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RH/CL

P.L. 2018, CHAPTER 125, approved October 4, 2018
Assembly, No. 3703 (*Second Reprint*)

1 AN ACT concerning ¹**[**bona fide representatives of¹**]** heating,
2 ventilating, air conditioning and refrigeration contractors, and
3 amending P.L.2007, c.211.
4

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

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

10 2. As used in this act:

11 "Board" means the State Board of Examiners of Heating,
12 Ventilating, Air Conditioning and Refrigeration Contractors created
13 by section 3 of this act.

14 "Bona fide representative" means ²except as otherwise provided
15 herein,² [in the case of a sole proprietorship, the owner; in the case
16 of a partnership, a partner; in the case of a limited liability
17 company, a manager; or in the case of a corporation, an executive
18 officer] a Master HVACR contractor who has not less than one
19 percent ownership of the issued and outstanding shares of stock in a
20 corporation, or not less than one percent ownership of the capital of
21 a partnership, or not less than one percent ownership of any other
22 firm or legal entity engaged in HVACR contracting in this State
23 ²[¹, unless the]. A "bona fide representative" means, with respect to
24 a² corporation, partnership, or other firm or legal entity engaged in
25 HVACR contracting in this State ²which² generates more than 65
26 percent of its gross revenue from sources other than HVACR
27 contracting, ²[in which case the bona fide representative shall be:]
28 or with respect to a publicly-traded corporation, including its
29 wholly-owned subsidiaries, whose principal business in this State is
30 HVACR contracting:² in the case of a sole proprietorship, the
31 owner; in the case of a partnership, a partner; in the case of a
32 limited liability company, a manager; or in the case of a
33 corporation, an executive officer¹.

34 "Director" means the Director of the Division of Consumer
35 Affairs in the Department of Law and Public Safety.

36 "Heating, ventilating, air conditioning and refrigeration" or
37 "HVACR" means the process of treating and protecting the
38 environment by the responsible handling, dispensing, collecting and
39 cleaning of chlorofluorocarbons and other refrigerants in stationary
40 sources, and controlling the temperature, humidity and cleanliness
41 of air by using the "wet," "dry," "radiant," "conduction,"
42 "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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ARP committee amendments adopted June 11, 2018.

²Assembly amendments adopted in accordance with Governor's recommendations August 27, 2018.

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 "Heating, ventilating, air conditioning and refrigeration
40 contracting" means undertaking or advertising to undertake, for a
41 fixed price, fee, commission, or gain of whatever nature, the
42 planning, laying out, installation, construction, maintenance,
43 service, repair, alteration or modification to any portion of any
44 system, product or equipment or appurtenances used for the
45 environmental needs or control of any heating, ventilating, air
46 conditioning and refrigeration system.

47 "Master heating, ventilating, air conditioning and refrigeration
48 contractor" means any person, firm, partnership, corporation or
49 other legal entity licensed according to the provisions of this act

1 which obtains a pressure seal pursuant to sections 24 and 25 of this
2 act and which advertises, undertakes or offers to undertake for
3 another the planning, laying out, supervising, installing, servicing
4 or repairing of HVACR systems, apparatus or equipment. In order
5 to act as a "Master HVACR contractor," an individual shall be a
6 bona fide representative of the legal entity licensed pursuant to the
7 provisions of this act.

8 "HVACR journeyman" means any person who installs, alters,
9 repairs, services or renovates HVACR systems in accordance with
10 standards, rules and regulations established by the board and who
11 works under the supervision of a Master HVACR contractor.

12 "One percent ownership" means that a bona fide representative is
13 entitled to one percent of any net profits from a business, owns one
14 percent equity in a Master HVACR contractor, and is entitled to one
15 percent of the net proceeds from the sale of a business in the event
16 of sale of the business. If the Master HVACR contractor is a
17 corporation, the bona fide representative owns stock equaling one
18 percent equity interest, and, if there is more than one class of stock,
19 the stock owned by the bona fide representative is the highest level
20 stock with full voting rights.

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

23 "Replacement" means a change of equipment with the same type
24 or similar equipment.

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

28 (cf: P.L.2014, c.8, s.2)

29

30 ¹2. Section 10 of P.L.2007, c.211 (C.45:16A-10) is amended to
31 read as follows:

32 10. The provisions of **[this act]** P.L.2007, c.211 (C.45:16A-1 et
33 seq.) shall not apply to any public utility company regulated by the
34 Board of Public Utilities pursuant to Title 48 of the Revised
35 Statutes, or any related competitive business segment of that public
36 utility that offers competitive services pursuant to the "Electric
37 Discount and Energy Competition Act," P.L.1999, c.23 (C.48:3-49
38 et al.). The provisions of P.L.2007, c.211 (C.45:16A-1 et seq.) shall
39 not apply to any related competitive business segment of a public
40 utility holding company that offers to provide or provides
41 competitive services pursuant to the "Electric Discount and Energy
42 Competition Act," P.L.1999, c.23 (C.48:3-49 et al.). The provisions
43 of **[this act]** P.L.2007, c.211 (C.45:16A-1 et seq.) also shall not
44 apply to HVACR work performed on buildings, structures or
45 premises owned or operated by a public utility holding company or
46 its subsidiaries.¹

47 (cf: P.L.2007, c.211, s.10)

1 ¹**[2.]** 3.¹ This act shall take effect immediately.

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4

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6 Revises ownership standards and exemptions under HVACR
7 license law.

ASSEMBLY, No. 3703

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 22, 2018

Sponsored by:

Assemblyman WAYNE P. DEANGELO
District 14 (Mercer and Middlesex)

SYNOPSIS

Clarifies ownership standards of certain HVACR contractors.

CURRENT VERSION OF TEXT

As introduced.



A3703 DEANGELO

2

1 AN ACT concerning bona fide representatives of heating,
2 ventilating, air conditioning and refrigeration contractors, and
3 amending P.L.2007, c.211.

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

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

10 2. As used in this act:

11 "Board" means the State Board of Examiners of Heating,
12 Ventilating, Air Conditioning and Refrigeration Contractors created
13 by section 3 of this act.

14 "Bona fide representative" means: in the case of a sole
15 proprietorship, the owner; in the case of a partnership, a partner; in
16 the case of a limited liability company, a manager; or in the case of
17 a corporation, an executive officer a Master HVACR contractor
18 who has not less than one percent ownership of the issued and
19 outstanding shares of stock in a corporation, or not less than one
20 percent ownership of the capital of a partnership, or not less than
21 one percent ownership of any other firm or legal entity engaged in
22 HVACR contracting in this State.

23 "Director" means the Director of the Division of Consumer
24 Affairs in the Department of Law and Public Safety.

25 "Heating, ventilating, air conditioning and refrigeration" or
26 "HVACR" means the process of treating and protecting the
27 environment by the responsible handling, dispensing, collecting and
28 cleaning of chlorofluorocarbons and other refrigerants in stationary
29 sources, and controlling the temperature, humidity and cleanliness
30 of air by using the "wet," "dry," "radiant," "conduction,"
31 "convection," "direct," or "indirect" method or combination of
32 methods, including those which utilize solar energy, to meet the
33 environmental requirements of a designated area. "HVACR" also
34 means the installation, servicing, connecting, maintenance or repair
35 of the following:

36 power boiler systems, hydronic heating systems, fire tube and
37 water tube boilers, pressure steam and hot water boilers, furnaces
38 and space heaters, and appurtenances utilizing electric, fossil fuel,
39 wood pellets or solar energy, other than those appurtenances
40 utilized solely for the purpose of heating potable water;

41 warm air heating or refrigeration and evaporative cooling
42 systems, ventilation and exhaust systems, dust collectors, air
43 handling equipment, heating or cooling coils, air or refrigerant
44 compressors, chillers, cooling towers, evaporators, condensers,
45 plenums, fans, blowers, air cleaners, mechanical ventilation for
46 radon mitigation, humidifiers, filters, louvers, mixing boxes and
47 appurtenances; hydronic heating and chilled water pipe, condensate

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 piping not discharged into a sanitary sewer, valves, fittings, burners
2 and piping, hydronic heating, expansion tanks, pumps, gauges,
3 humidity and thermostatic controls;

4 natural or manufactured gas piping on the load side of a meter;
5 supply water piping to equipment being served from an existing
6 dedicated source connected downstream from an approved
7 backflow preventer, except in replacement cases, the installation of
8 the required approved backflow device downstream from a pre-
9 existing valve; and pneumatic controls and control piping, for the
10 control of air, liquid, or gas temperatures, radiators, convectors, unit
11 cabinet heaters, or fan coil units; and pneumatic controls and
12 control piping, of automatic oil, gas or coal burning equipment,
13 mechanical refrigeration equipment, gasoline or diesel oil
14 dispensing equipment and in replacement cases only, the connection
15 thereof of the wiring from an electrical service disconnect box of
16 adequate size to accommodate the equipment and controls and
17 previously dedicated to that equipment, and the testing and
18 balancing of air and hydronic systems, but does not include the
19 design or preparation of specifications for equipment or systems to
20 be installed that are within the practice of professional engineering
21 as defined in subsection (b) of section 2 of P.L.1938, c.342 (C.45:8-
22 28).

23 "Heating, ventilating, air conditioning and refrigeration
24 contracting" means undertaking or advertising to undertake, for a
25 fixed price, fee, commission, or gain of whatever nature, the
26 planning, laying out, installation, construction, maintenance,
27 service, repair, alteration or modification to any portion of any
28 system, product or equipment or appurtenances used for the
29 environmental needs or control of any heating, ventilating, air
30 conditioning and refrigeration system.

31 "Master heating, ventilating, air conditioning and refrigeration
32 contractor" means any person, firm, partnership, corporation or
33 other legal entity licensed according to the provisions of this act
34 which obtains a pressure seal pursuant to sections 24 and 25 of this
35 act and which advertises, undertakes or offers to undertake for
36 another the planning, laying out, supervising, installing, servicing
37 or repairing of HVACR systems, apparatus or equipment. In order
38 to act as a "Master HVACR contractor," an individual shall be a
39 bona fide representative of the legal entity licensed pursuant to the
40 provisions of this act.

41 "HVACR journeyman" means any person who installs, alters,
42 repairs, services or renovates HVACR systems in accordance with
43 standards, rules and regulations established by the board and who
44 works under the supervision of a Master HVACR contractor.

45 "One percent ownership" means that a bona fide representative is
46 entitled to one percent of any net profits from a business, owns one
47 percent equity in a Master HVACR contractor, and is entitled to one
48 percent of the net proceeds from the sale of a business in the event

1 of sale of the business. If the Master HVACR contractor is a
2 corporation, the bona fide representative owns stock equaling one
3 percent equity interest, and, if there is more than one class of stock,
4 the stock owned by the bona fide representative is the highest level
5 stock with full voting rights.

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

8 "Replacement" means a change of equipment with the same type
9 or similar equipment.

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

13 (cf: P.L.2014, c.8, s.2)

14

15 2. This act shall take effect immediately.

16

17

18

STATEMENT

19

20 The bill clarifies the ownership standards for certain HVACR
21 contracting businesses under "The State Heating, Ventilating, Air
22 Conditioning and Refrigeration Contracting License Law,"
23 P.L.2007, c.211 (C.45:16A-1 et seq.) (hereinafter, the "HVACR
24 license law"). The bill revises the definition of "bona fide
25 representative" in the current HVACR license law to mean a Master
26 HVACR contractor who has not less than one percent ownership of
27 the issued and outstanding shares of stock in a corporation, or not
28 less than one percent ownership of the capital of a partnership, or
29 not less than one percent ownership of any other firm or legal entity
30 engaged in HVACR contracting in this State. Under the current
31 HVACR license law, in order to act as a Master HVACR contractor,
32 an individual must be a bona fide representative of the legal entity
33 licensed pursuant to the provisions of the HVACR license law.

34 The bill also defines "one percent ownership," a term used in the
35 revised definition of "bona fide representative," to mean that a bona
36 fide representative is entitled to one percent of any net profits from
37 a business, owns one percent equity in a Master HVACR contractor,
38 and is entitled to one percent of the net proceeds from the sale of a
39 business in the event of sale of the business. If the Master HVACR
40 contractor is a corporation, the bona fide representative owns stock
41 equaling one percent equity interest, and, if there is more than one
42 class of stock, the stock owned by the bona fide representative is
43 the highest level stock with full voting rights.

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3703

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 11, 2018

The Assembly Regulated Professions Committee reports favorably and with committee amendments Assembly Bill No 3703.

The bill, as amended, clarifies the ownership standards for certain HVACR contracting businesses under “The State Heating, Ventilating, Air Conditioning and Refrigeration Contracting License Law,” P.L.2007, c.211 (C.45:16A-1 et seq.) (hereinafter, the “HVACR license law”). The bill revises the definition of “bona fide representative” in the current HVACR license law to mean a Master HVACR contractor who has not less than one percent ownership of the issued and outstanding shares of stock in a corporation, or not less than one percent ownership of the capital of a partnership, or not less than one percent ownership of any other firm or legal entity engaged in HVACR contracting in this State, unless the corporation, partnership, or other firm or legal entity engaged in HVACR contracting in this State generates more than 65% of its gross revenue from sources other than HVACR contracting, in which case the bona fide representative shall be in the case of a sole proprietorship, the owner; in the case of a partnership, a partner; in the case of a limited liability company, a manager; or in the case of a corporation, an executive officer. Under the current HVACR license law, in order to act as a Master HVACR contractor, an individual must be a bona fide representative of the legal entity licensed pursuant to the provisions of the HVACR license law.

The bill also defines “one percent ownership,” a term used in the revised definition of “bona fide representative,” to mean that a bona fide representative is entitled to one percent of any net profits from a business, owns one percent equity in a Master HVACR contractor, and is entitled to one percent of the net proceeds from the sale of a business in the event of sale of the business. If the Master HVACR contractor is a corporation, the bona fide representative owns stock equaling one percent equity interest, and, if there is more than one class of stock, the stock owned by the bona fide representative is the highest level stock with full voting rights.

Currently, the HVACR license law does not apply to public utility companies regulated by the Board of Public Utilities, or any related competitive business segment of that public utility that

offers competitive services pursuant to the “Electric Discount and Energy Competition Act.” This bill extends this exemption under the HVACR license law to any related competitive business segment of public utility holding companies that offer to provide or provide competitive services.

COMMITTEE AMENDMENTS:

The amendments provide that, for purposes of the definition of “bona fide representative,” if a corporation, partnership, or other firm or legal entity engaged in HVACR contracting in this State generates more than 65 percent of its gross revenue from sources other than HVACR contracting, then the bona fide representative shall be the owner in the case of sole proprietorship, a partner in the case of a partnership, a manager in the case of a limited liability company, or an executive officer in the case of a corporation.

The amendments also provide that “The State Heating, Ventilating, Air Conditioning and Refrigeration Contracting License Law” will not apply to any related competitive business segment of a public utility holding company that offers to provide or provides competitive services pursuant to the “Electric Discount and Energy Competition Act,” P.L.1999, c.23 (C.48:3-49 et al.).

These amendments make the bill identical to Senate Bill No. 2549 (1R).

SENATE, No. 2549

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED MAY 14, 2018

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

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13 by section 3 of this act.

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15 proprietorship, the owner; in the case of a partnership, a partner; in
16 the case of a limited liability company, a manager; or in the case of
17 a corporation, an executive officer ~~]~~ **a Master HVACR contractor**
18 who has not less than one percent ownership of the issued and
19 outstanding shares of stock in a corporation, or not less than one
20 percent ownership of the capital of a partnership, or not less than
21 one percent ownership of any other firm or legal entity engaged in
22 HVACR contracting in this State.

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24 Affairs in the Department of Law and Public Safety.

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1 percent equity in a Master HVACR contractor, and is entitled to one
2 percent of the net proceeds from the sale of a business in the event
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13 who is listed in a public bid as the proposed subcontractor by the
14 contractor placing the bid for an HVACR contract.

15 (cf: P.L.2014, c.8, s.2)

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17 2. This act shall take effect immediately.

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STATEMENT

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22 The bill clarifies the ownership standards for certain HVACR
23 contracting businesses under "The State Heating, Ventilating, Air
24 Conditioning and Refrigeration Contracting License Law,"
25 P.L.2007, c.211 (C.45:16A-1 et seq.) (hereinafter, the "HVACR
26 license law"). The bill revises the definition of "bona fide
27 representative" in the current HVACR license law to mean a Master
28 HVACR contractor who has not less than one percent ownership of
29 the issued and outstanding shares of stock in a corporation, or not
30 less than one percent ownership of the capital of a partnership, or
31 not less than one percent ownership of any other firm or legal entity
32 engaged in HVACR contracting in this State. Under the current
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36 The bill also defines "one percent ownership," a term used in the
37 revised definition of "bona fide representative," to mean that a bona
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41 business in the event of sale of the business. If the Master HVACR
42 contractor is a corporation, the bona fide representative owns stock
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44 class of stock, the stock owned by the bona fide representative is
45 the highest level stock with full voting rights.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2549

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 11, 2018

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 2549.

As amended, the bill clarifies the ownership standards for certain HVACR contracting businesses under “The State Heating, Ventilating, Air Conditioning and Refrigeration Contracting License Law,” P.L.2007, c.211 (C.45:16A-1 et seq.) (hereinafter, the “HVACR license law”). The bill revises the definition of “bona fide representative” in the current HVACR license law to mean a Master HVACR contractor who has not less than one percent ownership of the issued and outstanding shares of stock in a corporation, or not less than one percent ownership of the capital of a partnership, or not less than one percent ownership of any other firm or legal entity engaged in HVACR contracting in this State, unless the corporation, partnership, or other firm or legal entity engaged in HVACR contracting in this State generates more than 65% of its gross revenue from sources other than HVACR contracting, in which case the bona fide representative shall be in the case of a sole proprietorship, the owner; in the case of a partnership, a partner; in the case of a limited liability company, a manager; or in the case of a corporation, an executive officer. Under the current HVACR license law, in order to act as a Master HVACR contractor, an individual must be a bona fide representative of the legal entity licensed pursuant to the provisions of the HVACR license law.

The bill also defines “one percent ownership,” a term used in the revised definition of “bona fide representative,” to mean that a bona fide representative is entitled to one percent of any net profits from a business, owns one percent equity in a Master HVACR contractor, and is entitled to one percent of the net proceeds from the sale of a business in the event of sale of the business. If the Master HVACR contractor is a corporation, the bona fide representative owns stock equaling one percent equity interest, and, if there is more than one class of stock, the stock owned by the bona fide representative is the highest level stock with full voting rights.

Currently, the HVACR license law does not apply to public utility companies regulated by the Board of Public Utilities, or any related competitive business segment of that public utility that

offers competitive services pursuant to the “Electric Discount and Energy Competition Act.” This bill extends this exemption under the HVACR license law to any related competitive business segment of public utility holding companies that offer to provide or provide competitive services.

Committee Amendments:

The committee amendments:

- provide that, for purposes of the definition of “bona fide representative,” if a corporation, partnership, or other firm or legal entity engaged in HVACR contracting in this State generates more than 65 percent of its gross revenue from sources other than HVACR contracting, then the bona fide representative shall be the owner in the case of sole proprietorship, a partner in the case of a partnership, a manager in the case of a limited liability company, or an executive officer in the case of a corporation;
- provide that “The State Heating, Ventilating, Air Conditioning and Refrigeration Contracting License Law” will not apply to any related competitive business segment of a public utility holding company that offers to provide or provides competitive services pursuant to the “Electric Discount and Energy Competition Act,” P.L.1999, c.23 (C.48:3-49 et al.); and
- make this bill identical to Assembly Bill No. 3703 (1R).

ASSEMBLY BILL NO. 3703
(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3703 (First Reprint) with my recommendations for reconsideration.

This bill requires a Heating, Ventilation, Air Conditioning, and Refrigeration ("HVACR") company operating in the State to employ a bona fide representative who has at least a one percent ownership stake in the company. I strongly support the intent of the bill, which is designed to protect consumers by ensuring that companies performing work in New Jersey have a sufficient nexus with our State and are readily accessible and responsive to the customers they serve here, and I commend the sponsors for taking steps to address this important issue.

I am concerned, however, that the bill in its present form will have the unintended consequence of requiring large, national publicly traded companies currently performing HVACR work in New Jersey to give a single contractor thousands of its shares of stock in order to continue serving New Jersey businesses and families. This requirement would be unworkable for most of the industry's large corporations, which would effectively preclude them from doing business here. This outcome would not advance the legitimate aims this bill seeks to promote, as the magnitude, presence, and resources of these large, publicly-traded corporations ensure that they will be accessible and accountable to New Jersey consumers who procure their services.

In order to avoid jeopardizing the jobs of the hundreds of contractors who work for national HVACR companies presently

doing business in the State, I am recommending a commonsense revision to expand the bill's current exemption from the requirement that bona fide representatives hold an ownership stake in the company to also include publicly traded corporations principally engaged in HVACR contracting. This revision will preserve the bill's consumer protections while also ensuring that the economic vitality of the industry is not inadvertently compromised.

Accordingly, I herewith return Assembly Bill No. 3703 (First Reprint) and recommend that it be amended as follows:

Page 2, Section 1, Line 14: After "means" insert ", except as otherwise provided herein,"

Page 2, Section 1, Line 22: Delete ", unless the" and insert ". A "bona fide representative" means, with respect to a"

Page 2, Section 1, Line 24: After "State" insert "which"

Page 2, Section 1, Line 25: Delete "in which case"

Page 2, Section 1, Line 26: Delete "the bona fide representative shall be:" and insert "or with respect to a publicly-traded corporation, including its wholly-owned subsidiaries, whose principal business in this State is HVACR contracting:"

Respectfully,

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor



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Newark, N.J.

Governor Murphy Takes Action on Legislation

10/4/2018

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

A1053 w/GR (Houghtaling, Taliaferro, Andrzejczak/Van Drew) – Revises and expands laws on trespass and vandalism on agricultural and horticultural lands.

A2762 w/GR (Greenwald, Mukherji, Conaway/Ruiz, Singleton) – Revises law concerning temporary disability leave.

[Copy of Statement on A2762 w/GR](#)

A2763 w/GR (Greenwald, Downey, Pintor Marin/Cruz-Perez) – Requires additional data in annual temporary disability and family leave insurance reports.

[Copy of Statement on A2763 w/GR](#)

A3683 w/GR (Murphy, McKnight, Jones/Madden, Vitale) – Authorizes parking privileges for certain healthcare workers who render care at patients' home residences.

A3703 w/GR (DeAngelo/Cryan, Sweeney) – Revises ownership standards and exemptions under HVACR license law.

A3754 w/GR (McKnight, Speight, Barclay/Madden) – Exempts persons providing hair braiding services from licensure requirement, requires registration of hair braiding establishments.

A3808 w/GR (Greenwald, Bramnick, Murphy/Singleton, Oroho) – Provides for prompt payment of public contracts for purchase of goods and services.

A4118 w/GR (Swain, Tully, Murphy/Ruiz, Diegnan) – Permits individuals to submit TDI and family temporary disability leave claims to DOLWD prior to commencement of leave under certain circumstances and requires timely payment of benefits for such claims.

[Copy of Statement on A4118 w/GR](#)

A4181 w/GR (Jones, Murphy/Cruz-Perez) – Clarifies that employees of renaissance school projects are in State administered retirement systems.

[Copy of Statement on A4181 w/GR](#)

A4230 w/GR (Burzichelli, Mukherji, Houghtaling, Downey/Gopal, Sarlo) – Changes use of certain revenue derived from sports wagering at racetracks.

A4495 (Pintor Marin/Sarlo, Singleton) – Amends provisions regarding tax base and operative dates relative to CBT and combined reporting; provides CBT deduction in amount of certain foreign-related income; clarifies tax treatment of certain tax credits awarded by EDA.

[Copy of Statement on A4495](#)

A4496 (Burzichelli, Moriarty/Singleton) – Provides for collection of sales tax by marketplace facilitators and certain remote sellers, and clarifies collection of taxes related to hotel and transient accommodation occupancies.

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Governor Phil Murphy

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