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LAW/RWH

P.L.2014, CHAPTER 8, *approved May 15, 2014*
Assembly, No. 2456

1 AN ACT concerning heating, ventilating, air conditioning, and
2 refrigeration contractors, and amending and supplementing
3 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. (New section) a. The provisions of P.L.2007, c.211
9 (C.45:16A-1 et seq.) shall not apply to a person who is working for
10 an employer as an employee and performs service, repair or
11 maintenance work necessary for the continued normal performance
12 of heating, ventilating, air conditioning and refrigeration systems, if
13 that work is performed in any of the following locations that are
14 owned or operated by the employer:

15 (1) a general hospital licensed pursuant to P.L.1971, c.136
16 (C.26:2H-1 et seq.);

17 (2) a building that contains a steam boiler, pressure vessel or
18 refrigeration plant, which is subject to test and inspection pursuant
19 to R.S.34:7-1 et seq.; and

20 (3) a casino-hotel facility operated under the provisions of the
21 “Casino Control Act,” P.L.1977, c.110 (C.5:12-1 et seq.), which
22 shall include any building containing heating, ventilating, air
23 conditioning, and refrigeration systems operated by one or more
24 casino-hotel facilities as part of an agreement or arrangement to
25 share systems.

26 b. Except as otherwise provided in subsection a. of this section,
27 the provisions of P.L.2007, c.211 (C.45:16A-1 et seq.) shall not
28 apply to a person who performs service, repair or maintenance work
29 necessary for the continued normal performance of heating,
30 ventilating, air conditioning and refrigeration systems, other than
31 those provisions pertaining to the educational requirements for
32 licensure pursuant to section 13 of P.L.2007, c.211 (C.45:16A-13),
33 and any regulations adopted thereto, if:

34 (1) The person is a regular employee of the owner or lessee of
35 the property, and works at the property where the work is being
36 performed; and

37 (2) The person and the person’s employer do not engage in
38 HVACR contracting with the public.

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

3 2. As used in this act:

4 "Board" means the State Board of Examiners of Heating,
5 Ventilating, Air Conditioning and Refrigeration Contractors created
6 by section 3 of this act.

7 "Bona fide representative" means: in the case of a sole
8 proprietorship, the owner; in the case of a partnership, a partner; in
9 the case of a limited liability company, a manager; or in the case of
10 a corporation, an executive officer.

11 "Director" means the Director of the Division of Consumer
12 Affairs in the Department of Law and Public Safety.

13 "Heating, ventilating, air conditioning and refrigeration" or
14 "HVACR" means the process of treating and protecting the
15 environment by the responsible handling, dispensing, collecting and
16 cleaning of chlorofluorocarbons and other refrigerants in stationary
17 sources, and controlling the temperature, humidity and cleanliness
18 of air by using the "wet," "dry," "radiant," "conduction,"
19 "convection," "direct," or "indirect" method or combination of
20 methods, including those which utilize solar energy, to meet the
21 environmental requirements of a designated area. "HVACR" also
22 means the installation, servicing, connecting, maintenance or repair
23 of the following:

24 power boiler systems, hydronic heating systems, fire tube and
25 water tube boilers, pressure steam and hot water boilers, furnaces
26 and space heaters, and appurtenances utilizing electric, fossil fuel,
27 wood pellets or solar energy, other than those appurtenances
28 utilized solely for the purpose of heating potable water;

29 warm air heating or refrigeration and evaporative cooling
30 systems, ventilation and exhaust systems, dust collectors, air
31 handling equipment, heating or cooling coils, air or refrigerant
32 compressors, chillers, cooling towers, evaporators, condensers,
33 plenums, fans, blowers, air cleaners, mechanical ventilation for
34 radon mitigation, humidifiers, filters, louvers, mixing boxes and
35 appurtenances; hydronic heating and chilled water pipe, condensate
36 piping not **【regulated under P.L.1968, c.362 (C.45:14C-1 et seq.)】**
37 discharged into a sanitary sewer, valves, fittings, burners and
38 piping, hydronic heating, expansion tanks, pumps, gauges, humidity
39 and thermostatic controls;

40 natural or manufactured gas piping on the load side of a meter;
41 supply water piping to equipment being served from an existing
42 dedicated source connected downstream from an approved
43 backflow preventer, except in replacement cases, the installation of
44 the required approved backflow device downstream from a pre-
45 existing valve; and pneumatic controls and control piping, for the
46 control of air, liquid, or gas temperatures, radiators, convectors, unit
47 cabinet heaters, or fan coil units; and pneumatic controls and
48 control piping, of automatic oil, gas or coal burning equipment,

1 mechanical refrigeration equipment, gasoline or diesel oil
2 dispensing equipment and in replacement cases only, the connection
3 thereof of the wiring from an electrical service disconnect box of
4 adequate size to accommodate the equipment and controls and
5 previously dedicated to that equipment, and the testing and
6 balancing of air and hydronic systems, but does not include the
7 design or preparation of specifications for equipment or systems to
8 be installed that are within the practice of professional engineering
9 as defined in subsection (b) of section 2 of P.L.1938, c.342 (C.45:8-
10 28).

11 "Heating, ventilating, air conditioning and refrigeration
12 contracting" means undertaking or advertising to undertake, for a
13 fixed price, fee, commission, or gain of whatever nature, the
14 planning, laying out, installation, construction, maintenance,
15 service, repair, alteration or modification to any portion of any
16 system, product or equipment or appurtenances used for the
17 environmental needs or control of any heating, ventilating, air
18 conditioning and refrigeration system.

19 "Master heating, ventilating, air conditioning and refrigeration
20 contractor" means any person, firm, partnership, corporation or
21 other legal entity licensed according to the provisions of this act
22 which obtains a pressure seal pursuant to sections 24 and 25 of this
23 act and which advertises, undertakes or offers to undertake for
24 another the planning, laying out, supervising, installing, servicing
25 or repairing of HVACR systems, apparatus or equipment. In order
26 to act as a "Master HVACR contractor," an individual shall be a
27 bona fide representative of the legal entity licensed pursuant to the
28 provisions of this act.

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

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

35 "Replacement" means a change of equipment with the same type
36 or similar equipment.

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

40 (cf: P.L.2007, c.211, s.2)

41

42 3. This act shall take effect immediately.

43

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45

STATEMENT

46

47 This bill stipulates that a person who performs service, repair or
48 maintenance work necessary for the continued normal performance

1 of heating, ventilating, air conditioning and refrigeration systems is
2 exempt from the requirement of professional licensure established
3 in “The State Heating, Ventilating, Air Conditioning and
4 Refrigeration Contracting License Law” if that person is working
5 for an employer as an employee and that work is being performed in
6 any of the following locations that are owned or operated by the
7 employer: (1) a general hospital licensed pursuant to P.L.1971,
8 c.136 (C.26:2H-1 et seq.); (2) a building that contains a steam
9 boiler, pressure vessel or refrigeration plant, which is subject to test
10 and inspection pursuant to R.S.34:7-1 et seq.; and (3) a casino-hotel
11 facility operated under the provisions of the “Casino Control Act,”
12 P.L.1977, c.110 (C.5:12-1 et seq.), which shall include any building
13 containing heating, ventilating, air conditioning, and refrigeration
14 systems operated by one or more casino-hotel facilities as part of an
15 agreement or arrangement to share systems.

16 In addition, the bill stipulates that any person, other than a
17 person exempted from the requirements of professional licensure
18 established in “The State Heating, Ventilating, Air Conditioning
19 and Refrigeration Contracting License Law,” above, who performs
20 service, repair or maintenance work necessary for the continued
21 normal performance of heating, ventilating, air conditioning and
22 refrigeration systems is exempt from the requirements of
23 professional licensure established in “The State Heating,
24 Ventilating, Air Conditioning and Refrigeration Contracting
25 License Law,” except for the educational requirements for licensure
26 contained in that law, and any regulations adopted thereto, if:

27 (1) The person is a regular employee of the owner or lessee of
28 the property, and works at the property where the work is being
29 performed; and

30 (2) The person and the person’s employer do not engage in
31 HVACR contracting with the public.

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34

35

36 Exempts certain persons from HVACR licensing requirement;
37 clarifies definition of heating, ventilating, air conditioning, and
38 refrigeration.

ASSEMBLY, No. 2456

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 6, 2014

Sponsored by:

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman DAVID P. RIBLE

District 30 (Monmouth and Ocean)

SYNOPSIS

Exempts certain persons from HVACR licensing requirement; clarifies definition of heating, ventilating, air conditioning, and refrigeration.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/21/2014)

A2456 PRIETO, RIBLE

2

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Matter underlined thus is new matter.

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3 the case of a limited liability company, a manager; or in the case of
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36 dedicated source connected downstream from an approved
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32 who is listed in a public bid as the proposed subcontractor by the
33 contractor placing the bid for an HVACR contract.

34 (cf: P.L.2007, c.211, s.2)

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36 3. This act shall take effect immediately.

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STATEMENT

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42 maintenance work necessary for the continued normal performance
43 of heating, ventilating, air conditioning and refrigeration systems is
44 exempt from the requirement of professional licensure established
45 in "The State Heating, Ventilating, Air Conditioning and
46 Refrigeration Contracting License Law" if that person is working
47 for an employer as an employee and that work is being performed in
48 any of the following locations that are owned or operated by the

1 employer: (1) a general hospital licensed pursuant to P.L.1971,
2 c.136 (C.26:2H-1 et seq.); (2) a building that contains a steam
3 boiler, pressure vessel or refrigeration plant, which is subject to test
4 and inspection pursuant to R.S.34:7-1 et seq.; and (3) a casino-hotel
5 facility operated under the provisions of the "Casino Control Act,"
6 P.L.1977, c.110 (C.5:12-1 et seq.), which shall include any building
7 containing heating, ventilating, air conditioning, and refrigeration
8 systems operated by one or more casino-hotel facilities as part of an
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20 contained in that law, and any regulations adopted thereto, if:

21 (1) The person is a regular employee of the owner or lessee of
22 the property, and works at the property where the work is being
23 performed; and

24 (2) The person and the person's employer do not engage in
25 HVACR contracting with the public.

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2456

STATE OF NEW JERSEY

DATED: MARCH 13, 2014

The Assembly Regulated Professions Committee reports favorably on Assembly Bill No. 2456.

This bill stipulates that a person who performs service, repair or maintenance work necessary for the continued normal performance of heating, ventilating, air conditioning and refrigeration systems is exempt from the requirement of professional licensure established in “The State Heating, Ventilating, Air Conditioning and Refrigeration Contracting License Law” if that person is working for an employer as an employee and that work is being performed in any of the following locations that are owned or operated by the employer: (1) a general hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.); (2) a building that contains a steam boiler, pressure vessel or refrigeration plant, which is subject to test and inspection pursuant to R.S.34:7-1 et seq.; and (3) a casino-hotel facility operated under the provisions of the “Casino Control Act,” P.L.1977, c.110 (C.5:12-1 et seq.), which shall include any building containing heating, ventilating, air conditioning, and refrigeration systems operated by one or more casino-hotel facilities as part of an agreement or arrangement to share systems.

In addition, the bill stipulates that any person, other than a person exempted from the requirements of professional licensure established in “The State Heating, Ventilating, Air Conditioning and Refrigeration Contracting License Law,” above, who performs service, repair or maintenance work necessary for the continued normal performance of heating, ventilating, air conditioning and refrigeration systems is exempt from the requirements of professional licensure established in “The State Heating, Ventilating, Air Conditioning and Refrigeration Contracting License Law,” except for the educational requirements for licensure contained in that law, and any regulations adopted thereto, if:

(1) The person is a regular employee of the owner or lessee of the property, and works at the property where the work is being performed; and

(2) The person and the person’s employer do not engage in HVACR contracting with the public.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 2456
STATE OF NEW JERSEY
216th LEGISLATURE

DATED: MARCH 27, 2014

SUMMARY

- Synopsis:** Exempts certain persons from HVACR licensing requirement; clarifies definition of heating, ventilating, air conditioning, and refrigeration.
- Type of Impact:** No Fiscal Impact.
- Agencies Affected:** Department of Law and Public Safety; Division of Consumer Affairs.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost and Revenue	No Fiscal Impact – See comments below		

- The Office of Legislative Services (OLS) finds that the provisions of this bill would have no fiscal impact.
- Excludes certain persons performing heating, ventilating, air conditioning, and refrigeration (HVACR) maintenance and repair from the requirement of professional HVACR licensure.
- Clarifies definition of heating, ventilating, air conditioning, and refrigeration.

BILL DESCRIPTION

Assembly Bill No. 2456 of 2014 exempts certain persons from HVACR license requirement.

The bill stipulates that a person who performs HVACR work is exempt from the requirement of professional licensure if that person is working for an employer as an employee and that work is being performed in any of the following locations that are owned or operated by the employer:

- (1) a general hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.);
- (2) a building that contains a steam boiler, pressure vessel or refrigeration plant, which is subject to test and inspection pursuant to R.S.34:7-1 et seq.; or

(3) a casino-hotel facility operated under the provisions of the “Casino Control Act,” P.L.1977, c.110 (C.5:12-1 et seq.), which shall include any building containing heating, ventilating, air conditioning, and refrigeration systems operated by one or more casino-hotel facilities as part of an agreement or arrangement to share these systems.

The bill also specifies that the term “heating, ventilating, air conditioning, and refrigeration” includes the installation, servicing, connecting, maintenance or repair of condensate piping not discharged into a sanitary sewer.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the provisions of this bill would have no fiscal impact.

Legislation was signed into law on December 20, 2007, that established a new State Board of Examiners of HVACR Contractors requiring licensure in order to work as a Master HVACR contractor. On March 1, 2014, the State Board of Examiners of Heating, Ventilating, Air Conditioning, and Refrigeration Contractors (Board) began accepting applications for licensure. The New Jersey HVACR board should be issuing licenses shortly.

Although it is clear that the exemptions in this bill will result in fewer overall licenses, it is unknown how many potential licensees may be exempt under the provisions of this bill. The OLS notes that if there are fewer licensees, there would be fewer licenses for the Division of Consumer Affairs to process, regulate, and enforce.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-6 et seq.).

SENATE, No. 1255

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 25, 2014

Sponsored by:
Senator JIM WHELAN
District 2 (Atlantic)

SYNOPSIS

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31 discharged into a sanitary sewer, valves, fittings, burners and
32 piping, hydronic heating, expansion tanks, pumps, gauges, humidity
33 and thermostatic controls;

34 natural or manufactured gas piping on the load side of a meter;
35 supply water piping to equipment being served from an existing
36 dedicated source connected downstream from an approved
37 backflow preventer, except in replacement cases, the installation of
38 the required approved backflow device downstream from a pre-
39 existing valve; and pneumatic controls and control piping, for the
40 control of air, liquid, or gas temperatures, radiators, convectors, unit
41 cabinet heaters, or fan coil units; and pneumatic controls and
42 control piping, of automatic oil, gas or coal burning equipment,
43 mechanical refrigeration equipment, gasoline or diesel oil
44 dispensing equipment and in replacement cases only, the connection
45 thereof of the wiring from an electrical service disconnect box of
46 adequate size to accommodate the equipment and controls and
47 previously dedicated to that equipment, and the testing and
48 balancing of air and hydronic systems, but does not include the

1 design or preparation of specifications for equipment or systems to
2 be installed that are within the practice of professional engineering
3 as defined in subsection (b) of section 2 of P.L.1938, c.342 (C.45:8-
4 28).

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

13 "Master heating, ventilating, air conditioning and refrigeration
14 contractor" means any person, firm, partnership, corporation or
15 other legal entity licensed according to the provisions of this act
16 which obtains a pressure seal pursuant to sections 24 and 25 of this
17 act and which advertises, undertakes or offers to undertake for
18 another the planning, laying out, supervising, installing, servicing
19 or repairing of HVACR systems, apparatus or equipment. In order
20 to act as a "Master HVACR contractor," an individual shall be a
21 bona fide representative of the legal entity licensed pursuant to the
22 provisions of this act.

23 "HVACR journey person" means any person who installs, alters,
24 repairs services or renovates HVACR systems in accordance with
25 standards, rules and regulations established by the board and who
26 works under the supervision of a Master HVACR contractor.

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

29 "Replacement" means a change of equipment with the same type
30 or similar equipment.

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

34 (cf: P.L.2007, c.211, s.2)

35

36 3. This act shall take effect immediately.

37

38

39

STATEMENT

40

41 This bill stipulates that a person who performs service, repair or
42 maintenance work necessary for the continued normal performance
43 of heating, ventilating, air conditioning and refrigeration systems is
44 exempt from the requirement of professional licensure established
45 in "The State Heating, Ventilating, Air Conditioning and
46 Refrigeration Contracting License Law" if that person is working
47 for an employer as an employee and that work is being performed in
48 any of the following locations that are owned or operated by the

1 employer: (1) a general hospital licensed pursuant to P.L.1971,
2 c.136 (C.26:2H-1 et seq.); (2) a building that contains a steam
3 boiler, pressure vessel or refrigeration plant, which is subject to test
4 and inspection pursuant to R.S.34:7-1 et seq.; and (3) a casino-hotel
5 facility operated under the provisions of the "Casino Control Act,"
6 P.L.1977, c.110 (C.5:12-1 et seq.), which shall include any building
7 containing heating, ventilating, air conditioning, and refrigeration
8 systems operated by one or more casino-hotel facilities as part of an
9 agreement or arrangement to share systems.

10 In addition, the bill stipulates that any person, other than a
11 person exempted from the requirements of professional licensure
12 established in "The State Heating, Ventilating, Air Conditioning
13 and Refrigeration Contracting License Law," above, who performs
14 service, repair or maintenance work necessary for the continued
15 normal performance of heating, ventilating, air conditioning and
16 refrigeration systems is exempt from the requirements of
17 professional licensure established in "The State Heating,
18 Ventilating, Air Conditioning and Refrigeration Contracting
19 License Law," except for the educational requirements for licensure
20 contained in that law, and any regulations adopted thereto, if:

21 (1) The person is a regular employee of the owner or lessee of
22 the property, and works at the property where the work is being
23 performed; and

24 (2) The person and the person's employer do not engage in
25 HVACR contracting with the public.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1255

STATE OF NEW JERSEY

DATED: MARCH 17, 2014

The Senate Commerce Committee reports favorably Senate Bill No. 1255.

This bill stipulates that a person who performs service, repair or maintenance work necessary for the continued normal performance of heating, ventilating, air conditioning and refrigeration systems is exempt from the requirement of professional licensure established in “The State Heating, Ventilating, Air Conditioning and Refrigeration Contracting License Law” if that person is working for an employer as an employee and that work is being performed in any of the following locations that are owned or operated by the employer: (1) a general hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.); (2) a building that contains a steam boiler, pressure vessel or refrigeration plant, which is subject to test and inspection pursuant to R.S.34:7-1 et seq.; and (3) a casino-hotel facility operated under the provisions of the “Casino Control Act,” P.L.1977, c.110 (C.5:12-1 et seq.), which shall include any building containing heating, ventilating, air conditioning, and refrigeration systems operated by one or more casino-hotel facilities as part of an agreement or arrangement to share systems.

In addition, the bill stipulates that any person, other than a person exempted from the requirements of professional licensure established in “The State Heating, Ventilating, Air Conditioning and Refrigeration Contracting License Law,” above, who performs service, repair or maintenance work necessary for the continued normal performance of heating, ventilating, air conditioning and refrigeration systems is exempt from the requirements of professional licensure established in “The State Heating, Ventilating, Air Conditioning and Refrigeration Contracting License Law,” except for the educational requirements for licensure contained in that law, and any regulations adopted thereto, if:

(1) The person is a regular employee of the owner or lessee of the property, and works at the property where the work is being performed; and

(2) The person and the person’s employer do not engage in HVACR contracting with the public.