

45:14C-2 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 45:14C-2 et al ("Plumbing license Law-- revise")

LAWS OF: 1987 CHAPTER: 442

Bill No: A3842

Sponsor(s): Stuhltrager

Date Introduced: March 9, 1987

Committee: Assembly: Higher Education and Regulated Professions

Senate: -----

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: November 23, 1987

Senate: January 11, 1988

Date of Approval: January 15, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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ASSEMBLY, No. 3842

STATE OF NEW JERSEY

INTRODUCED MARCH 9, 1987

By Assemblyman STUIHLTRAGER

AN ACT concerning plumbers, amending and supplementing P. L. 1968, c. 362, amending R. S. 26:3-31, P. L. 1946, c. 21, \***[P. L. 1946, c. 255,]**\* and repealing sections 12, 13 and 24 of P. L. 1968, c. 362 \*and P. L. 1946, c. 255\*.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 2 of P. L. 1968, c. 342 (C. 45:14C-2) is amended to  
2 read as follows:

3 2. When used in this act,

4 (a) "Master plumber" **[shall mean and include any person, firm,**  
5 **corporation or other legal entity skilled in the planning, super-**  
6 **vision and installation of plumbing and who is engaged in contract-**  
7 **ing to furnish labor, or labor and materials, for the installation,**  
8 **maintenance, repair, extension, alteration or renovation of**  
9 **plumbing.]** *means a person licensed pursuant to this amendatory*  
10 *and supplementary act who has the qualifications, training, ex-*  
11 *perience and technical knowledge necessary to properly plan,*  
12 *layout, install and repair plumbing apparatus and equipment and*  
13 *to supervise others in the performance of such work in accordance*  
14 *with standards, rules and regulations established by the State*  
15 *board;*

16 (b) "State board" **[shall mean and include]** *means the State*  
17 *Board of [Plumbing] Examiners of Master Plumbers[, as created*  
18 *hereunder.]* *established pursuant to section 3 of P. L. 1968, c. 362*  
18A *\*(C. 45:14C-3)\*;*

19 (c) "Act" means this act and the rules and regulations adopted  
20 under it**[.]**;

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Assembly committee amendments adopted June 8, 1987.

21 (d) "Bona fide representative" [shall mean] means a licensed  
 22 master plumber who is the holder of not less than 10% of the issued  
 23 and outstanding shares of stock in a corporation, or not less than  
 24 10% of the capital of a partnership, or not less than 10% of the  
 25 ownership of any other firm or legal entity engaging in the business  
 26 of [master plumber] plumbing contracting in the State of New  
 27 Jersey[.];

28 (e) "Apprentice plumber" means any person other than a master  
 29 plumber or journeyman plumber who as his principal occupation is  
 30 engaged in learning and assisting in the installation of plumbing;

31 (f) "Journeyman Plumber" means any person other than a  
 32 master plumber or apprentice plumber who installs, alters, repairs  
 33 and renovates plumbing in accordance with standards, rules and  
 34 regulations established by the board and who works under the  
 35 supervision of a master plumber;

36 (g) "Plumbing" means the practice, materials and fixtures used  
 37 in the installation, maintenance, extension, alteration, repair\* [ , ex-  
 38 cept ordinary repairs as defined by the State board in accordance  
 39 with the Uniform Construction Code.]\* and removal of all piping,  
 40 plumbing fixtures, plumbing appliances and plumbing apparatus in  
 41 connection with any of the following: sanitary drainage, storm  
 42 facilities and building sewers to their respective final connection to  
 43 an approved point of disposal, venting systems, public and private  
 44 water supply systems of any premises to and within the property  
 45 line of any building, structure or conveyance to their final connec-  
 46 tion with an approved supply system. Plumbing shall also mean  
 47 the practice and materials used in the installation, maintenance,  
 48 extension, alteration, repair or removal of storm water, refrigera-  
 49 tion and air conditioning drains, liquid waste or sewage;

50 (h) "Plumbing contractor" means any licensed master plumber,  
 51 firm, partnership, corporation or other legal entity which under-  
 52 takes or offers to undertake for another the planning, laying out,  
 53 supervising, installing or making of additions, alterations and  
 54 repairs\* [ , except ordinary repairs as defined by the State board in  
 55 accordance with the Uniform Construction Code.]\* in the installa-  
 56 tion of plumbing. In order to act as "a plumbing contractor," a  
 57 licensed master plumber shall be the holder of not less than 10%  
 58 of the issued and outstanding shares of stock in the corporation, or  
 59 not less than 10% of the capital of the partnership, or not less than  
 60 10% of the ownership of any other firm or legal entity engaging in  
 61 the business of plumbing contracting in the State and shall employ  
 62 either journeyman plumbers or apprentice plumbers or both.

1 2. Section 14 of P. L. 1968, c. 362 (C. 45:14C-14) is amended to  
2 read as follows:

3 14. This act shall not deny to any municipality the power to  
4 inspect plumbing work or plumbing equipment or the power to  
5 regulate the standards and manner in which plumbing work shall  
6 be done, but no municipality, *local board of health or other agency*  
7 shall require any master plumber licensed under this act *or any*  
8 *master plumber or plumbing contractor authorized to engage in*  
9 *the business of plumbing contracting under this act* to obtain **[a**  
10 **municipal license or business permit to engage in the business of or**  
11 **perform the work of master plumber in such municipality]** *any*  
12 *additional license, apply for or take any examination or pay any*  
13 *licensing fee.*

1 3. Section 15 of P. L. 1968, c. 362 (C. 45:14C-15) is amended to  
2 read as follows:

3 15. Not less than 30 days and no more than 60 days prior to the  
4 date set for the examination for a master plumber's State license,  
5 every person, except as herein provided, desiring to apply for a  
6 State license, who shall meet the qualifications as set forth herein,  
7 shall deliver to the State board, personally or by certified mail,  
8 return receipt requested, postage prepaid, a certified check or  
9 money order payable to the Treasurer of the State of New Jersey  
10 in the required amount as set forth herein, together with such  
11 written application as shall be required by the State board, com-  
12 pleted as therein described, and together with proof of qualifica-  
13 tions as described hereunder.

14 The qualifications which shall be met and satisfied shall be as  
15 follows: **[Such]** *The person shall be 21 or more years of age and*  
16 *shall have been [engaged or employed in the plumbing industry*  
17 *for a period of five years next preceding the date of his application*  
18 *for such State license. Three or more of such five years shall have*  
19 *been spent while engaged or employed as a journeyman plumber]*  
20 *\*[employed or directly supervised by a licensed master plumber, or*  
21 *have had employment which the board deems equivalent, for a*  
22 *period of seven years preceding the date of application. The*  
23 *person may present evidence of the successful completion of an*  
24 *educational program acceptable to the board in lieu of two years*  
25 *of experience]\* *engaged or employed in the plumbing industry**  
26 *for a period of five years next preceding the date of his applica-*  
27 *tion for a State license. Three or more of the five years shall have*  
28 *been spent while engaged or employed as a journeyman plumber\*.*  
29 In lieu of **[such five years, such]** *the above requirements a person*

30 shall have been awarded a bachelor's degree in *mechanical, plumb-*  
 31 *ing or sanitary* engineering from an accredited college or university  
 31A in the United States *which the board finds acceptable* and in addi-  
 31B tion shall have been engaged or employed in the practical work of  
 31C installing plumbing systems for one year *as an apprentice or jour-*  
 31D *neyman plumber.*

32 Proof of compliance with such qualifications or those in lieu  
 33 thereof shall be submitted to the State board in writing, sworn to  
 34 by the applicant, and such written proof shall be accompanied by  
 35 **[a]** *two* recent **[photograph]** *photographs* of the applicant.

1 4. R. S. 26:3-31 is amended to read as follows:

2 26:3-31. The local board of health shall have power to pass, alter  
 3 or amend ordinances and make rules and regulations in regard to  
 4 the public health within its jurisdiction, for the following purposes:

5 a. To protect the public water supply and prevent the pollution  
 6 of any stream of water or well, the water of which is used for  
 7 domestic purposes, and to prevent the use of or to close any well,  
 8 the water of which is polluted or detrimental to the public health.

9 b. (1) To prohibit the cutting, sale or delivery of ice in any  
 10 municipality without obtaining a permit from the local board. No  
 11 person shall cut, sell or deliver ice in any municipality without  
 12 obtaining such permit.

13 (2) To refuse such permit or revoke any permit granted by it  
 14 when in its judgment the use of any ice cut, sold or delivered  
 15 under the permit would be detrimental to the public health. Upon  
 16 the refusal or revocation of a permit by the local board, an appeal  
 17 may be taken to the State department. Upon order of the State  
 18 department a permit shall be granted or the revocation set aside.

19 (3) To prohibit the importation, distribution or sale of any im-  
 20 pure ice which would be detrimental to the public health.

21 c. To license and regulate the sanitary conditions of hotels,  
 22 restaurants, cafes, and other public eating houses and to provide  
 23 for the posting of ratings or score cards setting forth the sanitary  
 24 condition of any public eating house after inspection of the same  
 25 and to post the rating or score card in some conspicuous or public  
 26 place in such eating house.

27 d. To compel any owner of property along the line of any sewer  
 28 to connect his house or other building therewith. This paragraph  
 29 shall be enforced by the local board within its jurisdiction and it  
 30 shall by ordinance provide a fine of \$25.00 to be imposed upon any  
 31 person who shall not comply with any order issued under the  
 32 authority of this paragraph, within 30 days after notice by the  
 33 proper officer of the board to make the required connections. An

34 additional fine of \$10.00 shall be provided for each day of delay,  
 35 after the expiration of the 30 days, in which the provisions of the  
 36 order or notice are not complied with. Such notice may be served  
 37 upon the owner personally or by leaving it at his usual place of  
 38 abode with a member of his family above the age of 18 years.

39 e. **【To regulate the practice of plumbing, to issue licenses and**  
 40 **to create an examining board to determine the qualification of any**  
 41 **applicant for a license to practice plumbing. The board shall con-**  
 42 **sist of three persons, of whom one shall be a plumbing inspector in**  
 43 **the employ of the local board, one a master plumber, and one a**  
 44 **journeyman plumber. No such ordinance or rule or regulation**  
 45 **adopted thereunder shall require the obtaining of a license by any**  
 46 **person, firm or corporation licensed in accordance with the "State**  
 47 **Plumbing License Law of 1933."】** (~~["deleted"]~~ \*Deleted\* by  
 47A *amendment*\*, P. L. , c. .\*)

48 f. To regulate, control, and prohibit the accumulation of offal  
 49 and any decaying or vegetable substance.

50 g. (1) To regulate the location, construction, maintenance,  
 51 method of emptying or cleaning, and the frequency of cleaning of  
 52 any privy or other place used for the reception or storage of human  
 53 excrement, and to prohibit the construction or maintenance of any  
 54 privy or other such place until a license therefor shall have been  
 55 issued by the board, which license shall continue in force for one  
 56 year from the date of issue.

57 (2) To fix the fee, not exceeding \$5.00, for such license, and to  
 58 use the fees so collected in supervising and maintaining said privies  
 59 or other places and in removing and disposing of the excrement  
 60 therefrom.

61 (3) To revoke such license at any time if the owner or tenant  
 62 of the property on which any privy or other such place is located,  
 63 maintains the same in violation of law, or of the State sanitary  
 64 code, or any ordinance or rule of the board.

65 h. To regulate, control, or prohibit the cleaning of any sewer,  
 66 the dumping of garbage, the filling of any sunken lot or marsh  
 67 land, and to provide for the filling up of any such lot or land, which  
 68 has become filled with stagnant water and is located in any built-up  
 69 area.

70 i. (1) To license and regulate the business of cleaning cesspools  
 71 and privies, which license shall continue for the term of one year  
 72 from the date of granting, and to fix the fee that shall be charged  
 73 for such license, not exceeding \$20.00 for each vehicle or con-  
 74 veyance.

75 (2) To prohibit unlicensed persons from engaging in such  
76 business.

77 (3) To require any vehicle or conveyance used in such business  
78 within its jurisdiction to be approved by it.

79 (4) To revoke such license if any licensee or his employee or  
80 agent shall violate any ordinance or rule of the board in cleaning  
81 any cesspool or privy, or in removing the contents thereof.

82 j. To aid in the enforcement of laws as to the adulteration of  
83 all kinds of food and drink, and to prevent the sale or exposure  
84 for sale of any meat or vegetable that is unwholesome or unfit for  
85 food.

86 k. To regulate, control, or prohibit the keeping or slaughtering  
87 of animals.

88 l. To license and regulate the keeping of boarding houses for  
89 infants and children and to fix a license fee for the same and to pre-  
90 vent unlicensed persons from keeping such boarding houses. This  
91 paragraph shall not apply to:

92 (1) The **[Bureau of Children's Services]** *Division of Youth and*  
93 *Family Services.*

94 (2) Any children's home, orphan asylum, or children's aid  
95 society incorporated under the laws of this State.

96 (3) Any aid society of a properly organized and accredited  
97 church or fraternal society organized for aid and relief to its  
98 members.

99 (4) Any charitable society incorporated under the laws of this  
100 State having as one of its objects the prevention of cruelty to  
101 children or the care and protection of children.

102 m. To require in buildings, designed to be occupied, or occupied,  
103 as residences by more than two families and when the owners have  
104 agreed to supply heat, that from October 1 of each year to the next  
105 succeeding May 1, every unit of dwelling space and every habitable  
106 room therein shall be maintained at least at 68° F. whenever the  
107 outside temperature falls below 55° during daytime hours from  
108 6 a.m. to 11 p.m. At times other than those specified interiors of  
109 units of dwelling space shall be maintained at least at 55° F. when-  
110 ever the outside temperature falls below 40°.

111 In meeting the aforesaid standards, the owner shall not be  
112 responsible for heat loss and the consequent drop in the interior  
113 temperature arising out of action by the occupants in leaving  
114 windows or doors open to the exterior of the building. The owner  
115 shall be obligated to supply required fuel or energy and maintain  
116 the heating system in good operating condition so that it can supply  
117 heat as required herein notwithstanding any contractual provision

118 seeking to delegate or shift responsibility to the occupant or third  
 119 person, except that the owner shall not be required to supply fuel  
 120 or energy for heating purposes to any unit where the occupant  
 121 thereof agrees in writing to supply heat to his own unit of dwelling  
 122 space and the said unit is served by its own exclusive heating equip-  
 123 ment for which the source of heat can be separately computed and  
 124 billed.

125 n. To regulate the practice of midwifery, but the exercise of  
 126 such authority shall not conflict with the provisions of chapter 10  
 127 of **\*[the]\*** Title **\*[Professions and Occupations]\*** *\*45 of the Re-*  
 127A *vised Statutes\** (§ 45:10-1 et seq.).

128 o. To enforce the making of returns or reports to the local board  
 129 on the part of any person charged with such duty under any law  
 130 and to take cognizance of any failure to make such returns and deal  
 131 with the same in an effective manner.

132 p. To act as the agent for a landlord in the engaging of repair-  
 133 men and the ordering of any parts necessary to restore to operating  
 134 condition the furnace, boiler or other equipment essential to the  
 135 proper heating of any residential unit rented by said landlord,  
 136 provided, however, that at least 24 hours have elapsed since the  
 137 tenant has lodged a complaint with the local board of health, prior  
 138 to which a bona fide attempt has been made by the tenant to notify  
 139 the landlord of the failure of the heating equipment, and the land-  
 140 lord has failed to take appropriate action, and the outside air  
 141 temperature is less than 55° F.

142 Any person who supplies material or services in accordance with  
 143 this section shall bill the landlord directly and by filing a notice  
 144 approved by the local board of health, with the county clerk, shall  
 145 have a lien on the premises where the materials were used or  
 146 services supplied.

1 5. Section 1 of P. L. 1946, c. 21 (C. 40:49-5.1) is amended to  
 2 read as follows:

3 1. Any municipality may enact, amend or supplement ordinances,  
 4 establishing, amending or supplementing rules and regulations  
 5 affecting the construction, reconstruction or repair of buildings,  
 6 ordinances for fire prevention and ordinances establishing fire  
 7 prevention codes, and health ordinances establishing, amending or  
 8 supplementing rules and regulations affecting the installation,  
 9 maintenance, repair and control of the plumbing, ventilation and  
 10 drainage of buildings and the connection thereof with an outside  
 11 sewer, cesspool or other receptacle, **[regulating the practice of**  
 12 **plumbing, or dealing with the issuance of licenses to practice**  
 13 **plumbing,]** by reference to such rules and regulations in any such



14 ordinance and without the inclusion of the text thereof therein, if  
 15 the rules and regulations to be adopted are printed or otherwise  
 16 reproduced in book form as a code or as a part of a code of such  
 17 rules and regulations; *provided*, that a copy of such printed code,  
 18 so marked as to indicate plainly what portion thereof, if less than  
 19 the whole, is intended to be adopted, is annexed to such ordinance;  
 20 that said code or such portion thereof as is intended to be adopted  
 21 is so described in said ordinance as to identify it and there is  
 22 indicated in said description the common or trade name, if any, of  
 23 such code of rules and regulations; and that it is stated in the  
 24 ordinance that three copies of said code, similarly marked, have  
 25 been placed on file in the office of the municipal clerk, upon the  
 26 introduction of said ordinance and will remain on file there until  
 27 final action is taken on said ordinance, for the use and examination  
 28 of the public.

1 \***[6.]** Section 2 of P. L. 1946, c. 255 (C. 26:3C-2) is amended to  
 2 read as follows:

3 2. Said county plumbing code shall establish a minimum standard  
 4 of workmanship and materials to be employed in the installation  
 5 and repair of plumbing and penalties for the violation thereof, and  
 6 may provide that either the board of freeholders or the board of  
 7 health of the several municipalities wherein said resolution may be  
 8 in force and effect may require **[**the licensing of those engaged in  
 9 the business of plumbing and**]** the inspection of plumbing work  
 10 and materials.**]**\*

1 \***[7.]** \*6.\* (New section) The State board shall, upon application  
 2 to it and payment of the prescribed fee, issue a State master  
 3 plumber's license without examination to any person who held a  
 4 plumber's license issued by a municipality, local board of health or  
 5 other agency for at least five years prior to the effective date of this  
 6 \***[1986]** \*1987\* amendatory and supplementary act and who dem-  
 7 onstrates to the board's satisfaction that the experience qualifies  
 8 the applicant to fulfill the responsibilities of a master plumber.  
 9 Application pursuant to this section shall be made within six months  
 10 of the effective date of this amendatory and supplementary act.

1 \***[8.]** \*7.\* (New section) On or after the effective date of this  
 2 \***[1986]** \*1987\* amendatory and supplementary act, a municipi-  
 3 pality, local board of health or any other agency shall not issue  
 4 any plumber's license.

1 \***[9.]** \*8.\* a. (New section) On or after the effective date of this  
 2 \***[1986]** \*1987\* amendatory and supplementary act, a person shall  
 3 not work as a master plumber or use the title or designation of

4 master plumber unless licensed pursuant to the provisions of this  
5 amendatory and supplementary act.

6 b. On or after the effective date of this **\*[1986]\*** *\*1987\** amen-  
7 datory and supplementary act, a person, firm, partnership, corpo-  
8 ration or other legal entity shall not engage in the business of  
9 plumbing contracting or advertise in any manner as a plumbing  
10 contractor or use the title or designation of plumbing contractor  
11 unless authorized to act as a plumbing contractor pursuant to the  
12 provisions of this amendatory and supplementary act.

1 **\*[10.]\*** *\*9.\** (New section) The provisions of this amendatory  
2 and supplementary act shall not apply to a single family home  
3 owner who performs plumbing work on his own dwelling.

1 **\*[11.]\*** *\*10.\** Sections 12, 13, and 24 of P. L. 1968, c. 362 (C.  
2 45:14C-12, C. 45:14C-13 and C. 45:14C-24) *\*and P. L. 1946, c. 255*  
3 *(C. 26:3C-1 et seq.)\** are repealed.

1 **\*[12.]\*** *\*11.\** This act shall take effect immediately.

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#### REGULATED PROFESSIONS

Revises the "State Plumbing License Law of 1968."

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1 10. (New section) The provisions of this amendatory and supple-  
2 mentary act shall not apply to a single family home owner who  
3 performs plumbing work on his own dwelling.

1 11. Sections 12, 13, and 24 of P. L. 1968, c. 362 (C. 45:14C-12,  
2 C. 45:14C-13 and C. 45:14C-24) are repealed.

1 12. This act shall take effect immediately.

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#### STATEMENT

This bill revises the "State Plumbing License Law of 1968" to require that any person who engages in the business of plumbing contracting must be either (1) a licensed master plumber or (2) a corporation, partnership, firm or other legal entity in which a licensed master plumber holds 10% of the outstanding shares of stock.

Under the bill's provisions, as of the effective date of the act, a municipality, local board of health or other agency will no longer be able to issue any plumber's license. Currently, a person who is not licensed by the State Board of Examiners of Master Plumbers can be licensed by a municipality to perform plumbing work in that municipality. The bill does provide that a person who has held a plumber's license issued by a municipality for five years prior to the act's effective date, may be licensed by the State board as a master plumber without examination.

The bill repeals sections 12, 13 and 24 of P. L. 1968, c. 302 (C. 45:14C-12, 45:14C-13 and 45:14C-24) which deal with a municipality's right to regulate and license plumbers.

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#### REGULATED PROFESSIONS

Revises the "State Plumbing License Law of 1968."

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ASSEMBLY HIGHER EDUCATION AND REGULATED  
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STATEMENT TO

**ASSEMBLY, No. 3842**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 8, 1987

The Assembly Higher Education and Regulated Professions Committee favorably reports Assembly Bill No. 3842 with committee amendments.

As amended by committee, this bill revises existing law to require that any person who engages in the business of plumbing contracting must be either (1) a licensed master plumber, or (2) a corporation, partnership, firm, or other legal entity in which a licensed master plumber holds 10% of the outstanding shares of stock.

The bill also provides that as of its effective date, a municipality, local board of health or other agency shall no longer be able to issue any plumber's license. Currently, an individual may be licensed as a master plumber by the State Board of Examiners of Master Plumbers, in which case he may practice plumbing throughout the State, or he can be licensed by a municipality to perform plumbing work within that municipality. Current law also allows local boards of health to promulgate rules and regulations in regard to the practice of plumbing and to issue licenses authorizing its practice. This bill repeals those sections of law which currently authorize a municipality, local board of health or any agency other than the State Board of Examiners of Master Plumbers, to regulate and license plumbers. The bill does, however, provide that any person who has held a plumber's license issued by a municipality, local board of health or other agency for five years prior to the act's effective date, shall be licensed by the State board as a master plumber without examination.

The committee amended the bill to repeal P. L. 1946, c. 255 (C. 26:3C-1 et seq.) which deals with the adoption of plumbing codes by certain counties. The adoption of the "State Uniform Construction Code Act," P. L. 1975, c. 217; C. 52:27D-119 et seq., superseded the provisions of P. L. 1946, c. 255 and this statute is therefore no longer operative.

The committee also amended the bill to delete from the bill the revision in licensing requirements which it contained in its original form. It is the committee's feeling that the current licensing requirement of five years experience is sufficient.

Finally, the committee amended the bill to delete reference to 1986 and insert reference to 1987, and to delete from the definition of plumbing and plumbing contractor within the bill the exclusion for ordinary repairs.

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