

[First 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:

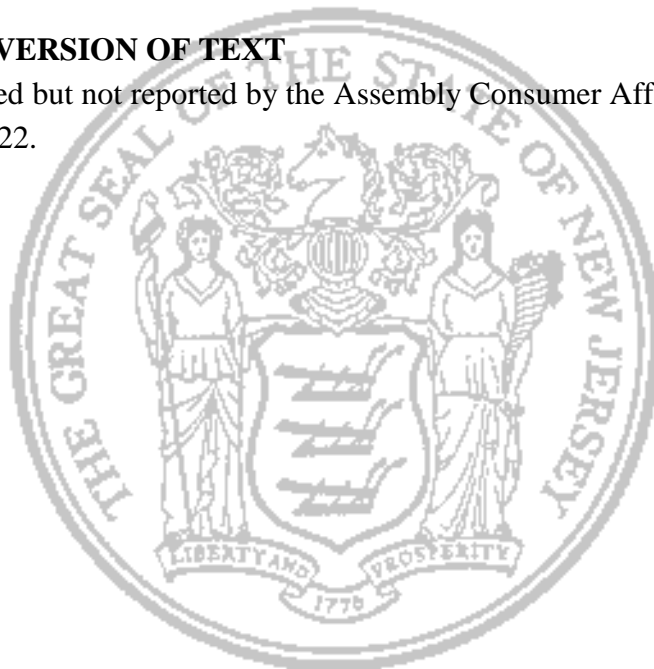
Assemblyman Catalano and Assemblywoman Chaparro

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 amended but not reported by the Assembly Consumer Affairs Committee on June 2, 2022.



(Sponsorship Updated As Of: 9/15/2022)

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11 repealed.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 ¹**[engaged in the business of**
18 **making or selling]** providing¹ home improvement or home
19 elevation services, or both types of services, ¹**[and includes]** for¹ a
20 corporation, partnership, association¹, sole proprietorship,¹ and any
21 other form of business organization or entity¹**[, and its officers,**
22 **representatives, agents and employees]**¹. ¹This shall not include:
23 (1) an individual who owns or manages a home improvement or
24 home elevation business but does not perform home improvement
25 or home elevations services; or (2) employees of or individuals
26 contracted by a sole proprietorship, corporation, partnership,
27 association, or other form of a business entity hired or contracted to
28 sell home improvement or home elevation services, or both types of
29 services.¹ An individual who makes a home improvement or home
30 elevation without compensation shall not be deemed to be a
31 contractor with respect to that service.

32 "Director" means the Director of the Division of Consumer
33 Affairs in the Department of Law and Public Safety.

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

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

39 "Home elevation contract" means a written agreement, or oral
40 agreement if the cost of services is expected to be \$500 or less, for
41 the performance of a home elevation between a home elevation
42 contractor and an owner, tenant or lessee, of a residential property,
43 and includes all agreements under which the contractor is to
44 perform the home elevation, or furnish materials in connection
45 therewith.

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.

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

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

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

19 "Home improvement contractor" means a contractor who
20 engages solely in the practice of home improvement.

21 ¹"Principal home improvement contractor" or "principal home
22 elevation contractor" means a licensed home improvement or home
23 elevation contractor who oversees the performance of services for
24 contracts (1) valued at a minimum of \$120,000 and (2) that require
25 the submittal of plans with more than one subcode.¹

26 "Residential property" means any single or multi-unit structure
27 used in whole or in part as a place of residence, and all structures
28 appurtenant thereto, and any portion of the lot or site on which the
29 structure is situated which is devoted to the residential use of the
30 structure.

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

40
41 3. (New section) There is created within the Division of
42 Consumer Affairs in the Department of Law and Public Safety, the
43 New Jersey State Board of Home Improvement and Home Elevation
44 Contractors. The board shall consist of nine members who shall be
45 residents of the State. Except for the members first appointed: five
46 members shall be licensed home improvement contractors, ¹**["one**
47 **member shall be a licensed home elevation contractor], of whom**

1 two shall represent a trade association focused on the home
 2 improvement industry, one member shall be a licensed construction
 3 code official¹, two members¹ shall ~~["be members of"]~~ represent¹
 4 the public, and one member¹ shall be appointed pursuant to
 5 subsection c. of section 2 of P.L.1971, c.60 (C.45:1-2.2). Of the two
 6 members of the public, one shall be appointed by the Governor
 7 upon recommendation of the Senate President and the other shall be
 8 appointed by the Governor upon recommendation of the Assembly
 9 Speaker. Of the members first appointed, the five members who are
 10 registered home improvement contractors shall have been so
 11 registered for at least ten years immediately preceding appointment
 12 to the board ~~["and the member who is a registered home elevation~~
 13 ~~contractor shall have been so registered for at least four years~~
 14 ~~immediately preceding appointment to the board"]~~¹.

15 Each member shall be appointed for a term of five years, except
 16 that of the members first appointed, ~~["the home elevation contractor~~
 17 ~~member and a] two~~¹ home improvement contractor ~~["member]~~
 18 members¹ shall serve for a term of three years, two home
 19 improvement contractor members shall serve for a term of two
 20 years, and ~~["two] one~~¹ home improvement contractor members
 21 shall serve for a term of one year. Each member shall hold office
 22 until a successor has been qualified and appointed. Any vacancy in
 23 the membership of the board shall be filled for the unexpired term
 24 in the manner provided for in the original appointment. No member
 25 of the board shall serve more than two successive terms in addition
 26 to any unexpired term to which the member has been appointed.

27
 28 4. (New section) Members of the board shall be reimbursed for
 29 expenses within the limits of funds appropriated or otherwise made
 30 available for this purpose and provided with office and meeting
 31 facilities and personnel required for the proper conduct of the
 32 business of the board.

33
 34 5. (New section) The board shall organize within 30 days after
 35 the appointment of its members and shall annually elect from its
 36 members a chairperson and a vice-chairperson, and may appoint a
 37 secretary, who need not be a member of the board. The board shall
 38 meet at least once a month and may hold additional meetings as
 39 necessary to discharge its duties. A majority of board membership
 40 shall constitute a quorum.

41
 42 6. (New section) The board shall have the following powers
 43 and duties:

- 44 a. administer and enforce the provisions of P.L. ,
 45 c. (C.) (pending before the Legislature as this bill);
 46 b. develop education requirements and¹ develop or designate
 47 an examination or examinations to evaluate the knowledge, ability,

1 and fitness of applicants to perform as home improvement or home
2 elevation contractors, which shall include examination of State law
3 on home improvement for individuals seeking licensure as home
4 improvement contractors, or on home improvement and home
5 elevation for individuals seeking licensure as home elevation
6 contractors ¹. The requirements shall include:

7 (1) establishing education requirements for home improvement
8 contractors, including principal home improvement contractors, and
9 home elevation contractors, including principal home elevation
10 contractors; and

11 (2) developing a mandatory examination preparation course¹;

12 c. review the qualifications of applicants for licensure;

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

14 (1)¹ licenses for home improvement and home elevation
15 contractors; ¹and

16 (2) registrations for home improvement and home elevation
17 businesses;¹

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

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

23 g. establish and change, if necessary, applicable fees including
24 for initial licensure and licensure renewal, reactivation and
25 reinstatement; ¹**[and]**¹

26 h. ¹establish standards for continuing education requirements;
27 and

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

31

32 7. (New section) To be eligible for licensure as a home
33 improvement contractor or as a home elevation contractor, an
34 applicant shall fulfill the following requirements:

35 a. be at least 18 years of age;

36 b. have successfully completed high school or the equivalent;

37 c. demonstrate, through an attestation as prescribed by the
38 board, completion of:

39 (1) an apprenticeship program registered with or approved by
40 the United States Department of Labor, or similar program as
41 provided by a trade school or other facility accredited by a regional
42 or national accrediting agency recognized by the United States
43 Department of Education, that allows for the applicant to prepare
44 for a career in home improvement or home elevation services; or

45 (2) at least two years of experience performing home
46 improvement services ¹**[under the direct supervision of]** for¹ a
47 home improvement contractor or performing home improvement

1 and home elevation services ¹【under the direct supervision of】 for¹
2 a home elevation contractor. ¹【For an applicant seeking licensure
3 under this paragraph, the attestation】 An application for licensure¹
4 shall require the signature of the applicant and ¹【of the home
5 improvement or home elevation contractor who provided direct
6 supervision of】 the name and address of the home improvement or
7 home elevation business for whom¹ the applicant ¹worked¹. ¹【The
8 signature of the contractor who provided direct supervision may be
9 an individual licensed pursuant to this section or licensed in
10 accordance with the provisions of section 16 of P.L. ,
11 c. (C.) (pending before the Legislature as this bill)】¹;

12 d. ¹completion of educational requirements established
13 pursuant to paragraph (1) of subsection b. of section 6 of P.L. ,
14 c. (C.) (pending before the Legislature as this bill and¹
15 passage of an examination pursuant to subsection b. of section 6 of
16 P.L. , c. (C.) (pending before the Legislature as this bill);

17 e. ¹【proof of financial stability and of compliance with section
18 8 of P.L. , c. (C.) (pending before the Legislature as this
19 bill) regarding general liability insurance for a home improvement
20 contractor, or general liability insurance and cargo or other
21 insurance that covers home elevation services for a home elevation
22 contractor, and financial stability. If an applicant for licensure is an
23 employee and not an owner of a home improvement or home
24 elevation business, the applicant shall submit information
25 demonstrating proof of general liability insurance, cargo or other
26 insurance covering home elevations, if applicable, and financial
27 stability that is maintained by the business owner;

28 f.】¹ submission of a disclosure statement, as prescribed by the
29 board, stating whether the applicant has been convicted of any
30 crime, which for the purposes of P.L. , c. (C.) (pending
31 before the Legislature as this bill) shall mean a violation of section
32 9 of P.L. , c. (C.) (pending before the Legislature as this
33 bill); and

34 ¹【g.】 f. ¹ payment of all applicable fees.

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

38 (1) general liability insurance and workers' compensation
39 insurance pursuant to section 8 of P.L. , c. (C.) (pending
40 before the Legislature as this bill);

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

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

45

46 8. (New section) a. ¹【Every licensed contractor who is
47 engaged in home improvement or home elevation services】 A home

1 improvement or home elevation business¹ shall secure, maintain
2 and file with the board proof of a certificate of ¹**[.]** :

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

5 (2) workers' compensation insurance.¹

6 b. ¹**[Every licensed contractor engaged in providing home**
7 **improvement or home elevation services]** A registered business¹
8 whose commercial general liability insurance ¹or workers'
9 compensation¹ policy is cancelled or nonrenewed shall submit to
10 the board¹, before the former policy is no longer available.¹ a copy
11 of the certificate of ¹;

12 (1)¹ commercial general liability insurance for a new or
13 replacement policy which meets the requirements of ¹paragraph (1)
14 of¹ subsection a. of this section ¹**[before the former policy is no**
15 **longer effective]** ; or

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

18 c. In addition to the insurance required pursuant to subsection
19 a. of this section, every ¹**[home elevation contractor]** registered
20 business¹ engaged in performing home elevations shall secure and
21 maintain cargo or other insurance that specifically covers home
22 elevation activities, in a minimum amount of \$1,000,000 per
23 occurrence to cover damages or other losses to the homeowner,
24 lessee, tenant or other party resulting from a home elevation, except
25 as otherwise provided in this subsection. The board, in consultation
26 with the director and the Department of Banking and Insurance,
27 may promulgate rules and regulations to require that home elevation
28 ¹**[contractors]** businesses¹ secure and maintain additional insurance
29 of such kind and in such amounts as may be determined.

30 d. A home elevation ¹**[contractor]** business¹, prior to entering
31 into an agreement to perform a home elevation, shall provide proof
32 of insurance to the homeowner including the issuing insurer, policy
33 number, type, and amount of insurance coverage maintained by the
34 ¹**[contractor]** business¹ in accordance with this section.

35 e. Every ¹**[licensed contractor who]** registered business that¹ is
36 engaged in home improvement or home elevation services shall
37 maintain, in effect during the entire period of licensure:

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

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

41 (3) with the board securities, moneys or other security
42 acceptable to the board to fulfill the requirements of this section.

43 ¹f.¹ The principal sum of the ¹compliance¹ bond, letter of credit,
44 or securities, moneys or other security shall be a minimum of
45 ¹**[\$100,000.]** :

46 (1) for Class A registered home improvement or home elevation

1 contractors, \$50,000 for the performance of services pursuant to a
2 contract valued at more than \$120,000 or for the performance of
3 services, in the previous 12 months, for contracts valued at a
4 minimum of \$750,000;

5 (2) for Class B licensed home improvement or home elevation
6 contractors, \$25,000 for the performance of services pursuant to a
7 contract valued between \$10,000 and \$120,000 or for the
8 performance of services, in the previous 12 months, for contracts
9 valued between \$150,000 and \$750,000; and

10 (3) for Class C licensed home improvement or home elevation
11 contractors, \$10,000 for the performance of services pursuant to a
12 contract valued at less than \$10,000 or for the performance of
13 services, in the previous 12 months, for contracts valued less than
14 \$150,000.

15 g.¹ The ¹**[contractor]** business¹ shall, from time to time, to the
16 extent that claims are paid, promptly replenish the amount of bond,
17 letter of credit, securities, moneys or other security maintained with
18 the board ¹**[to a minimum of \$100,000]**¹ pursuant ¹to paragraphs
19 (1) through (3) of subsection f. of this section¹.

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

27 g.] h.¹ The bond, letter of credit, or securities, moneys, or other
28 security shall cover ¹**[restitution and]**¹ penalties ¹assessed by the
29 board for violations of P.L. , c. (C.) (pending before the
30 Legislature as this bill)¹.

31 ¹**[h.] i.**¹ Any individual ¹**[claiming]** seeking to claim¹ against
32 the bond, letter of credit, or securities, moneys or other security
33 may maintain an action ¹**[at law against the contractor and the**
34 **surety, bank, or]** with¹ the board ¹**[, as the case may be]**¹.

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

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

41 ¹**[k.] l.**¹ The aggregate liability of the surety, bank, or the board
42 to all individuals for all breaches of the conditions of the bond,
43 letter of credit or the securities, moneys or other security held by
44 the board shall not exceed the amount of the bond, letter of credit,
45 or the securities, moneys or other security held by the board.

46 ¹**[l.] m.**¹ Every bond, letter of credit, or securities, moneys, or
47 other security required to be filed shall provide that any consumer

1 who may be claiming against the bond, letter of credit, or securities,
2 moneys, or other security shall notify the board and the surety of
3 the amount and nature of the claim prior to the initiation of any
4 action at law against the ¹【contractor】 business¹. The bond, letter
5 of credit, or securities, moneys, or other security shall provide that
6 the surety or bank may not pay any claim against the bond, letter of
7 credit, or securities, moneys, or other security unless and until it
8 shall have received authorization from the board to pay the claim.

9 ¹【m.】 n.¹ If the board determines that there is a substantial
10 likelihood that the aggregate amount of claims against a bond will
11 exceed the available principal amount of the bond, the board may
12 apportion the proceeds of the bond among the claimants in an
13 equitable manner.

14 ¹【n.】 o.¹ Every bond, letter of credit, or securities, moneys, or
15 other security required to be filed with the board shall provide that
16 cancellation or nonrenewal of the bond, letter of credit, or
17 securities, moneys, or other security shall not be effective unless
18 and until at least 10 days' notice of intention to cancel or nonrenew
19 the bond, letter of credit, or securities, moneys, or other security has
20 been received in writing by the board from the issuer.

21 ¹p. (1) A business may reduce, by half, the amount of the bond,
22 letter of credit, or securities, moneys or other securities required
23 pursuant to paragraphs (1) through (3) of subsection f. of this
24 section upon demonstration of completion of, prior to the next
25 registration renewal period, a course in financial responsibility and
26 stability developed or designated by the board.

27 (2) The board shall have discretion to require a business to
28 maintain the full amount of the bond, letter of credit, or securities,
29 moneys or other securities required pursuant to paragraphs (1)
30 through (3) of subsection f. of this section if a business or licensed
31 contractor employed by the business has multiple complaints made
32 against them by consumers or multiple claims made against the
33 bond letter of credit, or securities, moneys or other securities held
34 by the licensee.¹

35
36 9. (New section) a. In addition to any other procedure,
37 condition or information required by P.L. , c. (C.) (pending
38 before the Legislature as this bill), every applicant ¹for licensure¹
39 shall file a disclosure statement with the board, pursuant to
40 subsection e. of section 7 of P.L. , c. (C.) (pending before
41 the Legislature as this bill), stating whether the applicant has been
42 convicted of any crime, which for the purposes of P.L. ,
43 c. (C.) (pending before the Legislature as this bill) shall
44 mean a violation of certain provisions of the "New Jersey Code of
45 Criminal Justice," Title 2C of the New Jersey Statutes, or the
46 equivalent under the laws of any other jurisdiction; provided,
47 however, that an applicant shall not be disqualified from licensure
48 or have a license suspended or revoked on the basis of any

1 conviction disclosed, except as provided in subsection b. of this
2 section or in sections 1 or 2 of P.L.2021, c.81 (C.45:1-21 and 45:1-
3 21.5).

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

6 (1) Has obtained a license through fraud, deception or
7 misrepresentation;

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

10 (3) Has engaged in gross negligence, gross malpractice or gross
11 incompetence;

12 (4) Has engaged in repeated acts of negligence, malpractice or
13 incompetence;

14 (5) Has engaged in professional or occupational misconduct as
15 may be determined by the board;

16 (6) Has been convicted of any crime or offense that has a direct
17 or substantial relationship to the activity regulated P.L. ,
18 c. (C.) (pending before the Legislature as this bill) or is of a
19 nature such that licensure would be inconsistent with the public's
20 health, safety, or welfare, provided that the board shall make this
21 determination in a manner consistent with section 2 of P.L.2021,
22 c.81 (C.45:1-21.5). For the purpose of this subsection, a plea of
23 guilty, non vult, nolo contendere or any other such disposition of
24 alleged criminal activity shall be deemed a conviction;

25 (7) Has had the authority to engage in the activity regulated by
26 the board revoked or suspended by any other state, agency or
27 authority for reasons consistent with this section; or

28 (8) Has violated or failed to comply with the provisions of any
29 State act, regulation or order administered or issued by the board or,
30 other than traffic violations, by any other State agency.

31 c. At least 30 calendar days prior to denying an application for
32 licensure or suspending or revoking a license pursuant to this
33 section, the board shall notify the applicant or licensee of its intent
34 to deny the application or suspend or revoke the license and afford
35 the applicant an opportunity for a hearing in a manner provided for
36 contested cases pursuant to the "Administrative Procedure Act,"
37 P.L.1968, c.410 (C.52:14B-1 et seq.). If, however, the board intends
38 to deny the application or suspend or revoke the license under
39 paragraph (6) of subsection b. of this section, the provisions of
40 P.L.2021, c.81 (C.45:1-21.5) shall apply.

41 d. An applicant shall have the continuing duty to provide any
42 assistance or information requested by the board, and to cooperate
43 in any inquiry, investigation, or hearing conducted by the board.

44 e. If any of the information required to be included in the
45 disclosure statement changes, or if additional information should be
46 added after the filing of the statement, the applicant shall provide
47 that information to the board, in writing, within 20 calendar days of
48 the change or addition.

1 ¹f. If a licensed home improvement or licensed home elevation
2 contractor employed by a business registered pursuant to subsection
3 g. of section 7 of P.L. , c. (C.) (pending before the
4 Legislature as this bill) is the only contractor licensed pursuant to
5 section 7 of P.L. , c. (C.) (pending before the Legislature
6 as this bill) employed by the registered business and the individual
7 leaves their employment, the registered business shall have 60 days
8 within which to hire a licensed home improvement or home
9 elevation contractor and notify the board of the change. If no new
10 hire is made within 60 days, the board shall revoke the registration
11 of the business. Upon the hiring of a new contractor licensed
12 pursuant to section 7 of P.L. , c. (C.) (pending before the
13 Legislature as this bill), the registered business shall apply for
14 reinstatement of registration.¹

15
16 10. (New section) a. Every contractor required to be licensed
17 under P.L. , c. (C.) (pending before the Legislature as this
18 bill) shall be issued an identification badge by the board pursuant to
19 subsection b. of this section. The identification badge shall be
20 plainly visible and worn on the upper left corner of the torso when
21 the contractor is performing ¹ , or engaging, or attempting to
22 engage, in the business of selling ¹ home improvement or home
23 elevation services include a recent and clear photograph.

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

39 c. The board may charge the contractor a reasonable fee to
40 cover the costs of the identification badge issued pursuant to this
41 section.

42 d. A contractor who has been issued an identification badge
43 pursuant to subsection b. of this section and whose license has been
44 suspended, revoked, or has not been renewed, shall, within three
45 days of that suspension, revocation or nonrenewal, surrender the
46 identification badge to the board.

47 ¹e. Notwithstanding the definition of “contractor” pursuant to
48 section 2 of P.L. , c. (C.) (pending before the Legislature

1 as this bill), if an employee of or individual contracted by a sole
2 proprietorship, corporation, partnership, association, or other form
3 of a business entity hired or contracted sells home improvement or
4 home elevation services, or both types of services, in-person to
5 consumers, an identification badge required pursuant to this section
6 shall be required for the employee or contracted individual.

7 f. A temporary badge, in paper, may be issued to a contractor
8 in the event of a delay in the processing of the identification badge
9 required pursuant to this section.¹

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

19
20 12. (New section) a. No individual shall ¹["offer to"]¹ perform
21 ¹["], or engage, or attempt to engage in the business of performing or
22 selling]¹ home improvement services or home elevation services
23 unless licensed by the board.

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

36
37 13. (New section) Except for individuals exempted pursuant to
38 section 15 of P.L. , c. (C.) (pending before the Legislature
39 as this bill), any individual ¹licensed or business registered pursuant
40 to P.L. , c. (C.) (pending before the Legislature as this
41 bill)¹ who advertises in print or puts out any sign or card or other
42 device which would indicate to the public that the individual is a
43 contractor in New Jersey, ¹the business is a registered home
44 improvement or home elevation contracting business in New
45 Jersey,¹ or who causes the individual's name or business name to be
46 included in a classified advertisement or directory in New Jersey
47 under a classification for home improvement or home elevation, as

1 defined in section 2 of P.L. , c. (C.) (pending before the
2 Legislature as this bill), is subject to the provisions of P.L. ,
3 c. (C.) (pending before the Legislature as this bill). This
4 section shall not be construed to apply to simple residential
5 alphabetical listings in standard telephone directories, including
6 directories or similar lists posted online.

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

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

23
24 15. (New section) The provisions of sections 7, 8, 9, 12, 13, and
25 14 of P.L. , c. (C.) (pending before the Legislature as this
26 bill) shall not apply to:

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

31 b. Any individual regulated by the State as an architect,
32 professional engineer, landscape architect, land surveyor, electrical
33 contractor, master plumber, or any other individual in any other
34 related profession requiring registration, certification, or licensure
35 by the State, who is acting within the scope of practice of the
36 individual's profession;

37 c. Any individual who is employed by a common interest
38 community, including, but not limited to, a community association
39 or cooperative corporation, or by the owner or manager of any other
40 residential property, while the individual is acting within the scope
41 of that employment;

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

43 f. Any individual licensed under the provisions of section 16 of
44 P.L.1960, c.41 (C.17:16C-77) but only in conjunction with selling a
45 home repair contract as defined in section 1 of P.L.1960, c.41
46 (C.17:16C-62); and

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

1 16. (New section) The provisions of subsections a., b., c., and d.
2 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~~ five years or to an individual who has at least
6 ¹~~10~~ five 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~~ five 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~~ upon expiration of the
11 contractor registration previously issued ¹~~to the individual~~ 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
15 17. (New section) The provisions of P.L. , c. (C.)
16 (pending before the Legislature as this bill) shall apply to any
17 individual engaging in this State in any of the activities regulated by
18 P.L. , c. (C.) (pending before the Legislature as this bill),
19 including individuals whose residence or principal place of business
20 is located outside of this State.

21
22 18. (New section) a. P.L. , c. (C.) (pending before the
23 Legislature as this bill) shall supersede any municipal ordinance or
24 regulation that provides for the licensing or registration of home
25 improvement or home elevation contractors or for the protection of
26 homeowners by bonds or warranties required to be provided by
27 home improvement or home elevation contractors, exclusive of
28 those required by water, sewer, utility, or land use ordinances or
29 regulations.

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

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

38 (1) a contractor who is performing the home improvement or
39 home elevation and who is licensed pursuant to P.L. ,
40 c. (C.) (pending before the Legislature as this bill); ¹~~or~~

41 (2) an individual who is performing the home improvement or
42 home elevation and is not required to be licensed pursuant to
43 sections 15 or 16 of P.L. , c. (C.) (pending before the
44 Legislature as this bill) ¹; or

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

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

4
5 19. (New section) a. P.L. , c. (C.) (pending before the
6 Legislature as this bill) shall not deny to any municipality the power
7 ¹, pursuant to the “State Uniform Construction Code Act,”
8 P.L.1975, c.217 (C.52:27D-119 et seq.),¹ to inspect a contractor's
9 work or equipment, the work of a contractor who performs
10 improvements to commercial property, or the power to regulate the
11 standards and manners in which the work of the contractor shall be
12 done.

13 b. A municipality shall have the authority to bring a proceeding
14 in accordance with the “Penalty Enforcement Law of 1999,”
15 P.L.1999, c.274 (C.2A:58-10 et seq.), in the municipal court or in
16 Superior Court to recover fines and penalties for violations
17 of P.L. , c. (C.) (pending before the Legislature as this
18 bill), committed by a contractor in connection with a home
19 improvement or home elevation located within the municipality.
20 Fines and penalties recovered from a contractor in a proceeding
21 may be retained by the municipality.

22
23 20. (New section) a. The division shall establish and undertake
24 a public information campaign to educate and inform contractors ¹,
25 applicable businesses,¹ and the consumers of this State of the
26 provisions of P.L. , c. (C.) (pending before the Legislature
27 as this bill).

28 b. The board shall provide a toll-free telephone number for
29 consumers making inquiries regarding contractors or shall promote,
30 as part of the public information campaign, any toll-free telephone
31 number already established for inquiries.

32
33 21. (New section) a. Every contract for a purchase price in
34 excess of \$500 for home improvement, home elevation, or both
35 types of services, and all changes in the terms and conditions of the
36 contract, shall be in writing. The contract shall be signed by all
37 parties thereto and shall not contain any blank spaces for
38 information, including, but not limited to, terms and conditions, to
39 be added after the contract is signed by the consumer, and shall
40 clearly and accurately set forth in legible form and in
41 understandable language all terms and conditions of the contract,
42 including but not limited to:

43 (1) the legal name, business address, ¹registration number of the
44 business,¹ and license number of the contractors ¹performing the
45 work services pursuant to the contract¹;

46 (2) the legal name and license number of the contractor
47 designated as the ¹**[responsible managing employee]** principal

1 home improvement contractor or home elevation contractor, if
2 applicable,¹ for the services provided;

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

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

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

13 "NOTICE TO CONSUMER

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

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

17 Keep it to protect your legal rights.

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

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

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

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

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

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

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

42 (3) Redeliver to the consumer any goods traded-in to the
43 contractor on account of or in contemplation of the contract for
44 home improvement, home elevation, or both types of services, less
45 any reasonable charges actually incurred in making the goods ready
46 for sale.

47 e. Each ¹**[contractor]** registered business¹ shall maintain a
48 record of the receipt of any consumer's notice of intent to rescind a

1 contract for at least 18 months after the receipt of a notice of intent
2 to rescind.

3 f. At the time of executing every contract for home
4 improvement, home elevation, or both types of services subject to
5 the provisions of P.L. , c. (C.) (pending before the
6 Legislature as this bill), the contractor shall deliver to the consumer
7 two copies of a receipt which clearly and conspicuously sets forth:

8 (1) The contractor's name and place of business;

9 (2) A description of the goods and services sold; and

10 (3) The amount of money paid by the consumer or the cash
11 value of any goods delivered to the contractor at the time the
12 contract for home improvement, home elevation, or both types of
13 services was entered into.

14 g. The receipt required to be delivered to the consumer shall
15 also clearly and conspicuously include, in at least 10-point bold
16 type, the following statement:

17 "NOTICE TO CONSUMER: YOU MAY RESCIND THIS
18 CONTRACT PROVIDED THAT YOU NOTIFY THE HOME
19 IMPROVEMENT OR HOME ELEVATION CONTRACTOR OF
20 YOUR INTENT TO DO SO BY CERTIFIED MAIL, RETURN
21 RECEIPT REQUESTED, POSTMARKED NOT LATER THAN 5
22 P.M. OF THE THIRD BUSINESS DAY FOLLOWING THE
23 SALE. FAILURE TO EXERCISE THIS OPTION, HOWEVER,
24 WILL NOT INTERFERE WITH ANY OTHER REMEDIES
25 AGAINST THE CONTRACTOR YOU MAY POSSESS. IF YOU
26 WISH YOU MAY USE THIS PAGE AS NOTIFICATION BY
27 WRITING "I HEREBY RESCIND" AND ADDING YOUR NAME
28 AND ADDRESS. A DUPLICATE OF THIS RECEIPT IS
29 PROVIDED BY THE CONTRACTOR FOR YOUR RECORDS."

30 h. Except as provided in subsection j. of this section, a receipt
31 required to be delivered by the consumer shall not contain, or be
32 accompanied by, any document which contains provisions by which
33 the consumer waives any rights under P.L. , c. (C.)
34 (pending before the Legislature as this bill).

35 i. A ¹【contractor who】 business that¹ in the ordinary course of
36 business regularly uses a language other than English in any
37 advertising or other solicitation of consumers, or in any printed
38 forms for use by consumers, or in any face-to-face negotiations with
39 consumers, shall deliver two copies of the receipt to a consumer
40 whose principal language is not English, one in English and one in
41 the other language.

42 j. A contract for home improvement, home elevation, or both
43 types of services for work needed by the consumer to meet a bona
44 fide emergency, where the contact with the ¹【contractor】 registered
45 business¹ was initiated by the consumer, shall not be subject to the
46 cancellation provisions of subsection c. of this section, if the
47 consumer furnishes the ¹【contractor】 registered business¹ with a
48 statement separate from the contract, in a form approved by the

1 board, dated and signed by the consumer, describing the situation
2 requiring immediate remedy and expressly acknowledging and
3 waiving the right to cancel the contract within three business days.

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

8 ¹Any contract for home improvement or home elevation
9 services shall include, in a clear and conspicuous manner, that
10 pursuant to section 2 of P.L. , c. (C.) (pending before the
11 Legislature as this bill), a principal home improvement contractor
12 or principal home elevation contractor shall oversee the
13 performance of home improvement or home elevation services if
14 the services to be performed are valued at a minimum of \$120,000
15 and require the submittal of plans with more than one subcode.¹
16

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

30 23. (New section) a. Any individual seeking to convert a home
31 improvement contractor license into a home elevation license may
32 do so by submitting documentation, as prescribed by the board,
33 demonstrating:

34 (1) at least two years of experience working on home elevations
35 under ¹**【the direct supervision of】**¹ a home elevation contractor who
36 is licensed pursuant to section 7 of P.L. , c. (C.) (pending
37 before the Legislature as this bill) or qualifies for licensure pursuant
38 to section 16 of P.L. , c. (C.) (pending before the
39 Legislature as this bill);

40 (2) that the individual has not had a home improvement
41 contractor license or registration or a home elevation contractor
42 license or registration revoked or suspended; and

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

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

3

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

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

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

37

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

40 2. a. All members of the several professional boards and
41 commissions shall be appointed by the Governor in the manner
42 prescribed by law; except in appointing members other than those
43 appointed pursuant to subsection b. or subsection c., the Governor
44 shall give due consideration to, but shall not be bound by,
45 recommendations submitted by the appropriate professional
46 organizations of this State.

47 b. In addition to the membership otherwise prescribed by law,
48 the Governor shall appoint in the same manner as presently

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

29 No public member appointed pursuant to this section shall have
30 any association or relationship with the profession or a member
31 thereof regulated by the board of which he is a member, where such
32 association or relationship would prevent such public member from
33 representing the interest of the public. Such a relationship includes
34 a relationship with members of one's immediate family; and such
35 association includes membership in the profession regulated by the
36 board. To receive services rendered in a customary client
37 relationship will not preclude a prospective public member from
38 appointment. This paragraph shall not apply to individuals who are
39 public members of boards on the effective date of this act.

40 It shall be the responsibility of the Attorney General to insure
41 that no individual with the aforementioned association or
42 relationship or any other questionable or potential conflict of
43 interest shall be appointed to serve as a public member of any board
44 regulated by this section.

45 Where a board is required to examine the academic and
46 professional credentials of an applicant for licensure or to test such
47 applicant orally, no public member appointed pursuant to this
48 section shall participate in such examination process; provided,

1 however, that public members shall be given notice of and may be
2 present at all such examination processes and deliberations
3 concerning the results thereof, and, provided further, that public
4 members may participate in the development and establishment of
5 the procedures and criteria for such examination processes.

6 c. The Governor shall designate a department in the Executive
7 Branch of the State Government which is closely related to the
8 profession or occupation regulated by each of the boards or
9 commissions designated in section 1 of P.L.1971, c.60 (C.45:1-2.1)
10 and shall appoint the head of such department, or the holder of a
11 designated office or position in such department, to serve without
12 compensation at the pleasure of the Governor as a member of such
13 board or commission.

14 d. A majority of the voting members of such boards or
15 commissions shall constitute a quorum thereof and no action of any
16 such board or commission shall be taken except upon the
17 affirmative vote of a majority of the members of the entire board or
18 commission.

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

20

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

31

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

36 b. The board shall:

37 (1) approve continuing education courses, course providers, and
38 instructors. Entities approved by the board as home improvement or
39 home elevation contractor instructors, pursuant to sections 26
40 through 30 of P.L. , c. (C.) (pending before the Legislature
41 as this bill), shall be deemed approved providers of continuing
42 education courses. Building, construction, contracting and related
43 professional trade associations that qualify under the standards to be
44 established by the board as approved providers may offer approved
45 continuing education courses;

46 (2) confer continuing education credits for courses completed in
47 other states on topics approved by the board as appropriate for
48 elective courses, provided that the courses have been approved as

1 continuing education courses by the agency exercising regulatory
2 authority over home improvement or home elevation contractors in
3 the other state and that satisfactory evidence of the licensees'
4 attendance at and completion of the courses is provided to the board
5 by the course provider;

6 (3) confer continuing education credits for courses offered in
7 this State on topics deemed of a timely nature but which have not
8 been granted prior approval by the board, provided that the courses
9 are advertised prior to the time of offering as not having been
10 approved, the course provider eventually submits and receives
11 approval of the course offering, and satisfactory evidence of the
12 licensee's attendance at and completion of the course is provided to
13 the board by the course provider;

14 (4) set parameters for the auditing and monitoring of course
15 providers;

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

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

25 (7) confer continuing education credits upon a licensee who is
26 approved by the board as an instructor of an approved continuing
27 education course offered by an approved provider. Regardless of
28 the number of times during a biennial licensure term that the same
29 approved course is taught by that licensee, the licensee shall receive
30 continuing education credit once towards the requirement for the
31 renewal of their license.¹

32
33 ¹27. (New section) Continuing education courses may be
34 delivered in a classroom setting or via the Internet or video
35 modalities, subject to the approval by the board of the providers and
36 the content of the courses and of the measures utilized to ensure the
37 security and integrity of the course delivery process. The board
38 may approve continuing education courses which include periodic
39 progress assessments and the achievement of a satisfactory level of
40 performance by the licensee on progress assessments as a condition
41 to continuing to a succeeding segment of the course. The board
42 shall not require, as a condition of the receipt of credit for
43 attendance at any continuing education course, that a licensee pass a
44 comprehensive examination testing the licensee's knowledge of the
45 entire course content.¹

46
47 ¹28. (New section) Continuing education requirements, as set
48 forth by the board, shall be completed on or before the date the

1 biennial license expires. Any licensee required to complete
2 continuing education requirements who fails to do so prior to the
3 date of expiration of a biennial license term shall be subject to a
4 reasonable processing fee, as determined by the board, of not more
5 than \$200, unless a waiver was granted by the board pursuant to
6 paragraph (6) of subsection b. of section 26 of P.L. , c. (C.)
7 (pending before the Legislature as this bill).¹
8

9 ¹29. (New section) a. Not less than 50 percent of the continuing
10 education courses of study that licensees are required to complete as
11 a condition for licensure renewal shall demonstrate significant
12 intellectual or practical content and deal with matters directly
13 related to home improvement or home elevation contracting,
14 workforce safety, or the business of running a company in the home
15 improvement or home elevation industry or trade. In no event shall
16 the board require that courses in these core topics comprise more
17 than 60 percent of the total continuing education hours required for
18 the renewal of any license.

19 b. In the case of continuing education courses and programs,
20 each hour of instruction shall be equivalent to one credit.¹
21

22 ¹30. (New section) Course providers shall maintain records of
23 the successful completion of continuing education courses by
24 licensees and shall transmit this data to the board in a manner as
25 directed by the board.¹
26

27 ¹31. Sections 3 through 6 and sections 24 and 25 of this act shall
28 be effective immediately, but remain inoperative until the Governor
29 appoints board members, by the first day of the 10th month next
30 following enactment, for the purposes of promulgating rules and
31 regulations pursuant to the “Administrative Procedures Act,”
32 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of
33 this act. Sections 1, 2, 7 through 23, and 26 through 30 of this act
34 shall be effective on the first day of the 25th month next following
35 the appointment of the board. The director may take such
36 anticipatory administrative action in advance thereof as shall be
37 necessary for implementation of this act.¹