



The Association of
Pool & Spa Professionals®

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ADVOCACY

NEW JERSEY

A.B. 3497 - Special Request

Sponsor:

Assembly member Jason O'Donnell (D)

Summary:

Changes current law to allow discretion in the awarding of damages by the courts regarding violations of the consumer fraud act.

Mandates that these damages do not exceed three times the actual damages suffered by the consumer.

Provides that technical violations of the consumer fraud act do not allow for the awarding of attorney's fees and filing costs. Requires the consumer to have been aware of, relied on, used, or employed the unlawful act or practice in order to succeed in their consumer fraud action.

Requires the consumer to serve a written demand on the seller before filing a suit.

Provides that the consumer fraud act only applies to New Jersey residents or transactions that take place within the State. http://www.njleg.state.nj.us/2014/Bills/A3500/3497_11.PDF

Status:

Introduced; referred to Assembly Committee on Consumer Affairs 7/11/2014.

Outlook:

This measure has been referred to the Committee on Consumer Affairs Chaired by Assemblyman Paul Moriarty (D). The ranking minority member of the committee is Assemblyman Brian Rumpf (R) who also serves as the Co-Chair for the Committee on Policy.

Companion legislation has been filed by Senator Steven Oroho (R).

The sponsor is a member of the majority party. There is companion legislation in the Senate under S.B. 2293. in New Jersey, the Democratic Party controls both chambers of the Legislature, while the Governor is a Republican.

Companion Bill: 2014 S.B. 2293

Effective Date:

Upon Enactment

A.B. 4052 - LICENSING FOR POOL/SPA (HOME IMPROVEMENT CONTRACTORS)

Sponsor:

Assembly member Wayne DeAngelo (D)

Summary:

Provides for the licensing of pool and spa service contractors and pool and spa builders and installers. Establishes a Pool and Spa Service Contractors and Pool and Spa Builders and Installers Advisory Committee in the Department of Law and Public Safety, under the Board of Examiners of Electrical Contractors.

States that in order to be eligible for licensure as a pool and spa service contractor, an applicant must 1) be at least 18 years of age; 2) be of good moral character; 3) meet qualifications established by the Board in consultation with the Committee. Provides that these qualifications are to cover experience, continuing education, financial responsibility and integrity. States that these qualifications must also establish the successful completion of, and having earned, either an Association of Pool and Spa Professionals (APSP) certification as a Certified Service Professional (CSP), an APSP certification as a Certified Service Technician (CST), or an APSP certification as a Certified Building Professional (CBP). Clarifies that for those persons who only service and maintain portable spas, the qualifications established by the Board must establish that the applicant has successfully completed and earned an APSP certification as a Certified Hot Tub Technician (CHTT), or any other certification acceptable to the Board.

Provides that in order to be eligible for licensure as a pool and spa builder and installer, an applicant must 1) be at least 18 years of age; 2) be of good moral character; 3) meet qualifications established by the Board, in consultation with the Committee. Provides that these qualifications are to cover experience, continuing education, financial responsibility and integrity. States that these qualifications must also establish the successful completion of, and having earned, certification as a Certified Builder Professional (CBP) from the Association of Pool and Spa Professionals or such other certification acceptable to the Board in consultation with the Committee.

States that pool and spa building and installation licenses and pool and spa service contracting licenses shall be issued to qualified applicants for a three-year period, upon payment of a licensing fee. Clarifies that license renewals shall be issued for a three-year period upon the payment of a renewal fee.

Requires every licensed pool and spa service contractor and every pool and spa builder and installer, including every employee or other person engaged in the unsupervised building,

servicing, or maintenance of a pool to, at all times during working hours, display an identification card issued by the Board. Provides for the identification card to contain 1) the name, photograph and signature of the person to whom the card has been issued; 2) the business name and address and license number of the licensee; 3) the expiration date of the card; 4) any other information the Board deems appropriate for identification purposes.

http://www.njleg.state.nj.us/2014/Bills/A4500/4052_I1.PDF

Status:

Introduced 12/18/2014. Referred to Assembly Regulated Professions Committee 1/12/2015.

Outlook:

Bill text has been made available.

A related measure, S.B. 1073, which establishes "William's Law," pertaining to pool safety, has also been introduced in the Legislature. S.B. 1073, sponsored by Senator Anthony R. Bucco (R), requires swimming pools to be entirely enclosed by a wall, fence or other barrier. S.B. 1073 has been referred to the Senate Community and Urban Affairs Committee but has received no further action. There is no companion bill and S.B. 1073 is a re-file from the 2012-2013 Legislative session. This bill has been re-filed every session since the 2006-2007 session. The measure has never received a hearing in the Legislature. Senator Bucco is a member of the minority party.

Unlike the sponsor of S.B. 1073, the sponsor of A.B. 4052 is a member of the majority party.

However, as with S.B. 1073, the sponsor of A.B. 4052, Assembly member Wayne DeAngelo (D), does not sit on the committee of referral and A.B. 4052 does not have a companion.

Democrats control the House and Senate while Republicans control the Governor's Office.

S.B. 1073 - POOL/SPA ALARMS, POOL/SPA FENCING

Sponsor: Assembly member Anthony Bucco (R)

Summary: Requires swimming pools to be entirely enclosed by a wall, fence or other barrier.

Defines a "swimming pool" as any structure intended for swimming and for the purposes of this bill includes any affixed structure or contained body of water eighteen inches or more in depth at any point and wider than eight feet at any point. Includes swimming pools, hot tubs, non-portable spas, home ponds and fountains.

Outlines specifications for the fences and any gates they may have. Allows owners limited flexibility if a residence or living area constitutes part of the wall, fence or barrier and outlines the requirements for acceptable alternatives in this case.

Exempts water storage or delivery systems or structures used in normal agricultural practices. Specifies that more stringent existing county or municipal laws, rules or regulations pertaining to swimming pool safety or the enclosure of swimming pools would still be enforceable.

Link for bill text is not yet available.

Status:

Introduced 1/27/2014. Referred to Senate Community and Urban Affairs Committee 1/30/2014.

Outlook:

Bill text for this measure is now available. The sponsor does not sit on the committee of referral.

This measure is a refiled measure from the 2012-2013 Legislative Session, previously S.B. 501. S.B. 501 failed to receive a vote in committee. The sponsor is a member of the minority party as Democrats control the House and Senate while Republicans control the Governor's Office.

NEW JERSEY S.B. 2293 - Special Request

Sponsor: Senator Steven Oroho (R)

Summary: Changes current law to allow discretion in the awarding of damages by the courts in cases concerning violations under the consumer fraud act. Mandates that these damages do not exceed three times the actual damages suffered by the consumer. Provides that technical violations of the consumer fraud act do not allow for the awarding of attorney's fees and filing costs. Requires the consumer to have been aware of, relied on, used, or employed the unlawful act or practice in order to succeed in their consumer fraud action. Requires the consumer to serve a written demand on the seller before filing a suit. Provides that the consumer fraud act only applies to New Jersey residents or transactions that take place within the State.

http://www.njleg.state.nj.us/2014/Bills/S2500/2293_11.PDF

Status:

Introduced and referred to the Committee on Commerce 6/30/2014.

Outlook:

The sponsor is a member of the minority party and does not serve on the committee of referral. This measure has companion legislation in the Assembly under A.B. 3497. In New Jersey, the Democratic Party controls both chambers of the Legislature, while the Governor is a Republican.

Companion Bill: 2014 A.B. 3497

Effective Date: Upon Enactment