

SENATE, No. 2576

STATE OF NEW JERSEY 215th LEGISLATURE

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Sponsored by:
Senator JIM WHELAN
District 2 (Atlantic)

SYNOPSIS

Exempts certain persons from HVACR licensing requirement; clarifies definition of heating, ventilating, air conditioning, and refrigeration.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning heating, ventilating, air conditioning, and
2 refrigeration contractors, and amending and supplementing
3 P.L.2007, c.211.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) The provisions of P.L.2007, c.211 (C.45:16A-
9 1 et seq.) shall not apply to a person who performs HVACR work if
10 that person is working for an employer as an employee and that
11 work is being performed in any of the following locations that are
12 owned or operated by the employer:

13 a. a general hospital licensed pursuant to P.L.1971, c.136
14 (C.26:2H-1 et seq.);

15 b. a building that contains a steam boiler, pressure vessel or
16 refrigeration plant, which is subject to test and inspection pursuant
17 to R.S.34:7-1 et seq.; and

18 c. a casino-hotel facility operated under the provisions of the
19 "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.), which
20 shall include any building containing heating, ventilating, air
21 conditioning, and refrigeration systems operated by one or more
22 casino-hotel facilities as part of an agreement or arrangement to
23 share systems.

24
25 2. Section 2 of P.L.2007, 211 (C.45:16A-2) is amended to read
26 as follows:

27 2. As used in this act:

28 "Board" means the State Board of Examiners of Heating,
29 Ventilating, Air Conditioning and Refrigeration Contractors created
30 by section 3 of this act.

31 "Bona fide representative" means: in the case of a sole
32 proprietorship, the owner; in the case of a partnership, a partner; in
33 the case of a limited liability company, a manager; or in the case of
34 a corporation, an executive officer.

35 "Director" means the Director of the Division of Consumer
36 Affairs in the Department of Law and Public Safety.

37 "Heating, ventilating, air conditioning and refrigeration" or
38 "HVACR" means the process of treating and protecting the
39 environment by the responsible handling, dispensing, collecting and
40 cleaning of chlorofluorocarbons and other refrigerants in stationary
41 sources, and controlling the temperature, humidity and cleanliness
42 of air by using the "wet," "dry," "radiant," "conduction,"
43 "convection," "direct," or "indirect" method or combination of
44 methods, including those which utilize solar energy, to meet the
45 environmental requirements of a designated area. "HVACR" also

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 means the installation, servicing, connecting, maintenance or repair
2 of the following:

3 power boiler systems, hydronic heating systems, fire tube and
4 water tube boilers, pressure steam and hot water boilers, furnaces
5 and space heaters, and appurtenances utilizing electric, fossil fuel,
6 wood pellets or solar energy, other than those appurtenances
7 utilized solely for the purpose of heating potable water;

8 warm air heating or refrigeration and evaporative cooling
9 systems, ventilation and exhaust systems, dust collectors, air
10 handling equipment, heating or cooling coils, air or refrigerant
11 compressors, chillers, cooling towers, evaporators, condensers,
12 plenums, fans, blowers, air cleaners, mechanical ventilation for
13 radon mitigation, humidifiers, filters, louvers, mixing boxes and
14 appurtenances; hydronic heating and chilled water pipe, condensate
15 piping not **[regulated under P.L.1968, c.362 (C.45:14C-1 et seq.)]**
16 discharged into a sanitary sewer, valves, fittings, burners and
17 piping, hydronic heating, expansion tanks, pumps, gauges, humidity
18 and thermostatic controls;

19 natural or manufactured gas piping on the load side of a meter;
20 supply water piping to equipment being served from an existing
21 dedicated source connected downstream from an approved
22 backflow preventer, except in replacement cases, the installation of
23 the required approved backflow device downstream from a pre-
24 existing valve; and pneumatic controls and control piping, for the
25 control of air, liquid, or gas temperatures, radiators, convectors, unit
26 cabinet heaters, or fan coil units; and pneumatic controls and
27 control piping, of automatic oil, gas or coal burning equipment,
28 mechanical refrigeration equipment, gasoline or diesel oil
29 dispensing equipment and in replacement cases only, the connection
30 thereof of the wiring from an electrical service disconnect box of
31 adequate size to accommodate the equipment and controls and
32 previously dedicated to that equipment, and the testing and
33 balancing of air and hydronic systems, but does not include the
34 design or preparation of specifications for equipment or systems to
35 be installed that are within the practice of professional engineering
36 as defined in subsection (b) of section 2 of P.L.1938, c.342 (C.45:8-
37 28).

38 "Heating, ventilating, air conditioning and refrigeration
39 contracting" means undertaking or advertising to undertake, for a
40 fixed price, fee, commission, or gain of whatever nature, the
41 planning, laying out, installation, construction, maintenance,
42 service, repair, alteration or modification to any portion of any
43 system, product or equipment or appurtenances used for the
44 environmental needs or control of any heating, ventilating, air
45 conditioning and refrigeration system.

46 "Master heating, ventilating, air conditioning and refrigeration
47 contractor" means any person, firm, partnership, corporation or
48 other legal entity licensed according to the provisions of this act

1 which obtains a pressure seal pursuant to sections 24 and 25 of this
2 act and which advertises, undertakes or offers to undertake for
3 another the planning, laying out, supervising, installing, servicing
4 or repairing of HVACR systems, apparatus or equipment. In order
5 to act as a "Master HVACR contractor," an individual shall be a
6 bona fide representative of the legal entity licensed pursuant to the
7 provisions of this act.

8 "HVACR journeyman" means any person who installs, alters,
9 repairs services or renovates HVACR systems in accordance with
10 standards, rules and regulations established by the board and who
11 works under the supervision of a Master HVACR contractor.

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

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

16 "Undertake or offer to undertake for another" means a contractor
17 who is listed in a public bid as the proposed subcontractor by the
18 contractor placing the bid for an HVACR contract.

19 (cf: P.L.2007, c.211, s.2)

20
21 3. This act shall take effect immediately.

22 23 24 STATEMENT

25
26 Under this bill, a person who performs heating, ventilating, air
27 conditioning, and refrigeration (HVACR) work is exempt from the
28 requirement of professional licensure if that person is working for
29 an employer as an employee and that work is being performed in
30 any of the following locations that are owned or operated by the
31 employer: (1) a general hospital licensed pursuant to P.L.1971,
32 c.136 (C.26:2H-1 et seq.); (2) a building that contains a steam
33 boiler, pressure vessel or refrigeration plant, which is subject to test
34 and inspection pursuant to R.S.34:7-1 et seq.; and (3) a casino-hotel
35 facility operated under the provisions of the "Casino Control Act,"
36 P.L.1977, c.110 (C.5:12-1 et seq.), which shall include any building
37 containing heating, ventilating, air conditioning, and refrigeration
38 systems operated by one or more casino-hotel facilities as part of an
39 agreement or arrangement to share these systems.

40 The bill also specifies that the term "heating, ventilating, air
41 conditioning and refrigeration" includes the installation, servicing,
42 connecting, maintenance or repair of condensate piping not
43 discharged into a sanitary sewer.