

[First Reprint]
SENATE, No. 1890

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MARCH 3, 2022

Sponsored by:

Senator GORDON M. JOHNSON

District 37 (Bergen)

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

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 Senate Commerce Committee on December 19, 2022, with amendments.



(Sponsorship Updated As Of: 12/19/2022)

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11 repealed.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 elevation
19 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 entity ¹[, and its officers,
22 representatives, agents and employees] that enters into home
23 improvement, home elevation, or both types of contracts with
24 consumers¹. ¹This shall not include: (1) an individual who owns or
25 manages a home improvement or home elevation business but does not
26 perform home improvement or home elevation services; or (2)
27 employees of or individuals contracted by a sole proprietorship,
28 corporation, partnership, association, or other form of a business entity
29 hired or contracted to sell home improvement or home elevation
30 services, or both types of services.¹ An individual who makes a home
31 improvement or home elevation without compensation shall not be
32 deemed to be a contractor with respect to that service.

33 “Director” means the Director of the Division of Consumer
34 Affairs in the Department of Law and Public Safety.

35 “Division” means the Division of Consumer Affairs in the
36 Department of Law and Public Safety.

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

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

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:

¹Senate SCM committee amendments adopted December 19, 2022.

1 perform the home elevation, or furnish materials in connection
2 therewith.

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

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

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

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

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

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

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

45
46 3. (New section) There is created within the Division of
47 Consumer Affairs in the Department of Law and Public Safety, the
48 New Jersey State Board of Home Improvement and Home Elevation

1 Contractors. The board shall consist of nine members who shall be
 2 residents of the State. Except for the members first appointed: five
 3 members shall be licensed home improvement contractors, ¹【one
 4 member shall be a licensed home elevation contractor】, of whom
 5 two shall represent a trade association focused on the home
 6 improvement industry, one member shall be a licensed construction
 7 code official¹, two ¹members¹ shall ¹【be members of】 represent¹
 8 the public, and one ¹member¹ shall be appointed pursuant to
 9 subsection c. of section 2 of P.L.1971, c.60 (C.45:1-2.2). Of the two
 10 members of the public, one shall be appointed by the Governor
 11 upon recommendation of the Senate President and the other shall be
 12 appointed by the Governor upon recommendation of the Assembly
 13 Speaker. Of the members first appointed, the five members who are
 14 registered home improvement contractors shall have been so
 15 registered for at least ten years immediately preceding appointment
 16 to the board ¹【and the member who is a registered home elevation
 17 contractor shall have been so registered for at least four years
 18 immediately preceding appointment to the board】¹. ¹The members
 19 first appointed shall be appointed no later than the first day of the third
 20 month following enactment of P.L. , c. (C.) (pending before
 21 the Legislature as this bill).¹

22 Each member shall be appointed for a term of five years, except
 23 that of the members first appointed, ¹【the home elevation contractor
 24 member and a】 two¹ home improvement contractor ¹【member】
 25 members¹ shall serve for a term of three years, two home
 26 improvement contractor members shall serve for a term of two
 27 years, and ¹【two】 one¹ home improvement contractor ¹【members】
 28 member¹ shall serve for a term of one year. Each member shall hold
 29 office until a successor has been qualified and appointed. Any
 30 vacancy in the membership of the board shall be filled for the
 31 unexpired term in the manner provided for in the original
 32 appointment. No member of the board shall serve more than two
 33 successive terms in addition to any unexpired term to which the
 34 member has been appointed.

35
 36 4. (New section) ¹a. The board shall be entitled to retain all
 37 funds collected as a result of fees paid for initial licensure and
 38 registration, and for licensure and registration renewal, reactivation,
 39 and reinstatement to administer and enforce the provisions
 40 of P.L. , c. (C.) (pending before the Legislature as this
 41 bill).

42 b.¹ Members of the board ¹【shall】 may¹ be reimbursed for
 43 expenses within the limits of funds appropriated or otherwise made
 44 available for this purpose and provided with office and meeting
 45 facilities and personnel required for the proper conduct of the
 46 business of the board.

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

8 ¹b. The board shall promulgate rules and regulations pursuant to
 9 the “Administrative Procedures Act,” P.L.1968, c.410 (C.52:14B-1 et
 10 seq.) to effectuate the purposes of this act, no later than the first day of
 11 the tenth month next following enactment of P.L. , c. (C.)
 12 (pending before the Legislature as this bill). The provisions of sections
 13 3, 4, and 6 and sections 24 and 25 shall remain inoperative until such
 14 time as the board promulgates the rules and regulations.¹

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

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

20 b. ¹develop education requirements and¹ develop or designate
 21 an examination or examinations to evaluate the knowledge, ability,
 22 and fitness of applicants to perform as home improvement or home
 23 elevation contractors, which shall include examination of State law
 24 on 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 ¹. 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 an examination preparation course that an
 33 applicant may enroll in¹ ;

34 c. review the qualifications of applicants for licensure;

35 d. issue and renew, on a biennial basis ¹**[,]** ;

36 (1)¹ licenses for home improvement and home elevation
 37 contractors; ¹and

38 (2) registrations for home improvement and home elevation
 39 businesses;¹

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
 46 for initial licensure and licensure renewal, reactivation and
 47 reinstatement; ¹**[and]**¹

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

1 d. ¹completion of educational requirements established
 2 pursuant to paragraph (1) of subsection b. of section 6 of P.L. , c.
 3 (C.) (pending before the Legislature as this bill) and¹ passage
 4 of an examination pursuant to subsection b. of section 6 of P.L. ,
 5 c. (C.) (pending before the Legislature as this bill);

6 e. ¹**【proof of financial stability and of compliance with section**
 7 **8 of P.L. , c. (C.) (pending before the Legislature as this**
 8 **bill) regarding general liability insurance for a home improvement**
 9 **contractor, or general liability insurance and cargo or other**
 10 **insurance that covers home elevation services for a home elevation**
 11 **contractor, and financial stability. If an applicant for licensure is an**
 12 **employee and not an owner of a home improvement or home**
 13 **elevation business, the applicant shall submit information**
 14 **demonstrating proof of general liability insurance, cargo or other**
 15 **insurance covering home elevations, if applicable, and financial**
 16 **stability that is maintained by the business owner;**

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

23 ¹**【g.】** f.¹ payment of all applicable fees.

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

27 (1) general liability insurance, workers' compensation
 28 insurance, and a compliance bond, letter of credit, or securities,
 29 moneys, or other securities pursuant to section 8 of P.L. , c.
 30 (C.) (pending before the Legislature as this bill);

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

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

35
 36 8. (New section) a. ¹**【Every licensed contractor who is engaged**
 37 **in home improvement or home elevation services】** A home
 38 improvement or home elevation business¹ shall secure, maintain and
 39 file with the board proof of a certificate of ¹:

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

42 (2) worker's compensation insurance¹.

43 b. ¹**【Every licensed contractor engaged in providing home**
 44 **improvement or home elevation services】** A registered business¹
 45 whose commercial general liability insurance ¹or workers'
 46 compensation¹ policy is cancelled or nonrenewed shall submit to

1 the board¹, before the former policy is no longer available.¹ a copy of
2 the certificate of ¹:

3 (1)¹ commercial general liability insurance for a new or
4 replacement policy which meets the requirements of ¹paragraph (1)
5 of¹ subsection a. of this section ¹~~["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 policy¹ .

9 c. In addition to the insurance required pursuant to subsection
10 a. of this section, every ¹~~["home elevation contractor"]~~ registered
11 business¹ 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 ¹~~["contractors"]~~ businesses¹ secure and maintain additional insurance
20 of such kind and in such amounts as may be determined.

21 d. A home elevation ¹~~["contractor"]~~ business¹, 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 ¹~~["contractor"]~~ business¹ in accordance with this section.

26 e. Every ¹~~["licensed contractor who"]~~ registered business that¹ is
27 engaged in home improvement or home elevation services shall
28 maintain, in effect during the entire period of ¹~~["licensure"]~~
29 registration¹:

30 (1) a ¹compliance¹ 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) ¹~~["with the board"]~~¹ securities, moneys or other security
34 acceptable to the board to fulfill the requirements of this section.

35 ¹f.¹ The principal sum of the ¹compliance¹ bond, letter of credit,
36 or securities, moneys or other security shall be a minimum of
37 ¹~~["\$100,000."] ;~~

38 (1) \$50,000 for the performance of services pursuant to a contract
39 valued at more than \$120,000 or for the performance of services, in the
40 previous 12 months, for contracts valued at a minimum of \$750,000;

41 (2) \$25,000 for the performance of services pursuant to a
42 contract valued between \$10,000 and \$120,000 or for the
43 performance of services, in the previous 12 months, for contracts
44 valued between \$150,000 and \$750,000; and

45 (3) \$10,000 for the performance of services pursuant to a
46 contract valued at less than \$10,000 or for the performance of
47 services, in the previous 12 months, for contracts valued less than

1 \$150,000.

2 g.¹ The ¹**["contractor] business¹** shall, from time to time, to the
3 extent that claims are paid, promptly replenish the amount of ¹the
4 compliance¹ bond, letter of credit, securities, moneys or other
5 security maintained ¹**["with the board to a minimum of \$100,000]**
6 pursuant to paragraphs (1) through (3) of subsection f. of this section¹.

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

14 g.] h.¹ The ¹compliance¹ bond, letter of credit, or securities,
15 moneys, or other security shall cover ¹**["restitution and"]¹** penalties
16 ¹assessed by the board for violations of P.L. , c. (C.) (pending
17 before the Legislature as this bill)¹.

18 ¹**["h. Any individual claiming against the bond, letter of credit, or**
19 securities, moneys or other security may maintain an action at law
20 against the contractor and the surety, bank, or board, as the case
21 may be.]¹

22 i. The ¹compliance¹ bond, letter of credit, or securities,
23 moneys, or other security shall not be payable for treble damage
24 claims pursuant to the consumer fraud act, P.L.1960, c.39 (C.56:8-1
25 et seq.).

26 ¹**["j. The board may make a claim against the bond, letter of**
27 credit, or securities, moneys or other security on behalf of a
28 consumer, with notice to the licensed contractor.

29 k.] j.¹ The aggregate liability of the surety, bank, or ¹**["the board]**
30 issuer of securities, moneys or other security¹ to all individuals for all
31 breaches of the conditions of the ¹compliance¹ bond, letter of credit
32 or the securities, moneys or other security ¹**["held by the board"]¹**
33 shall not exceed the amount of the bond, letter of credit, or the
34 securities, moneys or other security ¹**["held by the board"]¹.**

35 ¹**["l. Every bond, letter of credit, or securities, moneys, or other**
36 security required to be filed shall provide that any consumer who
37 may be claiming against the bond, letter of credit, or securities,
38 moneys, or other security shall notify the board and the surety of
39 the amount and nature of the claim prior to the initiation of any
40 action at law against the contractor. The bond, letter of credit, or
41 securities, moneys, or other security shall provide that the surety or
42 bank may not pay any claim against the bond, letter of credit, or
43 securities, moneys, or other security unless and until it shall have
44 received authorization from the board to pay the claim.

45 m. If the board determines that there is a substantial likelihood
46 that the aggregate amount of claims against a bond will exceed the
47 available principal amount of the bond, the board may apportion the

1 proceeds of the bond among the claimants in an equitable manner.

2 n.] k.¹ Every bond, letter of credit, or securities, moneys, or
 3 other security ¹required to be filed with the board¹ shall provide
 4 that cancellation or nonrenewal of the bond, letter of credit, or
 5 securities, moneys, or other security shall not be effective unless
 6 and until at least 10 days' notice of intention to cancel or nonrenew
 7 the bond, letter of credit, or securities, moneys, or other security has
 8 been received in writing by the ¹board¹ registered business¹ from
 9 the ¹surety, bank, or other¹ issuer.

10 ¹1. (1) A business may reduce, by half, the amount of the
 11 compliance bond, letter of credit, or securities, moneys or other
 12 securities required pursuant to paragraphs (1) through (3) of subsection
 13 f. of this section upon demonstration by a member of senior
 14 management of the business of completion of, prior to the next
 15 registration renewal period, a course in financial responsibility and
 16 stability developed or designated by the board.

17 (2) The board shall have discretion to require a business that has a
 18 member of senior management who completed a course in financial
 19 responsibility and stability by the next registration renewal period to
 20 maintain the full amount of the bond, letter of credit, or securities,
 21 moneys or other securities required pursuant to paragraphs (1) through
 22 (3) of subsection f. of this section if a business demonstrates on the
 23 application for registration renewal that a claim or multiple claims , in
 24 a dollar amount as determined by the board, were made against the
 25 bond, letter of credit, or securities, moneys or other securities held by
 26 the business.¹

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

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

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

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

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

1 revoke the registration of the business. Upon the hiring of a new
2 contractor licensed pursuant to section 7 of P.L. , c. (C.)
3 (pending before the Legislature as this bill), the registered business
4 shall apply for reinstatement of registration.¹
5

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

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

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

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

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

45 f. A temporary badge, in paper, shall be issued to a contractor and
46 shall accompany the license of the contractor in the event of a delay in
47 the processing of the identification badge required pursuant to this
48 section.¹

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

8
9 12. (New section) a. No individual shall ¹offer to¹ perform,
10 ¹or engage, or attempt to engage in the business of performing or
11 selling¹ home improvement services or home elevation services
12 unless licensed by the board.

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

25
26 13. (New section) Except for individuals exempted pursuant to
27 section 15 of P.L. , c. (C.) (pending before the Legislature
28 as this bill), any individual ¹licensed or business registered pursuant
29 to P.L. , c. (C.) (pending before the Legislature as this
30 bill)¹ who advertises in print or puts out any sign or card or other
31 device which would indicate to the public that the individual is a
32 contractor in New Jersey, ¹the business is a registered home
33 improvement or home elevation contracting business in New
34 Jersey,¹ or who causes the individual's name or business name to be
35 included in a classified advertisement or directory in New Jersey
36 under a classification for home improvement or home elevation, as
37 defined in section 2 of P.L. , c. (C.) (pending before the
38 Legislature as this bill), is subject to the provisions of P.L. , c.
39 (C.) (pending before the Legislature as this bill). This section
40 shall not be construed to apply to simple residential alphabetical
41 listings in standard telephone directories, including directories or
42 similar lists posted online.

43
44 14. (New section) a. All ¹licensees¹ registered businesses¹
45 shall prominently display their ¹license¹ registration¹ numbers
46 within their places of business, in all advertisements distributed
47 within this State, on business documents, contracts and
48 correspondence with consumers of home improvement and home

1 elevation services in this State, and on all commercial vehicles
 2 registered in this State and leased or owned by licensees and used
 3 by licensees for the purpose of providing home improvement or
 4 home elevation services, except for vehicles leased or rented to
 5 customers of licensees by a licensee or any agent or representative
 6 thereof.

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

11

12 15. (New section) The provisions of sections 7, 8, 9, ¹10,¹ 12,
 13 ¹13, and ¹14 ¹,16, 17, 21, 22, 23, 26, 27, 28, and 29¹ of P.L. , c.
 14 (C.) (pending before the Legislature as this bill) shall not apply
 15 to:

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

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

26 c. Any individual who is employed by a common interest
 27 community, including, but not limited to, a community association
 28 or cooperative corporation, or by the owner or manager of any other
 29 residential property, while the individual is acting within the scope
 30 of that employment;

31 d. Any public utility as defined under R.S.48:2-13;

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

41 f. Any home improvement or home elevation retailer with a net
 42 worth of more than \$50,000,000, or employee of that retailer.

43

44 16. (New section) ¹a.¹ The provisions of subsections a., b., c.,
 45 and d. of section 7 of P.L. , c. (C.) (pending before the
 46 Legislature as this bill) shall not apply to an individual who has
 47 been registered as a home improvement contractor in New Jersey
 48 for at least ¹10 ¹five¹ years or to an individual who has at least

1 ~~'[10] five'~~¹ years of experience in providing home elevation
 2 services who has been registered as a home improvement contractor
 3 in New Jersey for at least ~~'[10] five'~~¹ years or registered as a home
 4 elevation contractor in New Jersey for at least five years. A license
 5 shall be issued ~~'[to an individual]'~~¹ upon expiration of the
 6 contractor registration previously issued ~~'[to the individual]'~~¹ upon
 7 submission of an application in such form as may be prescribed by
 8 the board and payment of a fee established by the board.

9 ¹b. An individual who qualifies for licensure as a home
 10 improvement or home elevation contractor under subsection a. of
 11 the section and who can demonstrate experience overseeing the
 12 performance of services for contracts (1) valued at a minimum of
 13 \$120,000 and (2) that require the submittal of plans with more than
 14 one subcode shall qualify as a principal home improvement or home
 15 elevation contractor.¹

16
 17 17. (New section) The provisions of P.L. , c. (C.)
 18 (pending before the Legislature as this bill) shall apply to any
 19 individual engaging in this State in any of the activities regulated by
 20 P.L. , c. (C.) (pending before the Legislature as this bill),
 21 including individuals whose residence or principal place of business
 22 is located outside of this State.

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

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

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

40 (1) a contractor who is performing the home improvement or
 41 home elevation and who is licensed pursuant to
 42 P.L. , c. (C.) (pending before the Legislature as this bill)
 43 ¹or who will obtain a license upon expiration of a registration
 44 pursuant to section 16 of P.L. , c. (C.) (pending before the
 45 Legislature as this bill)¹; ~~'[or]'~~¹

46 (2) an individual who is performing the home improvement or
 47 home elevation and is not required to be licensed pursuant to

1 ¹~~sections~~ section¹ 15 ¹~~or 16~~¹ of P.L. , c. (C.) (pending
2 before the Legislature as this bill) ¹; or

3 (3) a single-family homeowner who performs plumbing, electrical,
4 or heating, ventilation, and air conditioning work in the homeowner's
5 own dwelling¹.

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

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

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

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

32 b. The board shall provide a toll-free telephone number for
33 consumers making inquiries regarding contractors or shall promote,
34 as part of the public information campaign, any toll-free telephone
35 number already established for inquiries.

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

1 (1) the legal name, business address, ¹registration number of the
2 business,¹ and license number of the contractors ¹performing the
3 services pursuant to the contract¹ ;

4 (2) the legal name and license number of the contractor
5 designated as the ¹**【responsible managing employee】** principal home
6 improvement or home elevation contractor,¹ if applicable,¹ for the
7 services provided;

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

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

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

18 "NOTICE TO CONSUMER

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

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

22 Keep it to protect your legal rights.

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

28 c. Any contract for home improvement, home elevation, or
29 both types of services may be rescinded by the consumer, except as
30 provided in subsection k. of this section if the consumer:

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

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

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

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

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

47 (3) Redeliver to the consumer any goods traded-in to the
48 contractor on account of or in contemplation of the contract for

1 home improvement, home elevation, or both types of services, less
2 any reasonable charges actually incurred in making the goods ready
3 for sale.

4 e. Each ¹【contractor】 registered business¹ shall maintain a
5 record of the receipt of any consumer's notice of intent to rescind a
6 contract for at least 18 months after the receipt of a notice of intent
7 to rescind.

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

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

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

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

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

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

35 h. Except as provided in subsection k. of this section, a receipt
36 required to be delivered by the consumer shall not contain, or be
37 accompanied by, any document which contains provisions by which
38 the consumer waives any rights under P.L. , c. (C.)
39 (pending before the Legislature as this bill).

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

47 j. A contract for home improvement, home elevation, or both
48 types of services for work needed by the consumer to meet a bona
49 fide emergency, where the contact with the ¹【contractor】 registered

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

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

12 ¹1. Any contract for home improvement or home elevation
 13 services valued at a minimum of \$120,000 and requiring the submittal
 14 of plans with more than one subcode shall include, in a clear and
 15 conspicuous manner, the name of the principal home improvement
 16 contractor or principal home elevation contractor assigned to oversee
 17 the performance of services.¹

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

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

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

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

45 (3) that the ¹**【place of employment】** registered business¹ of the
 46 contractor maintains cargo or other insurance covering home
 47 elevation services as required pursuant to section 8 of P.L. , c.
 48 (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
49 prescribed by law for the appointment of members, two additional

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

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

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

44 Where a board is required to examine the academic and
45 professional credentials of an applicant for licensure or to test such
46 applicant orally, no public member appointed pursuant to this
47 section shall participate in such examination process; provided,
48 however, that public members shall be given notice of and may be
49 present at all such examination processes and deliberations

1 concerning the results thereof, and, provided further, that public
2 members may participate in the development and establishment of
3 the procedures and criteria for such examination processes.

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

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

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

18

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

29

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

34 b. The board shall:

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

44 (2) confer continuing education credits for courses completed in
45 other states or jurisdictions of the United States on topics approved
46 by the board as appropriate for elective courses, provided that the
47 courses have been approved as continuing education courses by the
48 agency exercising regulatory authority over home improvement or

1 home elevation contractors in the other state or jurisdiction of the
2 United States and that satisfactory evidence of the licensees'
3 attendance at and completion of the courses is provided to the board
4 by the course provider;

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

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

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

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

24 (7) confer continuing education credits upon a licensee who is
25 approved by the board as an instructor of an approved continuing
26 education course offered by an approved provider. Licensees
27 approved by the board to instruct an approved continuing education
28 course shall receive twice the credit conferred upon those licensees
29 attending the course. Regardless of the number of times during a
30 biennial licensure term that the same approved course is taught by
31 that licensee, that licensee shall receive double the continuing
32 education credit for that course only once to satisfy part of the
33 continuing education requirement for the renewal of their license.¹

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

1 b. A licensee may fulfill all continuing education requirements
2 in-person, via the Internet or video modalities, or through a
3 combination of these options.¹
4

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

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

25 b. In the case of continuing education courses and programs,
26 each hour of instruction shall be equivalent to one credit.¹
27

28 ¹30. (New section) Course providers shall maintain records of
29 the successful completion of continuing education courses by
30 licensees and shall transmit this data to the board in a manner as
31 directed by the board.¹
32

33 ¹31. Sections 3 through 6 and sections 24 and 25 of this act shall
34 be effective immediately, but sections 3, 4 and 6 shall remain
35 inoperative until such time as provided in section 5. Sections 1, 2,
36 7 through 23, and 26 through 30 shall be effective on the first day
37 of the twenty-fifth month next following enactment. The director
38 and the board may take such anticipatory administrative action in
39 advance thereof as shall be necessary for implementation of this
40 act.¹