstream from an approved backflow preventer,
9 except in replacement cases, the installation of the required
10 approved backflow device downstream from a pre-existing valve;
11 and the maintaining, installing or connecting of: pneumatic controls
12 and control piping, for the control of air, liquid, or gas
13 temperatures, radiators, convectors, unit cabinet heaters, fan coil
14 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
17 dispensing equipment and in replacement cases only, the connection
18 thereof of the wiring from an electrical service disconnect box of
19 adequate size to accommodate the equipment and controls and
20 previously dedicated to that equipment, and the testing and
21 balancing of air and hydronic systems, but does not include the
22 design or preparation of specifications for equipment or systems to
23 be installed that are within the practice of professional engineering
24 as defined in subsection (b) of section 2 of P.L.1938, c.342 (C.45:8-
25 28).

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

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

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

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

48 "Replacement" means a change of equipment with the same type

1 or similar equipment.

2

3 3. (New section) There is created within the Division of
4 Consumer Affairs in the Department of Law and Public Safety the
5 State Board of Examiners of Heating, Ventilation and Air
6 Conditioning Contractors. The board shall consist of nine members
7 who are residents of the State of New Jersey and who, except for
8 the member from the department in the Executive Branch of State
9 Government, shall be appointed by the Governor. In addition to the
10 two public members appointed to represent the interests of the
11 public pursuant to the provisions of subsection b. of section 2 of
12 P.L.1971, c.60 (C.45:1-2.2), one member shall be from a
13 department in the Executive Branch of State Government who shall
14 serve without compensation at the pleasure of the Governor; three
15 members shall be practicing HVAC contractors with at least 10
16 years experience; two members shall be mechanical inspectors with
17 at least 10 years experience; and one member shall be a journeyman
18 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
21 of the members first appointed, other than the State executive
22 department member, two shall serve for a term of four years, two
23 shall serve for a term of three years, two shall serve for a term of
24 two years, and two shall serve for terms of one year. Any vacancy
25 in the membership shall be filled for the unexpired term in the
26 manner provided for the original appointment. No member of the
27 board may serve more than two successive terms in addition to any
28 unexpired term to which he has been appointed. The Governor may
29 remove any member of the board, other than the State executive
30 department member, for cause.

31

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

34 a. Administer the provisions of this act;

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

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

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

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

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

47 g. Establish standards for continuing education; and

48 h. Prescribe or change the charges for examinations, licensures,

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1 renewals and other services performed pursuant to P.L.1974, c.46
2 (C.45:1-3.1 et seq.).

3

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

8

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

12

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

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

23

24 8. (New section) Nothing in this act shall be construed to
25 prevent the practice of engineering by a holder of a license to
26 practice that profession in this State, but no engineer shall use the
27 designation "licensed HVAC contractor" unless licensed as an
28 HVAC contractor 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
32 dwelling and who solely performs HVAC work on his own
33 dwelling, upon receipt of all required permits, except that any
34 HVAC work involving chlorofluorocarbons (CFC's) or
35 hydrochlorofluorocarbons (HCFC's) shall be performed only by a
36 licensed HVAC contractor.

37

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

46

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

1 the power to enforce the standards and manner in which HVAC
2 work shall be done, but no municipality, local board of health or
3 other agency shall require any HVAC contractor licensed under this
4 act, or authorized to engage in the business of HVAC contracting
5 under this act, to obtain any additional license, apply for or take any
6 examination, 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
12 forth in this act, shall deliver to the board, personally or by certified
13 mail, return receipt requested, postage prepaid, a certified check or
14 money order payable to the Treasurer of the State of New Jersey in
15 the required amount, together with the written application required
16 by the board, completed as described in the application, and
17 together with 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
20 or legal resident of the United States, and shall have been employed
21 in the HVAC contracting business for a period of five years next
22 preceding the date of his application for a license. Three or more of
23 the five years shall have been spent while engaged or employed as a
24 journeyman HVAC tradesperson. At least two years of the five
25 years shall have been spent in an HVAC apprenticeship or other
26 training program approved by the Department of Education, with
27 proof of passage and successful completion of this program while
28 actively engaged or employed as an apprentice as determined by the
29 board. In lieu of the above requirements a person shall have been
30 awarded a bachelor's degree in HVAC technology from an
31 accredited college or university in the United States which the
32 board finds acceptable and, in addition, shall have been engaged or
33 employed in the practical work of installing HVAC systems for
34 three years.

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

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

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

48 c. No person who has failed the examination shall be eligible to

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1 be reexamined for a period of six months from the date of the
2 examination failed by that person.

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

6
7 14. (New section) Licenses shall be renewed biennially by the
8 board upon written application of the holder and payment of the
9 prescribed fee and renewal of the bond required by section 17 of
10 this act. A license may be renewed without reexamination, if the
11 application for renewal is made within 30 days next preceding or
12 following the scheduled expiration date. Any applicant for renewal
13 making application at any time subsequent to the 30th day next
14 following the scheduled expiration date may be required by the
15 board to be re-examined, and that person shall not continue to act as
16 a licensed HVAC contractor, as described in this act, and no firm,
17 corporation or other legal entity for which the person is the bona
18 fide representative shall operate under a license in the HVAC
19 business, as described in this act, until a valid license has been
20 secured or is held by a bona fide representative.

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

29
30 15. (New section) The board may in its discretion grant licenses
31 without examination to applicants so licensed by other states;
32 provided that equal reciprocity is provided for New Jersey HVAC
33 contractors by the law of the applicant's domiciliary state and
34 provided further that the domiciliary state's standards are equal to or
35 comparable to those of this State.

36
37 16. (New section) No firm, corporation or other legal entity
38 operating under and by virtue of this act shall be denied the
39 privilege of conducting and continuing the business of HVAC
40 contracting, by reason of death, termination of employment, illness
41 or a substantial disability of the bona fide representative of the firm,
42 corporation or other entity, provided that: the firm, corporation or
43 other entity has complied with the other provisions of this act; the
44 firm, corporation or other entity maintains a place of business
45 within this State; and another bona fide representative of the entity
46 obtains a State license within six months from the date of the death,
47 termination of employment, illness or disability. The board may
48 promulgate additional regulations governing the management and

1 operation of an entity during that period of time when the entity
2 shall be in operation without having a bona fide representative.

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

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

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

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

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

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

37
38 19. (New section) a. The board shall provide a pressure seal to
39 an HVAC contractor at the time of the issuance of a license or as
40 soon thereafter as deemed appropriate by the board. No pressure
41 seal shall be provided by the board or retained by an HVAC
42 contractor unless the HVAC contractor complies with the
43 provisions of sections 17 and 18 of this act. The HVAC contractor
44 shall pay the cost of the pressure seal, but the seal shall remain the
45 property of the board. The pressure seal shall be surrendered to the
46 board immediately upon suspension, revocation or expiration of the
47 license or upon a finding of noncompliance with the provisions of
48 section 18 of this act.

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

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

8
9 20. (New section) Notwithstanding any other provision of this
10 act to the contrary, the board shall, upon application to it and
11 submission of satisfactory proof and the payment of the prescribed
12 fee within six months following the effective date of this act, issue
13 an HVAC license without examination to: a. any licensed master
14 plumber who has been engaged in the heating, ventilating or air
15 conditioning business for at least two years prior to the date of his
16 application for an HVAC license; or b. any person who has been
17 engaged as a heating, ventilating and air conditioning contractor for
18 at least two years prior to his date of application for an HVAC
19 license.

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

22
23 21. (New section) a. Nothing in this act shall be construed to
24 prevent licensed master plumbers from engaging in the installation,
25 maintenance and repair of: power boiler systems, hot water and
26 steam heating systems, fire tube and water tube boilers, pressure
27 steam and hot water boilers, space heaters, unit heaters, and
28 appurtenances utilizing electricity, fossil fuel or solar energy;
29 steam, hot water and chilled water pipe, condensate piping, valves,
30 fittings, fuel oil storage tanks not regulated under P.L.1986, c.102
31 (C.58:10A-21 et seq.), burners and piping, expansion tanks, pumps,
32 gauges on the load side of a meter; and thermostatic controls; or
33 natural or manufactured gas piping; and the installation,
34 maintenance or connection of: pneumatic controls and control
35 piping for the control of air, liquid or gas temperatures, radiators,
36 convectors, cabinet unit heaters, fan coil units, air handlers utilizing
37 hydronic coils, mechanical ventilation for radon mitigation,
38 humidifiers, flues and patented chimneys; or of pneumatic controls
39 and control piping of automatic oil, gas or coal burning equipment,
40 gasoline or diesel oil dispensing equipment and in replacement
41 cases only, the connection thereof of the wiring from a dedicated
42 electrical service disconnect box of adequate size to accommodate
43 the equipment and controls, and the testing and balancing of
44 hydronic systems.

45 b. Nothing in this act shall be construed to prevent licensed
46 electrical contractors from engaging in the installation of: electrical
47 resistance heating equipment and ventilation equipment with the
48 exhaust duct not exceeding 60 square inches in area, or in

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

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

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

18 1. The provisions of this act shall apply to the following boards
19 and commissions: the New Jersey State Board of Accountancy, the
20 New Jersey State Board of Architects, the New Jersey State Board
21 of Cosmetology and Hairstyling, the Board of Examiners of
22 Electrical Contractors, the New Jersey State Board of Dentistry, the
23 State Board of Mortuary Science of New Jersey, the State Board of
24 Professional Engineers and Land Surveyors, the State Board of
25 Marriage and Family Therapy Examiners, the State Board of
26 Medical Examiners, the New Jersey Board of Nursing, the New
27 Jersey State Board of Optometrists, the State Board of Examiners of
28 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
29 Pharmacy, the State Board of Professional Planners, the State Board
30 of Psychological Examiners, the State Board of Examiners of
31 Master Plumbers, the New Jersey Real Estate Commission, the
32 State Board of Court Reporting, the State Board of Veterinary
33 Medical Examiners, the Radiologic Technology Board of
34 Examiners, the Acupuncture Examining Board, the State Board of
35 Chiropractic Examiners, the State Board of Respiratory Care, the
36 State Real Estate Appraiser Board, the State Board of Social Work
37 Examiners, **[and]** the State Board of Examiners of Heating,
38 Ventilation and Air Conditioning Contractors, the State Board of
39 Physical Therapy Examiners, the Orthotics and Prosthetics Board of
40 Examiners, the New Jersey Cemetery Board, the State Board of
41 Polysomnography and any other entity hereafter created under Title
42 45 to license or otherwise regulate a profession or occupation.
43 (cf: P.L.2005, c.308, s.8)
44

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

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

1 New Jersey State Board of Architects, the New Jersey State Board
2 of Cosmetology and Hairstyling, the Board of Examiners of
3 Electrical Contractors, the New Jersey State Board of Dentistry, the
4 State Board of Mortuary Science of New Jersey, the State Board of
5 Professional Engineers and Land Surveyors, the State Board of
6 Marriage and Family Therapy Examiners, the State Board of
7 Medical Examiners, the New Jersey Board of Nursing, the New
8 Jersey State Board of Optometrists, the State Board of Examiners of
9 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
10 Pharmacy, the State Board of Professional Planners, the State Board
11 of Psychological Examiners, the State Board of Examiners of
12 Master Plumbers, the State Board of Court Reporting, the State
13 Board of Veterinary Medical Examiners, the Radiologic
14 Technology Board of Examiners, the Acupuncture Examining
15 Board, the State Board of Chiropractic Examiners, the State Board
16 of Respiratory Care, the State Real Estate Appraiser Board, the New
17 Jersey Cemetery Board, the State Board of Social Work Examiners
18 **[and]** , the State Board of Examiners of Heating, Ventilation and
19 Air Conditioning Contractors, the State Board of Physical Therapy
20 Examiners, the State Board of Polysomnography, the Orthotics and
21 Prosthetics Board of Examiners and any other entity hereafter
22 created under Title 45 to license or otherwise regulate a profession
23 or occupation.

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

25

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

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

1 Professional Counselor Examiners Committee, the New Jersey
2 Cemetery Board, the Orthotics and Prosthetics Board of Examiners,
3 the Occupational Therapy Advisory Council, the Electrologists
4 Advisory Committee, the Acupuncture Advisory Committee, the
5 Alcohol and Drug Counselor Committee, the Athletic Training
6 Advisory Committee, the Certified Psychoanalysts Advisory
7 Committee, the Fire Alarm, Burglar Alarm, and Locksmith
8 Advisory Committee, the Home Inspection Advisory Committee,
9 the Interior Design Examination and Evaluation Committee, the
10 Hearing Aid Dispensers Examining Committee, the Landscape
11 Architect Examination and Evaluation Committee, the Massage,
12 Bodywork and Somatic Therapy Examining Committee, the
13 Perfusionists Advisory Committee, the Physician Assistant
14 Advisory Committee, and the Audiology and Speech-Language
15 Pathology Advisory Committee and any other entity hereafter
16 created under Title 45 to license or otherwise regulate a profession
17 or occupation.

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

19

20 26. This act shall take effect immediately, except that section 7
21 shall take effect 360 days following the appointment and
22 qualification of the board members, and provided that the director
23 and board may take such anticipatory action as may be necessary to
24 effectuate that provision of the act.

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STATEMENT

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29 This bill establishes licensing requirements for those persons
30 engaged in the business of heating, ventilating and air conditioning
31 contracting and the responsible collection and disbursement of
32 chlorofluorocarbons and other refrigerants to protect the
33 environment. The bill establishes the State Board of Examiners of
34 Heating, Ventilation and Air Conditioning Contractors which shall
35 consist of nine members. Two members shall be public members;
36 three members shall be heating, ventilating and air conditioning
37 contractors with at least 10 years experience; two members shall be
38 mechanical inspectors with at least 10 years experience, one
39 member shall be a journeyman HVAC tradesperson with at least 10
40 years experience; and one member shall be a State executive
41 department member.

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

48 The bill establishes standards of eligibility for licensure of

1 HVAC contractors. It requires that, to be eligible, a person must
2 have been engaged or employed in the HVAC industry for a period
3 of five years next preceding the date of his application for a State
4 license. The bill provides that three or more of the five years shall
5 have been spent while engaged or employed as a journeyman
6 HVAC tradesperson. At least two of the five years shall have been
7 spent in an HVAC apprenticeship or other training program
8 approved by the board. In lieu of these requirements, the board
9 may accept as satisfactory a background including a bachelor's
10 degree in HVAC technology from an accredited college or
11 university which the board finds acceptable and, in addition, shall
12 have been engaged or employed in practical work experience of
13 installing HVAC systems for three years.

14 Furthermore, the bill provides for a biennial license renewal of
15 HVAC contractors.

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

33 In addition, the bill provides that any licensed master plumber or
34 any other person who applies for an HVAC contractor's license
35 within six months following the bill's effective date, and who has
36 been engaged in the heating, ventilating or air conditioning business
37 for at least two years prior to the date of application, shall receive
38 the HVAC contractor's license, without examination, upon
39 application to the board, and submission of satisfactory proof and
40 the payment of a prescribed fee.