

[Second Reprint]

ASSEMBLY, No. 2138

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED FEBRUARY 7, 2022

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

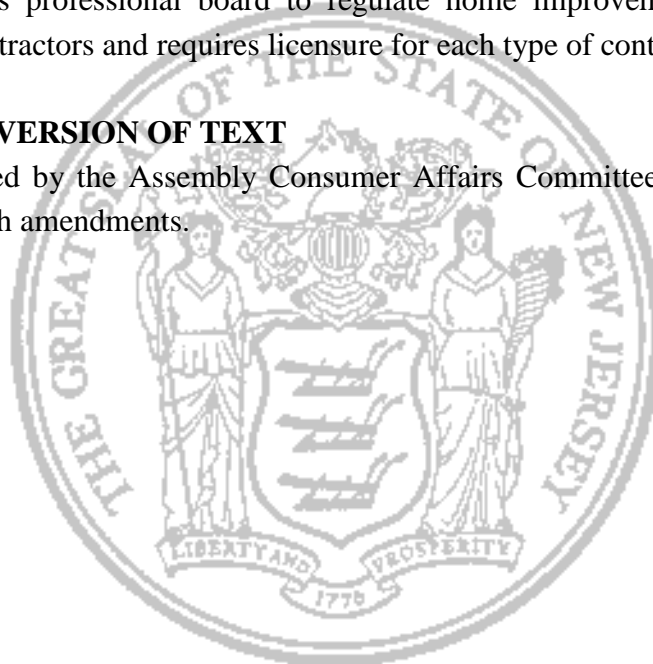
**Assemblyman Catalano, Assemblywomen Chaparro, Quijano,
Assemblymen Benson, Conaway, Assemblywoman Lampitt, Assemblymen
Spearman and Karabinchak**

SYNOPSIS

Establishes professional board to regulate home improvement and home elevation contractors and requires licensure for each type of contractor.

CURRENT VERSION OF TEXT

As reported by the Assembly Consumer Affairs Committee on September 15, 2022, with amendments.



(Sponsorship Updated As Of: 12/15/2022)

1 AN ACT concerning the regulation of home improvement and home
2 elevation contractors, revising various parts of the statutory law,
3 and supplementing P.L.2007, c.232 (C.2C:21-35) and Title 45 of
4 the New Jersey Statutes.

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

8
9 1. P.L.2004, c.16 (C.56:8-136 et seq.), P.L.2013, c.144
10 (C.56:8-138.1), and P.L.2014, c.34 (C.56:8-138.2 et al.) are
11 repealed.

12
13 2. (New section) As used in P.L. , c. (C.) (pending
14 before the Legislature as this bill):

15 “Board” means the New Jersey State Board of Home
16 Improvement and Home Elevation Contractors.

17 "Contractor" means an individual ¹engaged in the business of
18 making or selling ¹providing home improvement or home
19 elevation services, or both types of services, ¹and includes ¹for
20 a corporation, partnership, association¹, sole proprietorship,¹ and any
21 other form of business organization or entity ²that enters into home
22 improvement, home elevation, or both types of contracts with
23 consumers.² ¹, and its officers, representatives, agents and
24 employees¹. ¹This shall not include: (1) an individual who owns or
25 manages a home improvement or home elevation business but does
26 not perform home improvement or home elevations services; or (2)
27 employees of or individuals contracted by a sole proprietorship,
28 corporation, partnership, association, or other form of a business
29 entity hired or contracted to sell home improvement or home
30 elevation services, or both types of services.¹ An individual who
31 makes a home improvement or home elevation without
32 compensation shall not be deemed to be a contractor with respect to
33 that service.

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

36 "Division" means the Division of Consumer Affairs in the
37 Department of Law and Public Safety.

38 "Home elevation" means any home improvement that involves
39 raising an entire residential structure to a higher level above the
40 ground.

41 “Home elevation contract” means a written agreement, or oral
42 agreement if the cost of services is expected to be \$500 or less, for
43 the performance of a home elevation between a home elevation
44 contractor and an owner, tenant or lessee, of a residential property,

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 ACO committee amendments adopted June 2, 2022.

²Assembly ACO committee amendments adopted September 15, 2022.

1 and includes all agreements under which the contractor is to
2 perform the home elevation, or furnish materials in connection
3 therewith.

4 "Home elevation contractor" means a contractor who engages in
5 the practice of home elevation and is authorized to perform home
6 improvements, as defined in this section.

7 "Home improvement" means the remodeling, altering,
8 renovating, repairing, restoring, modernizing, moving, demolishing,
9 installing in, or otherwise improving or modifying of the whole or
10 any part of any residential property. Home improvement shall also
11 include insulation ^{2,2} installation and the conversion of existing
12 commercial structures into residential property. ¹Home
13 improvement shall not include the construction of a new residential
14 property.¹

15 "Home improvement contract" means a written agreement, or
16 oral agreement if the cost of services is expected to be \$500 or less,
17 for the performance of a home improvement between a home
18 improvement or home elevation contractor and an owner, tenant or
19 lessee, of a residential property, and includes all agreements under
20 which the contractor is to perform labor or render services for home
21 improvements, or furnish materials in connection therewith.

22 "Home improvement contractor" means a contractor who
23 engages solely in the practice of home improvement.

24 ¹"Principal home improvement contractor" or "principal home
25 elevation contractor" means a licensed home improvement or home
26 elevation contractor who oversees the performance of services for
27 contracts (1) valued at a minimum of \$120,000 and (2) that require
28 the submittal of plans with more than one subcode.¹ ²A principal
29 home improvement or principal home elevation contractor may also
30 provide services as a home improvement contractor or home
31 elevation contractor if a contract is valued at less than \$120,000 or
32 does not require submittal of plans with more than one subcode.²

33 "Residential property" means any single or multi-unit structure
34 used in whole or in part as a place of residence, and all structures
35 appurtenant thereto, and any portion of the lot or site on which the
36 structure is situated which is devoted to the residential use of the
37 structure.

38 ¹**["Responsible managing employee" means an individual who is**
39 **licensed as a home improvement or home elevation contractor with**
40 **at least five years of experience and who provides effective**
41 **supervision over the professional services rendered pursuant to a**
42 **home improvement or home elevation contract. An individual who**
43 **qualifies for licensure as a home improvement or home elevation**
44 **contractor pursuant to section 16 of P.L. , c. (C.) (pending**
45 **before the Legislature as this bill) shall also qualify as a responsible**
46 **managing employee.]**¹

1 3. (New section) There is created within the Division of
 2 Consumer Affairs in the Department of Law and Public Safety, the
 3 New Jersey State Board of Home Improvement and Home Elevation
 4 Contractors. The board shall consist of nine members who shall be
 5 residents of the State. Except for the members first appointed: five
 6 members shall be licensed home improvement contractors, ¹【one
 7 member shall be a licensed home elevation contractor】, of whom
 8 two shall represent a trade association focused on the home
 9 improvement industry, one member shall be a licensed construction
 10 code official¹, two ¹members¹ shall ¹【be members of】 represent¹
 11 the public, and one ¹member¹ shall be appointed pursuant to
 12 subsection c. of section 2 of P.L.1971, c.60 (C.45:1-2.2). Of the two
 13 members of the public, one shall be appointed by the Governor
 14 upon recommendation of the Senate President and the other shall be
 15 appointed by the Governor upon recommendation of the Assembly
 16 Speaker. Of the members first appointed, the five members who are
 17 registered home improvement contractors shall have been so
 18 registered for at least ten years immediately preceding appointment
 19 to the board ¹【and the member who is a registered home elevation
 20 contractor shall have been so registered for at least four years
 21 immediately preceding appointment to the board】¹.

22 Each member shall be appointed for a term of five years, except
 23 that of the members first appointed, ¹【the home elevation contractor
 24 member and a】 two¹ home improvement contractor ¹【member】
 25 members¹ shall serve for a term of three years, two home
 26 improvement contractor members shall serve for a term of two
 27 years, and ¹【two】 one¹ home improvement contractor ²【members】
 28 member² shall serve for a term of one year. Each member shall hold
 29 office until a successor has been qualified and appointed. Any
 30 vacancy in the membership of the board shall be filled for the
 31 unexpired term in the manner provided for in the original
 32 appointment. No member of the board shall serve more than two
 33 successive terms in addition to any unexpired term to which the
 34 member has been appointed.

35
 36 4. (New section) ²a. The board shall be entitled to retain all
 37 funds collected as a result of fees paid for initial licensure and
 38 registration, and for licensure and registration renewal, reactivation,
 39 and reinstatement to administer and enforce the provisions of
 40 P.L. , c. (C.) (pending before the Legislature as this bill).

41 b.² Members of the board ²【shall】 may² be reimbursed for
 42 expenses within the limits of funds appropriated or otherwise made
 43 available for this purpose and provided with office and meeting
 44 facilities and personnel required for the proper conduct of the
 45 business of the board.

46
 47 5. (New section) The board shall organize within 30 days after
 48 the appointment of its members and shall annually elect from its

1 members a chairperson and a vice-chairperson, and may appoint a
 2 secretary, who need not be a member of the board. The board shall
 3 meet at least once a month and may hold additional meetings as
 4 necessary to discharge its duties. A majority of board membership
 5 shall constitute a quorum.

6
 7 6. (New section) The board shall have the following powers
 8 and duties:

9 a. administer and enforce the provisions of P.L. ,
 10 c. (C.) (pending before the Legislature as this bill);

11 b. ¹develop education requirements and¹ develop or designate
 12 an examination or examinations to evaluate the knowledge, ability,
 13 and fitness of applicants to perform as home improvement or home
 14 elevation contractors, which shall include examination of State law
 15 on home improvement for individuals seeking licensure as home
 16 improvement contractors, or on home improvement and home
 17 elevation for individuals seeking licensure as home elevation
 18 contractors ¹. The requirements shall include:

19 (1) establishing education requirements for home improvement
 20 contractors, including principal home improvement contractors, and
 21 home elevation contractors, including principal home elevation
 22 contractors; and

23 (2) developing ²[a mandatory] an² examination preparation
 24 course¹ ²that an applicant may enroll in²;

25 c. review the qualifications of applicants for licensure;

26 d. issue and renew, on a biennial basis ¹[,] :

27 (1)¹ licenses for home improvement and home elevation
 28 contractors; ¹and

29 (2) registrations for home improvement and home elevation
 30 businesses;¹

31 e. refuse to admit an applicant for an examination or suspend,
 32 revoke, or refuse to renew a license pursuant to the provisions of
 33 P.L.1978, c.73 (C.45:1-14 et seq.);

34 f. adopt a code of ethics and standards of conduct for licensed
 35 home improvement and home elevation contractors;

36 g. establish and change, if necessary, applicable fees including
 37 for initial licensure and licensure renewal, reactivation and
 38 reinstatement; ¹[and]¹

39 h. ¹establish standards for continuing education requirements;
 40 and

41 i.¹ promulgate rules and regulations pursuant to the
 42 “Administrative Procedures Act,” P.L.1968, c.410 (C.52:14B-1 et
 43 seq.).

44
 45 7. (New section) To be eligible for licensure as a home
 46 improvement contractor or as a home elevation contractor, an
 47 applicant shall fulfill the following requirements:

48 a. be at least 18 years of age;

- 1 b. have successfully completed high school or the equivalent;
- 2 c. demonstrate, through an attestation as prescribed by the
3 board, completion of:
- 4 (1) an apprenticeship program registered with or approved by
5 the United States Department of Labor, or similar program as
6 provided by a trade school or other facility accredited by a regional
7 or national accrediting agency recognized by the United States
8 Department of Education, that allows for the applicant to prepare
9 for a career in home improvement or home elevation services; or
- 10 (2) at least two years of experience performing home
11 improvement services ¹~~under the direct supervision of~~ for¹ a
12 home improvement contractor ²or a home elevation contractor,²
13 performing home improvement and home elevation services
14 ¹~~under the direct supervision of~~ for¹ a home elevation contractor.
15 ¹~~For an applicant seeking licensure under this paragraph, the~~
16 ~~attestation~~ An application for licensure¹ shall require the signature
17 of the applicant and ¹~~of the home improvement or home elevation~~
18 ~~contractor who provided direct supervision of~~ the name and
19 address of the home improvement or home elevation business for
20 whom¹ the applicant ¹worked¹. ¹~~The signature of the contractor~~
21 ~~who provided direct supervision may be an individual licensed~~
22 ~~pursuant to this section or licensed in accordance with the~~
23 ~~provisions of section 16 of P.L. , c. (C.) (pending before~~
24 ~~the Legislature as this bill)]~~¹ ²The two years of experience required
25 in this section may be obtained by an applicant who can
26 demonstrate to the board, in a manner and form as determined by
27 the board, the performance of services in home improvement or
28 home elevation:
- 29 (a) under a home improvement or home elevation contractor in
30 another state or jurisdiction of the United States with, as determined
31 by the board, substantially equivalent requirements to the
32 requirements in this State; or
- 33 (b) through work obtained by the applicant as a home
34 improvement or home elevation contractor in another state or
35 jurisdiction of the United States with, as determined by the board,
36 substantially equivalent requirements to the requirements in this
37 State²;
- 38 d. ¹completion of educational requirements established
39 pursuant to paragraph (1) of subsection b. of section 6 of P.L. ,
40 c. (C.) (pending before the Legislature as this bill and¹
41 passage of an examination pursuant to subsection b. of section 6 of
42 P.L. , c. (C.) (pending before the Legislature as this bill);
- 43 e. ¹~~proof of financial stability and of compliance with section~~
44 ~~8 of P.L. , c. (C.) (pending before the Legislature as this~~
45 ~~bill) regarding general liability insurance for a home improvement~~
46 ~~contractor, or general liability insurance and cargo or other~~
47 ~~insurance that covers home elevation services for a home elevation~~
48 ~~contractor, and financial stability. If an applicant for licensure is an~~

1 employee and not an owner of a home improvement or home
 2 elevation business, the applicant shall submit information
 3 demonstrating proof of general liability insurance, cargo or other
 4 insurance covering home elevations, if applicable, and financial
 5 stability that is maintained by the business owner;

6 f. ¹ submission of a disclosure statement, as prescribed by the
 7 board, stating whether the applicant has been convicted of any
 8 crime, which for the purposes of P.L. , c. (C.) (pending
 9 before the Legislature as this bill) shall mean a violation of section
 10 9 of P.L. , c. (C.) (pending before the Legislature as this
 11 bill); and

12 ¹g. ¹ payment of all applicable fees.

13 ¹g. To register as a home improvement or home elevation
 14 business, a business shall submit, as part of the application to the
 15 board and in a form as determined by the board, proof of:

16 (1) general liability insurance ²[and] ² workers' compensation
 17 insurance ², and a compliance bond, letter of credit, or securities,
 18 moneys, or other securities² pursuant to section 8 of P.L. ,
 19 c. (C.) (pending before the Legislature as this bill);

20 (2) employment by the business of at least one licensed home
 21 improvement or home elevation contractor; and

22 (3) compliance with all applicable tax, business, and other laws
 23 in the State.¹

24

25 8. (New section) a. ¹[Every licensed contractor who is
 26 engaged in home improvement or home elevation services] A home
 27 improvement or home elevation business¹ shall secure, maintain
 28 and file with the board proof of a certificate of ¹[.];

29 (1)¹ commercial general liability insurance in a minimum
 30 amount of \$500,000 per occurrence ¹; and

31 (2) workers' compensation insurance.¹

32 b. ¹[Every licensed contractor engaged in providing home
 33 improvement or home elevation services] A registered business¹
 34 whose commercial general liability insurance ¹or workers'
 35 compensation¹ policy is cancelled or nonrenewed shall submit to
 36 the board¹, before the former policy is no longer available,¹ a copy
 37 of the certificate of ¹;

38 (1)¹ commercial general liability insurance for a new or
 39 replacement policy which meets the requirements of ¹paragraph (1)
 40 of¹ subsection a. of this section ¹[before the former policy is no
 41 longer effective] ; or

42 (2) a copy of the certificate of workers' compensation insurance
 43 for a new or replacement policy¹.

44 c. In addition to the insurance required pursuant to subsection
 45 a. of this section, every ¹[home elevation contractor] registered
 46 business¹ engaged in performing home elevations shall secure and

1 maintain cargo or other insurance that specifically covers home
2 elevation activities, in a minimum amount of \$1,000,000 per
3 occurrence to cover damages or other losses to the homeowner,
4 lessee, tenant or other party resulting from a home elevation, except
5 as otherwise provided in this subsection. The board, in consultation
6 with the director and the Department of Banking and Insurance,
7 may promulgate rules and regulations to require that home elevation
8 ¹~~contractors~~ businesses¹ secure and maintain additional insurance
9 of such kind and in such amounts as may be determined.

10 d. A home elevation ¹~~contractor~~ business¹, prior to entering
11 into an agreement to perform a home elevation, shall provide proof
12 of insurance to the homeowner including the issuing insurer, policy
13 number, type, and amount of insurance coverage maintained by the
14 ¹~~contractor~~ business¹ in accordance with this section.

15 e. Every ¹~~licensed contractor who~~ registered business that¹ is
16 engaged in home improvement or home elevation services shall
17 maintain, in effect during the entire period of ²~~licensure~~
18 registration² :

19 (1) a ¹compliance¹ bond issued by one or more sureties
20 authorized to transact business in this State;

21 (2) an irrevocable letter of credit issued by a bank; or

22 (3) ²~~with the board~~² securities, moneys or other security
23 acceptable to the board to fulfill the requirements of this section.

24 ¹f.¹ The principal sum of the ¹compliance¹ bond, letter of credit,
25 or securities, moneys or other security shall be a minimum of
26 ¹[\$100,000.] :

27 (1) ²for Class A registered home improvement or home
28 elevation contractors,² \$50,000 for the performance of services
29 pursuant to a contract valued at more than \$120,000 or for the
30 performance of services, in the previous 12 months, for contracts
31 valued at a minimum of \$750,000;

32 (2) ²for Class B licensed home improvement or home elevation
33 contractors,² \$25,000 for the performance of services pursuant to a
34 contract valued between \$10,000 and \$120,000 or for the
35 performance of services, in the previous 12 months, for contracts
36 valued between \$150,000 and \$750,000; and

37 (3) ²for Class C licensed home improvement or home elevation
38 contractors,² \$10,000 for the performance of services pursuant to a
39 contract valued at less than \$10,000 or for the performance of
40 services, in the previous 12 months, for contracts valued less than
41 \$150,000.

42 g.¹ The ¹~~contractor~~ business¹ shall, from time to time, to the
43 extent that claims are paid, promptly replenish the amount of ²the
44 compliance² bond, letter of credit, securities, moneys or other
45 security maintained ²~~with the board~~² ¹to a minimum of
46 \$100,000¹ pursuant ¹to paragraphs (1) through (3) of subsection f.
47 of this section¹.

1 ¹[f. The bond, letter of credit, or securities, moneys or other
2 security shall be filed or deposited with the board and shall be
3 executed to the State of New Jersey for the use or benefit of any
4 consumer who, after entering into a home improvement or home
5 elevation contract, incurs damages or suffers any loss arising out of
6 a violation of P.L. , c. (C.) (pending before the Legislature
7 as this bill) by the contractor

8 g.] ¹h. ²compliance² bond, letter of credit, or securities,
9 moneys, or other security shall cover ¹[restitution and]¹ penalties
10 ¹assessed by the board for violations of P.L. , c. (C.)
11 (pending before the Legislature as this bill)¹.

12 ¹[h.] ¹i. ²[Any individual ¹[claiming] seeking to claim¹ against
13 the bond, letter of credit, or securities, moneys or other security
14 may maintain an action ¹[at law against the contractor and the
15 surety, bank, or] with¹ the board ¹[, as the case may be]¹.

16 ¹[i.] ¹j. ²The ²compliance² bond, letter of credit, or securities,
17 moneys, or other security shall not be payable for treble damage
18 claims pursuant to the consumer fraud act, P.L.1960, c.39 (C.56:8-1
19 et seq.).

20 ¹[j.] ²[k. ¹The board may make a claim against the bond, letter
21 of credit, or securities, moneys or other security on behalf of a
22 consumer, with notice to the licensed contractor.]²

23 ¹[k.] ²[¹l. ¹j. ²The aggregate liability of the surety, bank, or
24 ²[the board] issuer of securities, moneys or other security² to all
25 individuals for all breaches of the conditions of the ²compliance²
26 bond, letter of credit or the securities, moneys or other security
27 ²[held by the board]² shall not exceed the amount of the bond,
28 letter of credit, or the securities, moneys or other security ²[held by
29 the board]².

30 ¹[l.] ²[m. ¹Every bond, letter of credit, or securities, moneys, or
31 other security required to be filed shall provide that any consumer
32 who may be claiming against the bond, letter of credit, or securities,
33 moneys, or other security shall notify the board and the surety of
34 the amount and nature of the claim prior to the initiation of any
35 action at law against the ¹[contractor] business¹. The bond, letter of
36 credit, or securities, moneys, or other security shall provide that the
37 surety or bank may not pay any claim against the bond, letter of
38 credit, or securities, moneys, or other security unless and until it
39 shall have received authorization from the board to pay the claim.

40 ¹[m.] ¹n. ¹If the board determines that there is a substantial
41 likelihood that the aggregate amount of claims against a bond will
42 exceed the available principal amount of the bond, the board may
43 apportion the proceeds of the bond among the claimants in an
44 equitable manner.

45 ¹[n.] ¹o. ¹k. ²Every bond, letter of credit, or securities, moneys,
46 or other security ²[required to be filed with the board]² shall
47 provide that cancellation or nonrenewal of the bond, letter of credit,

1 or securities, moneys, or other security shall not be effective unless
 2 and until at least 10 days' notice of intention to cancel or nonrenew
 3 the bond, letter of credit, or securities, moneys, or other security has
 4 been received in writing by the ²[board] registered business² from
 5 the ²surety, bank, or other² issuer.

6 ²[¹p. (1)] l. (1)² A business may reduce, by half, the amount of
 7 the ²compliance² bond, letter of credit, or securities, moneys or
 8 other securities required pursuant to paragraphs (1) through (3) of
 9 subsection f. of this section upon demonstration ²by a member of
 10 senior management of the business² of completion of, prior to the
 11 next registration renewal period, a course in financial responsibility
 12 and stability developed or designated by the board.

13 (2) The board shall have discretion to require a business ²that has
 14 a member of senior management who completed a course in
 15 financial responsibility and stability by the next registration renewal
 16 period² to maintain the full amount of the bond, letter of credit, or
 17 securities, moneys or other securities required pursuant to
 18 paragraphs (1) through (3) of subsection f. of this section if a
 19 business ²[or licensed contractor employed by the business has
 20 multiple complaints made against them by consumers]
 21 demonstrates on the application for registration renewal that a
 22 claim² or multiple claims ², in a dollar amount as determined by the
 23 board, were² made against the bond ^{2,2} letter of credit, or
 24 securities, moneys or other securities held by the ²[licensee]
 25 business^{2,1}.

26
 27 9. (New section) a. In addition to any other procedure,
 28 condition or information required by P.L. , c. (C.) (pending
 29 before the Legislature as this bill), every applicant ¹for licensure¹
 30 shall file a disclosure statement with the board, pursuant to
 31 subsection e. of section 7 of P.L. , c. (C.) (pending before
 32 the Legislature as this bill), stating whether the applicant has been
 33 convicted of any crime, which for the purposes of P.L. ,
 34 c. (C.) (pending before the Legislature as this bill) shall
 35 mean a violation of certain provisions of the "New Jersey Code of
 36 Criminal Justice," Title 2C of the New Jersey Statutes, or the
 37 equivalent under the laws of any other jurisdiction; provided,
 38 however, that an applicant shall not be disqualified from licensure
 39 or have a license suspended or revoked on the basis of any
 40 conviction disclosed, except as provided in subsection b. of this
 41 section or in sections 1 or 2 of P.L.2021, c.81 (C.45:1-21 and 45:1-
 42 21.5).

43 b. The board may refuse to issue or may suspend or revoke any
 44 license issued thereby upon proof that an applicant or a licensee:

45 (1) Has obtained a license through fraud, deception or
 46 misrepresentation;

47 (2) Has engaged in the use or employment of dishonesty, fraud,
 48 deception, misrepresentation, false promise or false pretense;

- 1 (3) Has engaged in gross negligence, gross malpractice or gross
2 incompetence;
- 3 (4) Has engaged in repeated acts of negligence, malpractice or
4 incompetence;
- 5 (5) Has engaged in professional or occupational misconduct as
6 may be determined by the board;
- 7 (6) Has been convicted of any crime or offense that has a direct
8 or substantial relationship to the activity regulated P.L. ,
9 c. (C.) (pending before the Legislature as this bill) or is of a
10 nature such that licensure would be inconsistent with the public's
11 health, safety, or welfare, provided that the board shall make this
12 determination in a manner consistent with section 2 of P.L.2021,
13 c.81 (C.45:1-21.5). For the purpose of this subsection, a plea of
14 guilty, non vult, nolo contendere or any other such disposition of
15 alleged criminal activity shall be deemed a conviction;
- 16 (7) Has had the authority to engage in the activity regulated by
17 the board revoked or suspended by any other state, agency or
18 authority for reasons consistent with this section; or
- 19 (8) Has violated or failed to comply with the provisions of any
20 State act, regulation or order administered or issued by the board or,
21 other than traffic violations, by any other State agency.
- 22 c. At least 30 calendar days prior to denying an application for
23 licensure or suspending or revoking a license pursuant to this
24 section, the board shall notify the applicant or licensee of its intent
25 to deny the application or suspend or revoke the license and afford
26 the applicant an opportunity for a hearing in a manner provided for
27 contested cases pursuant to the "Administrative Procedure Act,"
28 P.L.1968, c.410 (C.52:14B-1 et seq.). If, however, the board intends
29 to deny the application or suspend or revoke the license under
30 paragraph (6) of subsection b. of this section, the provisions of
31 P.L.2021, c.81 (C.45:1-21.5) shall apply.
- 32 d. An applicant shall have the continuing duty to provide any
33 assistance or information requested by the board, and to cooperate
34 in any inquiry, investigation, or hearing conducted by the board.
- 35 e. If any of the information required to be included in the
36 disclosure statement changes, or if additional information should be
37 added after the filing of the statement, the applicant shall provide
38 that information to the board, in writing, within 20 calendar days of
39 the change or addition.
- 40 ¹f. If a licensed home improvement or licensed home elevation
41 contractor employed by a business registered pursuant to subsection
42 g. of section 7 of P.L. , c. (C.) (pending before the
43 Legislature as this bill) is the only contractor licensed pursuant to
44 section 7 of P.L. , c. (C.) (pending before the Legislature
45 as this bill) employed by the registered business and the individual
46 leaves their employment, the registered business shall have 60 days
47 within which to hire a licensed home improvement or home
48 elevation contractor and notify the board of the change. If no new
49 hire is made within 60 days, the board shall revoke the registration

1 of the business. Upon the hiring of a new contractor licensed
2 pursuant to section 7 of P.L. , c. (C.) (pending before the
3 Legislature as this bill), the registered business shall apply for
4 reinstatement of registration.¹

5
6 10. (New section) a. Every contractor required to be licensed
7 under P.L. , c. (C.) (pending before the Legislature as this
8 bill) shall be issued an identification badge by the board pursuant to
9 subsection b. of this section. The identification badge shall be
10 plainly visible and worn on the upper left corner of the torso when
11 the contractor is performing ¹[, or engaging, or attempting to
12 engage, in the business of selling] ¹ home improvement or home
13 elevation services ²[include a recent and clear photograph] ².

14 b. The identification badge shall include a color photograph of
15 the contractor's face, the contractor's name, the contractor's license
16 number, and the name of the contractor's business displayed in a
17 manner that will be plainly visible and permit recognition when
18 worn by the contractor. The badge shall include a statement,
19 written in such a way as to be plainly visible when worn by the
20 contractor, that the badge is not for an electrical contractor,
21 plumbing contractor or HVACR contractor license. The
22 identification badge shall be made in such a way and of such
23 material that any attempt to alter the badge will result in it being
24 immediately, permanently and obviously ruined. The photograph
25 included on the identification badge shall be taken no more than
26 four weeks before the date upon which the identification badge is
27 issued. A contractor shall apply for and obtain a new identification
28 badge at least once every six years.

29 c. The board may charge the contractor a reasonable fee to
30 cover the costs of the identification badge issued pursuant to this
31 section.

32 d. A contractor who has been issued an identification badge
33 pursuant to subsection b. of this section and whose license has been
34 suspended, revoked, or has not been renewed, shall, within three
35 days of that suspension, revocation or nonrenewal, surrender the
36 identification badge to the board.

37 ¹e. Notwithstanding the definition of “contractor” pursuant to
38 section 2 of P.L. , c. (C.) (pending before the Legislature
39 as this bill), if an employee of or individual contracted by a sole
40 proprietorship, corporation, partnership, association, or other form
41 of a business entity hired or contracted ²[sells] to sell² home
42 improvement or home elevation services, or both types of services,
43 in-person to consumers, an identification badge required pursuant to
44 this section shall be required for the employee or contracted
45 individual.

46 f. A temporary badge, in paper, ²[may] shall² be issued to a
47 contractor ²and shall accompany the license of the contractor² in the

1 event of a delay in the processing of the identification badge
2 required pursuant to this section.¹

3
4 11. (New section) An individual who knowingly exhibits or
5 displays an identification badge issued pursuant to subsection b. of
6 section 10 of P.L. , c. (C.) (pending before the Legislature
7 as this bill) and is not at that time licensed as a contractor pursuant
8 to P.L. , c. (C.) (pending before the Legislature as this
9 bill), including any contractor who has had the license revoked,
10 suspended, or not renewed, is guilty of a crime of the fourth degree.

11
12 12. (New section) a. No individual shall **'[offer to]'** perform
13 **'[**, or engage, or attempt to engage in the business of performing or
14 selling**']'** home improvement services or home elevation services
15 unless licensed by the board.

16 b. In addition to any other civil or criminal penalty that may
17 apply, any individual who makes a false statement in connection
18 with the process for licensure as a home improvement or home
19 elevation contractor pursuant to section 7 of P.L. , c. (C.)
20 (pending before the Legislature as this bill) or who submits false
21 information in regards to any submissions and filings required by
22 the board pursuant to section 8 of P.L. , c. (C.) (pending
23 before the Legislature as this bill) shall be liable for a civil penalty
24 of not less than \$10,000 or more than \$25,000. Such penalty may
25 be imposed by the board and shall be collected by summary
26 proceedings instituted in accordance with the "Penalty Enforcement
27 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

28
29 13. (New section) Except for individuals exempted pursuant to
30 section 15 of P.L. , c. (C.) (pending before the Legislature
31 as this bill), any individual 'licensed or business registered pursuant
32 to P.L. , c. (C.) (pending before the Legislature as this
33 bill)'¹ who advertises in print or puts out any sign or card or other
34 device which would indicate to the public that the individual is a
35 contractor in New Jersey, 'the business is a registered home
36 improvement or home elevation contracting business in New
37 Jersey,¹ or who causes the individual's name or business name to be
38 included in a classified advertisement or directory in New Jersey
39 under a classification for home improvement or home elevation, as
40 defined in section 2 of P.L. , c. (C.) (pending before the
41 Legislature as this bill), is subject to the provisions of P.L. ,
42 c. (C.) (pending before the Legislature as this bill). This
43 section shall not be construed to apply to simple residential
44 alphabetical listings in standard telephone directories, including
45 directories or similar lists posted online.

1 14. (New section) a. All ¹~~licensees~~ registered businesses¹
2 shall prominently display their ¹~~license~~ registration¹ numbers
3 within their places of business, in all advertisements distributed
4 within this State, on business documents, contracts and
5 correspondence with consumers of home improvement and home
6 elevation services in this State, and on all commercial vehicles
7 registered in this State and leased or owned by licensees and used
8 by licensees for the purpose of providing home improvement or
9 home elevation services, except for vehicles leased or rented to
10 customers of licensees by a licensee or any agent or representative
11 thereof.

12 b. Any invoice, contract or correspondence given by a licensee
13 to a consumer shall prominently contain the toll-free telephone
14 number provided pursuant to section 20 of P.L. , c. (C.)
15 (pending before the Legislature as this bill).

16
17 15. (New section) The provisions of sections 7, 8, 9, ²~~10,~~² 12,
18 ²~~13~~ 10, and² ~~14~~ ², 16, 17, 21, 22, 23, 26, 27, 28, and 29² of
19 P.L. , c. (C.) (pending before the Legislature as this bill)
20 shall not apply to:

21 a. Any individual required to register pursuant to "The New
22 Home Warranty and Builders' Registration Act," P.L.1977, c.467
23 (C.46:3B-1 et seq.), but only in conjunction with the building of a
24 new home as defined in P.L.1977, c.467 (C.46:3B-2);

25 b. Any individual regulated by the State as an architect,
26 professional engineer, landscape architect, land surveyor, electrical
27 contractor, master plumber, or any other individual in any other
28 related profession requiring registration, certification, or licensure
29 by the State, who is acting within the scope of practice of the
30 individual's profession;

31 c. Any individual who is employed by a common interest
32 community, including, but not limited to, a community association
33 or cooperative corporation, or by the owner or manager of any other
34 residential property, while the individual is acting within the scope
35 of that employment;

36 e. Any public utility as defined under R.S.48:2-13;

37 f. Any individual licensed under the provisions of section 16 of
38 P.L.1960, c.41 (C.17:16C-77) but only in conjunction with selling a
39 home repair contract as defined in section 1 of P.L.1960, c.41
40 (C.17:16C-62) ²and as also applicable to P.L.1968, c.224
41 (C.17:16C-95 et seq.), except requirements under section 10 of
42 P.L. , c. (C.) (pending before the Legislature as this bill)
43 regarding identification badges shall apply to individuals making
44 in-person sales to consumers pursuant to P.L.1968, c.224
45 (C.17:16C-95 et seq.)²; and

46 g. Any home improvement or home elevation retailer with a net
47 worth of more than \$50,000,000, or employee of that retailer.

1 16. (New section) ²a.² The provisions of subsections a., b., c.,
 2 and d. of section 7 of P.L. , c. (C.) (pending before the
 3 Legislature as this bill) shall not apply to an individual who has
 4 been registered as a home improvement contractor in New Jersey
 5 for at least ¹~~10~~ five¹ years or to an individual who has at least
 6 ¹~~10~~ five¹ years of experience in providing home elevation
 7 services who has been registered as a home improvement contractor
 8 in New Jersey for at least ¹~~10~~ five¹ years or registered as a home
 9 elevation contractor in New Jersey for at least five years. A license
 10 shall be issued ¹~~to an individual~~¹ upon expiration of the
 11 contractor registration previously issued ¹~~to the individual~~¹ upon
 12 submission of an application in such form as may be prescribed by
 13 the board and payment of a fee established by the board.

14 ²b. An individual who qualifies for licensure as a home
 15 improvement or home elevation contractor under subsection a. of
 16 this section and who can demonstrate experience overseeing the
 17 performance of services for contracts (1) valued at a minimum of
 18 \$120,000 and (2) that require the submittal of plans with more than
 19 one subcode shall qualify as a principal home improvement or
 20 principal home elevation contractor.²

21
 22 17. (New section) The provisions of P.L. , c. (C.)
 23 (pending before the Legislature as this bill) shall apply to any
 24 individual engaging in this State in any of the activities regulated by
 25 P.L. , c. (C.) (pending before the Legislature as this bill),
 26 including individuals whose residence or principal place of business
 27 is located outside of this State.

28
 29 18. (New section) a. P.L. , c. (C.) (pending before the
 30 Legislature as this bill) shall supersede any municipal ordinance or
 31 regulation that provides for the licensing or registration of home
 32 improvement or home elevation contractors or for the protection of
 33 homeowners by bonds or warranties required to be provided by
 34 home improvement or home elevation contractors, exclusive of
 35 those required by water, sewer, utility, or land use ordinances or
 36 regulations.

37 b. A municipality shall not issue a construction permit for any
 38 home improvement or home elevation if any part of the home
 39 improvement or home elevation is to be performed by any
 40 contractor who is neither licensed pursuant to, nor exempt from the
 41 requirements of, the provisions of P.L. , c. (C.) (pending
 42 before the Legislature as this bill).

43 c. A municipality may issue a construction permit for a home
 44 improvement or home elevation only to:

45 (1) a contractor who is performing the home improvement or
 46 home elevation and who is licensed pursuant to P.L. ,
 47 c. (C.) (pending before the Legislature as this bill) ²or who
 48 will obtain a license upon expiration of a registration pursuant to

1 section 16 of P.L. , c. (C.) (pending before the Legislature
2 as this bill)²; ¹**[or]**¹

3 (2) an individual who is performing the home improvement or
4 home elevation and is not required to be licensed pursuant to
5 ²**[sections]** section² 15 ²**[or 16]**² of P.L. , c. (C.) (pending
6 before the Legislature as this bill) ¹; or

7 (3) a single-family homeowner who performs plumbing,
8 electrical, or heating, ventilation, and air conditioning work in the
9 homeowner's own dwelling.¹

10 d. A contractor shall be liable for any fines or penalties
11 resulting from a failure to obtain any permit necessary to complete
12 the home improvement.

13

14 19. (New section) a. P.L. , c. (C.) (pending before the
15 Legislature as this bill) shall not deny to any municipality the power
16 ¹, pursuant to the "State Uniform Construction Code Act,"
17 P.L.1975, c.217 (C.52:27D-119 et seq.),¹ to inspect a contractor's
18 work or equipment, the work of a contractor who performs
19 improvements to commercial property, or the power to regulate the
20 standards and manners in which the work of the contractor shall be
21 done.

22 b. A municipality shall have the authority to bring a proceeding
23 in accordance with the "Penalty Enforcement Law of 1999,"
24 P.L.1999, c.274 (C.2A:58-10 et seq.), in the municipal court or in
25 Superior Court to recover fines and penalties for violations
26 of P.L. , c. (C.) (pending before the Legislature as this
27 bill), committed by a contractor in connection with a home
28 improvement or home elevation located within the municipality.
29 Fines and penalties recovered from a contractor in a proceeding
30 may be retained by the municipality.

31

32 20. (New section) a. The division shall establish and undertake
33 a public information campaign to educate and inform contractors ¹,
34 applicable businesses,¹ and the consumers of this State of the
35 provisions of P.L. , c. (C.) (pending before the Legislature
36 as this bill).

37 b. The board shall provide a toll-free telephone number for
38 consumers making inquiries regarding contractors or shall promote,
39 as part of the public information campaign, any toll-free telephone
40 number already established for inquiries.

41

42 21. (New section) a. Every contract for a purchase price in
43 excess of \$500 for home improvement, home elevation, or both
44 types of services, and all changes in the terms and conditions of the
45 contract, shall be in writing. The contract shall be signed by all
46 parties thereto and shall not contain any blank spaces for
47 information, including, but not limited to, terms and conditions, to
48 be added after the contract is signed by the consumer, and shall

1 clearly and accurately set forth in legible form and in
2 understandable language all terms and conditions of the contract,
3 including but not limited to:

4 (1) the legal name, business address, ¹registration number of the
5 business,¹ and license number of the contractors ¹performing the
6 ²[work]² services pursuant to the contract¹;

7 (2) the legal name and license number of the contractor
8 designated as the ¹[responsible managing employee] principal
9 home improvement contractor or home elevation contractor, if
10 applicable,¹ for the services provided;

11 (3) a copy of the certificate of commercial general liability
12 insurance, of cargo or other insurance covering home elevations, if
13 applicable, required pursuant to section 8 of P.L. , c. (C.)
14 (pending before the Legislature as this bill) and the telephone
15 number of the insurance company issuing the certificate; and

16 (4) the total price or other consideration to be paid by the owner,
17 including the finance charges.

18 b. the contract shall include the following notice in 10-point
19 bold type or larger, directly above the space provided for the
20 signature of the consumer:

21 "NOTICE TO CONSUMER

22 Do not sign this contract if any of the spaces for information have
23 been left blank.

24 You are entitled to a copy of the contract at the time you sign.

25 Keep it to protect your legal rights.

26 Do not sign any completion certificate or agreement stating that you
27 are satisfied with the entire project before this project is complete.
28 Contractors are prohibited by law from requesting or accepting a
29 certificate of completion signed by the consumer prior to the actual
30 completion of the work to be performed under the contract."

31 c. Any contract for home improvement, home elevation, or
32 both types of services may be rescinded by the consumer, except as
33 provided in subsection j. of this section, if the consumer:

34 (1) Furnishes to the contractor a notice of intent to rescind the
35 contract by certified mail, return receipt requested, postmarked not
36 later than 5 p.m. of the third business day following the day on
37 which the contract is executed; and

38 (2) Gives up possession of any goods, subject to a contract,
39 delivered to the consumer prior to receipt by the contractor of the
40 notice of intent to rescind.

41 d. Within 10 business days after receipt of a notice of intent to
42 rescind a contract for home improvement, home elevation, or both
43 types of services, a contractor shall:

44 (1) Pick up, at the contractor's own expense, any goods subject
45 to the contract, delivered to the consumer prior to receipt by the
46 contractor of the notice;

47 (2) Refund to the consumer all amounts of money paid by the
48 consumer, less reasonable charges for any damages to any goods
49 which occurred while in the consumer's possession; and

- 1 (3) Redeliver to the consumer any goods traded-in to the
2 contractor on account of or in contemplation of the contract for
3 home improvement, home elevation, or both types of services, less
4 any reasonable charges actually incurred in making the goods ready
5 for sale.
- 6 e. Each ¹**【contractor】** registered business¹ shall maintain a
7 record of the receipt of any consumer’s notice of intent to rescind a
8 contract for at least 18 months after the receipt of a notice of intent
9 to rescind.
- 10 f. At the time of executing every contract for home
11 improvement, home elevation, or both types of services subject to
12 the provisions of P.L. , c. (C.) (pending before the
13 Legislature as this bill), the contractor shall deliver to the consumer
14 two copies of a receipt which clearly and conspicuously sets forth:
- 15 (1) The contractor's name and place of business;
16 (2) A description of the goods and services sold; and
17 (3) The amount of money paid by the consumer or the cash
18 value of any goods delivered to the contractor at the time the
19 contract for home improvement, home elevation, or both types of
20 services was entered into.
- 21 g. The receipt required to be delivered to the consumer shall
22 also clearly and conspicuously include, in at least 10-point bold
23 type, the following statement:
- 24 “NOTICE TO CONSUMER: YOU MAY RESCIND THIS
25 CONTRACT PROVIDED THAT YOU NOTIFY THE HOME
26 IMPROVEMENT OR HOME ELEVATION CONTRACTOR OF
27 YOUR INTENT TO DO SO BY CERTIFIED MAIL, RETURN
28 RECEIPT REQUESTED, POSTMARKED NOT LATER THAN 5
29 P.M. OF THE THIRD BUSINESS DAY FOLLOWING THE
30 SALE. FAILURE TO EXERCISE THIS OPTION, HOWEVER,
31 WILL NOT INTERFERE WITH ANY OTHER REMEDIES
32 AGAINST THE CONTRACTOR YOU MAY POSSESS. IF YOU
33 WISH YOU MAY USE THIS PAGE AS NOTIFICATION BY
34 WRITING “I HEREBY RESCIND” AND ADDING YOUR NAME
35 AND ADDRESS. A DUPLICATE OF THIS RECEIPT IS
36 PROVIDED BY THE CONTRACTOR FOR YOUR RECORDS.”
- 37 h. Except as provided in subsection j. of this section, a receipt
38 required to be delivered by the consumer shall not contain, or be
39 accompanied by, any document which contains provisions by which
40 the consumer waives any rights under P.L. , c. (C.)
41 (pending before the Legislature as this bill).
- 42 i. A ¹**【contractor who】** business that¹ in the ordinary course of
43 business regularly uses a language other than English in any
44 advertising or other solicitation of consumers, or in any printed
45 forms for use by consumers, or in any face-to-face negotiations with
46 consumers, shall deliver two copies of the receipt to a consumer
47 whose principal language is not English, one in English and one in
48 the other language.
- 49 j. A contract for home improvement, home elevation, or both

1 types of services for work needed by the consumer to meet a bona
2 fide emergency, where the contact with the ¹**【contractor】** registered
3 business¹ was initiated by the consumer, shall not be subject to the
4 cancellation provisions of subsection c. of this section, if the
5 consumer furnishes the ¹**【contractor】** registered business¹ with a
6 statement separate from the contract, in a form approved by the
7 board, dated and signed by the consumer, describing the situation
8 requiring immediate remedy and expressly acknowledging and
9 waiving the right to cancel the contract within three business days.

10 k. No ¹**【contractor】** registered business¹ shall request or accept
11 a certificate of completion signed by the consumer prior to the
12 actual completion of the work to be performed under a contract for
13 home improvement, home elevation, or both types of services.

14 ¹l. Any contract for home improvement or home elevation
15 services ²valued at a minimum of \$120,000 and requiring the
16 submittal of plans with more than one subcode² shall include, in a
17 clear and conspicuous manner, ²**【that pursuant to section 2 of**
18 **P.L. , c. (C.) (pending before the Legislature as this bill),**
19 **a】** the name of the² principal home improvement contractor or
20 principal home elevation contractor ²**【shall oversee the performance**
21 **of home improvement or home elevation services if the services to**
22 **be performed are valued at a minimum of \$120,000 and require the**
23 **submittal of plans with more than one subcode**¹**】** assigned to
24 oversee the performance of services.²

25
26 22. (New section) A county or municipal office of consumer
27 affairs established pursuant to P.L.1975, c.376 (C.40:23-6.47 et
28 seq.), that enters into a written agreement with the board in the form
29 specified by the board to accept consumer complaints, directly or on
30 a referral basis, and enforce P.L. , c. (C.) (pending before
31 the Legislature as this bill) against contractors ¹or registered
32 businesses¹ whose principal place of business is in the county or
33 municipality, shall be entitled to a share of fees paid by contractors
34 ¹or registered businesses¹ having their principal place of business in
35 the county or municipality as determined by the board by
36 regulation, which cost shall be reflected in the licensing ¹and
37 registration¹ fees established by the board.

38
39 23. (New section) a. Any individual seeking to convert a home
40 improvement contractor license into a home elevation license may
41 do so by submitting documentation, as prescribed by the board,
42 demonstrating:

43 (1) at least two years of experience working on home elevations
44 under ¹**【the direct supervision of】**¹ a home elevation contractor who
45 is licensed pursuant to section 7 of P.L. , c. (C.) (pending
46 before the Legislature as this bill) or qualifies for licensure pursuant

1 to section 16 of P.L. , c. (C.) (pending before the
2 Legislature as this bill);

3 (2) that the individual has not had a home improvement
4 contractor license or registration or a home elevation contractor
5 license or registration revoked or suspended; and

6 (3) that the ¹**【place of employment】** registered business¹ of the
7 contractor maintains cargo or other insurance covering home
8 elevation services as required pursuant to section 8 of P.L. ,
9 c. (C.) (pending before the Legislature as this bill).

10 b. The board may charge applicable fees to convert a license
11 from home improvement to home elevation.

12

13 24. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read
14 as follows:

15 1. The provisions of this act shall apply to the following boards
16 and commissions: the New Jersey State Board of Accountancy, the
17 New Jersey State Board of Architects, the New Jersey State Board
18 of Cosmetology and Hairstyling, the Board of Examiners of
19 Electrical Contractors, the New Jersey State Board of Dentistry, the
20 State Board of Mortuary Science of New Jersey, the State Board of
21 Professional Engineers and Land Surveyors, the State Board of
22 Marriage and Family Therapy Examiners, the State Board of
23 Medical Examiners, the New Jersey Board of Nursing, the New
24 Jersey State Board of Optometrists, the State Board of Examiners of
25 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
26 Pharmacy, the State Board of Professional Planners, the State Board
27 of Psychological Examiners, the State Board of Examiners of
28 Master Plumbers, the New Jersey Real Estate Commission, the
29 State Board of Court Reporting, the State Board of Veterinary
30 Medical Examiners, the Radiologic Technology Board of
31 Examiners, the Acupuncture Examining Board, the State Board of
32 Chiropractic Examiners, the State Board of Respiratory Care, the
33 State Real Estate Appraiser Board, the State Board of Social Work
34 Examiners, the State Board of Examiners of Heating, Ventilating,
35 Air Conditioning and Refrigeration Contractors, the Elevator,
36 Escalator, and Moving Walkway Mechanics Licensing Board, the
37 State Board of Physical Therapy Examiners, the Orthotics and
38 Prosthetics Board of Examiners, the New Jersey Cemetery Board,
39 the State Board of Polysomnography, the New Jersey Board of
40 Massage and Bodywork Therapy, the Genetic Counseling Advisory
41 Committee, the State Board of Dietetics and Nutrition, the New
42 Jersey State Board of Home Improvement and Home Elevation
43 Contractors, and any other entity hereafter created under Title 45 to
44 license or otherwise regulate a profession or occupation.

45 (cf: P.L.2019, c.331, s.16)

46

47 25. Section 2 of P.L.1971, c.60 (C.45:1-2.2) is amended to read
48 as follows:

1 2. a. All members of the several professional boards and
2 commissions shall be appointed by the Governor in the manner
3 prescribed by law; except in appointing members other than those
4 appointed pursuant to subsection b. or subsection c., the Governor
5 shall give due consideration to, but shall not be bound by,
6 recommendations submitted by the appropriate professional
7 organizations of this State.

8 b. In addition to the membership otherwise prescribed by law,
9 the Governor shall appoint in the same manner as presently
10 prescribed by law for the appointment of members, two additional
11 members to represent the interests of the public, to be known as
12 public members, to each of the following boards and commissions:
13 the New Jersey State Board of Accountancy, the New Jersey State
14 Board of Architects, the New Jersey State Board of Cosmetology
15 and Hairstyling, the New Jersey State Board of Dentistry, the State
16 Board of Mortuary Science of New Jersey, the State Board of
17 Professional Engineers and Land Surveyors, the State Board of
18 Medical Examiners, the New Jersey Board of Nursing, the New
19 Jersey State Board of Optometrists, the State Board of Examiners of
20 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
21 Pharmacy, the State Board of Professional Planners, the State Board
22 of Psychological Examiners, the New Jersey Real Estate
23 Commission, the State Board of Court Reporting, the State Board of
24 Social Work Examiners, the Elevator, Escalator, and Moving
25 Walkway Mechanics Licensing Board, and the State Board of
26 Veterinary Medical Examiners, and one additional public member
27 to each of the following boards: the Board of Examiners of
28 Electrical Contractors, the State Board of Marriage and Family
29 Therapy Examiners, the State Board of Examiners of Master
30 Plumbers, **[and]** the State Real Estate Appraiser Board, and the
31 New Jersey State Board of Home Improvement and Home Elevation
32 Contractors. Each public member shall be appointed for the term
33 prescribed for the other members of the board or commission and
34 until the appointment of his successor. Vacancies shall be filled for
35 the unexpired term only. The Governor may remove any such
36 public member after hearing, for misconduct, incompetency, neglect
37 of duty or for any other sufficient cause.

38 No public member appointed pursuant to this section shall have
39 any association or relationship with the profession or a member
40 thereof regulated by the board of which he is a member, where such
41 association or relationship would prevent such public member from
42 representing the interest of the public. Such a relationship includes
43 a relationship with members of one's immediate family; and such
44 association includes membership in the profession regulated by the
45 board. To receive services rendered in a customary client
46 relationship will not preclude a prospective public member from
47 appointment. This paragraph shall not apply to individuals who are
48 public members of boards on the effective date of this act.

1 It shall be the responsibility of the Attorney General to insure
2 that no individual with the aforementioned association or
3 relationship or any other questionable or potential conflict of
4 interest shall be appointed to serve as a public member of any board
5 regulated by this section.

6 Where a board is required to examine the academic and
7 professional credentials of an applicant for licensure or to test such
8 applicant orally, no public member appointed pursuant to this
9 section shall participate in such examination process; provided,
10 however, that public members shall be given notice of and may be
11 present at all such examination processes and deliberations
12 concerning the results thereof, and, provided further, that public
13 members may participate in the development and establishment of
14 the procedures and criteria for such examination processes.

15 c. The Governor shall designate a department in the Executive
16 Branch of the State Government which is closely related to the
17 profession or occupation regulated by each of the boards or
18 commissions designated in section 1 of P.L.1971, c.60 (C.45:1-2.1)
19 and shall appoint the head of such department, or the holder of a
20 designated office or position in such department, to serve without
21 compensation at the pleasure of the Governor as a member of such
22 board or commission.

23 d. A majority of the voting members of such boards or
24 commissions shall constitute a quorum thereof and no action of any
25 such board or commission shall be taken except upon the
26 affirmative vote of a majority of the members of the entire board or
27 commission.

28 (cf: P.L.2012, c.71, s.14)

29
30 ¹[26. Sections 3 through 6 and sections 24 and 25 shall be
31 effective immediately, but remain inoperative until the Governor
32 appoints board members, by the first day of the tenth month next
33 following enactment, for the purposes of promulgating rules and
34 regulations pursuant to the “Administrative Procedures Act,”
35 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of
36 this act. Sections 1, 2, and 7 through 23 shall be effective on the
37 first day of the twenty-fifth month next following enactment. The
38 director may take such anticipatory administrative action in advance
39 thereof as shall be necessary for implementation of this act.]¹

40
41 ¹26. (New section) a. Each licensee shall complete not less
42 than six hours of continuing education requirements as a condition
43 of licensure renewal pursuant to P.L. , c. (C.) (pending
44 before the Legislature as this bill).

45 b. The board shall:

46 (1) approve continuing education courses, course providers, and
47 instructors. Entities approved by the board as home improvement or
48 home elevation contractor instructors, pursuant to sections 26
49 through 30 of P.L. , c. (C.) (pending before the Legislature

1 as this bill), shall be deemed approved providers of continuing
2 education courses. Building, construction, contracting and related
3 professional trade associations that qualify under the standards to be
4 established by the board as approved providers may offer approved
5 continuing education courses;

6 (2) confer continuing education credits for courses completed in
7 other states ²or jurisdictions of the United States² on topics
8 approved by the board as appropriate for elective courses, provided
9 that the courses have been approved as continuing education
10 courses by the agency exercising regulatory authority over home
11 improvement or home elevation contractors in the other state ²or
12 jurisdiction of the United States² and that satisfactory evidence of
13 the licensees' attendance at and completion of the courses is
14 provided to the board by the course provider;

15 (3) confer continuing education credits for courses offered in
16 this State on topics deemed of a timely nature but which have not
17 been granted prior approval by the board, provided that the courses
18 are advertised prior to the time of offering as not having been
19 approved, the course provider eventually submits and receives
20 approval of the course offering, and satisfactory evidence of the
21 licensee's attendance at and completion of the course is provided to
22 the board by the course provider;

23 (4) set parameters for the auditing and monitoring of course
24 providers;

25 (5) establish, by regulation, the amount of the application fee
26 payable for continuing education course providers approved by the
27 board and providers seeking approval and individuals seeking
28 approval as instructors of a continuing education course. These fees
29 shall be non-refundable and shall be in amounts which do not
30 exceed the costs incurred by the board to review these applications;

31 (6) waive or grant an extension to comply with continuing
32 education requirements, in whole or in part, on the grounds of
33 illness, emergency, hardship or active duty military service; and

34 (7) confer continuing education credits upon a licensee who is
35 approved by the board as an instructor of an approved continuing
36 education course offered by an approved provider. ²Licensees
37 approved by the board to instruct an approved continuing education
38 course shall receive twice the credit conferred upon those licensees
39 attending the course. ² Regardless of the number of times during a
40 biennial licensure term that the same approved course is taught by
41 that licensee, that licensee shall receive ²double the² continuing
42 education credit ²[towards] for that course only² once ²to satisfy
43 part of² the continuing education requirement for the renewal of
44 their license.¹

45
46 ¹27. (New section) ²a. ² Continuing education courses may be
47 delivered in a classroom setting or ², to the extent practicable,²
48 offered via the Internet or video modalities, subject to the approval

1 by the board of the providers and the content of the courses and of
2 the measures utilized to ensure the security and integrity of the
3 course delivery process. The board may approve continuing
4 education courses which include periodic progress assessments and
5 the achievement of a satisfactory level of performance by the
6 licensee on progress assessments as a condition to continuing to a
7 succeeding segment of the course. The board shall not require, as a
8 condition of the receipt of credit for attendance at any continuing
9 education course, that a licensee pass a comprehensive examination
10 testing the licensee's knowledge of the entire course content.¹

11 ²b. A licensee may fulfill all continuing education requirements
12 in-person, via the Internet or video modalities, or through a
13 combination of these options.²

14
15 ¹28. (New section) Continuing education requirements, as set
16 forth by the board, shall be completed on or before the date the
17 biennial license expires. Any licensee required to complete
18 continuing education requirements who fails to do so prior to the
19 date of expiration of a biennial license term shall be subject to a
20 reasonable processing fee, as determined by the board, of not more
21 than \$200, unless a waiver was granted by the board pursuant to
22 paragraph (6) of subsection b. of section 26 of P.L. , c. (C.)
23 (pending before the Legislature as this bill).¹

24
25 ¹29. (New section) a. Not less than 50 percent of the continuing
26 education courses of study that licensees are required to complete as
27 a condition for licensure renewal shall demonstrate significant
28 intellectual or practical content and deal with matters directly
29 related to home improvement or home elevation contracting,
30 workforce safety, or the business of running a company in the home
31 improvement or home elevation industry or trade. In no event shall
32 the board require that courses in these core topics comprise more
33 than 60 percent of the total continuing education hours required for
34 the renewal of any license.

35 b. In the case of continuing education courses and programs,
36 each hour of instruction shall be equivalent to one credit.¹

37
38 ¹30. (New section) Course providers shall maintain records of
39 the successful completion of continuing education courses by
40 licensees and shall transmit this data to the board in a manner as
41 directed by the board.¹

42
43 ¹31. Sections 3 through 6 and sections 24 and 25 of this act shall
44 be effective immediately, but remain inoperative until the Governor
45 appoints board members, by the first day of the tenth month next
46 following enactment, for the purposes of promulgating rules and
47 regulations pursuant to the "Administrative Procedures Act,"
48 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of

1 this act. Sections 1, 2, 7 through 23, and 26 through 30 of this act
2 shall be effective on the first day of the 25th month next following
3 the appointment of ²a majority of² the board. The director may take
4 such anticipatory administrative action in advance thereof as shall
5 be necessary for implementation of this act.¹