

[Third 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:**

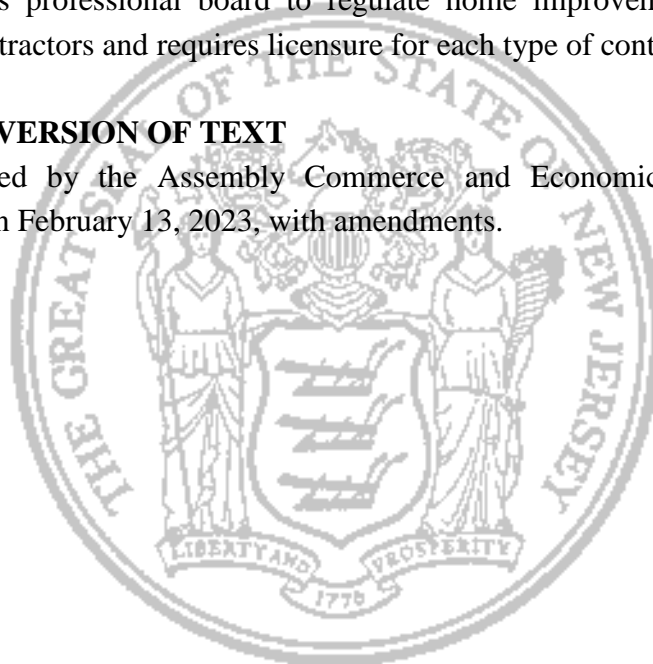
**Assemblyman Catalano, Assemblywomen Chaparro, Quijano,  
Assemblymen Benson, Conaway, Assemblywoman Lampitt, Assemblymen  
Spearman and Karabinchak**

**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 Commerce and Economic Development Committee on February 13, 2023, 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 11 repealed.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 <sup>1</sup>[engaged in the business of  
 18 making or selling] providing<sup>1</sup> home improvement or home  
 19 elevation services, or both types of services, <sup>1</sup>[and includes] for<sup>1</sup> a  
 20 corporation, partnership, association<sup>1</sup>, sole proprietorship,<sup>1</sup> and any  
 21 other form of business organization or entity <sup>2</sup>that enters into home  
 22 improvement, home elevation, or both types of contracts with  
 23 consumers.<sup>2</sup> <sup>1</sup>[, and its officers, representatives, agents and  
 24 employees]<sup>1</sup>. <sup>1</sup>This 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.<sup>1</sup> 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:

<sup>1</sup>Assembly ACO committee amendments adopted June 2, 2022.

<sup>2</sup>Assembly ACO committee amendments adopted September 15, 2022.

<sup>3</sup>Assembly ACE committee amendments adopted February 13, 2023.

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 <sup>2,2</sup> installation and the conversion of existing  
12 commercial structures into residential property. <sup>1</sup>Home  
13 improvement shall not include the construction of a new residential  
14 property.<sup>1</sup>

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 <sup>1</sup>"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.<sup>1</sup> <sup>2</sup>A 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.<sup>2</sup>

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 <sup>1</sup>**["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.]**<sup>1</sup>

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, <sup>1</sup> [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 official<sup>1</sup>, two <sup>1</sup> members<sup>1</sup> shall <sup>1</sup> [be members of] represent<sup>1</sup>  
 11 the public, and one <sup>1</sup> member<sup>1</sup> 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 <sup>1</sup> [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]<sup>1</sup>. <sup>3</sup> The members  
 22 first appointed shall be appointed no later than the first day of the  
 23 third month following enactment of P.L. , c. (C. ) (pending  
 24 before the Legislature as this bill).<sup>3</sup>

25        Each member shall be appointed for a term of five years, except  
 26 that of the members first appointed, <sup>1</sup> [the home elevation contractor  
 27 member and a] two<sup>1</sup> home improvement contractor <sup>1</sup> [member]  
 28 members<sup>1</sup> shall serve for a term of three years, two home  
 29 improvement contractor members shall serve for a term of two  
 30 years, and <sup>1</sup> [two] one<sup>1</sup> home improvement contractor <sup>2</sup> [members]  
 31 member<sup>2</sup> shall serve for a term of one year. Each member shall hold  
 32 office until a successor has been qualified and appointed. Any  
 33 vacancy in the membership of the board shall be filled for the  
 34 unexpired term in the manner provided for in the original  
 35 appointment. No member of the board shall serve more than two  
 36 successive terms in addition to any unexpired term to which the  
 37 member has been appointed.  
 38

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

44        b.<sup>2</sup> Members of the board <sup>2</sup> [shall] may<sup>2</sup> be reimbursed for  
 45 expenses within the limits of funds appropriated or otherwise made  
 46 available for this purpose and provided with office and meeting  
 47 facilities and personnel required for the proper conduct of the  
 48 business of the board.

1 5. (New section) <sup>3</sup>a.<sup>3</sup> The board shall organize within 30 days  
 2 after the appointment of its members and shall annually elect from  
 3 its members a chairperson and a vice-chairperson, and may appoint  
 4 a secretary, who need not be a member of the board. The board  
 5 shall meet at least once a month and may hold additional meetings  
 6 as necessary to discharge its duties. A majority of board  
 7 membership shall constitute a quorum.

8 <sup>3</sup>b. The board shall promulgate rules and regulations pursuant to  
 9 the “Administrative Procedures Act,” P.L.1968, c.410 (C.52:14B-1  
 10 et seq.) to effectuate the purposes of this act, no later than the first  
 11 day of the 10th month next following enactment of P.L. , c.  
 12 (C. ) (pending before the Legislature as this bill). The  
 13 provisions of sections 3, 4, and 6 shall remain inoperative until such  
 14 time as the board promulgates the rules and regulations.<sup>3</sup>

15  
 16 6. (New section) The board shall have the following powers and  
 17 duties:

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

20 b. <sup>1</sup>develop education requirements and<sup>1</sup> develop or designate an  
 21 examination or examinations to evaluate the knowledge, ability, and  
 22 fitness of applicants to perform as home improvement or home  
 23 elevation contractors, which shall include examination of State law on  
 24 home improvement for individuals seeking licensure as home  
 25 improvement contractors, or on home improvement and home  
 26 elevation for individuals seeking licensure as home elevation  
 27 contractors <sup>1</sup>. The requirements shall include:

28 (1) establishing education requirements for home improvement  
 29 contractors, including principal home improvement contractors, and  
 30 home elevation contractors, including principal home elevation  
 31 contractors; and

32 (2) developing <sup>2</sup>[a mandatory] an<sup>2</sup> examination preparation  
 33 course<sup>1</sup> <sup>2</sup>that an applicant may enroll in<sup>2</sup>;

34 c. review the qualifications of applicants for licensure;

35 d. issue and renew, on a biennial basis <sup>1</sup>[.], :

36 (1)<sup>1</sup> licenses for home improvement and home elevation  
 37 contractors; <sup>1</sup>and

38 (2) registrations for home improvement and home elevation  
 39 businesses;<sup>1</sup>

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

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

45 g. establish and change, if necessary, applicable fees including for  
 46 initial licensure and licensure renewal, reactivation and reinstatement;

47 <sup>1</sup>[and]<sup>1</sup>

- 1 h. <sup>1</sup>establish standards for continuing education requirements;  
 2 <sup>3</sup>~~and~~<sup>3</sup>
- 3 i. <sup>1</sup> <sup>3</sup>oversee registration of individuals registered pursuant to  
 4 subsection d. of section 16 of P.L. , c. (C. ) (pending before the  
 5 Legislature as this bill); and
- 6 j. <sup>3</sup> promulgate rules and regulations pursuant to the  
 7 “Administrative Procedures Act,” P.L.1968, c.410 (C.52:14B-1 et  
 8 seq.).  
 9
- 10 7. (New section) To be eligible for licensure as a home  
 11 improvement contractor or as a home elevation contractor, an  
 12 applicant shall fulfill the following requirements:
- 13 a. be at least 18 years of age;
- 14 b. <sup>3</sup>~~have successfully completed high school or the equivalent;~~
- 15 c. <sup>3</sup>~~demonstrate~~ <sup>3</sup>~~,~~ through an attestation as prescribed by the  
 16 board, <sup>3</sup>~~completion of:~~
- 17 (1) <sup>3</sup>through submission of an attestation as prescribed by the  
 18 board, <sup>3</sup> an apprenticeship program registered with or approved by the  
 19 United States Department of Labor, or similar program as provided by  
 20 a trade school or other facility accredited by a regional or national  
 21 accrediting agency recognized by the United States Department of  
 22 Education, that allows for the applicant to prepare for a career in home  
 23 improvement or home elevation services; or
- 24 (2) at least two years of experience performing home improvement  
 25 services <sup>1</sup>~~under the direct supervision of~~ for <sup>1</sup> a home improvement  
 26 contractor <sup>2</sup>or a home elevation contractor, <sup>2</sup> or performing home  
 27 improvement and home elevation services <sup>1</sup>~~under the direct~~  
 28 ~~supervision of~~ for <sup>1</sup> a home elevation contractor. <sup>1</sup>~~For an applicant~~  
 29 ~~seeking licensure under this paragraph, the attestation~~ An application  
 30 for licensure <sup>1</sup> shall require the signature of the applicant and <sup>1</sup>~~of the~~  
 31 ~~home improvement or home elevation contractor who provided direct~~  
 32 ~~supervision of~~ the name and address of the home improvement or  
 33 home elevation business for whom <sup>1</sup> the applicant <sup>1</sup>worked. <sup>1</sup>~~The~~  
 34 ~~signature of the contractor who provided direct supervision may be an~~  
 35 ~~individual licensed pursuant to this section or licensed in accordance~~  
 36 ~~with the provisions of section 16 of P.L. , c. (C. ) (pending~~  
 37 ~~before the Legislature as this bill)]~~ <sup>1</sup> <sup>2</sup>The two years of experience  
 38 required in this section may be obtained by an applicant who can  
 39 demonstrate to the board, in a manner and form as determined by the  
 40 board, the performance of services in home improvement or home  
 41 elevation:
- 42 (a) under a home improvement or home elevation contractor in  
 43 another state or jurisdiction of the United States with, as determined by  
 44 the board, substantially equivalent requirements to the requirements in  
 45 this State; or
- 46 (b) through work obtained by the applicant as a home improvement  
 47 or home elevation contractor in another state or jurisdiction of the

1 United States with, as determined by the board, substantially  
 2 equivalent requirements to the requirements in this State<sup>2</sup>;

3 <sup>3</sup>**[d.] c.**<sup>3</sup> completion of educational requirements established  
 4 pursuant to paragraph (1) of subsection b. of section 6 of P.L. \_\_\_\_\_,  
 5 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill and<sup>1</sup> passage  
 6 of an examination pursuant to subsection b. of section 6 of P.L. \_\_\_\_\_, c.  
 7 (C. \_\_\_\_\_) (pending before the Legislature as this bill);

8 <sup>3</sup>**[e.] d.**<sup>3</sup> <sup>1</sup>**[proof of financial stability and of compliance with**  
 9 section 8 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as  
 10 this bill) regarding general liability insurance for a home improvement  
 11 contractor, or general liability insurance and cargo or other insurance  
 12 that covers home elevation services for a home elevation contractor,  
 13 and financial stability. If an applicant for licensure is an employee and  
 14 not an owner of a home improvement or home elevation business, the  
 15 applicant shall submit information demonstrating proof of general  
 16 liability insurance, cargo or other insurance covering home elevations,  
 17 if applicable, and financial stability that is maintained by the business  
 18 owner;

19 **f.**<sup>1</sup> submission of a disclosure statement, as prescribed by the  
 20 board, stating whether the applicant has been convicted of any crime,  
 21 which for the purposes of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the  
 22 Legislature as this bill) shall mean a violation of section 9 of P.L. \_\_\_\_\_, c.  
 23 (C. \_\_\_\_\_) (pending before the Legislature as this bill); and

24 <sup>1</sup>**[g.]** <sup>3</sup>**[f.] e.**<sup>3</sup> payment of all applicable fees.

25 <sup>3</sup>**[1g.] f.**<sup>3</sup> To register as a home improvement or home elevation  
 26 business, a business shall submit, as part of the application to the board  
 27 and in a form as determined by the board, proof of:

28 (1) general liability insurance <sup>2</sup>**[and]** <sup>2</sup> workers' compensation  
 29 insurance <sup>2</sup>, and a compliance bond, letter of credit, or securities,  
 30 moneys, or other securities<sup>2</sup> pursuant to section 8 of P.L. \_\_\_\_\_,  
 31 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill);

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

34 (3) compliance with all applicable tax, business, and other laws in  
 35 the State.<sup>1</sup>

36

37 8. (New section) a. <sup>1</sup>**[Every licensed contractor who is**  
 38 engaged in home improvement or home elevation services] A home  
 39 improvement or home elevation business<sup>1</sup> shall secure, maintain  
 40 and file with the board proof of a certificate of <sup>1</sup>**[.]** ;

41 (1)<sup>1</sup> commercial general liability insurance in a minimum  
 42 amount of \$500,000 per occurrence <sup>1</sup>; and

43 (2) workers' compensation insurance.<sup>1</sup>

44 b. <sup>1</sup>**[Every licensed contractor engaged in providing home**  
 45 improvement or home elevation services] A registered business<sup>1</sup>  
 46 whose commercial general liability insurance <sup>1</sup>or workers'  
 47 compensation<sup>1</sup> policy is cancelled or nonrenewed shall submit to

1 the board<sup>1</sup>, before the former policy is no longer available,<sup>1</sup> a copy  
2 of the certificate of <sup>1</sup>:

3 (1)<sup>1</sup> commercial general liability insurance for a new or  
4 replacement policy which meets the requirements of <sup>1</sup>paragraph (1)  
5 of<sup>1</sup> subsection a. of this section <sup>1</sup>~~["before the former policy is no~~  
6 ~~longer effective"]~~; or

7 (2) a copy of the certificate of workers' compensation insurance  
8 for a new or replacement policy<sup>1</sup>.

9 c. In addition to the insurance required pursuant to subsection  
10 a. of this section, every <sup>1</sup>~~["home elevation contractor"]~~ registered  
11 business<sup>1</sup> engaged in performing home elevations shall secure and  
12 maintain cargo or other insurance that specifically covers home  
13 elevation activities, in a minimum amount of \$1,000,000 per  
14 occurrence to cover damages or other losses to the homeowner,  
15 lessee, tenant or other party resulting from a home elevation, except  
16 as otherwise provided in this subsection. The board, in consultation  
17 with the director and the Department of Banking and Insurance,  
18 may promulgate rules and regulations to require that home elevation  
19 <sup>1</sup>~~["contractors"]~~ businesses<sup>1</sup> secure and maintain additional insurance  
20 of such kind and in such amounts as may be determined.

21 d. A home elevation <sup>1</sup>~~["contractor"]~~ business<sup>1</sup>, prior to entering  
22 into an agreement to perform a home elevation, shall provide proof  
23 of insurance to the homeowner including the issuing insurer, policy  
24 number, type, and amount of insurance coverage maintained by the  
25 <sup>1</sup>~~["contractor"]~~ business<sup>1</sup> in accordance with this section.

26 e. Every <sup>1</sup>~~["licensed contractor who"]~~ registered business that<sup>1</sup> is  
27 engaged in home improvement or home elevation services shall  
28 maintain, in effect during the entire period of <sup>2</sup>~~["licensure"]~~  
29 registration<sup>2</sup> :

30 (1) a <sup>1</sup>compliance<sup>1</sup> bond issued by one or more sureties  
31 authorized to transact business in this State;

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

33 (3) <sup>2</sup>~~["with the board"]~~<sup>2</sup> securities, moneys or other security  
34 acceptable to the board to fulfill the requirements of this section.

35 <sup>1</sup>f.<sup>1</sup> The principal sum of the <sup>1</sup>compliance<sup>1</sup> bond, letter of credit,  
36 or securities, moneys or other security shall be a minimum of  
37 <sup>1</sup>~~["\$100,000."] ;~~

38 (1) <sup>2</sup>~~["for Class A registered home improvement or home~~  
39 ~~elevation contractors,"]~~<sup>2</sup> \$50,000 for the performance of services  
40 pursuant to a contract valued at more than \$120,000 or for the  
41 performance of services, in the previous 12 months, for contracts  
42 valued at a minimum of \$750,000;

43 (2) <sup>2</sup>~~["for Class B licensed home improvement or home elevation~~  
44 ~~contractors,"]~~<sup>2</sup> \$25,000 for the performance of services pursuant to a  
45 contract valued between \$10,000 and \$120,000 or for the  
46 performance of services, in the previous 12 months, for contracts  
47 valued between \$150,000 and \$750,000; and



1       (3) <sup>2</sup>for Class C licensed home improvement or home elevation  
 2 contractors,] <sup>2</sup> \$10,000 for the performance of services pursuant to a  
 3 contract valued at less than \$10,000 or for the performance of  
 4 services, in the previous 12 months, for contracts valued less than  
 5 \$150,000.

6       g.<sup>1</sup> The <sup>1</sup>[contractor] business<sup>1</sup> shall, from time to time, to the  
 7 extent that claims are paid, promptly replenish the amount of <sup>2</sup>the  
 8 compliance<sup>2</sup> bond, letter of credit, securities, moneys or other  
 9 security maintained <sup>2</sup>[with the board]<sup>2</sup> <sup>1</sup>[to a minimum of  
 10 \$100,000]<sup>1</sup> pursuant <sup>1</sup>to paragraphs (1) through (3) of subsection f.  
 11 of this section<sup>1</sup>.

12       <sup>1</sup>f. The bond, letter of credit, or securities, moneys or other  
 13 security shall be filed or deposited with the board and shall be  
 14 executed to the State of New Jersey for the use or benefit of any  
 15 consumer who, after entering into a home improvement or home  
 16 elevation contract, incurs damages or suffers any loss arising out of  
 17 a violation of P.L. , c. (C. ) (pending before the Legislature  
 18 as this bill) by the contractor

19       g.] h.<sup>1</sup> The <sup>2</sup>compliance<sup>2</sup> bond, letter of credit, or securities,  
 20 moneys, or other security shall cover <sup>1</sup>[restitution and]<sup>1</sup> penalties  
 21 <sup>1</sup>assessed by the board for violations of P.L. , c. (C. )  
 22 (pending before the Legislature as this bill)<sup>1</sup>.

23       <sup>1</sup>h.] i.<sup>1</sup> <sup>2</sup>[Any individual <sup>1</sup>[claiming] seeking to claim<sup>1</sup> against  
 24 the bond, letter of credit, or securities, moneys or other security  
 25 may maintain an action <sup>1</sup>[at law against the contractor and the  
 26 surety, bank, or] with<sup>1</sup> the board <sup>1</sup>[, as the case may be]<sup>1</sup>.

27       <sup>1</sup>[i.] j.<sup>1</sup> <sup>2</sup>The <sup>2</sup>compliance<sup>2</sup> bond, letter of credit, or securities,  
 28 moneys, or other security shall not be payable for treble damage  
 29 claims pursuant to the consumer fraud act, P.L.1960, c.39 (C.56:8-1  
 30 et seq.).

31       <sup>1</sup>[j.] <sup>2</sup>[k.<sup>1</sup> The board may make a claim against the bond, letter  
 32 of credit, or securities, moneys or other security on behalf of a  
 33 consumer, with notice to the licensed contractor. ]<sup>2</sup>

34       <sup>1</sup>[k.] <sup>2</sup>[ l.<sup>1</sup> ] <sup>2</sup>j.<sup>2</sup> The aggregate liability of the surety, bank, or  
 35 <sup>2</sup>[the board] issuer of securities, moneys or other security<sup>2</sup> to all  
 36 individuals for all breaches of the conditions of the <sup>2</sup>compliance<sup>2</sup>  
 37 bond, letter of credit or the securities, moneys or other security  
 38 <sup>2</sup>[held by the board]<sup>2</sup> shall not exceed the amount of the bond,  
 39 letter of credit, or the securities, moneys or other security <sup>2</sup>[held by  
 40 the board]<sup>2</sup>.

41       <sup>1</sup>[l.] <sup>2</sup>[m.<sup>1</sup> Every bond, letter of credit, or securities, moneys, or  
 42 other security required to be filed shall provide that any consumer  
 43 who may be claiming against the bond, letter of credit, or securities,  
 44 moneys, or other security shall notify the board and the surety of  
 45 the amount and nature of the claim prior to the initiation of any  
 46 action at law against the <sup>1</sup>[contractor] business<sup>1</sup>. The bond, letter of

1 credit, or securities, moneys, or other security shall provide that the  
 2 surety or bank may not pay any claim against the bond, letter of  
 3 credit, or securities, moneys, or other security unless and until it  
 4 shall have received authorization from the board to pay the claim.

5 <sup>1</sup>**[m.] n.**<sup>1</sup> If the board determines that there is a substantial  
 6 likelihood that the aggregate amount of claims against a bond will  
 7 exceed the available principal amount of the bond, the board may  
 8 apportion the proceeds of the bond among the claimants in an  
 9 equitable manner.

10 <sup>1</sup>**[n.] o.**<sup>1</sup> <sup>1</sup>**k.**<sup>2</sup> Every bond, letter of credit, or securities, moneys,  
 11 or other security <sup>2</sup>**[required to be filed with the board]**<sup>2</sup> shall  
 12 provide that cancellation or nonrenewal of the bond, letter of credit,  
 13 or securities, moneys, or other security shall not be effective unless  
 14 and until at least 10 days' notice of intention to cancel or nonrenew  
 15 the bond, letter of credit, or securities, moneys, or other security has  
 16 been received in writing by the <sup>2</sup>**[board]** registered business<sup>2</sup> from  
 17 the <sup>2</sup>surety, bank, or other<sup>2</sup> issuer.

18 <sup>2</sup>**[<sup>1</sup>p. (1)] l. (1)**<sup>2</sup> A business may reduce, by half, the amount of  
 19 the <sup>2</sup>compliance<sup>2</sup> bond, letter of credit, or securities, moneys or  
 20 other securities required pursuant to paragraphs (1) through (3) of  
 21 subsection f. of this section upon demonstration <sup>2</sup>by a member of  
 22 senior management of the business<sup>2</sup> of completion of, prior to the  
 23 next registration renewal period, a course in financial responsibility  
 24 and stability developed or designated by the board.

25 (2) The board shall have discretion to require a business <sup>2</sup>that has  
 26 a member of senior management who completed a course in  
 27 financial responsibility and stability by the next registration renewal  
 28 period<sup>2</sup> to maintain the full amount of the bond, letter of credit, or  
 29 securities, moneys or other securities required pursuant to  
 30 paragraphs (1) through (3) of subsection f. of this section if a  
 31 business <sup>2</sup>[or licensed contractor employed by the business has  
 32 multiple complaints made against them by consumers]  
 33 demonstrates on the application for registration renewal that a  
 34 claim<sup>2</sup> or multiple claims <sup>2</sup>, in a dollar amount as determined by the  
 35 board, were<sup>2</sup> made against the bond <sup>2,2</sup> letter of credit, or  
 36 securities, moneys or other securities held by the <sup>2</sup>[licensee]  
 37 business<sup>2,1</sup> .

38  
 39 9. (New section) a. In addition to any other procedure, condition  
 40 or information required by P.L. , c. (C. ) (pending before the  
 41 Legislature as this bill), every applicant <sup>1</sup>for licensure<sup>1</sup> shall file a  
 42 disclosure statement with the board, pursuant to subsection <sup>3</sup>**[e.] d.**<sup>3</sup> of  
 43 section 7 of P.L. , c. (C. ) (pending before the Legislature as  
 44 this bill), stating whether the applicant has been convicted of any  
 45 crime, which for the purposes of P.L. , c. (C. ) (pending before  
 46 the Legislature as this bill) shall mean a violation of certain provisions  
 47 of the "New Jersey Code of Criminal Justice," Title 2C of the New

1 Jersey Statutes, or the equivalent under the laws of any other  
2 jurisdiction; provided, however, that an applicant shall not be  
3 disqualified from licensure or have a license suspended or revoked on  
4 the basis of any conviction disclosed, except as provided in subsection  
5 b. of this section or in sections 1 or 2 of P.L.2021, c.81 (C.45:1-21 and  
6 45:1-21.5).

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

9 (1) Has obtained a license through fraud, deception or  
10 misrepresentation;

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

13 (3) Has engaged in gross negligence, gross malpractice or gross  
14 incompetence;

15 (4) Has engaged in repeated acts of negligence, malpractice or  
16 incompetence;

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

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

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

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

34 c. At least 30 calendar days prior to denying an application for  
35 licensure or suspending or revoking a license pursuant to this section,  
36 the board shall notify the applicant or licensee of its intent to deny the  
37 application or suspend or revoke the license and afford the applicant  
38 an opportunity for a hearing in a manner provided for contested cases  
39 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
40 (C.52:14B-1 et seq.). If, however, the board intends to deny the  
41 application or suspend or revoke the license under paragraph (6) of  
42 subsection b. of this section, the provisions of P.L.2021, c.81 (C.45:1-  
43 21.5) shall apply.

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

47 e. If any of the information required to be included in the  
48 disclosure statement changes, or if additional information should be  
49 added after the filing of the statement, the applicant shall provide that

1 information to the board, in writing, within 20 calendar days of the  
2 change or addition.

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

16

17 10. (New section) a. Every contractor required to be licensed  
18 under P.L. , c. (C. ) (pending before the Legislature as this  
19 bill) shall be issued an identification badge by the board pursuant to  
20 subsection b. of this section. The identification badge shall be  
21 plainly visible and worn on the upper left corner of the torso when  
22 the contractor is performing <sup>1</sup>[, or engaging, or attempting to  
23 engage, in the business of selling]<sup>1</sup> home improvement or home  
24 elevation services <sup>2</sup>[include a recent and clear photograph]<sup>2</sup>.

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

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

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

1 <sup>1</sup>e. Notwithstanding the definition of “contractor” pursuant to  
 2 section 2 of P.L. , c. (C. ) (pending before the Legislature  
 3 as this bill), if an employee of or individual contracted by a sole  
 4 proprietorship, corporation, partnership, association, or other form  
 5 of a business entity hired or contracted <sup>2</sup>【sells】 to sell<sup>2</sup> home  
 6 improvement or home elevation services, or both types of services,  
 7 in-person to consumers, an identification badge required pursuant to  
 8 this section shall be required for the employee or contracted  
 9 individual.

10 f. A temporary badge, in paper, <sup>2</sup>【may】 shall<sup>2</sup> be issued to a  
 11 contractor <sup>2</sup>and shall accompany the license of the contractor<sup>2</sup> in the  
 12 event of a delay in the processing of the identification badge  
 13 required pursuant to this section.<sup>1</sup>  
 14

15 11. (New section) An individual who knowingly exhibits or  
 16 displays an identification badge issued pursuant to subsection b. of  
 17 section 10 of P.L. , c. (C. ) (pending before the Legislature  
 18 as this bill) and is not at that time licensed as a contractor pursuant  
 19 to P.L. , c. (C. ) (pending before the Legislature as this  
 20 bill), including any contractor who has had the license revoked,  
 21 suspended, or not renewed, is guilty of a crime of the fourth degree.  
 22

23 12. (New section) a. <sup>3</sup>【No】 Except for individuals exempted  
 24 pursuant to section 15 of P.L. , c. (C. ) (pending before the  
 25 Legislature as this bill), no<sup>3</sup> individual shall <sup>1</sup>【offer to】<sup>1</sup> perform <sup>1</sup>【, or  
 26 engage, or attempt to engage in the business of performing or selling】<sup>1</sup>  
 27 home improvement services or home elevation services unless licensed  
 28 by the board.

29 b. In addition to any other civil or criminal penalty that may  
 30 apply, any individual who makes a false statement in connection with  
 31 the process for licensure as a home improvement or home elevation  
 32 contractor pursuant to section 7 of P.L. , c. (C. ) (pending  
 33 before the Legislature as this bill) or who submits false information in  
 34 regards to any submissions and filings required by the board pursuant  
 35 to section 8 of P.L. , c. (C. ) (pending before the Legislature as  
 36 this bill) shall be liable for a civil penalty of not less than \$10,000 or  
 37 more than \$25,000. Such penalty may be imposed by the board and  
 38 shall be collected by summary proceedings instituted in accordance  
 39 with the "Penalty Enforcement Law of 1999," P.L.1999, c.274  
 40 (C.2A:58-10 et seq.).  
 41

42 13. (New section) Except for individuals exempted pursuant to  
 43 section 15 of P.L. , c. (C. ) (pending before the Legislature  
 44 as this bill), any individual <sup>1</sup>licensed or business registered pursuant  
 45 to P.L. , c. (C. ) (pending before the Legislature as this  
 46 bill)<sup>1</sup> who advertises in print or puts out any sign or card or other  
 47 device which would indicate to the public that the individual is a  
 48 contractor in New Jersey, <sup>1</sup>the business is a registered home

1 improvement or home elevation contracting business in New  
 2 Jersey,<sup>1</sup> or who causes the individual's name or business name to be  
 3 included in a classified advertisement or directory in New Jersey  
 4 under a classification for home improvement or home elevation, as  
 5 defined in section 2 of P.L. , c. (C. ) (pending before the  
 6 Legislature as this bill), is subject to the provisions of P.L. ,  
 7 c. (C. ) (pending before the Legislature as this bill). This  
 8 section shall not be construed to apply to simple residential  
 9 alphabetical listings in standard telephone directories, including  
 10 directories or similar lists posted online.

11

12 14. (New section) a. All <sup>1</sup>**["licensees"]** registered businesses<sup>1</sup>  
 13 shall prominently display their <sup>1</sup>**["license"]** registration<sup>1</sup> numbers  
 14 within their places of business, in all advertisements distributed  
 15 within this State, on business documents, contracts and  
 16 correspondence with consumers of home improvement and home  
 17 elevation services in this State, and on all commercial vehicles  
 18 registered in this State and leased or owned by licensees and used  
 19 by licensees for the purpose of providing home improvement or  
 20 home elevation services, except for vehicles leased or rented to  
 21 customers of licensees by a licensee or any agent or representative  
 22 thereof.

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

27

28 15. (New section) The provisions of sections 7, 8, 9, <sup>2</sup>10,<sup>2</sup> 12,  
 29 <sup>2</sup>**["13 10, and"]**<sup>2</sup> <sup>2</sup>14,<sup>2</sup> 16, 17, 21, 22, 23, 26, 27, 28, and 29<sup>2</sup> of P.L. ,  
 30 c. (C. ) (pending before the Legislature as this bill) shall not  
 31 apply to:

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

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

42 c. Any individual who is employed by a common interest  
 43 community, including, but not limited to, a community association or  
 44 cooperative corporation, or by the owner or manager of any other  
 45 residential property, while the individual is acting within the scope of  
 46 that employment;

47 <sup>3</sup>**["e.]** d.<sup>3</sup> Any public utility as defined under R.S.48:2-13;

48 <sup>3</sup>**["f.]** e.<sup>3</sup> Any individual licensed under the provisions of section

1 16 of P.L.1960, c.41 (C.17:16C-77) but only in conjunction with  
 2 selling a home repair contract as defined in section 1 of P.L.1960, c.41  
 3 (C.17:16C-62) <sup>2</sup>and as also applicable to P.L.1968, c.224 (C.17:16C-  
 4 95 et seq.), except requirements under section 10 of P.L. , c.  
 5 (C. ) (pending before the Legislature as this bill) regarding  
 6 identification badges shall apply to individuals making in-person sales  
 7 to consumers pursuant to P.L.1968, c.224 (C.17:16C-95 et seq.)<sup>2</sup>; and  
 8 <sup>3</sup>[g.] f.<sup>3</sup> Any home improvement or home elevation retailer with  
 9 a net worth of more than \$50,000,000, or employee of that retailer.

10  
 11 16. (New section) <sup>2</sup>a.<sup>2</sup> The provisions of subsections a., b., <sup>3</sup>and<sup>3</sup>  
 12 c. <sup>3</sup>[, and d.]<sup>3</sup> of section 7 of P.L. , c. (C. ) (pending before  
 13 the Legislature as this bill) shall not apply to an individual who has  
 14 been registered as a home improvement contractor in New Jersey for  
 15 at least <sup>1</sup>[10] five<sup>1</sup> years or to an individual who has at least <sup>1</sup>[10]  
 16 five<sup>1</sup> years of experience in providing home elevation services who  
 17 has been registered as a home improvement contractor in New Jersey  
 18 for at least <sup>1</sup>[10] five<sup>1</sup> years or registered as a home elevation  
 19 contractor in New Jersey for at least five years. A license shall be  
 20 issued <sup>1</sup>[to an individual]<sup>1</sup> upon expiration of the contractor  
 21 registration previously issued <sup>1</sup>[to the individual]<sup>1</sup> upon submission of  
 22 an application in such form as may be prescribed by the board and  
 23 payment of a fee established by the board.

24 <sup>2</sup>b. An individual who qualifies for licensure as a home  
 25 improvement or home elevation contractor under subsection a. of this  
 26 section and who can demonstrate experience overseeing the  
 27 performance of services for contracts (1) valued at a minimum of  
 28 \$120,000 and (2) that require the submittal of plans with more than  
 29 one subcode shall qualify as a principal home improvement or  
 30 principal home elevation contractor.<sup>2</sup>

31 <sup>3</sup>c. The provisions of subsections a., b., and c. of section 7 and the  
 32 provisions of sections 26 through 30 of P.L. , c. (C. ) (pending  
 33 before the Legislature as this bill) shall not apply to an individual who  
 34 provides services included in the definition of “home improvement”  
 35 but earns a maximum of \$1,500 per contract and \$25,000 on an annual  
 36 basis.

37 d. An individual registered pursuant to subsection c. of this  
 38 section shall:

39 (1) annually register with the board, in a form as prescribed by the  
 40 board and for a fee as determined by the board. The form shall require  
 41 an individual to demonstrate proof of earnings in order to qualify for  
 42 registration under this subsection;

43 (2) comply with:

44 (a) paragraph (1) of subsection a. of section 8 of P.L. ,  
 45 c. (C. ) (pending before the Legislature as this bill) regarding co  
 46 mmercial general liability insurance; and

47 (b) section 10 regarding the issuance of an identification badge;  
 48 and

1       (3) be required to perform services agreed to in a contract pursuant  
2 to section 21 of P.L. , c. (C. ) (pending before the Legislature  
3 as this bill) but shall only be required to include in the contract the  
4 following:

5       (a) the legal name, business address and registration number of the  
6 contractor;

7       (b) a copy of the certificate of commercial general liability  
8 insurance required pursuant to paragraph (1) of subsection a. of section  
9 8 of P.L. , c. (C. ) (pending before the Legislature as this bill);

10       (c) a “Notice to Consumer” pursuant to subsection b. of section 21  
11 of P.L. , c. (C. ) (pending before the Legislature as this bill);  
12 and

13       (d) the provisions of subsections e. through k. of section 21 of  
14 P.L. , c. (C. ) (pending before the Legislature as this bill).

15       e. An individual registered pursuant to subsection d. of this  
16 section shall be liable for penalties pursuant to subsection b. of section  
17 12 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
18 for making false statements, including falsification of records  
19 demonstrating earnings, in connection with the process to register.

20       f. Upon annual registration renewal, if an individual registered  
21 pursuant to subsection d. of this section has earnings that have  
22 increased above \$1,500 per contract for services provided during the  
23 previous calendar year, or has earned more than \$25,000 performing  
24 home improvements during the previous calendar year, the individual  
25 shall apply for a biennial license, the fee and additional requirements  
26 of which shall be determined by the board.<sup>3</sup>

27  
28       17. (New section) The provisions of P.L. , c. (C. )  
29 (pending before the Legislature as this bill) shall apply to any  
30 individual engaging in this State in any of the activities regulated by  
31 P.L. , c. (C. ) (pending before the Legislature as this bill),  
32 including individuals whose residence or principal place of business  
33 is located outside of this State.

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

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



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

3 (1) a contractor who is performing the home improvement or  
4 home elevation and who is licensed pursuant to P.L. \_\_\_\_\_,  
5 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill) <sup>2</sup>or who  
6 will obtain a license upon expiration of a registration pursuant to  
7 section 16 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature  
8 as this bill)<sup>2</sup>; <sup>1</sup>[or]<sup>1</sup>

9 (2) an individual who is performing the home improvement or  
10 home elevation and is not required to be licensed pursuant to  
11 <sup>2</sup>[sections] section<sup>2</sup> 15 <sup>2</sup>[or 16]<sup>2</sup> of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending  
12 before the Legislature as this bill) <sup>1</sup>; or

13 (3) a single-family homeowner who performs plumbing,  
14 electrical, or heating, ventilation, and air conditioning work in the  
15 homeowner's own dwelling.<sup>1</sup>

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

19

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

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

37

38 20. (New section) a. The division shall establish and undertake  
39 a public information campaign to educate and inform contractors <sup>1</sup>,  
40 applicable businesses,<sup>1</sup> and the consumers of this State of the  
41 provisions of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature  
42 as this bill).

43 b. The board shall provide a toll-free telephone number for  
44 consumers making inquiries regarding contractors or shall promote,  
45 as part of the public information campaign, any toll-free telephone  
46 number already established for inquiries.

1 21. (New section) a. Every contract for a purchase price in  
 2 excess of \$500 for home improvement, home elevation, or both  
 3 types of services, and all changes in the terms and conditions of the  
 4 contract, shall be in writing. The contract shall be signed by all  
 5 parties thereto and shall not contain any blank spaces for  
 6 information, including, but not limited to, terms and conditions, to  
 7 be added after the contract is signed by the consumer, and shall  
 8 clearly and accurately set forth in legible form and in  
 9 understandable language all terms and conditions of the contract,  
 10 including but not limited to:

11 (1) the legal name, business address, <sup>1</sup>registration number of the  
 12 business,<sup>1</sup> and license number of the contractors <sup>1</sup>performing the  
 13 <sup>2</sup>[work]<sup>2</sup> services pursuant to the contract<sup>1</sup>;

14 (2) the legal name and license number of the contractor  
 15 designated as the <sup>1</sup>[responsible managing employee] principal  
 16 home improvement contractor or home elevation contractor, if  
 17 applicable,<sup>1</sup> for the services provided;

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

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

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

28 "NOTICE TO CONSUMER

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

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

32 Keep it to protect your legal rights.

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

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

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

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

48 d. Within 10 business days after receipt of a notice of intent to  
 49 rescind a contract for home improvement, home elevation, or both

1 types of services, a contractor shall:

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

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

8 (3) Redeliver to the consumer any goods traded-in to the  
9 contractor on account of or in contemplation of the contract for  
10 home improvement, home elevation, or both types of services, less  
11 any reasonable charges actually incurred in making the goods ready  
12 for sale.

13 e. Each <sup>1</sup>**【contractor】** registered business<sup>1</sup> shall maintain a  
14 record of the receipt of any consumer's notice of intent to rescind a  
15 contract for at least 18 months after the receipt of a notice of intent  
16 to rescind.

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

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

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

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

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

31 "NOTICE TO CONSUMER: YOU MAY RESCIND THIS  
32 CONTRACT PROVIDED THAT YOU NOTIFY THE HOME  
33 IMPROVEMENT OR HOME ELEVATION CONTRACTOR OF  
34 YOUR INTENT TO DO SO BY CERTIFIED MAIL, RETURN  
35 RECEIPT REQUESTED, POSTMARKED NOT LATER THAN 5  
36 P.M. OF THE THIRD BUSINESS DAY FOLLOWING THE  
37 SALE. FAILURE TO EXERCISE THIS OPTION, HOWEVER,  
38 WILL NOT INTERFERE WITH ANY OTHER REMEDIES  
39 AGAINST THE CONTRACTOR YOU MAY POSSESS. IF YOU  
40 WISH YOU MAY USE THIS PAGE AS NOTIFICATION BY  
41 WRITING "I HEREBY RESCIND" AND ADDING YOUR NAME  
42 AND ADDRESS. A DUPLICATE OF THIS RECEIPT IS  
43 PROVIDED BY THE CONTRACTOR FOR YOUR RECORDS."

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

49 i. A <sup>1</sup>**【contractor who】** business that<sup>1</sup> in the ordinary course of

1 business regularly uses a language other than English in any  
2 advertising or other solicitation of consumers, or in any printed  
3 forms for use by consumers, or in any face-to-face negotiations with  
4 consumers, shall deliver two copies of the receipt to a consumer  
5 whose principal language is not English, one in English and one in  
6 the other language.

7 j. A contract for home improvement, home elevation, or both  
8 types of services for work needed by the consumer to meet a bona  
9 fide emergency, where the contact with the <sup>1</sup>**【contractor】** registered  
10 business<sup>1</sup> was initiated by the consumer, shall not be subject to the  
11 cancellation provisions of subsection c. of this section, if the  
12 consumer furnishes the <sup>1</sup>**【contractor】** registered business<sup>1</sup> with a  
13 statement separate from the contract, in a form approved by the  
14 board, dated and signed by the consumer, describing the situation  
15 requiring immediate remedy and expressly acknowledging and  
16 waiving the right to cancel the contract within three business days.

17 k. No <sup>1</sup>**【contractor】** registered business<sup>1</sup> shall request or accept  
18 a certificate of completion signed by the consumer prior to the  
19 actual completion of the work to be performed under a contract for  
20 home improvement, home elevation, or both types of services.

21 <sup>1</sup>Any contract for home improvement or home elevation  
22 services <sup>2</sup>valued at a minimum of \$120,000 and requiring the  
23 submittal of plans with more than one subcode<sup>2</sup> shall include, in a  
24 clear and conspicuous manner, <sup>2</sup>**【that pursuant to section 2 of**  
25 **P.L. , c. (C. ) (pending before the Legislature as this bill),**  
26 **a】** the name of the<sup>2</sup> principal home improvement contractor or  
27 principal home elevation contractor <sup>2</sup>**【shall oversee the performance**  
28 **of home improvement or home elevation services if the services to**  
29 **be performed are valued at a minimum of \$120,000 and require the**  
30 **submittal of plans with more than one subcode**<sup>1</sup>**】** assigned to  
31 oversee the performance of services.<sup>2</sup>

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

45  
46 23. (New section) a. Any individual seeking to convert a home  
47 improvement contractor license into a home elevation license may

1 do so by submitting documentation, as prescribed by the board,  
2 demonstrating:

3 (1) at least two years of experience working on home elevations  
4 under <sup>1</sup>["the direct supervision of"]<sup>1</sup> a home elevation contractor who  
5 is licensed pursuant to section 7 of P.L. , c. (C. ) (pending  
6 before the Legislature as this bill) or qualifies for licensure pursuant  
7 to section 16 of P.L. , c. (C. ) (pending before the  
8 Legislature as this bill);

9 (2) that the individual has not had a home improvement  
10 contractor license or registration or a home elevation contractor  
11 license or registration revoked or suspended; and

12 (3) that the <sup>1</sup>["place of employment"] registered business<sup>1</sup> of the  
13 contractor maintains cargo or other insurance covering home  
14 elevation services as required pursuant to section 8 of P.L. ,  
15 c. (C. ) (pending before the Legislature as this bill).

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

18

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

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

1 Contractors, and any other entity hereafter created under Title 45 to  
2 license or otherwise regulate a profession or occupation.

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

4

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

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

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

44 No public member appointed pursuant to this section shall have  
45 any association or relationship with the profession or a member  
46 thereof regulated by the board of which he is a member, where such  
47 association or relationship would prevent such public member from  
48 representing the interest of the public. Such a relationship includes  
49 a relationship with members of one's immediate family; and such

1 association includes membership in the profession regulated by the  
2 board. To receive services rendered in a customary client  
3 relationship will not preclude a prospective public member from  
4 appointment. This paragraph shall not apply to individuals who are  
5 public members of boards on the effective date of this act.

6 It shall be the responsibility of the Attorney General to insure  
7 that no individual with the aforementioned association or  
8 relationship or any other questionable or potential conflict of  
9 interest shall be appointed to serve as a public member of any board  
10 regulated by this section.

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

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

28 d. A majority of the voting members of such boards or  
29 commissions shall constitute a quorum thereof and no action of any  
30 such board or commission shall be taken except upon the  
31 affirmative vote of a majority of the members of the entire board or  
32 commission.

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

34

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

45

46 <sup>1</sup>26. (New section) a. Each licensee shall complete not less  
47 than six hours of continuing education requirements as a condition  
48 of licensure renewal pursuant to P.L. , c. (C. ) (pending  
49 before the Legislature as this bill).

1        b. The board shall:

2        (1) approve continuing education courses, course providers, and  
3 instructors. Entities approved by the board as home improvement or  
4 home elevation contractor instructors, pursuant to sections 26  
5 through 30 of P.L. , c. (C. ) (pending before the Legislature  
6 as this bill), shall be deemed approved providers of continuing  
7 education courses. Building, construction, contracting and related  
8 professional trade associations that qualify under the standards to be  
9 established by the board as approved providers may offer approved  
10 continuing education courses;

11        (2) confer continuing education credits for courses completed in  
12 other states <sup>2</sup>or jurisdictions of the United States<sup>2</sup> on topics  
13 approved by the board as appropriate for elective courses, provided  
14 that the courses have been approved as continuing education  
15 courses by the agency exercising regulatory authority over home  
16 improvement or home elevation contractors in the other state <sup>2</sup>or  
17 jurisdiction of the United States<sup>2</sup> and that satisfactory evidence of  
18 the licensees' attendance at and completion of the courses is  
19 provided to the board by the course provider;

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

28        (4) set parameters for the auditing and monitoring of course  
29 providers;

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

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

39        (7) confer continuing education credits upon a licensee who is  
40 approved by the board as an instructor of an approved continuing  
41 education course offered by an approved provider.<sup>2</sup> Licensees  
42 approved by the board to instruct an approved continuing education  
43 course shall receive twice the credit conferred upon those licensees  
44 attending the course.<sup>2</sup> Regardless of the number of times during a  
45 biennial licensure term that the same approved course is taught by  
46 that licensee, that licensee shall receive <sup>2</sup>double the<sup>2</sup> continuing  
47 education credit <sup>2</sup>[towards] for that course only<sup>2</sup> once <sup>2</sup>to satisfy



1 part of<sup>2</sup> the continuing education requirement for the renewal of  
2 their license.<sup>1</sup>

3  
4 <sup>1</sup>27. (New section) <sup>2</sup>a.<sup>2</sup> Continuing education courses may be  
5 delivered in a classroom setting or <sup>2</sup>, to the extent practicable,<sup>2</sup>  
6 offered via the Internet or video modalities, subject to the approval  
7 by the board of the providers and the content of the courses and of  
8 the measures utilized to ensure the security and integrity of the  
9 course delivery process. The board may approve continuing  
10 education courses which include periodic progress assessments and  
11 the achievement of a satisfactory level of performance by the  
12 licensee on progress assessments as a condition to continuing to a  
13 succeeding segment of the course. The board shall not require, as a  
14 condition of the receipt of credit for attendance at any continuing  
15 education course, that a licensee pass a comprehensive examination  
16 testing the licensee's knowledge of the entire course content.<sup>1</sup>

17 <sup>2</sup>b. A licensee may fulfill all continuing education requirements  
18 in-person, via the Internet or video modalities, or through a  
19 combination of these options.<sup>2</sup>

20  
21 <sup>1</sup>28. (New section) Continuing education requirements, as set  
22 forth by the board, shall be completed on or before the date the  
23 biennial license expires. Any licensee required to complete  
24 continuing education requirements who fails to do so prior to the  
25 date of expiration of a biennial license term shall be subject to a  
26 reasonable processing fee, as determined by the board, of not more  
27 than \$200, unless a waiver was granted by the board pursuant to  
28 paragraph (6) of subsection b. of section 26 of P.L. , c. (C. )  
29 (pending before the Legislature as this bill).<sup>1</sup>

30  
31 <sup>1</sup>29. (New section) a. Not less than 50 percent of the  
32 continuing education courses of study that licensees are required to  
33 complete as a condition for licensure renewal shall demonstrate  
34 significant intellectual or practical content and deal with matters  
35 directly related to home improvement or home elevation  
36 contracting, workforce safety, or the business of running a company  
37 in the home improvement or home elevation industry or trade. In no  
38 event shall the board require that courses in these core topics  
39 comprise more than 60 percent of the total continuing education  
40 hours required for the renewal of any license.

41 b. In the case of continuing education courses and programs,  
42 each hour of instruction shall be equivalent to one credit.<sup>1</sup>

43  
44 <sup>1</sup>30. (New section) Course providers shall maintain records of  
45 the successful completion of continuing education courses by  
46 licensees and shall transmit this data to the board in a manner as  
47 directed by the board.<sup>1</sup>

1       <sup>3</sup>[<sup>1</sup>31. Sections 3 through 6 and sections 24 and 25 of this act  
2 shall be effective immediately, but remain inoperative until the  
3 Governor appoints board members, by the first day of the tenth  
4 month next following enactment, for the purposes of promulgating  
5 rules and regulations pursuant to the “Administrative Procedures  
6 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the  
7 purposes of this act. Sections 1, 2, 7 through 23, and 26 through 30  
8 of this act shall be effective on the first day of the 25th month next  
9 following the appointment of <sup>2</sup>a majority of<sup>2</sup> the board. The director  
10 may take such anticipatory administrative action in advance thereof  
11 as shall be necessary for implementation of this act. <sup>1</sup>]<sup>3</sup>

12  
13       <sup>3</sup>31. Sections 3 through 6 and sections 24 and 25 of this act shall  
14 be effective immediately, but sections 3, 4 and 6 shall remain  
15 inoperative until such time as provided in section 5. Sections 1, 2,  
16 7 through 23, and 26 through 30 shall be effective on the first day  
17 of the 25th month next following enactment. The director and the  
18 board may take such anticipatory administrative action in advance  
19 thereof as shall be necessary for implementation of this act. <sup>3</sup>