

COMMUNITY AFFAIRS

LANDSCAPE IRRIGATION CONTRACTORS EXAMINING BOARD

Landscape Irrigation Contractors

Adopted Amendments: N.J.A.C. 5:62-1.1, 1.4, 2, 4.1, 5.7, and 5.9; and 5:62 Appendix

Proposed: July 6, 2020, at 52 N.J.R. 1317(a).

Adopted: October 1, 2020, by Gaetano Virone, Chairman, Landscape Irrigation Contractors Examining Board.

Filed: November 10, 2020, as R.2020 d.131, **with a non-substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:5AA, specifically 45:5AA-6.m and n; and P.L. 2015, c. 169.

Effective Date: December 7, 2020.

Expiration Date: February 20, 2021.

Summary of Public Comments and Agency Responses:

Comments were received from John M. Raffiani, Licensed New Jersey Irrigation Contractor.

1. COMMENT: The commenter stated that the 1,100-hour threshold to qualify for an eligible year of experience is too high a threshold, and he opines that many workers will not meet that threshold in any one given year.

RESPONSE: The Board thanks the commenter, but notes that the change in qualifying an eligible year of experience already accommodates the concern. For example, someone working less than 1,100 hours in one year would receive proportional credit towards meeting the overall three-year experience requirement. The intent of this change was to qualify what the Board sees

as an eligible year of experience, without granting more than one-year experience if the number of hours exceeds 1,100 in any given year.

2. COMMENT: The commenter raised a concern that requiring master plumbers/plumbing contractors engaged in irrigation work to obtain an irrigation contractor business permit would create a loophole for unlicensed irrigation contractors to essentially use a master plumber to obtain permits for irrigation work fraudulently.

RESPONSE: The Board thanks the commenter for this comment; however, there is nothing in this rule change that would relieve anyone engaged in landscape irrigation contracting from obtaining a valid business permit. Thus, the change only strengthens the requirement by specifying that master plumbers engaging in such activity must also obtain a landscape irrigation contractor business permit. Nothing would relieve an unlicensed contractor from the need to obtain their own valid landscape irrigation contractor permit.

3. COMMENT: The commenter suggests that requiring master plumbers to obtain a landscape irrigation business permit should also contain requirements for continuing education or some demonstration of competency in the field of landscape irrigation work.

RESPONSE: The Board respectfully disagrees with the commenter. Because master plumbers are specifically exempt from having to obtain an individual landscape irrigation contractor certification, by both the enabling statute and this chapter (see N.J.S.A. 45:5AA-3.b and N.J.A.C. 5:62-5.7(a)1), master plumbers cannot be required to complete continuing education or complete an examination.

Federal Standards Statement

No Federal standards analysis is required for the amendments because the amendments are not being adopted in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Full text of the adoption follows (addition to proposal indicated in boldface with asterisks ***thus***; deletion from proposal indicated in brackets with asterisks ***[thus]***):

SUBCHAPTER 5. ADDITIONAL REQUIREMENTS

5:62-5.7 Exemptions

(a) The following are exempt from obtaining a certificate and/or a business permit pursuant to N.J.S.A. 45:5AA-3.c, as detailed below:

1. Licensed plumbing contractors, as defined at N.J.S.A. 45:14C-2, are exempt from having to obtain a landscape irrigation contractor certificate but not a business permit pursuant to the Act if they are installing landscape irrigation systems as part of their plumbing contracting business. A licensed plumbing contractor who installs landscape irrigation systems as part of his or her plumbing contracting business shall file for a business permit in accordance with this chapter by ***[(180 days from the effective date of this amendment)]* *June 7, 2021,*** in order for the Board to have a record of such activity and to qualify any subsequent applications for a certificate. The existence of a licensed plumber or plumbing contractor on staff or payroll of a business does not exempt it from having to obtain a business permit and designate a certificate holder in order to advertise, enter into, or engage in the business of landscape irrigation contracting. A landscape irrigation contractor, who may be the owner or an employee of the

business engaged in landscape irrigation contracting, shall obtain certification pursuant to the provisions of the Act and this chapter;

2.-7. (No change.)

(b) (No change.)