



Master Plumbers Law Review

Uniform Construction Code Officials

Presented By:
Thomas F. Walsh



NJPIA

Master Plumbers Law Review



THE NEW JERSEY STATE
Plumbing Inspectors Association

2017 - 2019
Continuing Education Seminar

Presented By



THOMAS F. WALSH – H.H.S. NJ #5634

CHIEF PLUMBING CODE OFFICIAL - PLANS EXAMINER
TOWNSHIP OF EAST BRUNSWICK, NEW JERSEY

Renewal Regulations



- Must complete 5 credits at an approved course every biennial renewal period
- Certify that you completed the mandated continuing education as required by **N.J.A.C. § 13:32-6.1 et seq.**
- Maintain the record of all attendance verification forms for a period of 4 years
- The Board may at any time review the records of any licensee in order to ensure that the licensee has complied with the continuing education requirements of **N.J.A.C. § 13:32-6.1 (a), (b) and (c)**

Curriculum Overview



- ✓ Historical Perspective - Statutes and Regulations
- ✓ Distinction - Statutory and Regulatory
- ✓ Historical Revisions - Statutes
- ✓ Historical Revisions - Regulations
- ✓ Requirements Acting as Master Plumber
- ✓ Requirements Acting as Bona Fide Representative
- ✓ Requirements Acting as UCC Plumbing Code Official

Historical Perspective

Legislation



- 1963 – Introduced as Assembly Bill A583
- 1964 – Introduced as Senate Bill S347
- 1965 – Introduced in new session as Senate Bill S14
- 1966 - Introduced in new session as Senate Bill S136
- 1967 - Introduced in new session as Senate Bill S298
- 1968 - Introduced in new session as Senate Bill A517
- 1968 - Introduced in new session as Senate Bill S243
- 1968 – Veto by governor, amended, enacted 12/26/1968

CHAPTER 362 LAWS OF N. J. 1968

APPROVED 12/20/68

CORRECTED COPY

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 243



STATE OF NEW JERSEY

INTRODUCED JANUARY 15, 1968

By Senator DUMONT

Referred to Committee on Commerce, Industry and Professions

AN ACT concerning master plumbers, providing for the State licensing thereof in certain cases, establishing a State Board of Examiners of Master Plumbers, making an appropriation and amending section 26:3-31 of the Revised Statutes.

Historical Perspective

Legislation



- Short Title - “The State Plumbing License Law of 1968”
- Effective date December 26, 1968
- Was enacted by Senate Bill S243

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**STATUTES
&
REGULATIONS**

Historical Perspective

Statutes



- Statutory– “The law”
- Enacted exclusively by the legislature
- Defines an “Act” of legislature by law
- Creates and empowers an administrative authority
- Defines the authoritative scope of an administrative authority
- Declare what a legal offense of the law is
- Declare how a legal offense of the law is punishable

Historical Perspective

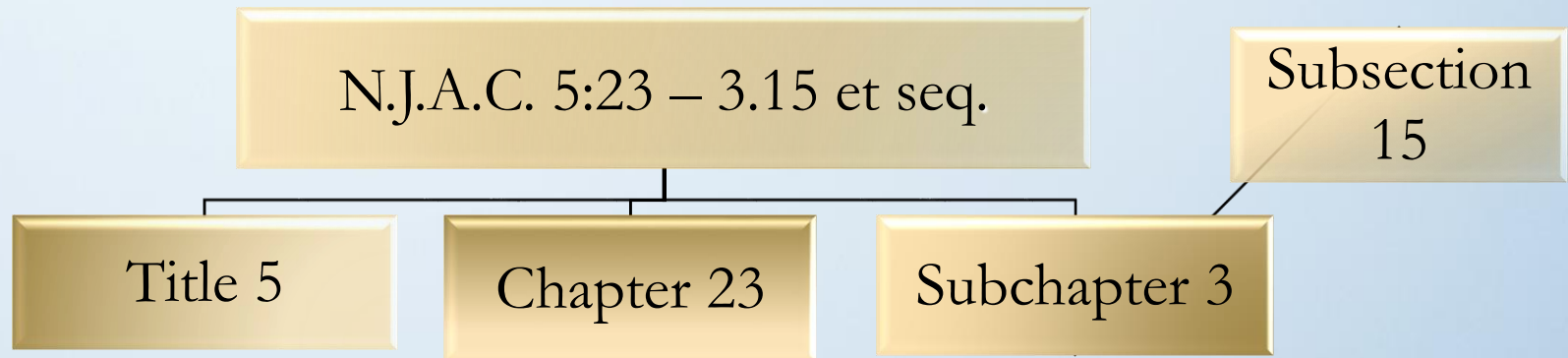


- On or after the effective date of this 1987 amendatory and supplementary act, a person, firm, partnership, corporation or other legal entity shall not engage in the business of plumbing contracting or advertise in any manner as a plumbing contractor or use the title or designation of plumbing contractor unless authorized to act as a plumbing contractor pursuant to the provisions of this amendatory and supplementary act. In addition to any penalty authorized pursuant to the provisions of section **12 of P.L.1978, c.73 (C.45:1-25)**, any person, firm, partnership, corporation or other legal entity which violates any provision of this subsection shall be guilty of a disorderly persons offense.

STATUTES

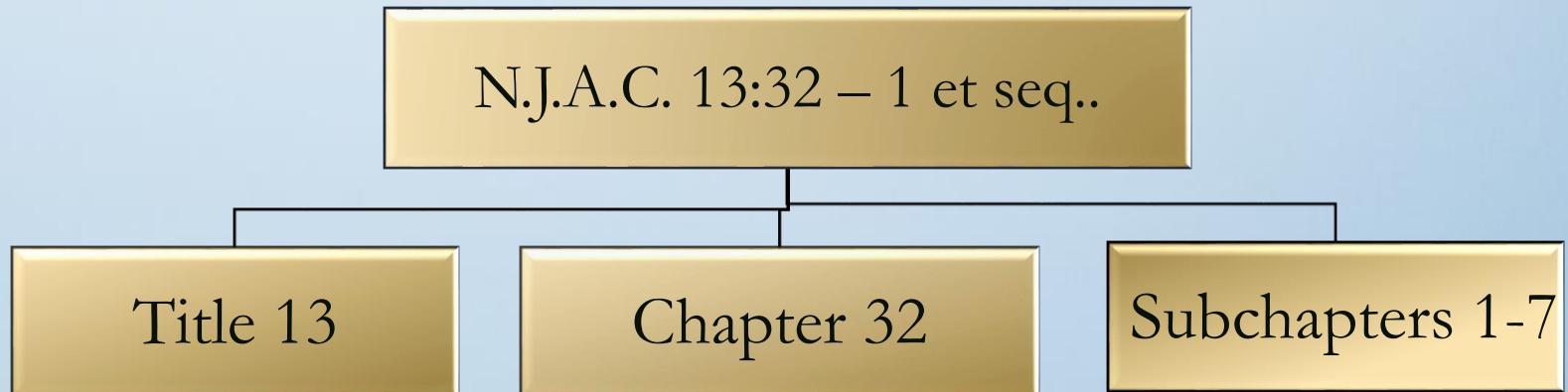
New Jersey Uniform Construction Code Act

N.J.S.A 52:27D – 119



New Jersey Plumbing Licensing Law Act

N.J.S.A. 45:14C



Historical Perspective



Statutes

- Statutes have been revised to address specific needs such as medical gas piping, apprenticeship and continuing education requirements
- Recently, certain work regulated by the Mechanical and Fuel Gas Subcodes, now licensed pursuant to “The State Heating, Ventilating, Air Conditioning and Refrigeration Contracting Licensing Law” has been exempted

Historical Perspective



Statutes

- Amended 1987 – Banning Municipal Licensing
- Amended 1987 – Single Family Homeowner Exemption
- Amended 1991 – Repeal Subsection N.J.S.A § 45:14C-2 (g)
- Amended 1992 – Added Disorderly Persons Offense
- Amended 1996 – Added CE Requirements
- Amended 1998 - Added Registry For Apprenticeship
- Amended 2003 - Added Medical Gas Requirements
- Amended 2003 – Added Registry

Historical Perspective



Statutes

1991 – Subsection **N.J.S.A § 45:14C-2 (g)** was declared unconstitutional by trial court on February 19, 1991

The decision was appealed by the National Association of Plumbing Heating Cooling Contractors, et al. on December 9, 1991

On April 14, 1992, the trial court's February 19, 1991 decision was upheld by the Appellate Court

Historical Perspective



Statutes

1992 – The amended definition of “plumbing contractor” set forth in **N.J.S.A § 45:14C-2 (g)** is unconstitutional because it disenfranchises laborers with no rational basis.

Original Adjudication February 19, 1991

Appellate Court Arguments December 9, 1991

Final Adjudication April 14, 1992

Mechanical Contractors Association v. State of New Jersey, 255 N.J. Super. 488, 605 A.2d 743, 1992 N.J. Superior (App. Div. 1992)

Historical Perspective



Statutes

1995 – Plumbers suspension by Board of Examiners of Master Plumbers violated **N.J.S.A. § 45:14C-3 , 45:1-2.2(b) and 45:12.2(c)** was overturned and his claim of ineligibility of boards action upheld because *“a disciplinary proceeding conducted by a seven-person board which included three ineligible members and one member who never sat in on any of the hearings was not a fair hearing.”*

Decisions were made by people who were not qualified statutorily.

In re the Suspension or Revocation of the License of Fichner, 282 N.J. Super. 422, 660 A.2d 545, 1995 N.J. Super. (App.Div. 1995), modified, aff'd, 144 N.J. 459, 677 A.2d 201, 1996 N.J. LEXIS 788 (N.J. 1996).

Historical Perspective



Statutes

1996 - *De facto officer doctrine* did not relieve the invalidity of an adjudication of discipline made by the New Jersey State Board of Examiners of Master Plumbers (Board) where the Board was not properly constituted as required by **N.J.S.A § 45:14C-1 et seq.**, the *State Plumbing License Law of 1968* and a majority of the members voting for the discipline lacked qualifications for the Board.

In re Fichner, 144 N.J. 459, 677 A.2d 201, 1996 N.J.

Historical Perspective



Statutes

1999 - Sale of replacement water heaters by a utility and the subcontracting of the installation to licensed plumbers did not violate the plumbing contractor provisions of **N.J.S.A. § 45:14C-2.**

Public Service Electric and Gas Company v. Board of Master Plumbers, 325 N.J. Superior 447, 739 A.2d 991, 1999 N.J. Super. (App. Div. 1999)

Historical Perspective



Statutes

2003 - Certification required for installation, maintenance of medical gas piping in certain facilities **N.J.S.A. § 45:14C-2.**

1. a. No person shall install, improve, repair or maintain medical gas piping unless certified by the State Board of Examiners of Master Plumbers in accordance with the provisions of this act.

b. No person shall provide instruction regarding the installation, improvement, repair or maintenance of medical gas piping unless certified by the State board in accordance with the provisions of this act.

Historical Perspective



Statutes

For purposes of this act, "medical gas piping" means that medical gas piping within a health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), located after the source valve and intended for patient use.

L.2003,c.205,s.1.

Historical Perspective



Statutes

2012 - Bona fide representative; reporting responsibilities

(a) A licensed master plumber seeking to act as a bona fide representative for any firm, partnership, corporation, or other legal entity shall comply with the following within 30 days of assuming the role of a bona fide representative:

1. (No change.)
2. Provide the Board documentary proof of his or her ownership interest in the business;

Historical Perspective



3. Provide to the Board proof that the plumbing contractor has consented that the bona fide representative will act as the agent for service of process within this State. Such proof shall be in writing and on a form **provided by the Board**;

4. Provide to the Board the acceptance of liability by the plumbing contractor for any monetary penalty, monies to be paid for restoration to consumers of fees paid for services or for delays suffered by consumers and costs assessed against the bona fide representative while acting within the scope of his or her employment on behalf of the plumbing contractor.

Historical Perspective



Such acceptance of liability shall be in writing and on a form **provided by the Board**; and

5. Provide the Board with the name of the licensed master plumber who previously acted as the bona fide representative for the plumbing contractor, if any.
(b)-(d) (No change.)

An open book with text overlaid. The book is open, showing two pages of text. The text is in a serif font and appears to be a historical or academic document. The background is a light blue gradient.

RULES & REGULATIONS

- 1 A parafise
- 2 Este manuscrito, escrito em
- 3 Irlandês.

REGULATIONS



Regulations

- Amended 1991 – PO Box Number No Longer Allowed
- Amended 1997 – Requiring Identification on Everything
- Amended 2003 – Requiring a Surety Bond
- Amended 2007 – Medical Gas Revisions
- Amended 2008 – Substantive Changes to Scope
- Amended 2015 – Practical Hands-On Experience
- Amended 2016 – Requiring LP Gas Education

REGULATIONS

Regulations

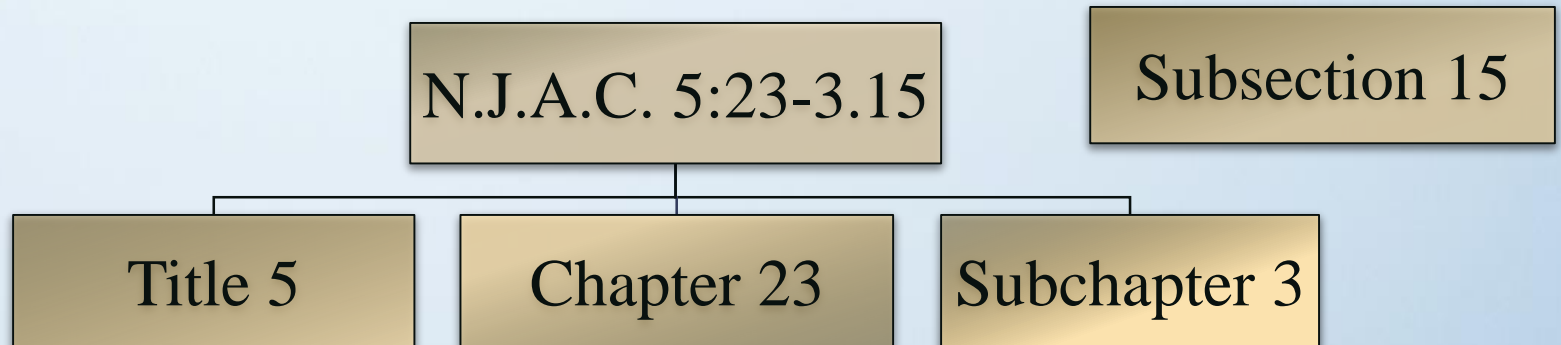


- Administrative Code
- Authoritative rules dealing with procedure
- Enacted, amended and promulgated by legislature
- Also adopted, amended and promulgated by administrative authority
- Regulated by administrative authority
 - (N.J.A.C. 13:32)
 - (N.J.A.C. 5:23)
- Define details of the Statutes

REGULATIONS

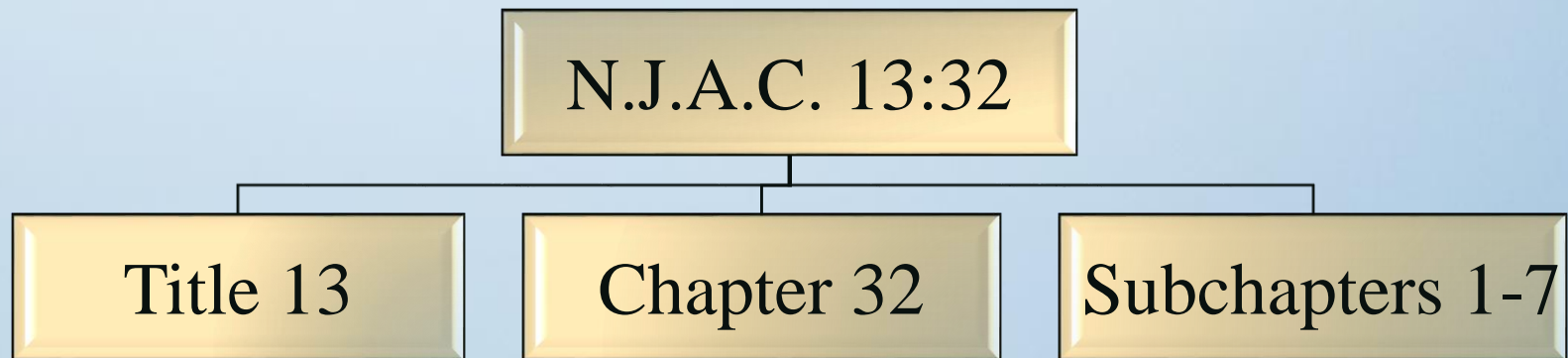
New Jersey State Uniform Construction Code

N.J.A.C. 5:23 – 3.15 et seq.



State Board of Examiners of Master Plumbers

N.J.A.C. 13:32 – 1 et seq.



REGULATIONS



- Since it's creation, the Board has continued to revise the regulations by amending and adopting new rules.
- One of the recent regulatory changes was to the Scope of Practice **§ N.J.A.C. 13:32 – 1.4 et seq.** This change more clearly defines the “Scope” of work in relation to specific “tasks” that are to be performed only by a Master Plumber
- It also added exemptions and the allowable scope of practice under the *The State Heating, Ventilating, Air Conditioning and Refrigeration Contracting Licensing Law*

REGULATIONS



- Exemption for single family home owner who performs plumbing work on his own dwelling.
- Cannot operate if license is inactive (shelved)
- Cannot operate if BFR does not renew license or is suspended
- Any applicant for renewal making application at any time subsequent to the 30 days next following the scheduled expiration date may be required by the State board to be re-examined
- State licenses are nontransferable and non-assignable
- Must secure a bond of \$ 3,000.00 for licensing and renewal

REGULATIONS



Pursuant to N.J.S.A. 45:16A-27, a licensed master plumber may, without obtaining a license

- as a master heating, ventilating, air conditioning and refrigeration contractor, engage in:
- The installation, maintenance and repair of power boiler systems, hot water and steam
- heating systems, fire tube and water tube boilers, pressure steam and hot water boilers,
- space heaters, unit heaters and appurtenances utilizing electricity, fossil fuel or solar energy;

REGULATIONS



- The installation, maintenance and repair of steam, hot water and chilled water pipe,
- condensate piping, valves, fittings, burners and piping, expansion tanks, pumps and
- gauges on the load side of a meter;
- The installation, maintenance and repair of thermostatic controls;
- The installation, maintenance and repair of natural or manufactured gas piping;

REGULATIONS



- The installation, maintenance or connection of pneumatic controls and control piping for
- the control of air, liquid or gas temperatures, radiators, convectors, cabinet unit heaters
- fan coil units, air handlers utilizing hydronic coils, mechanical ventilation for radon
- mitigation, humidifiers, flues and patented chimneys;

REGULATIONS



- The installation, maintenance or connection of pneumatic controls and control piping of
- automatic oil, gas or coal burning equipment, gasoline or diesel oil dispensing equipment
- and, in replacement cases only, the connection thereof of the wiring from a dedicated electrical service disconnect box of adequate size to accommodate the equipment and controls
- The testing and balancing of hydronic systems; and
- The installation, repair, testing or closure of waste oil underground storage tanks

REGULATIONS



- If a licensed master plumber does not renew the license prior to its expiration date, the licensed master plumber may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee, and a late fee as set forth in **N.J.A.C. §13:32-5.1**
- During this 30-day period, the license shall be valid and the licensed master plumber shall not be deemed practicing without a license
- A licensed master plumber who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended **without a hearing**

IDENTIFICATION



- All **commercial vehicles** used in the practice of State-licensed master plumbing shall be marked on **both sides** with the following information:
- The name of the licensed master plumber in lettering **at least one inch in height**;
- The words "**Plumbing license number**" or "**Plumbing Lic. #**" followed by the license number of the owner or qualified bona fide representative in lettering at least one inch in height; and
- **The name of the owner or lessee of the vehicle and the municipality** from which the licensed master plumber practices or where the licensed master plumber has a principal office in lettering at least **three inches in height**.

IDENTIFICATION



All business correspondence, invoices and stationery shall display:

- The name of the licensed master plumber; and
- The words "**Plumbing license number**" or "**Plumbing Lic. #**" followed by the license number of the owner or qualified bona fide representative; and
- The New Jersey business address, including the street name and number of the owner or qualified bona fide representative

ADVERTISING

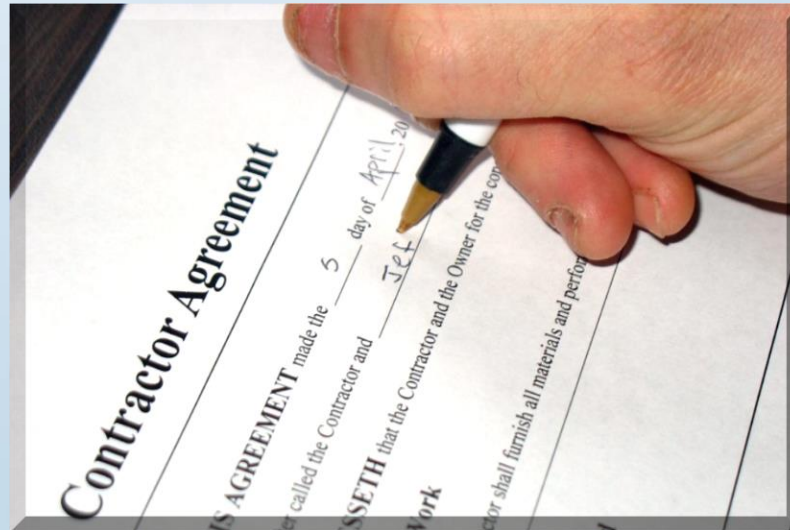


Every State-licensed master plumber whose name, New Jersey office address, place of practice or license number appears or is mentioned in any advertisement of any kind or character **shall be presumed to have caused, permitted, or approved the advertising and shall be personally responsible for its content and character**

CONTRACT WORK REQUIREMENTS



- Any plumbing work that a licensed master plumber agrees to perform, that has not been subcontracted to another licensed master plumber, shall be performed only by the licensed master plumber or ***qualified employees*** of the licensed master plumber or the plumbing contractor.



PRESSURE SEAL



- A pressure seal shall be used exclusively by the licensed master plumber in the conduct of the plumbing business practice. The licensed master plumber shall impress the seal and emboss all **applications for plumbing permits** or mechanical permits for water heaters and any exempted work pursuant to **N.J.S.A. § 45:16A-27**



LEGAL PROVINCE



- Every licensed master plumber shall notify the Board *in writing* of his or her New Jersey office address. Every licensed master plumber shall notify the Board in writing of any change in his or her residence or office address *within 10 days after such change*

SERVICE OF
PROCESS



BFR REQUIREMENTS



BFR REQUIREMENTS



- Give notice to the Board in writing concerning any change in the name or address of the entity within 10 days of the change
- Secure or instruct an **authorized employee**, or for the purpose of this section only, an **independent contractor licensed as a master plumber**, to
- **Secure all necessary permits** as may be required by State and local law for the performance of plumbing work to be performed by the plumbing contractor for which the licensed master plumber acts as a qualified bona fide representative.

BFR REQUIREMENTS



- In making an application for permit issuance, the authorized employee or independent plumbing contractor shall have in his or her possession a letter authorizing him or her to make the application. A letter of authorization may authorize a permit application for a specific period of time, not to exceed 60 days, and shall have affixed to it the seal of the bona fide representative.
- **In all circumstances, the permit shall be signed by a licensed master plumber** and all work shall be supervised. Such supervision shall assure the effective compliance with State and local plumbing codes and the performance of work in accordance with proper plumbing practice.

BFR REQUIREMENTS



- Serve as a bona fide representative for only one plumbing contractor
- Maintain a place of business **in New Jersey**
- Provide each supervisory journeyman with a sealed identification card that includes their name, address of plumbing contractor, name and license number of the BFR, with an issue date and expiration date of 1 year

BFR REQUIREMENTS



If the person performing the work is a ***supervisory journeyman***:

- BFR must maintain daily contact directly, by telephone or through writing. Any such contact shall be recorded by and maintained in the files of the BFR or the New Jersey licensed master plumber who is employed by the BFR



BFR REQUIREMENTS



If the person performing the work is a *journeyman*:

- BFR must **maintain daily contact directly**, by telephone or through writing Any such contact shall be recorded by and maintained in the files of the BFR or the New Jersey licensed master plumber employed by the BFR
- Where the work requires a plumbing permit, the BFR, a New Jersey licensed master plumber employed by the BFR, or the supervisor journey man shall inspect the work upon completion.

BFR REQUIREMENTS



If the person performing the work is an **apprentice**:

- The BFR shall ensure **constant on-site supervision** by a New Jersey licensed master plumber employed by the bona fide representative or a supervisory journeyman **during all times** that plumbing services are being performed

BFR REGULATIONS



- The BFR shall be responsible for all violations of **N.J.S.A. § 45:14C-1 et seq.** committed by employees of the plumbing contractor for which he or she is serving as a BFR if said violations were committed during the course of work which he or she was required to supervise
- Nothing shall preclude the Board from proceeding against both the BFR for an entity or any other licensed master plumber employed by such an entity who can be shown to have violated the Board's enabling legislation or any regulation adopted thereunder

LOS ENDOS



QUESTIONS



