

[Second Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 224**

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**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

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ADOPTED JUNE 2, 2016

**Sponsored by:**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**Assemblyman TROY SINGLETON**

**District 7 (Burlington)**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblyman Ciattarelli and Senator Kyrillos**

**SYNOPSIS**

Provides for licensing of pool and spa service contractors, and pool and spa builders and installers.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on December 4, 2017, with amendments.



**(Sponsorship Updated As Of: 12/19/2017)**

1 **AN ACT** concerning pool and spa service contractors, and pool and  
2 spa builders and installers, and supplementing P.L.1962, c.162  
3 (C.45:5A-1 et seq.) <sup>1</sup> <sub>1</sub>

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

7  
8 1. As used in this act:

9 “Committee” means the Pool and Spa Service Contractors and  
10 Pool and Spa Builders and Installers Advisory Committee  
11 established pursuant to section 2 of this act.

12 “Licensed pool and spa builder and installer” means a person  
13 who is licensed pursuant to the provisions of section 6 of this act.

14 “Licensed pool and spa service contractor” means a person who  
15 is licensed pursuant to the provisions of section 6 of this act.

16 “Licensee” means a person licensed to engage in pool and spa  
17 service contracting, or pool and spa building and installation, as the  
18 case may be, pursuant to the provisions of section 6 of this act.

19 “Pool” means a permanent spa or any in-ground or on-ground  
20 structure intended for swimming that is greater than twenty-four  
21 inches in depth.

22 “Pool and spa building and installation” means the excavation  
23 and grading, construction and installation of pools, tiling and  
24 coping, and installation of all circulation equipment including  
25 pumps, filters, heaters, sanitizers and chemical feeders. It does not  
26 include direct connections to a sanitary sewer system or potable  
27 water lines, nor the grounding and bonding of any metal surfaces or  
28 the making of any electrical connections, or the direct connection to  
29 any natural gas or propane gas source. <sup>2</sup>It also does not include the  
30 startup or commissioning of oil, gas, propane or heat pump pool  
31 heaters located outside or inside of a structure.<sup>2</sup>

32 “Pool and spa service contracting” means the performance of all  
33 plumbing, heating, and electrical work necessary to service, modify,  
34 repair, replace, alter or maintain any pool, including above-ground  
35 pool, hot tub, spa or similar recreational or therapeutic equipment,  
36 where that work commences at an outlet, receptacle, connection,  
37 back-flow preventor or fuel supply pipe previously installed by a  
38 person holding the proper license. <sup>2</sup>It shall also mean the service,  
39 repair or maintenance of the heating components of spa heaters  
40 contained inside of a self-contained spa, electric immersion heaters,  
41 and solar pool heaters.<sup>2</sup> Swimming pool service and repair work  
42 includes: (1) the renovation or repair of non-potable water  
43 components of a pool, above-ground pool, hot tub or spa, including,

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SCM committee amendments adopted May 15, 2017.

<sup>2</sup>Senate SBA committee amendments adopted December 4, 2017.

1 but not limited to, the shell, concrete finish or vinyl liner of that  
2 pool, hot tub or spa; and (2) the draining, acid washing or backwash  
3 filtration of a pool or above-ground pool. <sup>2</sup>~~【The】~~ Swimming pool  
4 service and repair work does not include: (1) the<sup>2</sup> renovation or  
5 repair of non-potable water components of a pool, hot tub or spa  
6 required to be installed, renovated or repaired, or the sale,  
7 installation, service or maintenance of a heater for a pool, hot tub or  
8 spa, by a licensed electrician, plumber or HVACR contractor  
9 <sup>2</sup>~~【shall not be considered swimming pool service and repair work】~~ ;  
10 (2) the service, repair and maintenance of any oil, natural or  
11 manufactured gas burning heater’s combustion components, heater  
12 controls, or combustion safety components; and (3) the service and  
13 repair of free standing heat pump pool heaters, including the  
14 refrigerant circuit, heat pump control circuit and devices, or any  
15 safety controls<sup>2</sup>.  
16

17 2. a. There is established within the Division of Consumer  
18 Affairs in the Department of Law and Public Safety, under the  
19 Board of Examiners of Electrical Contractors, a “Pool and Spa  
20 Service Contractors and Pool and Spa Builders and Installers  
21 Advisory Committee.” The committee shall consist of seven  
22 members who are residents of this State as follows:

23 (1) Two members shall have been pool and spa service  
24 contractors for at least five consecutive years immediately  
25 preceding their appointments, shall <sup>1</sup>~~【be members of the Northeast~~  
26 ~~Spa and Pool Association】~~ hold a Certified Service Professional  
27 credential as issued by the Association of Pool and Spa  
28 Professionals or equivalent certification<sup>1</sup> and, except for the  
29 members first appointed, shall be licensed under the provisions of  
30 this act;

31 (2) Two members shall have been pool and spa builders and  
32 installers for at least five consecutive years immediately preceding  
33 their appointments, shall <sup>1</sup>~~【be members of the Northeast Spa and~~  
34 ~~Pool Association】~~ hold a Certified Builder Professional credential  
35 as issued by the Association of Pool and Spa Professionals or  
36 equivalent certification<sup>1</sup> and, except for the members first  
37 appointed, shall be licensed under the provisions of this act;

38 (3) One member shall be a licensed plumbing inspector  
39 employed by a municipality;

40 (4) One member shall be a member of the International  
41 Brotherhood of Electrical Workers, AFL-CIO; and

42 (5) One member shall be a public member who meets the  
43 requirements pertaining to public members set forth in subsection b.  
44 of section 2 of P.L.1971, c.60 (C.45:1-2.2).

45 b. The Governor shall appoint each member for a term of three  
46 years, except that of the members first appointed, three shall serve

- 1 for terms of three years, three shall serve for terms of two years,  
2 and one shall serve for a term of one year.
- 3 c. Any vacancy in the membership of the committee shall be  
4 filled for the unexpired term in the manner provided for the original  
5 appointment. No member may serve more than two successive  
6 terms in addition to any unexpired term to which he has been  
7 appointed.
- 8 d. The committee shall annually elect from among its members  
9 a chair and vice-chair. The committee shall meet at least twice a  
10 year and may hold additional meetings as necessary to discharge its  
11 duties.
- 12
- 13 3. The board, or the committee by the board's delegation, shall  
14 have the power to:
- 15 a. set standards and approve licenses for applicants for a pool  
16 and spa service contractor or pool and spa builder and installer  
17 license and issue a license to each qualified applicant;
- 18 b. determine the form and contents of applications for  
19 licensure, licenses and identification cards;
- 20 c. adopt a code of ethics for licensees;
- 21 d. issue and renew licenses and identification cards;
- 22 e. set the amount of fees for pool and spa service contractors  
23 and pool and spa builders and installers licenses, license renewals,  
24 applications, examinations, and other services provided by the  
25 board and the committee within the limits provided in subsection b.  
26 of section 8 of this act;
- 27 f. refuse to issue or suspend, revoke, or fail to renew the  
28 license of a licensee pursuant to the provisions of P.L.1978, c.73  
29 (C.45:1-14 et seq.);
- 30 g. maintain a record of all applicants for a license;
- 31 h. maintain and annually publish a record of every licensee, his  
32 place of business, place of residence and the date and number of his  
33 license;
- 34 i. take disciplinary action in accordance with P.L.1978, c.73  
35 (C.45:1-14 et seq.) against a licensee or employee who violates any  
36 provision of this act or any rule or regulation promulgated pursuant  
37 to this act;
- 38 j. adopt standards and requirements for and approve  
39 continuing education programs and courses of study for licensees  
40 and their employees;
- 41 k. review advertising by licensees; and
- 42 l. perform other duties as may be necessary to effectuate the  
43 purposes of this act.
- 44
- 45 4. No person shall advertise that he is authorized to engage in,  
46 or engage in pool and spa service contracting or pool and spa  
47 building and installation unless he satisfies the requirements of this  
48 act.

1       5. a. Application for a license to engage in the pool and spa  
2 service contracting business or in the pool and spa building and  
3 installation business, as the case may be, shall be made to the board  
4 in the manner and on the forms as the board, in consultation with  
5 the committee, may prescribe.

6       b. An application to engage in the pool and spa service  
7 contracting business or the pool and spa building and installation  
8 business shall include the name, residence and principal business  
9 address of the applicant, or in the case of an employee, the principal  
10 business address of his employer.

11       c. The board may require other information of the applicant  
12 and, if the applicant is proposing to qualify a business firm, the  
13 business firm shall be responsible to determine the professional  
14 competence and integrity of the concerned parties.

15

16       6. a. An applicant seeking licensure to engage in pool and spa  
17 service contracting shall:

18       (1) Be at least 18 years of age;

19       (2) Be of good moral character;

20       (3) Meet qualifications established by the board, in consultation  
21 with the committee, regarding experience, continuing education,  
22 financial responsibility and integrity; and

23       (4) Establish the applicant's qualifications to perform and  
24 supervise various phases of pool and spa service contracting as  
25 evidenced by successful completion of, and having earned, one of  
26 the following: an Association of Pool and Spa Professionals (APSP)  
27 certification as a Certified Service Professional (CSP), an APSP  
28 certification as a Certified Service Technician (CST), or an APSP,  
29 Certified Building Professional (CBP), or for those persons who  
30 only service and maintain portable spas, an APSP certification as a  
31 Certified Hot Tub Technician (CHTT), or any other certification  
32 acceptable to the board in consultation with the committee.

33       b. An applicant seeking licensure in the pool and spa building  
34 and installation business shall:

35       (1) Be at least 18 years of age;

36       (2) Be of good moral character;

37       (3) Meet qualifications established by the board, in consultation  
38 with the committee regarding experience, continuing education,  
39 financial responsibility and integrity; and

40       (4) Establish his qualifications to perform and supervise various  
41 phases of pool and spa building and installation as evidenced by  
42 successful completion of, and having earned, certification as a  
43 Certified Builder Professional (CBP) from the Association of Pool  
44 and Spa Professionals (APSP) or any other certification acceptable  
45 to the board in consultation with the committee.

46       c. For a period of 24 months following the effective date of this  
47 act, any person engaged in business as a pool and spa service  
48 contractor shall not be required to submit evidence of the successful

1 completion of the APSP certification as a CSP, CST, CHTT, or  
2 CBP, or other recognized certification by the board if that person  
3 shows proof of:

4 <sup>2</sup>[(1)] (1)<sup>2</sup> having been in the business of pool service contracting for  
5 at least 10 years prior to the 1effective1 date of this act;

6 (2)] (1)<sup>2</sup> references from at least one trade-related business and  
7 at least one financial institution sufficient to verify the existence of  
8 an established business;

9 <sup>2</sup>[(3)] (2)<sup>2</sup> a certificate of good standing less than 30 days old  
10 from the Secretary of State, if the applicant is a corporation, limited  
11 liability company or limited liability partnership;

12 <sup>2</sup>[(4)] (3)<sup>2</sup> a certificate of good standing from the state in which  
13 it is incorporated or organized, as well as a certificate of good  
14 standing less than 30 days old from the Secretary of State, if the  
15 applicant is a foreign corporation, limited liability company, or  
16 limited liability partnership applicant; and

17 <sup>2</sup>[(5)] (4)<sup>2</sup> three current references from members in good  
18 standing of the APSP attesting to the applicant's familiarity with the  
19 knowledge, skills, and abilities relating to the performance of a pool  
20 and spa service contractor.

21 d. For a period of 24 months following the effective date of this  
22 act, any person engaged in the pool and spa building and  
23 installation business shall not be required to submit evidence of the  
24 successful completion of the APSP certification as a CBP, or other  
25 recognized certification by the board if that person shows proof of:

26 <sup>2</sup>[(1)] (1) having been in the business of a pool and spa builder for at  
27 least 10 years prior to the 1effective1 date of this act;

28 (2)] (1)<sup>2</sup> references from at least one trade-related business and  
29 at least one financial institution sufficient to verify the existence of  
30 an established business;

31 <sup>2</sup>[(3)] (2)<sup>2</sup> a certificate of good standing less than 30 days old  
32 from the Secretary of State, if the applicant is a corporation, limited  
33 liability company or limited liability partnership;

34 <sup>2</sup>[(4)] (3)<sup>2</sup> a certificate of good standing from the state in which  
35 it is incorporated or organized, as well as a certificate of good  
36 standing less than 30 days old from the Secretary of State, if the  
37 applicant is a foreign corporation, limited liability company or  
38 limited liability partnership applicant; and

39 <sup>2</sup>[(5)] (4)<sup>2</sup> three current references from members in good  
40 standing of the APSP attesting to the applicant's familiarity with the  
41 knowledge, skills and abilities relating to the performance of a pool  
42 and spa builder and installer.

43

44 7. The provisions of this act shall not apply to:

45 a. Electrical contractors regulated by the Board of Examiners  
46 of Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et

1 seq.) and persons in their employ while working on the electrical  
2 components of a swimming pool;

3 b. Plumbing contractors regulated by the State Board of  
4 Examiners of Master Plumbers pursuant to P.L.1968, c.362  
5 (C.45:14C-1 et seq.) and persons in their employ while working on  
6 the plumbing components of a swimming pool <sup>2</sup>, including the  
7 installation of heating circuits connected to building space heating  
8 boilers or geothermal heat pumps<sup>2</sup>; and

9 c. HVACR contractors regulated by the State Board of  
10 Examiners of Heating, Ventilating, Air Conditioning and  
11 Refrigeration Contractors pursuant to P.L.2007, c.211 (C.45:16A-1  
12 et seq.) and persons in their employ while working on the heating  
13 components of a swimming pool <sup>2</sup>, including the startup and  
14 commissioning of oil, gas, or propane-fired pool heaters, and heat  
15 pump pool heaters, and the installation of heating circuits connected  
16 to building space heating boilers or geothermal heat pumps<sup>2</sup>.

17

18 8. a. Licenses shall be issued to qualified applicants seeking  
19 licensure to engage in pool and spa service contracting or pool and  
20 spa building and installation for a three-year period, upon payment  
21 of a licensing fee. License renewals shall be issued for a three-year  
22 period upon the payment of a renewal fee. A renewal application  
23 shall be filed with the board at least 45 days prior to expiration of a  
24 license. A license issued pursuant to this act shall not be  
25 transferable.

26 b. Fees shall be established, prescribed or changed by the  
27 board, in consultation with the committee, to the extent necessary to  
28 defray all proper expenses incurred by the committee, the board,  
29 and any staff employed to administer the provisions of this act,  
30 except that fees shall not be fixed at a level that will raise amounts  
31 in excess of the amount estimated to be so required. All fees and  
32 any fines imposed under this act shall be paid to the board and shall  
33 be forwarded to the State Treasurer and become part of the General  
34 Fund.

35

36 9. No licensee qualified under the provisions of this act shall  
37 engage in pool and spa service contracting or pool and spa building  
38 and installation, unless the licensee:

39 a. Maintains at least one business office within the State or  
40 files with the board a statement, duly executed and sworn to before  
41 a person authorized by the laws of this State to administer oaths,  
42 containing a power of attorney constituting the board the true and  
43 lawful attorney of the licensee upon whom all original process in an  
44 action or legal proceeding against the licensee may be served and in  
45 which the licensee agrees that the original process that may be  
46 served upon the board shall be of the same force and validity as if  
47 served upon the licensee and that the authority thereof shall  
48 continue in force so long as the licensee engages in the business of

1 pool and spa service contracting or pool and spa building and  
2 installation, as the case may be; and

3 b. Clearly marks the outside of each installation and service  
4 vehicle to be used in conjunction with the pool and spa service  
5 contracting business with the name of the business or the outside of  
6 each installation and service vehicle to be used in conjunction with  
7 the pool and spa building installation business with the name of the  
8 business.

9  
10 10. a. Every licensee and every employee or other person  
11 engaged in the unsupervised building, servicing, or maintenance of  
12 a pool shall, at all times during working hours, display an  
13 identification card issued by the board. The identification card shall  
14 contain the following information:

15 (1) the name, photograph and signature of the person to whom  
16 the card has been issued;

17 (2) the business name and address and license number of the  
18 licensee;

19 (3) the expiration date of the card; and

20 (4) any other information the board deems appropriate for  
21 identification purposes.

22 b. Identification cards shall be issued for a three-year period  
23 which, in the case of a licensee, shall correspond to the term of the  
24 license period of the licensee. Application for renewal of an  
25 identification card for other than a licensee shall be made by the  
26 person named on the card at least 45 days prior to the expiration  
27 date of the card. The information provided on the identification  
28 card shall at all times be current, and the named holder of the card  
29 shall advise the board of any changes and file for issuance of an  
30 updated card within five days following occurrence of a change,  
31 which card shall be issued for the unexpired term of the original  
32 card.

33 c. Identification cards shall not be transferable in the event of a  
34 change in employment.

35  
36 11. No person shall be employed by a licensee to build, install,  
37 or service a pool or, except in the case of a licensee, shall otherwise  
38 engage in the building, installation, or service thereof:

39 a. Unless the person is of good moral character;

40 b. Where the work is to be performed other than under the field  
41 supervision of a licensee, the person shall have at least three years  
42 of practical experience and shown proof of successful completion of  
43 and having received the APSP Certified Maintenance Specialist  
44 (CMS) certification, or higher, or equivalent certification as  
45 prescribed by the board, in consultation with the committee; and

46 c. Where the work to be performed is limited to cleaning of  
47 pool equipment and components, pool vacuuming, sanitation of  
48 water, and backwash filtration, the licensee shall be responsible for



1 training that person in basic pool safety and maintenance as  
2 prescribed by the board, in consultation with the committee.

3

4 12. a. A licensee shall be responsible for any unlawful or  
5 unprofessional conduct by an employee, except that the conduct  
6 shall not be a cause for suspension or revocation of a license, unless  
7 the board determines that the licensee had knowledge thereof, or  
8 there is shown to have existed a pattern of unlawful or  
9 unprofessional conduct.

10 b. Within 30 days of employing a person in connection with  
11 pool and spa servicing or pool and spa building and installation, a  
12 licensee shall notify the board and shall provide the board with the  
13 employee's name, address and phone number.

14 c. If a licensee knowingly falsifies any information required by  
15 the board, the licensee shall be guilty of a crime of the fourth  
16 degree and shall have his license revoked.

17

18 13. No municipality or county shall enact an ordinance or  
19 resolution or promulgate any rules or regulations relating to the  
20 licensing or registration of pool and spa service contractors or pool  
21 and spa building and installation businesses.

22

23 14. If the board, after consultation with the committee,  
24 determines that an applicant holds a valid license from another  
25 jurisdiction which requires equal or greater experience and  
26 knowledge requirements, the board may accept evidence of that  
27 license as meeting the experience and knowledge requirements of  
28 this act for a person engaged in pool and spa servicing contracting  
29 or pool and spa building and installation.

30

31 15. The board, after consultation with the committee, shall adopt  
32 rules and regulations pursuant to the "Administrative Procedure  
33 Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate  
34 the purposes of this act.

35

36 16. This act shall take effect on the 180th day following  
37 enactment, except that section 4 shall take effect 360 days  
38 following the appointment and qualification of the committee  
39 members.