

ASSEMBLY, No. 5712

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED OCTOBER 22, 2026

Sponsored by:

Assemblyman CODY D. MILLER

District 4 (Atlantic, Camden and Gloucester)

SYNOPSIS

Revises laws concerning heating, ventilating, air conditioning and refrigeration contracting.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning HVACR contractor and subcontractor licensing
2 and amending and supplementing P.L.2007, c.211 and amending
3 P.L.1999, c.238.

4

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

7

8 1. (New section) As used in sections 1 through 9 of P.L. , c.
9 (C.) (pending before the Legislature as this bill):

10 “Board” means the State Board of Examiners of Heating,
11 Ventilating, Air Conditioning and Refrigeration Contractors.

12 “Covered HVACR work” means contracting work in heating,
13 ventilating, air conditioning and refrigeration as defined in section 2
14 of P.L.2007, c.211 (C.45:16A-2), and shall include the assembly,
15 furnishing, installation, alteration, maintenance, repair,
16 replacement, or servicing of: (1) piping, refrigerant piping, hydronic
17 piping, fittings, valves, supports, hangers, and other components
18 used for the conveyance, distribution, circulation, supply, return, or
19 control of refrigerants, water, steam, condensate, or other fluids
20 used as part of a heating, ventilating, air conditioning, or
21 refrigeration system; and (2) ductwork, plenums, dampers, louvers,
22 air-intake components, exhaust components, air-distribution
23 components, fittings, supports, hangers, curbs, and other sheet
24 metal or mechanical components used for the movement,
25 distribution, supply, return, intake, exhaust, ventilation, treatment,
26 or control of air as part of a heating, ventilating, air conditioning,
27 refrigeration, air movement, air distribution, exhaust, intake, or
28 plenum system.

29 “Master HVACR contractor’s license” means a current and valid
30 license issued by the board pursuant to P.L.2007, c.211 (C.45:16A-
31 1 et seq.), authorizing only the person, firm, partnership,
32 corporation, limited liability company, or other legal entity named
33 on the license to engage in heating, ventilating, air conditioning and
34 refrigeration contracting in this State. A Master HVACR
35 contractor’s license shall not authorize any other person or separate
36 legal entity to engage in HVACR contracting.

37 “HVACR system component” means any component, material,
38 or

39 assembly used or intended to be used in covered HVACR work,
40 including, but not limited to, piping, refrigerant piping, hydronic
41 piping, fittings, valves, and related components used for the
42 conveyance, distribution, circulation, or control of fluids, and
43 ductwork, plenums, dampers, louvers, air-intake components,
44 exhaust components, air-distribution components, fittings, supports,
45 hangers, curbs, and related sheet metal or mechanical components

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.

1 used for the movement, distribution, intake, exhaust, ventilation, or
2 control of air.

3 “Responsible contracting entity” means any contractor, general
4 contractor, construction manager, subcontractor, owner, developer,
5 or other person or entity that hires, permits, directs, awards,
6 administers, or contracts for covered HVACR work.

7 “Qualifying apprenticeship program” means a registered
8 apprenticeship program approved by the United States Department
9 of Labor, Office of Apprenticeship, or by a federally recognized
10 State Apprenticeship Agency or State Apprenticeship Council,
11 provided that the program maintains records of enrollment and
12 completion, issues proof of completion or enrollment, satisfies
13 applicable federal apprenticeship standards, and has not been
14 deregistered, suspended, or found by the approving agency to be out
15 of compliance with applicable apprenticeship standards; and
16 demonstrates that not less than 85 percent of the apprentices
17 enrolled in the program who become eligible for completion
18 successfully complete and graduate from the program.

19

20 2. Section 5 of P.L.2007, c.211 (C.45:16A-5) is amended to
21 read as follows:

22 5. a. Any person desiring to obtain a **【State】** Master HVACR
23 contractor's license shall make application for licensure to the board
24 and shall pay all the fees required in connection with the
25 application, and be examined as required by this act.

26 b. Upon the effective date of P.L. , c. (C.) (pending
27 before the Legislature as this bill), any person, firm, partnership,
28 corporation, limited liability company, or other legal entity who
29 engages in the business of heating, ventilating, air conditioning, or
30 refrigeration contracting shall hold a Master HVACR contractor's
31 license or designate a bona fide representative within 45 days.
32 Failure to obtain the Master HVACR contractor's license or
33 designate a bona fide representative upon the expiration of the 45-
34 day period shall constitute a violation under section 7 of P.L.2007,
35 c.211 (C.45:16A-7), and shall also be subject to any penalty
36 authorized pursuant to the provisions of section 12 of P.L.1978,
37 c.73 (C.45:1-25).

38 c. A person designated as a bona fide representative in
39 accordance with subsection b. of this section shall:

40 (1) be a natural person who is licensed to work as a Master
41 HVACR contractor pursuant to P.L.2007, c.211 (C. 45:16A-1 et
42 seq.);

43 (2) be employed on a full-time basis by the person or entity;

44 (3) exercise direct supervision and control over all covered
45 HVACR work performed; and

46 (4) not serve as a bona fide representative for more than one
47 person or entity.

1 d. Any license issued pursuant to P.L.2007, c.211 (C.45:16A-1
2 et seq.) shall authorize only the person or specific entity named on
3 the license to perform covered HVACR work. The license shall not
4 be assigned, transferred, shared, or otherwise utilized by any other
5 person or entity, including, but not limited to, affiliated entities,
6 subsidiaries, parent companies, or entities under common
7 ownership or control.

8 e. Failure to comply with this section shall result in suspension
9 and potential revocation of registration and licensure.

10 f. The board shall provide reasonable access to licensing
11 examinations during the 45-day period provided in subsection a. of
12 this section.

13 (cf: P.L.2007, c.211, s.5)

14
15 3. (New section)a. The Division of Consumer Affairs, in
16 consultation with the board, shall establish and maintain an
17 electronic license verification system for the real-time verification
18 of Master HVACR contractor licenses, bona fide representative
19 designations, and any license suspension, revocation, expiration, or
20 other public disciplinary restriction affecting the authority of a
21 person or entity to perform covered HVACR work.

22 b. The electronic license verification system shall be made
23 available to public bodies, municipalities, enforcement agencies,
24 construction officials, subcode officials, and the public. The system
25 shall identify, at a minimum:

26 (1) whether a Master HVACR contractor license is active,
27 expired, suspended, revoked, or otherwise restricted;

28 (2) the person or entity authorized to perform covered HVACR
29 work under the license;

30 (3) the bona fide representative, if any, associated with the
31 person or entity;

32 (4) the expiration date of the license; and

33 (5) any public disciplinary action or restriction affecting the
34 license or the ability of the person or entity to perform covered
35 HVACR work.

36 c. At the time an application is made for a permit involving
37 covered HVACR work and prior to issuance of the permit, the
38 enforcement agency, construction official, or other appropriate
39 permitting authority shall verify that each contractor or
40 subcontractor identified as performing covered HVACR work holds
41 an active Master HVACR contractor license, has designated a bona
42 fide representative where required, or is otherwise lawfully
43 authorized to perform covered HVACR work pursuant to P.L.2007,
44 c.211 (C.45:16A-1 et seq.) and P.L. , c. (C.) (pending before the
45 Legislature as this bill). No permit shall be issued unless the
46 required verification has been completed.

47 d. Upon implementation of the electronic license verification
48 system, municipalities, enforcement agencies, construction

officials, and subcode officials shall use the system to verify licensure and bona fide representative status prior to issuing a permit for covered HVACR work and for enforcement purposes under this act.

e. Until the electronic license verification system is operational, or during any temporary outage or unavailability of the system, verification may be completed through records maintained by the board or the Division of Consumer Affairs, or through other official licensing records made available by the division or board.

f. A municipality, enforcement agency, construction official, or subcode official that relies in good faith on the electronic license verification system, or on official records provided by the board or the Division of Consumer Affairs pursuant to subsection e. of this section, shall be deemed to have satisfied the verification obligation under this section.

g. The Division of Consumer Affairs may adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as necessary to implement this section.

h. This section shall become operative on the first day of the 13th month next following the effective date of P.L. , c. (C.) (pending before the Legislature as this bill).

4. Section 7 of P.L.2007, c.211 (C.45:16A-7) is amended to read as follows:

7. a. A person shall not work as a Master HVACR contractor or use the title or designation of "licensed Master HVACR contractor" or "Master HVACR contractor" unless licensed pursuant to the provisions of P.L.2007, c.211 (C.45:16A-1 et seq.), and that person shall hold the license prior to the registration of an HVACR contracting business in the State. A person shall not engage in or perform contracting work in heating, ventilating, air conditioning and refrigeration, as defined in section 2 of P.L.2007, c.211 (C.45:16A-2), without holding a Master HVACR contractor's license.

b. A person, firm, partnership, corporation or other legal entity shall not engage in the business of HVACR contracting or advertise in any manner as a Master HVACR contractor or use the title or designation of "licensed Master HVACR contractor" or "Master HVACR contractor" unless authorized to act as a Master HVACR contractor pursuant to the provisions of P.L.2007, c.211 (C.45:16A-1 et seq.).

c. A responsible contracting entity shall not hire, permit, direct, or contract with a subcontractor to perform heating, ventilating, air conditioning and refrigeration contracting work unless the subcontractor is independently licensed as a Master HVACR contractor pursuant to the provisions of P.L.2007, c.211 (C.45:16A-1 et seq.). Where a responsible contracting entity hires, permits,

1 directs, awards, administers, or contracts with multiple
2 subcontractors, each subcontractor shall be independently licensed
3 to work as a Master HVACR contractor.

4 d. In addition to any penalty authorized pursuant to the
5 provisions of section 12 of P.L.1978, c.73 (C.45:1-25), any person,
6 firm, partnership, corporation or other legal entity that knowingly
7 violates any provision of this section shall be guilty of a crime of
8 the fourth degree.

9 e. A person who violates any provision of P.L.2007, c.211
10 (C.45:16A-1 et seq.) or P.L. , c. (pending before the Legislature
11 as this bill) shall be subject to the following penalties:

12 (1) for the first offense, a penalty of up to \$10,000;

13 (2) for the second offense, a penalty of up to \$25,000;

14 (3) for the third or any subsequent offense, a penalty of up to
15 \$50,000; and

16 (4) the board may suspend or revoke the person's license.

17 f. Each day of noncompliance with the provisions of P.L.2007,
18 c.211 (C.45:16A-1 et seq.) or P.L. , c. (pending before the
19 legislature as this bill) and the daily continuation of each project
20 during the period of noncompliance shall constitute a separate
21 violation.

22 g. A Master HVACR contractor who knows or reasonably
23 should have known that a subcontractor with whom the Master
24 HVACR contractor hires, permits, directs, awards, administers, or
25 contracts with to perform contracting work in heating, ventilating,
26 air conditioning and refrigeration contracting work is not licensed
27 and registered pursuant to P.L.2007, c.211 (C.45:16A-1 et seq.),
28 shall be jointly and severally liable for any violation of the
29 subcontractor.

30 h. A knowing violation of P.L.2007, c.211 (C.45:16A-1 et seq.)
31 or P.L. , c. (pending before the Legislature as this bill) shall
32 constitute a crime of the fourth degree and shall be subject to
33 enhanced penalties up to \$75,000.

34 (cf: P.L.2017, c.173, s.2)

35
36 5. (New section) a. Any person or entity engaged in the
37 fabrication, manufacturing, or assembly of ductwork, piping, or
38 HVACR system components within the State for installation within
39 the State shall hold a Master HVACR contractor's license. Failure
40 to hold a Master HVACR contractor's license shall constitute a
41 violation under section 7 of P.L.2007, c.211 (C.45:16A-7), and shall
42 also be subject to any penalty authorized pursuant to the provisions
43 of section 12 of P.L.1978, c.73 (C.45:1-25) for a violation of
44 P.L.2007, c.211 (C.45:16A-1 et seq.) or P.L. , c. (pending
45 before the Legislature as this bill).

46 b. Any person or entity subject to the provisions of subsection
47 a. of this section who fabricates or manufactures ductwork, piping,
48 or HVACR system components shall ensure that all fabricated

1 materials meet or exceed applicable standards, including those
2 promulgated by American Society of Mechanical Engineers
3 (ASME), American Society for Testing and Materials International
4 (ASTM), Sheet Metal and Air Conditioning Contractors' National
5 Association (SMACNA), or other recognized standards
6 organizations.

7 c. A person or entity shall remain subject to the provisions of
8 this section if the person or entity does not perform on-site
9 installation of ductwork, piping, or HVACR system components as
10 authorized pursuant to section 2 of P.L.2007, c.211 (C.45:16A-2).

11 d. The licensing requirements of this section shall become
12 operative on the first day of the seventh month next following the
13 effect date of this act.

14

15 6. (New section) a. For the purposes of satisfying experience,
16 training, and qualification requirements for licensure as a Master
17 HVACR contractor, the board shall recognize and accept the
18 following without limitation:

19 (1) completion of a registered apprenticeship program approved
20 by the United States Department of Labor, Office of
21 Apprenticeship; and

22 (2) completion of a registered apprenticeship program approved
23 by a federally recognized State Apprenticeship Agency (SAA) or
24 State Apprenticeship Council (SAC), including but not limited to
25 programs registered in states recognized pursuant to 29 CFR s.
26 29.13.

27 b. (1) Any apprenticeship program registered with a SAA or
28 SAC recognized by the United States Department of Labor shall be
29 deemed equivalent in all respects to a program registered directly
30 with the United States Department of Labor.

31 (2) Completion of a SAA-approved or SAC-approved
32 apprenticeship program shall automatically satisfy all
33 apprenticeship training requirements of P.L.2007, c.211 (C.45:16A-
34 1 et seq.) or P.L. , c. (C.) (pending before the Legislature
35 as this bill) without additional coursework, testing, or verification
36 beyond proof of completion.

37 c. The board shall not deny, restrict, delay, or otherwise limit
38 licensure eligibility if an applicant meets standards established
39 pursuant to subsections a. or b. of this section.

40 d. The board shall accept and recognize out-of-State
41 apprenticeship credentials and training hours on a full and equal
42 basis, and shall provide reciprocity for applicants who have
43 completed qualifying programs in other states.

44 f. No additional burdens, fees, examinations, or administrative
45 requirements shall be imposed on an applicant solely because the
46 applicant's apprenticeship credentials were obtained through a SAA
47 or SAC rather than the United States Department of Labor.

1 g. The construction manager, general contractor, prime
2 contractor, or other lead contractor responsible for a project
3 involving covered HVACR work shall ensure that the craft labor
4 workers employed to perform covered HVACR work on the project
5 are comprised of either journeyperson workers who have
6 successfully completed a qualifying apprenticeship program, or
7 apprentices currently registered in such a program. The
8 apprenticeship participation required pursuant to this subsection
9 shall be in the same trade or craft for which the workers are
10 employed on the project. To demonstrate compliance with this
11 subsection, the construction manager, general contractor, prime
12 contractor, or other lead contractor responsible for the project shall
13 provide a list of all qualified workers performing covered HVACR
14 work and proof from the United States Department of Labor, a
15 federally recognized SAA, or a SAC of each worker's graduation
16 from, or current enrollment in, a qualifying apprenticeship program.

17 h. The provisions of this section shall be liberally construed to
18 promote safety and workforce training and ensure the recognition of
19 high-quality apprenticeship training programs.

20 i. Any rule, regulation, or policy inconsistent with this section
21 shall be deemed void and unenforceable.

22

23 7. Section 4 of P.L.1999, c.238 (C.34:11-56.51) is amended to
24 read as follows:

25 4. a. No contractor shall bid on any contract for public work as
26 defined in section 2 of P.L.1963, c.150 (C.34:11-56.26), or for
27 which payment of the prevailing wage is required by any other
28 provision of law, unless the contractor is registered pursuant to this
29 act. No contractor shall list a subcontractor in a bid proposal for the
30 contract unless the subcontractor is registered pursuant to P.L.1999,
31 c.238 (C.34:11-56.48 et seq.) at the time the bid is made. No
32 contractor or subcontractor, including a subcontractor not listed in
33 the bid proposal, shall engage in the performance of any public
34 work subject to the contract, unless the contractor or subcontractor
35 is registered pursuant to that act.

36 b. A partnership or joint venture shall be permitted to bid on
37 heavy infrastructure projects, if each party to the partnership or
38 joint venture is independently registered in compliance with this
39 section.

40 (1) Prior to being awarded a contract, a partnership or joint
41 venture shall register with the Department of Labor and Workforce
42 Development to obtain a Public Works Contractor Registration
43 certificate and designate a primary contract manager to oversee
44 contract administration and compliance.

45 (2) If any party to the partnership or joint venture fails to
46 perform or comply with a contract or a portion thereof, all parties to
47 the partnership or joint venture shall be held jointly and severally
48 liable. Such failure to perform or comply may result in penalties to

1 the partnership or joint venture, including cancellation of the
2 contract.

3 c. As used in this section, “heavy infrastructure project” means a
4 public works project that involves the planning, design,
5 construction, or maintenance of essential facilities and systems,
6 including, but not limited to, roads, bridges, tunnels, railways,
7 airports, seaports, transit systems, water and wastewater treatment
8 facilities, stormwater systems, utilities, and environmental
9 remediation efforts.

10 d. (1) No contractor shall bid on any contract for public work
11 as defined in section 2 of P.L.1963, c.150 (C.34:11-56.26), or for
12 which payment of the prevailing wage is required by any other
13 provision of law, if the work concerns heating, ventilating, air
14 conditioning and refrigeration, as defined in section 2 of P.L.2007,
15 c.211 (C.45:16A-2), without holding a Master HVACR contractor’s
16 license.

17 (2) A public body contracting for work concerning heating,
18 ventilating, air conditioning and refrigeration, as defined in section
19 2 of P.L.2007, c.211 (C.45:16A-2), shall verify the licensing
20 requirements of P.L.2007, c.211 (C.45:16A-1 et seq.) and P.L. , c.
21 (C.) (pending before the Legislature as this bill) are met prior
22 to the award of a contract.

23 (3) If a contractor fails to comply with the requirements of this
24 subsection, the contractor shall be disqualified from accepting the
25 contract. The commissioner may debar violators from public work
26 for a minimum of three years.

27 (cf: P.L.2025, c.242, s.1)

28

29 8. (New section) Any person or entity performing HVACR
30 work under the North American Industry Classification System
31 (NAICS) used by federal statistical agencies for classifying
32 business establishments classifications, including 238220, 561790,
33 333415, and 236210, shall be subject to the provisions of P.L.2007,
34 c.211 (C.45:16A-1 et seq.) and P.L. , c. (C.) (pending
35 before the Legislature as this bill).

36

37 9. This act shall take 90 days after the date of enactment,
38 except that section 3 shall become operative 12 months next
39 following the effective date of this act and section 5 shall become
40 operative on the first day of the seventh month next following the
41 effective date of this act, and the Director of the Division of
42 Consumer Affairs and the board may take anticipatory
43 administrative action in advance thereof as shall be necessary for
44 implementation.

STATEMENT

This bill revises “The State Heating, Ventilating, Air Conditioning and Refrigeration Contracting License Law.” Specifically, the bill provides that a person is required to hold a Master HVACR contractor’s license prior to the registration of an HVACR contracting business in the State. Additionally, the bill clarifies that a person is prohibited from engaging in or performing heating, ventilating, air conditioning and refrigeration contracting work, as a Master HVACR, without holding a Master HVACR contractor’s license.

The bill prohibits a responsible contracting entity from hiring, permitting, directing, or contracting with a subcontractor to perform heating, ventilating, air conditioning and refrigeration work unless the subcontractor is independently licensed as a Master HVACR contractor.

Under the bill, any person who works as a Master HVACR contractor but does not hold a Master HVACR contractor’s license will have the first day of the seventh month next following the effective date of the bill to obtain a Master HVACR contractor’s license or designate a bona fide representative before the failure to hold the license constitutes a violation of the law.

The bill requires any person or entity engaged in the fabrication, manufacture, or assembly of ductwork, piping, or HVACR system components within the State for installation within the State to hold a Master HVACR contractor’s license.

The bill provides for penalties of violations of its provisions as follows:

- (1) for the first offense, a penalty of up to \$10,000;
- (2) for the second offense, a penalty of up to \$25,000;
- (3) for the third or any subsequent offense, a penalty of up to \$50,000; and
- (4) the board may suspend or revoke the person’s license.

Additionally, each day of noncompliance with the provisions of the bill and each project will constitute a separate violation.

The bill provides for reciprocity standards for licensing issued by other states.

Finally, the bill amends “The Public Works Contractor Registration Act” to require that any person bidding on a contract or work subject to that law if the work concerns heating, ventilating, air conditioning and refrigeration is to hold a Master HVACR contractor’s license.