LABOR AND WORKFORCE DEVELOPMENT

(a)

PUBLIC SAFETY AND OCCUPATIONAL SAFETY AND HEALTH

Boilers, Pressure Vessels, and Refrigeration Systems

Adopted Amendments: N.J.A.C. 12:90-3.12, 3.13, 4.8, 4.12, 4.13, 4.14, 5.9, 5.15, 5.16, 6.4, 6.5, 8.2, 8.15, and 8.19

Proposed: October 21, 2019, at 51 N.J.R. 1564(a).
Adopted: January 8, 2020, by Robert Asaro-Angelo, Commissioner, Department of Labor and Workforce Development.
Filed: January 8, 2020, as R.2020 d.014, **without change.**
Authority: N.J.S.A. 34:7-18 and Reorganization Plan No. 002-2002.
Effective Date: February 3, 2020.
Expiration Date: January 3, 2025.

Summary of Hearing Officer's Recommendations and Agency's Response:

A public hearing regarding the proposed amendments was held on November 7, 2019, at the Department of Labor and Workforce Development. David Fish, Executive Director, Legal and Regulatory Services, was available to preside at the public hearing and to receive testimony regarding the proposed amendments. No one testified at the public hearing and no written comments were submitted directly to the Office of Legal and Regulatory Services. Therefore, the hearing officer recommended that the Department proceed with the proposed amendments without change.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

The adopted amendments are governed by N.J.S.A. 34:7-1 et seq., and 34:7-14 et seq., and are not subject to any Federal standards or requirements. Therefore, a Federal standards analysis is not required.

Full text of the adoption follows:

SUBCHAPTER 3. ADMINISTRATION

12:90-3.12 Qualification of inspectors

(a) (No change.)

(b) Any inspector who shall perform boiler inspections under the requirements of N.J.A.C. 12:90-4.10 (and/or N.J.A.C. 12:90-5.14) shall receive a Certificate of Competency after submitting an application for a Certificate of Competency and meeting the following requirements:

1. An application for a New Jersey Certificate of Competency shall be completed in its entirety, signed and dated by the applicant, and the applicant's signature shall be notarized. The application shall include the applicant's name, address, city and state with zip code, county, telephone number, education, place of employment, National Board and other state commissions held, and a statement of experiences. The application shall be accompanied by a $200.00 application fee; and

2.-3. (No change.)

(c) Any inspector whose duties shall be limited to shop inspections that require a New Jersey Certificate of Competency can apply for a "Shop Inspection" Certificate of Competency based solely on holding a valid Commission issued by the National Board of Boiler and Pressure Vessel Inspectors. The application shall meet the following requirements:

1. An application for a New Jersey Certificate of Competency shall be completed, signed and dated by the applicant, and this signature shall be notarized. The application shall include the applicant's name, address, city and state with zip code, county, telephone number, education, place of employment, National Board and other state commissions held, and a statement of experiences. The application shall be accompanied by a $200.00 application fee; and

2. (No change.)

(d) Any inspector whose duties shall be limited to owner-user inspections under N.J.A.C. 12:90-5.12, 5.13, or 5.14 shall receive a Certificate of Competency after submitting an application for a Certificate of Competency and meeting the requirements under (d)1, 2, and 3 below.

1. An application for a New Jersey Certificate of Competency shall be completed, signed and dated by the inspector, and this signature shall be notarized. The application shall include the applicant's name, address, city and state with zip code, county, telephone number, education, place of employment, National Board and other state commissions held, and a statement of experiences. The application shall be accompanied by a $200.00 application fee.

2.-4. (No change.)

(e) (No change.)

12:90-3.13 Renewal of Certificates of Competency

(a) (No change.)

(b) When applying for the renewal of a Certificate of Competency, the authorized inspection agency or owner/user inspection agency shall submit a renewal fee of $80.00 for a one-year renewal or $160.00 for a three-year renewal.

(c) (No change.)

(d) When transferring a Certificate of Competency from one authorized inspection agency to another authorized inspection agency, a $40.00 transfer fee shall be submitted. The expiration date of the Certificate of Competency shall be retained.

(e) (No change.)

SUBCHAPTER 4. BOILERS

12:90-4.8 Welded repairs and alterations to boilers

(a)-(f) (No change.)

(g) An alteration report and a copy of the original manufacturer's data report shall be filed with the National Board of Boiler and Pressure Vessel Inspectors or the Bureau of Boiler and Pressure Vessel Compliance if the boiler is not registered with the National Board. Fees for registration of these reports shall be $8.00 for each boiler and shall be forwarded to the Bureau of Boiler and Pressure Vessel Compliance for registration.

1.-2. (No change.)

12:90-4.12 Fee and visit charge for shop inspection

(a) The fee for a shop inspection shall be the higher of either (a)1 or 2 below:

1. A fee of $200.00 for each boiler inspected; or

2. A daily visit charge of $640.00 for any shop inspection of four hours or less and $1,200 for any shop inspection exceeding four hours.

12:90-4.13 Fee for field inspection

(a) An insurance company making an annual field inspection shall pay a fee of $100.00 for each boiler inspected. The insurance company shall pay the fee to the Commissioner of the Department of Labor and Workforce Development within 30 days of performing the inspection.

(b) (No change.)

(c) The fee for a State field inspection for each annual internal-external inspection, which shall include a hydrostatic test if found necessary, shall be paid to the Commissioner of the Department of Labor and Workforce Development as follows:

1. Ten and not over 60 square feet	$160.00
2. Sixty and not over 1,000 square feet	$220.00
3. 1,000 square feet and over	$300.00

(d) In addition to the annual internal-external inspection, there may be an external inspection for which the owner or user shall pay to the Commissioner of the Department of Labor and Workforce Development a fee of $200.00.

12:90-4.14 Registration of boilers

(a)-(c) (No change.)

(d) Damaged, altered, defaced, or lost certificates must be replaced by request through the Bureau of Boiler and Pressure Vessel Compliance for replacement. The fee for replacement shall be $32.00.

SUBCHAPTER 5. UNFIRED PRESSURE VESSELS

12:90-5.9 Class III unfired pressure vessels—New Jersey Approved

(a) (No change.)

(b) The application for a New Jersey Approved unfired pressure vessel shall meet the following requirements:

1.-3. (No change.)

4. All letters of application shall be accompanied by payment of $6,000 for each non-code design. Additional fees shall be required for designs submitted for a single project and shall be repetitive for each user-application of the design;

5.-6. (No change.)

(c)-(m) (No change.)

12:90-5.15 Fee and visit charge for shop inspection

(a) The fee for shop inspection shall be either:

1. A daily visit charge of $640.00 for any shop inspection of four hours or less that is made for the purpose of monitoring the quality control process during fabrication of a pressure vessel. This daily visit charge shall be $1,200 if the shop inspection exceeds four hours. Audits and joint reviews will be charged by the day/half day rate; or

2. A fee of $200.00 for each pressure vessel when the purpose of the visit is to inspect specific vessels.

12:90-5.16 Fee for field inspection

(a) An insurance company making a field inspection shall pay a fee of $60.00 for each pressure vessel inspected. The insurance company shall pay the fee to the Commissioner of the Department of Labor and Workforce Development within 30 days of performing the inspection.

(b) (No change.)

(c) The fee for a State field inspection of a pressure vessel shall be in accordance with the following schedule:

1. $40.00 for vessels not over 30 square feet in size;

2. $80.00 for vessels over 30 but not over 60 square feet in size;

3. $120.00 for vessels over 60 but not over 100 square feet in size; and

4. $160.00 for vessels over 100 square feet in size.

(d)-(f) (No change.)

(g) Where a pressure vessel is being inspected by an owner-user inspector under (e) above, the owner-user inspector shall on an annual basis record with the Department all inspections performed during the preceding year accompanied by a fee in accordance with the following schedule:

Owner-User Inspection Agency

Table 5.16

	Owner-User Object Cost Per Pressure Vessel	Minimum Number Of Pressure Vessels Inspected	Maximum Number Of Pressure Vessels Inspected
1	$30.00	1	Up to 25
2	$15.00	26	Up to 100
3	$12.00	101	Up to 500
4	$9.00	501	And Over

SUBCHAPTER 6. REFRIGERATION SYSTEMS

12:90-6.4 Inspection of refrigeration systems

(a)-(d) (No change.)

(e) Damaged, altered, defaced, or lost certificates must be replaced by request through the Bureau of Boiler and Pressure Vessel Compliance. The fee for replacement shall be $30.00.

12:90-6.5 Fee for field inspection

(a) An insurance company making an annual inspection of refrigeration systems shall pay a $80.00 fee to the Commissioner of the Department of Labor and Workforce Development for each system.

(b) (No change.)

(c) The fee for an annual field inspection by the State, based on the refrigeration capacity of the system, shall be made payable to the Commissioner of the Department of Labor and Workforce Development as follows:

1. Over three and under 25 tons $200.00

2. Twenty-five tons and over, but less than 300 tons $300.00

3. 300 tons and over $400.00

SUBCHAPTER 8. LICENSING OF OPERATING ENGINEERS AND BOILER OPERATORS

12:90-8.2 Application for licenses

(a)-(j) (No change.)

(k) The fee for each examination and for any license issued by the Bureau shall be $200.00, and the fee for a raise of grade or additional classification shall be $160.00. The fee shall be in the form of a check or money order made payable to the Commissioner of the Department of Labor and Workforce Development and shall accompany the application.

(l)-(m) (No change.)

12:90-8.15 Granting of license

(a)-(f) (No change.)

(g) Duplicate licenses for part-time employment may be issued at the discretion of the Commissioner.

1. The fee for a duplicate license is $12.00 for one year.

2.-4. (No change.)

12:90-8.19 Renewal of license

(a) When applying for the renewal of a license, it shall be necessary to return only the signed identification card with a fee of $80.00 for a one-year renewal or $160.00 for a three-year renewal.

(b) (No change.)

(c) An application for a renewal of an expired license shall be approved provided:

1. A fee of $120.00 is enclosed for one year or $240.00 for a three-year renewal when the license renewal is late by no more than four months past the expiration date;

2.-3. (No change.)

(d) (No change.)

(e) An altered, defaced, or otherwise mutilated license shall be replaced only after review by the Bureau of Boiler and Pressure Vessel Compliance. Photostats, photographs, or reproduction of a license shall have no status and shall not be recognized. A fee of $20.00 shall be submitted for a replacement license.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
HEARING AID DISPENSERS EXAMINING COMMITTEE

Telemedicine

Adopted New Rules: N.J.A.C. 13:35-8.21 through 8.28

Proposed: May 20, 2019, at 51 N.J.R. 714(a).

Adopted: November 13, 2019, by the State Board of Medical Examiners, Scott E. Metzger, M.D., President.

Filed: January 2, 2020, as R.2020 d.010, **without change**.

Authority: P.L. 2017, c. 117 (N.J.S.A. 45:9A-7).

Effective Date: February 3, 2020.

Expiration Date: April 3, 2025.

Summary of Public Comment and Agency Response:

The official comment period ended July 19, 2019. **No comments were received.**

Federal Standards Statement

Requirements in N.J.A.C. 13:35-6B.9 impose the same standards for privacy of communications as are imposed by 45 CFR 160 and 164, which are referred to in the rule. There are no other applicable Federal laws or standards.