

P.L. 2019, CHAPTER 260, *approved August 23, 2019*  
Assembly Committee Substitute for  
Assembly, No. 3118

1   **AN ACT** concerning the licensure of master hearth specialists and  
2       amending and supplementing P.L.2007, c.211.

3  
4       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5       *of New Jersey:*

6  
7       1. Section 2 of P.L.2007, c.211 (C.45:16A-2) is amended to  
8       read as follows:

9       As used in this act:

10       "Board" means the State Board of Examiners of Heating,  
11       Ventilating, Air Conditioning and Refrigeration Contractors  
12       **【created by section 3 of this act】** established pursuant to P.L.2007,  
13       c.211 (C.45:16A-1 et seq.).

14       "Bona fide representative" means, except as otherwise provided  
15       herein, a Master HVACR contractor who has not less than one  
16       percent ownership of the issued and outstanding shares of stock in a  
17       corporation, or not less than one percent ownership of the capital of  
18       a partnership, or not less than one percent ownership of any other  
19       firm or legal entity engaged in HVACR contracting in this State. A  
20       "bona fide representative" means, with respect to a corporation,  
21       partnership, or other firm or legal entity engaged in HVACR  
22       contracting in this State which generates more than 65 percent of its  
23       gross revenue from sources other than HVACR contracting, or with  
24       respect to a publicly-traded corporation, including its wholly-owned  
25       subsidiaries, whose principal business in this State is HVACR  
26       contracting; in the case of a sole proprietorship, the owner; in the  
27       case of a partnership, a partner; in the case of a limited liability  
28       company, a manager; or in the case of a corporation, an executive  
29       officer.

30       "Director" means the Director of the Division of Consumer  
31       Affairs in the Department of Law and Public Safety.

32       "Heating, ventilating, air conditioning and refrigeration" or  
33       "HVACR" means the process of treating and protecting the  
34       environment by the responsible handling, dispensing, collecting and  
35       cleaning of chlorofluorocarbons and other refrigerants in stationary  
36       sources, and controlling the temperature, humidity and cleanliness  
37       of air by using the "wet," "dry," "radiant," "conduction,"  
38       "convection," "direct," or "indirect" method or combination of

**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 methods, including those which utilize solar energy, to meet the  
2 environmental requirements of a designated area. "HVACR" also  
3 means the installation, servicing, connecting, maintenance or repair  
4 of the following:

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

10 warm air heating or refrigeration and evaporative cooling  
11 systems, ventilation and exhaust systems, dust collectors, air  
12 handling equipment, heating or cooling coils, air or refrigerant  
13 compressors, chillers, cooling towers, evaporators, condensers,  
14 plenums, fans, blowers, air cleaners, mechanical ventilation for  
15 radon mitigation, humidifiers, filters, louvers, mixing boxes and  
16 appurtenances; hydronic heating and chilled water pipe, condensate  
17 piping not discharged into a sanitary sewer, valves, fittings, burners  
18 and piping, hydronic heating, expansion tanks, pumps, gauges,  
19 humidity and thermostatic controls;

20 natural or manufactured gas piping on the load side of a meter;  
21 supply water piping to equipment being served from an existing  
22 dedicated source connected downstream from an approved  
23 backflow preventer, except in replacement cases, the installation of  
24 the required approved backflow device downstream from a pre-  
25 existing valve; and pneumatic controls and control piping, for the  
26 control of air, liquid, or gas temperatures, radiators, convectors, unit  
27 cabinet heaters, or fan coil units; and pneumatic controls and  
28 control piping, of automatic oil, gas or coal burning equipment,  
29 mechanical refrigeration equipment, gasoline or diesel oil  
30 dispensing equipment and in replacement cases only, the connection  
31 thereof of the wiring from an electrical service disconnect box of  
32 adequate size to accommodate the equipment and controls and  
33 previously dedicated to that equipment, and the testing and  
34 balancing of air and hydronic systems, but does not include the  
35 design or preparation of specifications for equipment or systems to  
36 be installed that are within the practice of professional engineering  
37 as defined in subsection (b) of section 2 of P.L.1938, c.342 (C.45:8-  
38 28).

39 "HVACR apprentice" means a person who is enrolled in an  
40 HVACR apprenticeship or other training program, including, but  
41 not limited to steamfitter, pipefitter or sheet metal apprenticeship  
42 programs, approved by the United States Department of Labor and  
43 who engages in the installation, alteration, repair, service, or  
44 renovation of HVACR systems under the supervision of a Master  
45 HVACR contractor as part of that apprenticeship or other training  
46 program and who has studied and performed the majority of  
47 "HVACR" as defined in this section.

1 "Heating, ventilating, air conditioning and refrigeration  
2 contracting" means undertaking or advertising to undertake, for a  
3 fixed price, fee, commission, or gain of whatever nature, the  
4 planning, laying out, installation, construction, maintenance,  
5 service, repair, alteration or modification to any portion of any  
6 system, product or equipment or appurtenances used for the  
7 environmental needs or control of any heating, ventilating, air  
8 conditioning and refrigeration system.

9 "Master heating, ventilating, air conditioning and refrigeration  
10 contractor" means any person, firm, partnership, corporation or  
11 other legal entity licensed according to the provisions of **[this act]**  
12 P.L.2007, c.211 (C.45:16A-1 et seq.). which obtains a pressure seal  
13 pursuant to sections 24 and 25 of **[this act]** P.L.2007, c.211  
14 (C.45:16A-24 and C.45:16A-25) and which advertises, undertakes  
15 or offers to undertake for another the planning, laying out,  
16 supervising, installing, servicing or repairing of HVACR systems,  
17 apparatus or equipment. In order to act as a "Master HVACR  
18 contractor," an individual shall be a bona fide representative of the  
19 legal entity licensed pursuant to the provisions of this act, and shall  
20 have studied and performed the majority of "HVACR" as defined in  
21 this section.

22 "HVACR journeyperson" means any person who installs, alters,  
23 repairs, services or renovates HVACR systems in accordance with  
24 standards, rules and regulations established by the board, who  
25 works under the supervision of a Master HVACR contractor, and  
26 who has studied and performed the majority of "HVACR" as  
27 defined in this section.

28 "One percent ownership" means that a bona fide representative is  
29 entitled to one percent of any net profits from a business, owns one  
30 percent equity in a Master HVACR contractor, and is entitled to one  
31 percent of the net proceeds from the sale of a business in the event  
32 of the sale of the business. If the Master HVACR contractor is a  
33 corporation, the bona fide representative owns stock equaling one  
34 percent equity interest, and, if there is more than one class of stock,  
35 the stock owned by the bona fide representative is the highest level  
36 stock with full voting rights.

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

39 "Replacement" means a change of equipment with the same type  
40 or similar equipment.

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

44 "Barbecue appliance" means an appliance that cooks food by  
45 applying heat as a result of burning solid fuel, gas fuel, natural gas,  
46 propane gas, wood fuel, or pellet fuel.

1     “Hearth product appliance” means a fireplace, fireplace insert,  
2     stove, or log set that offers a decorative view of flames and may be  
3     fueled by solid fuel, gas fuel, natural gas, propane gas, wood fuel,  
4     or pellet fuel, and may include a passive or powered air vent heated  
5     by flames, a convection chamber for the purpose of heating the  
6     room air by the means of gravity, or a manufacturer approved or  
7     supplied fan.

8     “Hearth professional work” means the installation, replacement,  
9     connection, venting, inspection, repair, maintenance, or servicing of  
10    hearth product appliances, barbecue appliances, outdoor patio  
11    appliances, and decorative space heater appliances, and shall  
12    include the installation, inspection, repair, or servicing of vents,  
13    vent connectors, masonry, metal and factory built chimney and vent  
14    systems, and natural or manufactured gas piping on the load side of  
15    the meter.

16    “Licensed Master Hearth Specialist” means a person who holds a  
17    current, valid license to engage in hearth professional work  
18    pursuant to P.L. , c. (C. ) (pending before the Legislature as  
19    this bill).

20    “Outdoor patio appliance” means an appliance that is located  
21    outdoors and may be fueled by solid fuel, gas fuel, natural gas,  
22    propane gas, wood fuel, or pellet fuel, including free standing,  
23    mounted, or built-in appliances, stoves, fireplaces, fire pits, inserts,  
24    and gas logs.

25    “Decorative Space heater appliance” means an appliance that  
26    offers a decorative view of flames and provides heat to the  
27    immediate area by the means of thermal radiation or convection,  
28    and includes free standing, mounted, or built-in appliances, stoves,  
29    fireplaces, inserts, and gas logs, and may be fueled by solid fuel,  
30    gas fuel, natural gas, propane gas, wood fuel, or pellet fuel.

31    (cf: P.L.2018, c.125, s.1)

32  
33    2. (New section) a. There is established within the Division of  
34    Consumer Affairs in the Department of Law and Public Safety,  
35    under the State Board of Examiners of Heating, Ventilating, Air  
36    Conditioning and Refrigeration Contractors, a “Licensed Master  
37    Hearth Specialist Advisory Committee.” The committee shall  
38    consist of seven members who are residents of this State appointed  
39    by the Governor without regard to political affiliation as follows:

40    (1) Three members shall have been engaged or employed in  
41    hearth professional work for a period of five consecutive years and  
42    shall hold a certification as a Master Hearth Professional, as issued  
43    by the National Fireplace Institute immediately preceding their  
44    appointments, and, except for the first members appointed, shall be  
45    licensed under the provisions of P.L. , c. (C. ) (pending  
46    before the Legislature as this bill);

1 (2) One member shall be a licensee of the State Board of  
2 Examiners of Heating, Ventilating, Air Conditioning and  
3 Refrigeration Contractors Board, established pursuant to P.L.2007,  
4 c.211 (C.45:16A-1 et seq.);

5 (3) One member shall be a licensee of the State Board of  
6 Examiners of Master Plumbers, established pursuant to P.L.1968,  
7 c.362 (C.45:14C-1 et seq.);

8 (4) One member shall be from a department in the Executive  
9 Branch of State Government who shall serve without compensation  
10 at the pleasure of the Governor; and

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

14 b. A majority of the appointed members of the committee shall  
15 constitute a quorum thereof and no action of the committee shall be  
16 taken except upon the affirmative vote of a majority of the  
17 appointed members of the committee.

18 c. The Governor shall appoint each member for a term of three  
19 years, except that of the members first appointed, four shall serve  
20 for terms of three years, two shall serve for a term of two years, and  
21 one shall serve for a term of one year.

22 d. Any vacancy in the membership of the committee shall be  
23 filled for the unexpired term in the manner provided for the original  
24 appointment. No member may serve more than two successive  
25 terms in addition to any unexpired term to which the members has  
26 been appointed.

27 e. The committee shall annually elect from among its members  
28 a chair and vice-chair. The committee shall meet at least twice a  
29 year and may hold additional meetings as necessary to discharge its  
30 duties.

31  
32 3. (New section) Notwithstanding any law, rule, or regulation  
33 to the contrary, the board shall have the following powers and  
34 duties, or may delegate them to the committee:

35 a. set standards and approve certifications for applicants for a  
36 master hearth specialist license, and issue a license to each qualified  
37 applicant;

38 b. determine the form and contents of applications for  
39 licensure, issuance of license, and identification cards;

40 c. adopt a code of ethics for licensed master hearth specialists;

41 d. issue and renew licenses and identification cards;

42 e. set the amount of fees for master hearth specialist licenses,  
43 license renewals applications, examinations, and other services  
44 provided by the committee within the limits provided in subsection  
45 b. of section 8 of P.L. , c. (C. ) (pending before the  
46 Legislature as this bill);

1 f. refuse to issue or suspend, revoke, or fail to renew the  
2 license of a master hearth specialist pursuant to the provisions of  
3 P.L.1978, c.73 (C.45:1-14 et seq.);

4 g. maintain a record of all applicants for a license;

5 h. maintain and annually publish a record of the name, place of  
6 business, and license date and number for every licensed master  
7 hearth specialist;

8 i. take disciplinary action in accordance with P.L.1978, c.73  
9 (C.45:1-14 et seq.) against a licensed master hearth specialist who  
10 violates any provision of this act or any rule or regulation  
11 promulgated pursuant to P.L. , c. (C. ) (pending before the  
12 Legislature as this bill);

13 j. adopt standards and requirements for and approve  
14 continuing education programs and courses of study for master  
15 hearth specialists and their employees;

16 k. review advertising by licensed master hearth specialists; and

17 l. perform other duties as may be necessary to effectuate the  
18 purposes of P.L. , c. (C. ) (pending before the Legislature as  
19 this bill).

20  
21 4. (New section) Any person desiring to obtain a master hearth  
22 specialist license shall make application to the board and shall pay  
23 all the fees required in connection with the application.

24  
25 5. (New section) A person shall not work as a master hearth  
26 specialist or use the title or designation of “licensed master hearth  
27 specialist” or “master hearth specialist” unless issued a license  
28 pursuant to the provisions of P.L. , c. (C. ) (pending before  
29 the Legislature as this bill).

30  
31 6. (New section) No person shall install, improve, repair, or  
32 maintain gas piping associated with barbecue appliances, hearth  
33 product appliances, outdoor patio appliances, decorative space  
34 heater appliances, or hearth professional work unless licensed by  
35 the board as a master hearth specialist in accordance with the  
36 provisions of P.L. , c. (C. ) (pending before the Legislature as  
37 this bill).

38  
39 7. (New section) No person shall provide instruction regarding  
40 the installation, improvement, repair, or maintenance of gas piping  
41 associated with barbecue, hearth products or hearth professional  
42 work unless licensed by the board as a master hearth specialist in  
43 accordance with the provisions of P.L. , c. (C. ) (pending  
44 before the Legislature as this bill).

45  
46 8. (New section) a. A person, firm, partnership, corporation,  
47 or other legal entity shall not engage in the business of hearth

1 professional work contracting or advertise in any manner as a  
2 master hearth specialist contractor or use the title or designation of  
3 "licensed master hearth specialist contractor" unless authorized to  
4 act as a licensed master hearth specialist contractor pursuant to the  
5 provisions of P.L. , c. (C. ) (pending before the Legislature as  
6 this bill).

7 b. In addition to any penalty authorized pursuant to the  
8 provisions of section 12 of P.L.1978, c.73 (C.45:1-25), any person,  
9 firm, partnership, corporation, or other legal entity that knowingly  
10 violates any provision of this section shall be guilty of a crime of  
11 the fourth degree and shall have his or her license revoked.

12 c. No firm, corporation, or other legal entity for which the  
13 person is the bona fide representative shall perform hearth  
14 professional work without a valid license held by a bona fide  
15 representative.

16 d. No firm, corporation, or other legal entity performing hearth  
17 professional work act shall be denied the privilege of conducting  
18 and continuing the business of master hearth specialist contracting,  
19 by reason of death, termination of employment, illness or a  
20 substantial disability of the bona fide representative of the firm,  
21 corporation, or other entity, provided that: the firm, corporation, or  
22 other entity has complied with the other provisions of P.L. , c.  
23 (C. ) (pending before the Legislature as this bill) the firm,  
24 corporation or other entity maintains a place of business within this  
25 State; and another bona fide representative of the entity obtains a  
26 license within six months from the date of the death, termination of  
27 employment, illness, or disability. The board may promulgate  
28 additional regulations governing the management and operation of  
29 an entity during that period of time when the entity shall be in  
30 operation without a bona fide representative.

31 e. As used in this section, "bona fide representative" means,  
32 except as otherwise provided herein, a master hearth specialist  
33 contractor who has not less than one percent ownership of the  
34 issued and outstanding shares of stock in a corporation, or not less  
35 than one percent ownership of any other firm or legal entity  
36 engaged in Master Hearth Specialist contracting in this State. A  
37 bona fide representative means, with respect to a corporation,  
38 partnership or other firm or legal entity engaged in Master Hearth  
39 Specialist contracting in this State which generates more than 65  
40 percent of its gross revenue from sources other than master hearth  
41 specialist contracting, or with respect to a publicly traded  
42 corporation, including its wholly owned subsidiaries, whose  
43 principal business in this State is Master Hearth Professional  
44 contracting: in the case of a sole proprietorship, the owner, in the  
45 case of partnership, the partner; in the case of a limited liability  
46 company, a manager; or in the case of a corporation, an executive  
47 officer.

1        9. (New Section) Nothing in P.L.     , c. (C.     ) (pending  
2 before the Legislature as this bill) shall be construed to prevent any  
3 person licensed by the State, including, but not limited to,  
4 architects, professional engineers, electrical contractors, master  
5 plumbers, propane gas suppliers or marketers, or any chimney  
6 service professional registered as a home improvement contractor  
7 with the Division of Consumer Affairs, from acting within the  
8 scope of practice of the respective profession or occupation, but no  
9 person shall use the designation “licensed master hearth specialist”  
10 or “master hearth specialist” unless licensed as a master hearth  
11 specialist under the provisions of P.L.     , c. (C.     ) (pending  
12 before the Legislature as this bill).

13  
14        10. (New section) a. The provisions of P.L.     , c. (C.     )  
15 (pending before the Legislature as this bill) shall not deny to any  
16 municipality the power to inspect hearth professional work or the  
17 equipment of a master hearth specialist, or the power to enforce the  
18 standards and manner in which hearth professional work shall be  
19 done, but no municipality, local board of health, or other agency  
20 shall require any master hearth specialist under P.L.     , c. (C.     )  
21 (pending before the legislature as this bill) to obtain any additional  
22 license, apply for or take any examination, or pay any licensing fee.

23        b. The board shall ensure that licensed master hearth specialists  
24 comply with all applicable requirements of building codes, gas  
25 codes, and any other industry standards deemed appropriate by the  
26 board.

27  
28        11. (New section) Every person desiring to apply for a master  
29 hearth specialist license who shall meet the qualifications as set  
30 forth herein, shall deliver to the board, personally or by certified  
31 mail, return receipt requested, postage prepaid, a certified check or  
32 money order payable to the Treasurer of the State of New Jersey in  
33 the required amount, together with the written application required  
34 by the board, completed as described in the application, and  
35 together with proof of qualification as described herein.

36        The qualifications for a Master Hearth Specialist’s license shall  
37 be as follows:

38        a. the person shall be 21 or more years of age;

39        b. the person shall be a citizen or legal resident of the United  
40 States;

41        c. the person shall possess a valid certification as a Master  
42 Hearth Professional, issued by the National Fireplace Institute, or  
43 an equivalent authority approved by the board; and

44        d. the person shall have been engaged or employed in hearth  
45 professional work for a period of five years preceding the date of  
46 the person’s application for licensure.



1 Proof of compliance with the qualifications shall be submitted to  
2 the board in writing, sworn to by the applicant, and the written  
3 proof shall be accompanied by two recent photographs of the  
4 applicant.

5  
6 12. (New section) Every license issued pursuant to P.L. , c.  
7 (C. ) (pending before the Legislature as this bill) shall  
8 automatically expire on June 30 following the date of its issuance.  
9 Licenses may be renewed biennially by the board upon written  
10 application of the holder and payment of the prescribed fee.

11  
12 13. (New section) a. The board shall require each master hearth  
13 specialist, as a condition of license renewal, to complete any  
14 continuing education requirements imposed by the board pursuant  
15 to subsection b. of this section.

16 b. The board shall establish standards for the continuing  
17 education of master hearth specialists, including the subject matter  
18 and content of courses of study, the selection of instructors, and the  
19 number and type of continuing education credits required of a  
20 master hearth specialist as a condition of license renewal.

21 c. During the biennial renewal period beginning July 1, 2021  
22 and ending on June 30, 2022 and every biennial period thereafter,  
23 sponsors of continuing education courses selected by the board shall  
24 include one hour of education in propane services, including  
25 substantially the same information covered in either the  
26 Fundamentals of LP manual, 2007 edition, or the Gas Installation  
27 for United Association Journeyworkers and Apprentices manual,  
28 2003 edition.

29 d. After completion of the education in propane services  
30 required subsection c. of this section, sponsors of continuing  
31 education courses shall administer a competency evaluation  
32 examination, that tests a master hearth specialist's understanding of  
33 the information provided on propane services.

34 e. The board shall not require completion of continuing master  
35 hearth specialist education credits for the initial licensure period.

36  
37 14. (New section) The provisions of P.L. , c. (C. )  
38 (pending before the Legislature as this bill) shall not apply to a  
39 single-family homeowner who performs hearth professional work  
40 on the person's own dwelling. Nothing in P.L.1968, c.362  
41 (C.45:14C-1 et seq.) or P.L.2007, c.211 (C.45:16A-1 et seq.) shall  
42 be construed to prevent licensed electrical contractors from  
43 engaging in the installation, maintenance, and repair of natural or  
44 manufactured gas piping while installing or repairing electric  
45 generators, provided they have demonstrated as a part of licensure  
46 continuing education in the installation of gas piping relevant to  
47 installing or repairing electric generators.

1       15. Section 2 of this act shall take effect immediately and the  
2 remainder of this act shall take effect on the 120th day next  
3 following the date of enactment, but the board may take such  
4 anticipatory administrative action in advance as shall be necessary  
5 for the implementation of this act.

6

7

8

9

10       Establishes licensure for master hearth specialists.