

SENATE, No. 717

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senator CIESLA

1 AN ACT concerning examinations for certain construction officials
2 and subcode officials and amending P.L.1975, c.217.

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

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7 1. Section 8 of P.L.1975, c.217 (C.52:27D-126) is amended to
8 read as follows:

9 8. 52:27D-126. Administration and enforcement

10 a. The appointing authority of any municipality shall appoint a
11 construction official and any necessary subcode officials to administer
12 and enforce the code and a construction board of appeals to hear and
13 decide appeals from decisions made by said construction official and
14 subcode officials, in the administration and enforcement of the code.
15 Nothing herein, however, shall prevent a municipality from accepting
16 inspections as to compliance with the code or any subcode thereof
17 made by an inspection authority approved by the State of New Jersey
18 pursuant to law.

19 b. To establish tenure rights or any other right or protection
20 provided by the "State Uniform Construction Code Act" or Title 11
21 of the Revised Statutes, Civil Service, or any pension law or
22 retirement system, the job title "construction official" shall be
23 equivalent to that job title which, prior to the adoption of the State
24 Uniform Construction Code as provided in section 5 of the "State
25 Uniform Construction Code Act," entailed the chief administrative
26 responsibility to enforce all construction codes which had been
27 adopted by the municipal governing body, the enforcement of which
28 was not the responsibility of an authorized private inspection agency;
29 and the job title "subcode official" shall be equivalent to that job title
30 which, prior to the adoption of the State Uniform Construction Code,
31 entailed subordinate administrative responsibility to enforce one or
32 more of the following construction codes: building, plumbing,
33 electrical or fire code.

34 Any person, in a municipality operating under Title 11 of the

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 Revised Statutes, who, prior to the adoption of the State Uniform
2 Construction Code, held the equivalent of the job title "construction"
3 official or "subcode" official, but who no longer holds his position as
4 a result of a determination that his old job title was not equivalent to
5 that of "construction" official or "subcode" official, shall be offered
6 reappointment as a construction official or subcode official, as the case
7 may be, and shall be granted permanent classified status in such
8 position. Tenure shall continue for (1) any construction official or
9 subcode official who is serving under tenure as otherwise provided by
10 law on the effective date of this act or within 1 year thereafter, or (2)
11 any person certified pursuant to subsection c. of this section and who
12 subsequently gains such tenure.

13 A construction official or subcode official appointed in a
14 municipality operating under the provisions of Title 11 of the Revised
15 Statutes, who, at the time of adoption of the State Uniform
16 Construction Code, January 1, 1977, or prior to January 1, 1981, had
17 permanent classified status or was employed as a construction official
18 or subcode official or in another position in the unclassified service,
19 shall be included in the classified service without civil service
20 examination in his respective title of construction official or subcode
21 official. Any individual employed by a municipality, who, in his
22 employment with the municipality between January 1, 1977 and prior
23 to January 1, 1981, was charged with the chief administrative
24 responsibility to enforce all existing municipal construction codes,
25 shall be deemed as appointed to the position of construction official
26 for the purposes of this act. Any individual employed by a
27 municipality, who, in his employment with the municipality between
28 January 1, 1977 and prior to January 1, 1981, was charged with chief
29 responsibility to enforce the municipal building, plumbing, fire, or
30 electrical code, shall be deemed as appointed to the position of
31 subcode official for the purposes of this act. No person, on or after
32 January 1, 1981, shall be appointed as construction or subcode official
33 in a municipality operating under Title 11 of the Revised Statutes
34 without having passed an examination administered by the Civil
35 Service Commission certifying the merit and fitness of the person to
36 hold such position; provided that, whenever a noncivil service
37 municipality adopts the provisions of that Title, construction code
38 officials and subcode officials of such municipality appointed prior to
39 the filing of the petition for the adoption of civil service, shall attain
40 permanent status in the classified service without examination. Any
41 construction or subcode official appointed after January 1, 1981 on a
42 provisional basis in a municipality which has adopted the provisions of
43 Title 11 of the Revised Statutes, may not be removed from office
44 except for just cause after a fair and impartial hearing has been held
45 at the local level, with no further appeal to the Civil Service
46 Commission; provided, however, that such a construction or subcode

1 official may be removed to permit the appointment of a person
2 certified for appointment by the Civil Service Commission.

3 A construction official or subcode official in a noncivil service
4 municipality shall be appointed for a term of 4 years and shall, upon
5 appointment to a second consecutive term or on or after the
6 commencement of a fifth consecutive year of service, including years
7 of service in an equivalent job title held prior to the adoption of the
8 State Uniform Construction Code, be granted tenure and shall not be
9 removed from office except for just cause after a fair and impartial
10 hearing.

11 A construction or subcode official, to be eligible for appointment
12 in civil service or noncivil service municipalities, shall be certified by
13 the State of New Jersey in accordance with subsection c. of this
14 section and shall have had at least 3 years' experience in construction,
15 design or supervision as a licensed engineer or registered architect;
16 or 5 years' experience in construction, design, or supervision as an
17 architect or engineer with a bachelor's degree from an accredited
18 institution of higher education; or 10 years' experience in
19 construction, design or supervision as a journeyman in a trade or as
20 a contractor. A subcode official shall, pursuant to any subcode which
21 he administers, pass upon: (1) matters relative to the mode, manner
22 of construction or materials to be used in the erection or alteration of
23 buildings or structures, except as to any such matter foreclosed by
24 State approval pursuant to this act, and (2) actual execution of the
25 approved plans and the installation of the materials approved by the
26 State. The construction official in each municipality shall be the chief
27 administrator of the "enforcing agency." He shall have the power to
28 overrule a determination of a subcode official based on an
29 interpretation of a substantive provision of the subcode which such
30 subcode official administers, only if the construction official is
31 qualified to act pursuant to this act as a subcode official for such
32 subcode. He may serve as subcode official for any subcode which he
33 is qualified under this act to administer. A subcode official or
34 municipal engineer may serve as a construction official if otherwise
35 qualified under the provisions of this act. The municipal enforcing
36 agency shall require compliance with the provisions of the code, of all
37 rules lawfully adopted and promulgated thereunder and of laws
38 relating to the construction, alteration, repair, removal, demolition and
39 integral equipment and location, occupancy and maintenance of
40 buildings and structures, except as may be otherwise provided for.

41 Two or more municipalities may provide by ordinance, subject to
42 regulations established by the commissioner, for the joint appointment
43 of a construction official and subcode official for the purpose of
44 enforcing the provisions of the code in the same manner.

45 c. No person shall act as a construction official or subcode official
46 for any municipality unless the commissioner determines that said

1 person is so qualified, except for the following: (1) a municipal
2 construction official or subcode official holding office under
3 permanent civil service status, or tenure as otherwise provided by law
4 on the effective date of this act or within 1 year thereafter and (2) a
5 municipal construction official or subcode official holding office
6 without such permanent civil service status or tenure on the effective
7 date of this act or within 1 year thereafter; provided said construction
8 official or subcode official not having such permanent civil service
9 status or tenure shall be certified in accordance with this act within 4
10 years of the effective date thereof; provided further that a person
11 holding on the effective date of this act a valid plumbing inspector's
12 license from the Department of Health pursuant to Title 26 of the
13 Revised Statutes may serve as a plumbing subcode official and a
14 person holding on the effective date of this act a valid electrical
15 inspector's license from the Board of Public Utilities pursuant to Title
16 48 of the Revised Statutes may serve as an electrical subcode official.
17 The commissioner, after consultation with the code advisory board,
18 may authorize the preparation and conducting of oral, written and
19 practical examinations to determine if a person is qualified by this act
20 to be eligible to be a construction official or subcode official or, in the
21 alternative, may accept successful completion of programs of training
22 as proof of qualification within the meaning of this act; except that on
23 and after the effective date of P.L....., c.....(C.....) (pending before
24 the Legislature as this bill), a mechanical license shall be issued to any
25 person who has served as a plumbing subcode official for at least three
26 consecutive years, or who has held an HHS plumbing inspector's
27 license for at least three consecutive years, upon written application
28 by such person to the Commissioner, notwithstanding that the person
29 has not successfully completed an examination or training course.
30 Upon a determination of qualification the commissioner shall issue or
31 cause to be issued a certificate to the construction official or subcode
32 official or trainee stating that he is so certified. The commissioner,
33 after consultation with the code advisory board, may establish classes
34 of certification that will recognize the varying complexities of code
35 enforcement in the municipalities within the State. The commissioner
36 shall, after consultation with the code advisory board, provide for
37 educational programs designed to train and assist construction officials
38 and subcode officials in carrying out their responsibilities.

39 Whenever the commissioner is required by the terms of this
40 subsection to consult with the code advisory board and the matter in
41 question concerns plumbing subcode officials, the commissioner shall
42 also consult with the Public Health Council and Commissioner of
43 Health.

44 d. The commissioner, after consultation with the code advisory
45 board, may periodically require that each construction official and
46 subcode official demonstrate a working knowledge of innovations in

1 construction technology and materials, recent changes in and additions
2 to the relevant portions of the State Uniform Construction Code, and
3 current standards of professional ethics and legal responsibility; or, in
4 the alternative, the commissioner, after consultation with the code
5 advisory board, may accept successful completion of appropriate
6 programs of training as proof of such working knowledge.
7 (cf: P.L.1982, c.210, s.1)

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9 2. This act shall take effect immediately.

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12 STATEMENT

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14 This bill requires that, on and after the bill's effective date, a
15 mechanical license shall be issued without the successful completion
16 of an examination or training course to any person who has served as
17 a plumbing subcode official for three consecutive years, or who has
18 held an HHS plumbing inspector's license for at least three consecutive
19 years, upon written application by such person to the Commissioner
20 of Community Affairs. Currently, the commissioner is required to
21 either authorize an oral, written or practical examination, or to accept
22 successful completion of training courses, as qualification for
23 licensure.

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26 _____
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28 Concerns requirements for mechanical license under "State Uniform
29 Construction Code Act.