

CHAPTER 381

AN ACT concerning pool and spa service businesses and amending and supplementing P.L.2019, c.22.

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

1. Section 1 of P.L.2019, c.22 (C.45:5A-39) is amended to read as follows:

C.45:5A-39 Definitions relative to pool and spa service contractors, builders, and installers.

1. As used in this act:

"Committee" means the Pool and Spa Service Contractors and Pool and Spa Builders and Installers Advisory Committee established pursuant to section 2 of P.L.2019, c.22 (C.45:5A-40).

"Licensed pool and spa builder and installer" means a person who is licensed pursuant to the provisions of section 6 of P.L.2019, c.22 (C.45:5A-44).

"Licensed pool and spa service contractor" means a person who is licensed pursuant to the provisions of section 6 of P.L.2019, c.22 (C.45:5A-44).

"Licensee" means a person licensed to engage in pool and spa service contracting, or pool and spa building and installation, as the case may be, pursuant to the provisions of section 6 of P.L.2019, c.22 (C.45:5A-44).

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

"Pool and spa building and installation" means the excavation and grading, construction and installation of pools, tiling and coping, and installation of all circulation equipment, including pumps, filters, heaters, sanitizers, and chemical feeders. It does not include direct connections to a sanitary sewer system or potable water lines, nor the grounding and bonding of any metal surfaces or the making of any electrical connections, or the direct connection to any natural gas or propane gas source. It also does not include the startup or commissioning of oil, gas, propane, or heat pump pool heaters located outside or inside of a structure.

"Pool and spa service business" means a partnership, corporation, or any other business entity engaged in the management and coordination of all phases of pool and spa building and installation and pool and spa contracting and holds a valid business license pursuant to P.L.2025, c.381 (C.45:5A-47.1 et al.).

"Pool and spa service contracting" means the performance of all plumbing, heating, and electrical work necessary to service, modify, repair, replace, alter, or maintain any pool, including above-ground pool, hot tub, spa, or similar recreational or therapeutic equipment, where that work commences at an outlet, receptacle, connection, back-flow preventor, or fuel supply pipe previously installed by a person holding the proper license. It shall also mean the service, repair, or maintenance of the heating components of spa heaters contained inside of a self-contained spa, electric immersion heaters, and solar pool heaters. Swimming pool service and repair work includes: the renovation or repair of non-potable water components of a pool, above-ground pool, hot tub, or spa, including, but not limited to, the shell, concrete finish, or vinyl liner of that pool, hot tub, or spa; and the draining, acid washing, or backwash filtration of a pool or above-ground pool. Swimming pool service and repair work does not include:

the renovation or repair of non-potable water components of a pool, hot tub, or spa required to be installed, renovated, or repaired, or the sale, installation, service, or maintenance of a heater for a pool, hot tub, or spa, by a licensed electrician, plumber, or HVACR contractor;

the service, repair, and maintenance of any oil or natural or manufactured gas-burning heater's combustion components, heater controls, or combustion safety components; and

the service and repair of free-standing heat pump pool heaters, including the refrigerant circuit, heat pump control circuit and devices, or any safety controls.

“Subcontractor” means a partnership, corporation, or any other business entity that is not a pool and spa business that knowingly enters into a contract with a pool and spa service business or another subcontractor working with a pool and spa service business in the fulfillment of a contract issued by a contracting agency. In the case of a contract, "subcontractor" shall mean only those subcontractors who are required by law to be named in the submission of a bid.

C.45:5A-47.1 Pool and spa service business to secure business permit.

2. a. A pool and spa service business shall secure a business permit from the Pool and Spa Service Contractors and Pool and Spa Builders and Installers Advisory Committee prior to engaging in the performance of any work.

b. (1) A person or an officer, partner, employee, or representative who is or will be actively engaged or on-site on behalf of a pool and spa service business shall be licensed as a pool and spa builder and installer or a pool and spa service contractor, or both, in accordance with the provisions of P.L.2019, c.22 (C.45:5A-39 et seq.).

(2) A person licensed in accordance with paragraph (1) of this subsection shall assume full responsibility for inspection and supervision of work that aligns with the individual professional license held by the person and is to be provided by the pool and spa service business for which the person is employed and in compliance with recognized safety standards.

c. The board shall issue a permit to a business:

(1) where at least one employee holds a valid pool and spa builder and installer license or pool and spa contractor license issued by the board;

(2) that pays required application and renewal fees; and

(3) that meets any additional requirements established by the board as may be necessary to effectuate the purposes of P.L.2025, c.381 (C.45:5A-47.1 et al.).

d. A business permit issued under this section shall be renewed every three years.

e. A pool and spa service business holding a valid permit shall be authorized to serve as a general contractor for all aspects of pool and spa building and installation and pool and spa contracting, provided that all specialized work is performed by appropriately licensed professionals where required by law.

C.45:5A-47.2 Subcontractors perform work under supervision of a licensee.

3. A subcontractor performing work under a pool and spa service business shall not be required to obtain a license under P.L.2019, c.22 (C.45:5A-39 et seq.), but shall perform work under the supervision of a licensee.

4. The board, in consultation with the advisory committee, shall adopt rules and regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of P.L.2025, c.381 (C.45:5A-47.1 et al.).

5. This act shall take effect on the first day of the 10th month following enactment, except that the board, in consultation with the advisory committee, shall take such anticipatory actions prior to the effective date as may be necessary to implement the provisions of this act.

Approved January 20, 2026.