

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 224

STATE OF NEW JERSEY
217th LEGISLATURE

ADOPTED JUNE 2, 2016

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Assemblyman TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

Assemblyman Ciattarelli

SYNOPSIS

Provides for licensing of pool and spa service contractors, and pool and spa builders and installers.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Regulated Professions Committee.



(Sponsorship Updated As Of: 6/21/2016)

1 AN ACT concerning pool and spa service contractors, and pool and
2 spa builders and installers, and supplementing P.L.1962, c.162
3 (C.45:5A-1 et seq.)
4

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

8 1. As used in this act:

9 “Committee” means the Pool and Spa Service Contractors and
10 Pool and Spa Builders and Installers Advisory Committee
11 established pursuant to section 2 of this act.

12 “Licensed pool and spa builder and installer” means a person
13 who is licensed pursuant to the provisions of section 6 of this act.

14 “Licensed pool and spa service contractor” means a person who
15 is licensed pursuant to the provisions of section 6 of this act.

16 “Licensee” means a person licensed to engage in pool and spa
17 service contracting, or pool and spa building and installation, as the
18 case may be, pursuant to the provisions of section 6 of this act.

19 “Pool” means a permanent spa or any in-ground or on-ground
20 structure intended for swimming that is greater than twenty-four
21 inches in depth.

22 “Pool and spa building and installation” means the excavation
23 and grading, construction and installation of pools, tiling and
24 coping, and installation of all circulation equipment including
25 pumps, filters, heaters, sanitizers and chemical feeders. It does not
26 include direct connections to a sanitary sewer system or potable
27 water lines, nor the grounding and bonding of any metal surfaces or
28 the making of any electrical connections, or the direct connection to
29 any natural gas or propane gas source.

30 “Pool and spa service contracting” means the performance of all
31 plumbing, heating, and electrical work necessary to service, modify,
32 repair, replace, alter or maintain any pool, including above-ground
33 pool, hot tub, spa or similar recreational or therapeutic equipment,
34 where that work commences at an outlet, receptacle, connection,
35 back-flow preventor or fuel supply pipe previously installed by a
36 person holding the proper license. Swimming pool service and
37 repair work includes: (1) the renovation or repair of non-potable
38 water components of a pool, above-ground pool, hot tub or spa,
39 including, but not limited to, the shell, concrete finish or vinyl liner
40 of that pool, hot tub or spa; and (2) the draining, acid washing or
41 backwash filtration of a pool or above-ground pool. The renovation
42 or repair of non-potable water components of a pool, hot tub or spa
43 required to be installed, renovated or repaired, or the sale,
44 installation, service or maintenance of a heater for a pool, hot tub or
45 spa, by a licensed electrician, plumber or HVACR contractor shall
46 not be considered swimming pool service and repair work.

1 2. a. There is established within the Division of Consumer
2 Affairs in the Department of Law and Public Safety, under the
3 Board of Examiners of Electrical Contractors, a “Pool and Spa
4 Service Contractors and Pool and Spa Builders and Installers
5 Advisory Committee.” The committee shall consist of seven
6 members who are residents of this State as follows:

7 (1) Two members shall have been pool and spa service
8 contractors for at least five consecutive years immediately
9 preceding their appointments, shall be members of the Northeast
10 Spa and Pool Association and, except for the members first
11 appointed, shall be licensed under the provisions of this act;

12 (2) Two members shall have been pool and spa builders and
13 installers for at least five consecutive years immediately preceding
14 their appointments, shall be members of the Northeast Spa and Pool
15 Association and, except for the members first appointed, shall be
16 licensed under the provisions of this act;

17 (3) One member shall be a licensed plumbing inspector
18 employed by a municipality;

19 (4) One member shall be a member of the International
20 Brotherhood of Electrical Workers, AFL-CIO; and

21 (5) One member shall be a public member who meets the
22 requirements pertaining to public members set forth in subsection b.
23 of section 2 of P.L.1971, c.60 (C.45:1-2.2).

24 b. The Governor shall appoint each member for a term of three
25 years, except that of the members first appointed, three shall serve
26 for terms of three years, three shall serve for terms of two years,
27 and one shall serve for a term of one year.

28 c. Any vacancy in the membership of the committee shall be
29 filled for the unexpired term in the manner provided for the original
30 appointment. No member may serve more than two successive
31 terms in addition to any unexpired term to which he has been
32 appointed.

33 d. The committee shall annually elect from among its members
34 a chair and vice-chair. The committee shall meet at least twice a
35 year and may hold additional meetings as necessary to discharge its
36 duties.

37

38 3. The board, or the committee by the board's delegation, shall
39 have the power to:

40 a. set standards and approve licenses for applicants for a pool
41 and spa service contractor or pool and spa builder and installer
42 license and issue a license to each qualified applicant;

43 b. determine the form and contents of applications for
44 licensure, licenses and identification cards;

45 c. adopt a code of ethics for licensees;

46 d. issue and renew licenses and identification cards;

47 e. set the amount of fees for pool and spa service contractors
48 and pool and spa builders and installers licenses, license renewals,

1 applications, examinations, and other services provided by the
2 board and the committee within the limits provided in subsection b.
3 of section 8 of this act;

4 f. refuse to issue or suspend, revoke, or fail to renew the
5 license of a licensee pursuant to the provisions of P.L.1978, c.73
6 (C.45:1-14 et seq.);

7 g. maintain a record of all applicants for a license;

8 h. maintain and annually publish a record of every licensee, his
9 place of business, place of residence and the date and number of his
10 license;

11 i. take disciplinary action in accordance with P.L.1978, c.73
12 (C.45:1-14 et seq.) against a licensee or employee who violates any
13 provision of this act or any rule or regulation promulgated pursuant
14 to this act;

15 j. adopt standards and requirements for and approve
16 continuing education programs and courses of study for licensees
17 and their employees;

18 k. review advertising by licensees; and

19 l. perform other duties as may be necessary to effectuate the
20 purposes of this act.

21

22 4. No person shall advertise that he is authorized to engage in,
23 or engage in pool and spa service contracting or pool and spa
24 building and installation unless he satisfies the requirements of this
25 act.

26

27 5. a. Application for a license to engage in the pool and spa
28 service contracting business or in the pool and spa building and
29 installation business, as the case may be, shall be made to the board
30 in the manner and on the forms as the board, in consultation with
31 the committee, may prescribe.

32 b. An application to engage in the pool and spa service
33 contracting business or the pool and spa building and installation
34 business shall include the name, residence and principal business
35 address of the applicant, or in the case of an employee, the principal
36 business address of his employer.

37 c. The board may require other information of the applicant
38 and, if the applicant is proposing to qualify a business firm, the
39 business firm shall be responsible to determine the professional
40 competence and integrity of the concerned parties.

41

42 6. a. An applicant seeking licensure to engage in pool and spa
43 service contracting shall:

44 (1) Be at least 18 years of age;

45 (2) Be of good moral character;

46 (3) Meet qualifications established by the board, in consultation
47 with the committee, regarding experience, continuing education,
48 financial responsibility and integrity; and

1 (4) Establish the applicant's qualifications to perform and
2 supervise various phases of pool and spa service contracting as
3 evidenced by successful completion of, and having earned, one of
4 the following: an Association of Pool and Spa Professionals (APSP)
5 certification as a Certified Service Professional (CSP), an APSP
6 certification as a Certified Service Technician (CST), or an APSP,
7 Certified Building Professional (CBP), or for those persons who
8 only service and maintain portable spas, an APSP certification as a
9 Certified Hot Tub Technician (CHTT), or any other certification
10 acceptable to the board in consultation with the committee.

11 b. An applicant seeking licensure in the pool and spa building
12 and installation business shall:

13 (1) Be at least 18 years of age;

14 (2) Be of good moral character;

15 (3) Meet qualifications established by the board, in consultation
16 with the committee regarding experience, continuing education,
17 financial responsibility and integrity; and

18 (4) Establish his qualifications to perform and supervise various
19 phases of pool and spa building and installation as evidenced by
20 successful completion of, and having earned, certification as a
21 Certified Builder Professional (CBP) from the Association of Pool
22 and Spa Professionals (APSP) or any other certification acceptable
23 to the board in consultation with the committee.

24 c. For a period of 24 months following the effective date of this
25 act, any person engaged in business as a pool and spa service
26 contractor shall not be required to submit evidence of the successful
27 completion of the APSP certification as a CSP, CST, CHTT, or
28 CBP, or other recognized certification by the board if that person
29 shows proof of:

30 (1) having been in the business of pool service contracting for at
31 least 10 years prior to the effective date of this act;

32 (2) references from at least one trade-related business and at
33 least one financial institution sufficient to verify the existence of an
34 established business;

35 (3) a certificate of good standing less than 30 days old from the
36 Secretary of State, if the applicant is a corporation, limited liability
37 company or limited liability partnership;

38 (4) a certificate of good standing from the state in which it is
39 incorporated or organized, as well as a certificate of good standing
40 less than 30 days old from the Secretary of State, if the applicant is
41 a foreign corporation, limited liability company, or limited liability
42 partnership applicant; and

43 (5) three current references from members in good standing of
44 the APSP attesting to the applicant's familiarity with the
45 knowledge, skills, and abilities relating to the performance of a pool
46 and spa service contractor.

47 d. For a period of 24 months following the effective date of this
48 act, any person engaged in the pool and spa building and

1 installation business shall not be required to submit evidence of the
2 successful completion of the APSP certification as a CBP, or other
3 recognized certification by the board if that person shows proof of:
4 (1) having been in the business of a pool and spa builder for at
5 least 10 years prior to the effective date of this act;
6 (2) references from at least one trade-related business and at
7 least one financial institution sufficient to verify the existence of an
8 established business;
9 (3) a certificate of good standing less than 30 days old from the
10 Secretary of State, if the applicant is a corporation, limited liability
11 company or limited liability partnership;
12 (4) a certificate of good standing from the state in which it is
13 incorporated or organized, as well as a certificate of good standing
14 less than 30 days old from the Secretary of State, if the applicant is
15 a foreign corporation, limited liability company or limited liability
16 partnership applicant; and
17 (5) three current references from members in good standing of
18 the APSP attesting to the applicant's familiarity with the
19 knowledge, skills and abilities relating to the performance of a pool
20 and spa builder and installer.

21

22 7. The provisions of this act shall not apply to:

23 a. Electrical contractors regulated by the Board of Examiners
24 of Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et
25 seq.) and persons in their employ while working on the electrical
26 components of a swimming pool;

27 b. Plumbing contractors regulated by the State Board of
28 Examiners of Master Plumbers pursuant to P.L.1968, c.362
29 (C.45:14C-1 et seq.) and persons in their employ while working on
30 the plumbing components of a swimming pool; and

31 c. HVACR contractors regulated by the State Board of
32 Examiners of Heating, Ventilating, Air Conditioning and
33 Refrigeration Contractors pursuant to P.L.2007, c.211 (C.45:16A-1
34 et seq.) and persons in their employ while working on the heating
35 components of a swimming pool.

36

37 8. a. Licenses shall be issued to qualified applicants seeking
38 licensure to engage in pool and spa service contracting or pool and
39 spa building and installation for a three-year period, upon payment
40 of a licensing fee. License renewals shall be issued for a three-year
41 period upon the payment of a renewal fee. A renewal application
42 shall be filed with the board at least 45 days prior to expiration of a
43 license. A license issued pursuant to this act shall not be
44 transferable.

45 b. Fees shall be established, prescribed or changed by the
46 board, in consultation with the committee, to the extent necessary to
47 defray all proper expenses incurred by the committee, the board,
48 and any staff employed to administer the provisions of this act,

1 except that fees shall not be fixed at a level that will raise amounts
2 in excess of the amount estimated to be so required. All fees and
3 any fines imposed under this act shall be paid to the board and shall
4 be forwarded to the State Treasurer and become part of the General
5 Fund.

6

7 9. No licensee qualified under the provisions of this act shall
8 engage in pool and spa service contracting or pool and spa building
9 and installation, unless the licensee:

10 a. Maintains at least one business office within the State or
11 files with the board a statement, duly executed and sworn to before
12 a person authorized by the laws of this State to administer oaths,
13 containing a power of attorney constituting the board the true and
14 lawful attorney of the licensee upon whom all original process in an
15 action or legal proceeding against the licensee may be served and in
16 which the licensee agrees that the original process that may be
17 served upon the board shall be of the same force and validity as if
18 served upon the licensee and that the authority thereof shall
19 continue in force so long as the licensee engages in the business of
20 pool and spa service contracting or pool and spa building and
21 installation, as the case may be; and

22 b. Clearly marks the outside of each installation and service
23 vehicle to be used in conjunction with the pool and spa service
24 contracting business with the name of the business or the outside of
25 each installation and service vehicle to be used in conjunction with
26 the pool and spa building installation business with the name of the
27 business.

28

29 10. a. Every licensee and every employee or other person
30 engaged in the unsupervised building, servicing, or maintenance of
31 a pool shall, at all times during working hours, display an
32 identification card issued by the board. The identification card shall
33 contain the following information:

34 (1) the name, photograph and signature of the person to whom
35 the card has been issued;

36 (2) the business name and address and license number of the
37 licensee;

38 (3) the expiration date of the card; and

39 (4) any other information the board deems appropriate for
40 identification purposes.

41 b. Identification cards shall be issued for a three-year period
42 which, in the case of a licensee, shall correspond to the term of the
43 license period of the licensee. Application for renewal of an
44 identification card for other than a licensee shall be made by the
45 person named on the card at least 45 days prior to the expiration
46 date of the card. The information provided on the identification
47 card shall at all times be current, and the named holder of the card
48 shall advise the board of any changes and file for issuance of an

1 updated card within five days following occurrence of a change,
2 which card shall be issued for the unexpired term of the original
3 card.

4 c. Identification cards shall not be transferable in the event of a
5 change in employment.

6

7 11. No person shall be employed by a licensee to build, install,
8 or service a pool or, except in the case of a licensee, shall otherwise
9 engage in the building, installation, or service thereof:

10 a. Unless the person is of good moral character;

11 b. Where the work is to be performed other than under the field
12 supervision of a licensee, the person shall have at least three years
13 of practical experience and shown proof of successful completion of
14 and having received the APSP Certified Maintenance Specialist
15 (CMS) certification, or higher, or equivalent certification as
16 prescribed by the board, in consultation with the committee; and

17 c. Where the work to be performed is limited to cleaning of
18 pool equipment and components, pool vacuuming, sanitation of
19 water, and backwash filtration, the licensee shall be responsible for
20 training that person in basic pool safety and maintenance as
21 prescribed by the board, in consultation with the committee.

22

23 12. a. A licensee shall be responsible for any unlawful or
24 unprofessional conduct by an employee, except that the conduct
25 shall not be a cause for suspension or revocation of a license, unless
26 the board determines that the licensee had knowledge thereof, or
27 there is shown to have existed a pattern of unlawful or
28 unprofessional conduct.

29 b. Within 30 days of employing a person in connection with
30 pool and spa servicing or pool and spa building and installation, a
31 licensee shall notify the board and shall provide the board with the
32 employee's name, address and phone number.

33 c. If a licensee knowingly falsifies any information required by
34 the board, the licensee shall be guilty of a crime of the fourth
35 degree and shall have his license revoked.

36

37 13. No municipality or county shall enact an ordinance or
38 resolution or promulgate any rules or regulations relating to the
39 licensing or registration of pool and spa service contractors or pool
40 and spa building and installation businesses.

41

42 14. If the board, after consultation with the committee,
43 determines that an applicant holds a valid license from another
44 jurisdiction which requires equal or greater experience and
45 knowledge requirements, the board may accept evidence of that
46 license as meeting the experience and knowledge requirements of
47 this act for a person engaged in pool and spa servicing contracting
48 or pool and spa building and installation.

1 15. The board, after consultation with the committee, shall adopt
2 rules and regulations pursuant to the “Administrative Procedure
3 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate
4 the purposes of this act.

5

6 16. This act shall take effect on the 180th day following
7 enactment, except that section 4 shall take effect 360 days
8 following the appointment and qualification of the committee
9 members.