

[Second Reprint]

ASSEMBLY, No. 1950

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JANUARY 27, 2000

Sponsored by:

Assemblyman JOHN V. KELLY

District 36 (Bergen, Essex and Passaic)

Co-Sponsored by:

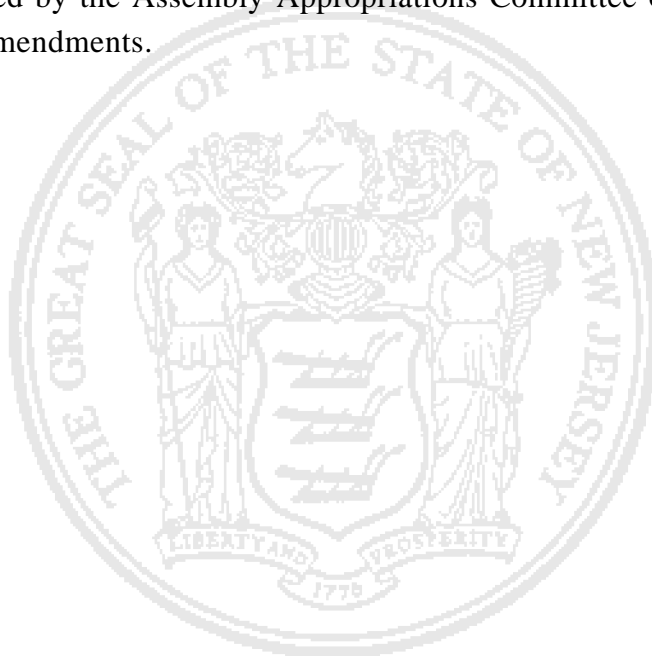
Assemblyman Steele

SYNOPSIS

Establishes certification program for persons who install, service, sell, repair, inspect and maintain fire protection equipment; provides oversight by Department of Community Affairs.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on January 18, 2001, with amendments.



(Sponsorship Updated As Of: 12/8/2000)

1 AN ACT concerning the installation or maintenance of fire protection
2 equipment, supplementing chapter 27D of Title 52 of the Revised
3 Statutes and amending ¹[P.L.1962, c.162,]¹ ²P.L.1962, c.162,
4 amending and supplementing² P.L.1997, c.305 and ²amending²
5 P.L.1983, c.383.

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

9
10 1. (New section) As used in sections 1 through ²[8] 10²
11 of ¹[P.L. ,
12 c. (C.) (now pending before the Legislature as this bill)] this
13 act¹:

14 "Business entity" means a proprietor, corporation, partnership or
15 company operating as a fire protection contractor.

16 ²"Carbon dioxide fire protection system" means a special hazard fire
17 suppression system that uses carbon dioxide as its extinguishing agent.

18 "Clean agent fire suppression system" means a special hazard fire
19 suppression system that uses an extinguishing agent that will not
20 damage the contents of the hazard.²

21 "Commissioner" means the Commissioner of Community Affairs.

22 "Director" means the Director of the Division of Fire Safety in the
23 Department of Community Affairs.

24 "Division" means the Division of Fire Safety in the Department of
25 Community Affairs.

26 "Engineered fire suppression system" means a fire suppression
27 system which is designed individually to suit a particular purpose or
28 hazard. Such a system requires individual calculation and design to
29 determine the flow rates, nozzle pressures, pipe ²[sizes] size², area or
30 volume ²to be² protected by each nozzle, ²[qualities] quantities²
31 extinguishing agent and the number and types of nozzles and their
32 placement in a specific system.

33 "Fire alarm system" means a system which provides a warning alarm
34 signaling the presence of fire conditions and may be capable of
35 initiating an action to suppress a fire condition.

36 "Fire protection equipment" includes fire alarms, ²fire² sprinkler
37 systems, standpipe systems, clean agent fire suppression systems,
38 special ²hazard² fire suppression systems, carbon dioxide fire
39 protection systems, foam ²fire protection² systems, kitchen fire
40 suppression systems, portable fire extinguishers or any other
41 equipment designed to detect, suppress or extinguish a fire.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACP committee amendments adopted May 22, 2000.

² Assembly AAP committee amendments adopted January 18, 2001.

1 "Fire protection subcode official" means a qualified person
2 appointed by the appropriate appointing authority or the commissioner
3 pursuant to the authority of the "State Uniform Construction Code
4 Act," P.L.1975, c.217 (C.52:27D-119 et seq.)."

5 "Fire protection contractor" or "contractor" means a person or
6 business entity that offers to undertake or represents itself as being
7 able to undertake, or does undertake the installation, service, sale,
8 repair, inspection or maintenance of fire protection equipment and has
9 received a fire protection contractor business permit from the
10 commissioner.

11 "Fire protection contractor business permit" means a permit issued
12 by the commissioner to a business entity to operate as a fire protection
13 contractor.

14 "Fire sprinkler system" means an automatic fire suppression system
15 that includes an automatic water sprinkler system or a standpipe
16 system and related system components, including detection.

17 "Fire suppression system" means ²[a regular system or special
18 system that automatically detects and automatically or manually
19 suppresses a fire using an extinguishing agent distributed through fixed
20 piping and nozzles] an engineered or pre-engineered system that
21 suppresses a fire using an extinguishing agent distributed through fixed
22 piping and nozzles that are activated either manually or automatically.
23 The system may include containers, nozzles, controls, automatic
24 detection, manual releases, equipment shut downs and alarms. In such
25 systems, an extinguishing agent is discharged through fixed pipes and
26 nozzles into or over a potential fire hazard².

27 ²"Foam fire protection system" means a special hazard fire
28 suppression system that uses foam as its extinguishing agent.²

29 "Kitchen fire suppression system" means a pre-engineered system
30 which is designed specifically to protect the hood, duct, and cooking
31 appliances of a kitchen. The system, which may include containers,
32 nozzles, controls, automatic detection, manual release, cooking
33 appliance shutdown equipment, and alarms will have an extinguishing
34 agent discharged through fixed pipes and nozzles over and into the fire
35 hazard area.

36 ¹["License"] "Certificate of certification"¹ means a certificate
37 issued by the commissioner that authorizes a person to engage in the
38 fire protection equipment business to the degree indicated on the
39 certificate.

40 ¹["License holder"] "Certificate holder"¹ means a person who is
41 ¹[licensed] certified¹ to engage in the fire protection equipment
42 business.

43 "Maintenance" means the function of keeping equipment in such a
44 condition that it will perform as it originally was designed to do.

45 "Portable fire extinguisher" means a portable device, carried or on
46 wheels and operated by hand, containing an extinguishing agent that

1 can be expelled under pressure for the purpose of suppressing or
2 extinguishing fire.

3 "Pre-engineered system" means a fire suppression system having
4 predetermined flow rates, nozzle pressures, detection and quantities
5 of extinguishing agent. Such a system has the specific pipe size,
6 maximum and minimum pipe lengths, flexible hose specifications,
7 number of fittings and types of nozzles prescribed by a testing
8 laboratory. The hazards protected by such a system are specifically
9 limited as to type and size by a testing laboratory based upon actual
10 fire tests. Limitations on hazards which can be protected by such a
11 system are contained in the manufacturer's installation manual which
12 is referenced as a part of the listing.

13 "Special hazard fire suppression system" means ²[an engineered or
14 pre-engineered fire suppression system or any automatic fire
15 suppression system, other than an automatic water sprinkler system,
16 which may include containers, nozzles, controls, automatic detection,
17 manual release, equipment shut downs and alarms. In such systems,
18 an extinguishing agent is discharged through fixed pipes and nozzles
19 into or over a potential fire hazard area] a fire suppression system that
20 uses an extinguishing agent other than water².

21 ²"Standpipe system" means a fire protection system consisting of an
22 arrangement of piping, valves, hose outlets, and allied equipment
23 installed in a building or structure.²

24 "Warranty" means a written guarantee given to a purchaser of fire
25 protection equipment covering a period of one year after the
26 installation of new fire protection equipment.

27

28 2. (New section) a. After the effective date of ¹[P.L. , c.
29 (C.) (now pending before the Legislature as this bill)] this act¹,
30 no fire protection contractor shall engage in the installation, service,
31 sale, repair, inspection or maintenance of fire protection equipment
32 without holding or employing a person who holds a valid ¹[license]
33 certificate of certification¹ issued in accordance with ¹[P.L. , c.
34 (C.) (now pending before the Legislature as this bill)] this act¹. A
35 fire protection contractor who is not a ¹[license] certificate¹ holder
36 shall be required to obtain a fire protection contractor business permit
37 from the commissioner, which shall be issued for three years upon
38 payment of an appropriate fee set by the commissioner and proof that
39 the fire protection contractor employs a ¹[license] certificate¹ holder.
40 Notwithstanding the provisions of this section, persons holding a
41 license to engage in the fire alarm business pursuant to P.L.1997,
42 c.305 (C.45:5A-23 et seq.), or who are electrical contractors as
43 defined in P.L.1997, c.305 (C.45:5A-23 et seq.), are exempt from the
44 requirement of obtaining a ¹[license] certificate of certification¹ under
45 ¹[P.L. , c. (C.) (now pending before the Legislature as this

1 bill)] this act¹ to engage in the fire alarm business pursuant to this act.

2 The ¹[license] certificate¹ required by this section shall define by
3 class the type of work in which a fire protection contractor may
4 engage. Any person subject to certification under ¹[P.L. , c.
5 (C.) (now pending before the Legislature as this bill)] this act¹
6 shall be exempt from any other State, county or municipal
7 certification, licensing or registration requirements for the installation
8 or maintenance of fire protection equipment.

9 The commissioner shall issue a ¹[license] certificate¹ to any person
10 who has been employed as a fire protection equipment contractor for
11 a period of not less than five years on or before the effective date of
12 ¹[P.L. c. (C.) (now pending before the Legislature as this
13 bill)] this act¹, upon payment by that person of the appropriate
14 ¹[license] certification¹ fee.

15 b. The following ¹[license] certified¹ classifications are hereby
16 established:

17 (1) An "All Fire Protection Equipment Contractor" is authorized
18 to install, service, ²[sell,]² repair, inspect and maintain all fire
19 protection equipment.

20 (2) A "Fire Sprinkler System Contractor" is authorized to install,
21 service, ²[sell,]² repair, inspect and maintain fire sprinkler systems.

22 (3) A "Special Hazard Fire Suppression System Contractor" is
23 authorized to install, service, ²[sell,]² repair, inspect and maintain
24 special hazard fire suppression systems and kitchen fire suppression
25 systems.

26 (4) A "Fire Alarm Equipment Contractor" is authorized to install,
27 service, ²[sell,]² repair, inspect and maintain all fire alarms.

28 (5) A "Portable Fire Extinguisher Contractor" is authorized to
29 install, service, ²[sell,]² repair, inspect and maintain all portable fire
30 extinguishers.

31 (6) A "Kitchen Fire Suppression System Contractor" is authorized
32 to install, service, ²[sell,]² repair, inspect and maintain all kitchen fire
33 suppression systems.

34 c. A ¹[licensed] certified¹ fire protection contractor shall perform
35 work only within the scope of the contractor's ¹[license] certification¹
36 class.

37 d. The commissioner shall establish ¹[license] certification¹ fees
38 for each ¹[license] certified¹ class. Application for a ¹[license]
39 certificate of certification¹ pursuant to this section shall be made on a
40 form promulgated by the commissioner. An applicant for a ¹[license]
41 certificate of certification¹ under ¹[P.L. , c. (C.) (now
42 pending before the Legislature as this bill)] this act¹ shall have five
43 years' experience in the field for which a ¹[license] certificate¹ is
44 sought, which shall include installation, service, sales, repair,
45 inspection and maintenance of the fire protection equipment used in

1 the field, and shall meet one of the following requirements:

2 (1) The applicant shall pass a test ²[administered] approved² by
3 the division for the field for which a ¹[license] certificate¹ is sought
4 ²[. The first such tests shall be administered six months after
5 enactment of]² ¹[P.L. , c. (C.) (now pending before the
6 Legislature as this bill)] ²[this act¹, and every other month
7 thereafter,]² or

8 (2) The applicant shall have achieved NICET Level II for the field
9 for which the ¹[license] certificate¹ is sought ¹or other substantially
10 similar level of attainment, as determined by the commissioner¹.

11 e. The division, within 30 days of receiving an application for a
12 ¹[license] certificate of certification¹ under ¹[P.L. , c. (C.)
13 (now pending before the Legislature as this bill)] this act¹, shall
14 determine whether an application is complete and if the required
15 experience level is met or the qualification test has been passed.

16 f. If all ¹[license] certification¹ requirements are met and the
17 appropriate ¹[license] certificate of certification¹ fee is paid, the
18 commissioner shall issue a ¹[license] certificate of certification¹ to the
19 applicant in each field for which qualifications are met. Each
20 ¹[license] certificate¹ shall be valid for three years and may be
21 renewed at the end of each three-year period by the payment of a
22 renewal fee ²and by meeting any continuing education requirements as
23 may be required by the commissioner².

24 Any change in more than 50% of the ownership of a fire protection
25 contractor shall require an amended ¹[license] certificate of
26 certification¹. An application for an amended ¹[license must]
27 certificate of certification shall¹ be submitted within 60 days of a
28 change of ownership or change of company name or location.
29 ¹[Licenses] Certificates of certification¹ are non-transferable and shall
30 be displayed prominently in the principal work place. A ¹[licensee]
31 certificate holder¹ shall not be used to qualify more than one fire
32 protection contractor. The commissioner shall be notified within
33 30 days if a ¹[license] certificate¹ holder leaves the fire protection
34 contractor or is replaced. Notwithstanding subsection a. of this
35 section, no fire protection contractor shall be denied the privilege of
36 continuing business as a fire protection contractor in the event of
37 death, illness, or other physical disability of the ¹[license] certificate¹
38 holder who qualified the fire protection contractor under this section,
39 for at least six months following the date of such death, illness or other
40 physical disability; provided that the fire protection contractor
41 operates under such qualified supervision as the commissioner deems
42 adequate. If, after six months, the fire protection contractor has failed
43 to employ another ¹[license] certificate¹ holder, then the
44 ¹[commission] commissioner¹ shall revoke its fire protection
45 contractor business permit.

1 g. Whenever the division shall find cause to deny an application for
 2 a ¹[license] certificate of certification¹ or to suspend or revoke a
 3 ¹[license] certificate¹, it shall notify the applicant or the holder of the
 4 ¹[license] certificate¹ and state the reasons for the denial or
 5 suspension, as appropriate.

6 h. Whenever the division shall find cause to deny an application for
 7 a fire protection contractor business permit or to suspend or revoke a
 8 fire protection contractor business permit, it shall notify the applicant
 9 or the holder of the business permit and state the reasons for the denial
 10 or suspension, as appropriate.

11

12 3. (New section) The commissioner shall appoint an advisory
 13 committee to advise the division in the administration of the
 14 ¹[licensing] certification¹ program established pursuant
 15 to ¹[P.L. , c. (C.) (now pending before the Legislature as this
 16 bill)] this act¹ and to create the ¹[licensing] certification¹ tests
 17 required pursuant to ¹[P.L. , c. (C.) (now pending before
 18 the Legislature as this bill)] this act¹. The advisory committee shall
 19 be comprised of the Director of the Division of Fire Safety and one
 20 member representing each of the following fire protection distributor
 21 associations:

22 New Jersey Association of Fire Equipment Distributors

23 National Fire Sprinkler Association

24 National Association of Fire Equipment Distributors

25 American Fire Sprinkler Association

26 Fire Suppression Systems Association

27 Automatic Fire Alarm Association

28 ²New Jersey Electrical Contractors Association

29 New Jersey Burglar and Fire Alarm Association²

30

31 4. (New section) All contractors shall carry commercial general
 32 liability insurance, including products and completed operations
 33 coverage, in the minimum amount of \$1,000,000 for each coverage.
 34 The contractor shall furnish a general warranty for one year with each
 35 system installation in accordance with guidelines promulgated by the
 36 commissioner.

37

38 5. (New section) a. The commissioner ¹[may suspend, for up to
 39 one year, or revoke any license or assess a penalty if the commissioner
 40 determines that a contractor has committed any violation of P.L. ,
 41 c. (C.) (now pending before the Legislature as this bill)].
 42 Specific violations shall subject violators to civil penalties, which shall
 43 be in addition to any criminal penalties imposed by a court, as follows:

44 (1) A willful misstatement of material fact in an applicant's
 45 application for registration or renewal-a maximum of \$1,000.

1 (2) The willful commission of fraud in the practice of the
2 installation of fire protection equipment - a maximum of \$20,000 per
3 occurrence.

4 (3) The installation of fire protection equipment in a grossly
5 negligent manner - a maximum of \$2,000 per occurrence.

6 (4) The failure to correct or settle any claim, provided the
7 contractor has been paid in full, arising out of any defect after the
8 contractor's responsibility has been established through the dispute
9 settlement procedure provided for in the fire code promulgated by the
10 commissioner pursuant to section 7 of P.L.1983, c.383 (C.52:27D-
11 198) - a maximum of \$5,000. Payment of the penalty shall not be
12 deemed to satisfy the responsibility of the contractor to correct or
13 settle the claim.

14 (5) Any person advertising as being, or publicly purporting to be,
15 available to install, service, sell, repair, inspect and maintain fire
16 protection equipment who is not licensed shall be subject to a
17 maximum penalty of \$1,000 for each occurrence.

18 b. A contractor may compete work in process if the license has
19 been suspended or revoked] shall promulgate, in accordance with the
20 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
21 seq.), regulations identifying violations of provisions of this act and
22 establishing a range of penalties for violations of similar type,
23 seriousness and duration¹.

24
25 6. (New section) After revocation of a ¹[license] certificate of
26 certification¹, the division shall not renew or reinstate such ¹[license]
27 certificate¹; however, a person may apply for a new ¹[license]
28 certificate of certification¹. When it can be shown that all loss caused
29 by the act or omission for which the ¹[license] certificate¹ was
30 revoked has been fully satisfied, and that all conditions imposed by the
31 order of revocation have been complied with, the commissioner may
32 issue a new ¹[license] certification¹, provided that the applicant meets
33 all other qualifications necessary for ¹[licensure] certification¹ and
34 pays the appropriate fee.

35
36 7. (New section) Any person aggrieved by any action, notice,
37 ruling or order of the commissioner, with respect to ¹[P.L. , c.
38 (C.) (now pending before the Legislature as this bill)] this act¹,
39 shall have the right to a dispute settlement hearing, in accordance with
40 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
41 seq.). The aggrieved party shall submit a written request to the
42 division for a hearing within 15 days of the action, notice, ruling or
43 order. All hearing requests shall include:

44 The date of the action which is the subject of the appeal;

45 The name and status of the person submitting the appeal;

1 The specific violations or other action claimed to be in error; and
2 A concise statement of the basis for the appeal.

3
4 8. (New section) a. Any person who has contracted with a fire
5 protection contractor and who is not satisfied with the work done by
6 the fire protection contractor shall notify the contractor of the
7 problems and shall allow a reasonable time for the repair of such
8 problems. If the repairs are not made within a reasonable time, or are
9 unsatisfactory to the person, that person may file a request for a
10 dispute settlement hearing. The division shall, upon receipt of a
11 request for a dispute settlement hearing, designate a conciliator and
12 schedule a hearing at the fire protection equipment owner's premises.
13 Any resulting agreement shall be in writing, listing the specific actions
14 to be taken by the contractor to repair or replace defects in the system
15 and a date by which corrections shall take place.

16 b. When the defect is corrected or a monetary settlement is made
17 in lieu thereof, the contractor shall present the owner with a release for
18 execution. One copy of the signed release shall be retained by the
19 contractor, one by the owner, and one copy shall be forwarded to the
20 division.

21 c. If the dispute remains unresolved after a dispute settlement
22 hearing, the division shall thoroughly review the matter and shall make
23 a decision as to the merits of the claim. This decision shall be binding
24 on both parties; provided, however, that if either party files a notice of
25 appeal of the decision with the division, the division shall provide for
26 an administrative hearing in accordance with the "Administrative
27 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), with a final
28 decision to be issued by the commissioner, or an owner may seek a
29 remedy directly in court, without regard to the dispute settlement
30 procedures made available in accordance with ¹[P.L. , c. (C.)]
31 (now pending before the Legislature as this bill)] this act¹.

32 If, in the opinion of the division, a fire suppression system may be
33 rendered inoperable for an extended period of time due to legal delays,
34 either the fire official or the division may order the owner to have the
35 system restored to service in accordance with the fire code regulations
36 promulgated by the commissioner pursuant to section 7 of P.L.1983,
37 c.383 (C.52:27D-198).

38 ²d. The rights, remedies and procedures accorded by the provisions
39 of this section are in addition to, and cumulative of, any other right,
40 remedy and procedure accorded by the common law or statutes of this
41 State, and nothing contained herein shall be construed to deny,
42 abrogate or impair any such common law or statutory right, remedy or
43 procedure.²

44
45 ¹[9. Section 2 of P.L.1962, c.162 (C.45:5A-2) is amended to read
46 as follows:

1 2. For the purpose of this act, unless otherwise indicated by the
2 context:

3 (a) "Act" means this act (P.L.1962, c.162 (C.45:5A-1 et seq.)) and
4 the rules and regulations adopted under it;

5 (b) "Board" means the Board of Examiners of Electrical
6 Contractors created by section 3 of this act;

7 (c) "Department" means the Department of Law and Public Safety;

8 (d) "Electrical contractor" means a person who engages in the
9 business of contracting to install, erect, repair or alter electrical
10 equipment for the generation, transmission or utilization of electrical
11 energy;

12 (e) "Person" means a person, firm, corporation or other legal
13 entity;

14 (f) "Alarm business" means the installation, servicing or
15 maintenance of burglar alarm[, fire alarm] or electronic security
16 systems, or the monitoring or responding to alarm signals when
17 provided in conjunction therewith. "Installation," as used in this
18 definition, includes the survey of a premises, the design and
19 preparation of the specifications for the equipment or system to be
20 installed pursuant to a survey, the installation of the equipment or
21 system, or the demonstration of the equipment or system after the
22 installation is completed, but does not include any survey, design or
23 preparation of specifications for equipment or for a system that is
24 prepared by an engineer licensed pursuant to the provisions of
25 P.L.1938, c.342 (C.45:8-27 et seq.), or an architect licensed pursuant
26 to the provisions of chapter 3 of Title 45 of the Revised Statutes, if the
27 survey, design, or preparation of specifications is part of a design for
28 construction of a new building or premises or a renovation of an
29 existing building or premises, which renovation includes components
30 other than the installation of a burglar alarm[, fire alarm] or electronic
31 security system, and further does not include the design or preparation
32 of specifications for the equipment or system to be installed that are
33 within the practice of professional engineering as defined in subsection
34 (b) of section 2 of P.L.1938, c.342 (C.45:8-28);

35 (g) "Burglar alarm" means a security system comprised of an
36 interconnected series of alarm devices or components, including
37 systems interconnected with radio frequency signals, which emits an
38 audible, visual or electronic signal indicating an alarm condition and
39 providing a warning of intrusion, which is designed to discourage
40 crime;

41 (h) "Business firm" means a partnership, corporation or other
42 business entity engaged in the alarm business or locksmithing services;

43 (i) "Committee" means the [Fire Alarm,] Burglar Alarm[,] and
44 Locksmith Advisory Committee created by section 3 of P.L.1997,
45 c.305 (C.45:5A-23);

46 (j) "Electronic security system" means a security system comprised

1 of an interconnected series of devices or components, including
2 systems with audio and video signals or other electronic systems,
3 which emits or transmits an audible, visual or electronic signal warning
4 of intrusion and provides notification of authorized entry or exit,
5 which is designed to discourage crime;

6 (k) ["Fire alarm" means a security system comprised of an
7 interconnected series of alarm devices or components, including
8 systems interconnected with radio frequency signals, which emits an
9 audible, visual or electronic signal indicating an alarm condition and
10 which provides a warning of the presence of smoke or fire. "Fire
11 alarm" does not mean a system whose primary purpose is
12 telecommunications with energy control, the monitoring of the interior
13 environment being an incidental feature thereto] (deleted by
14 amendment, P.L. _____, c. _____ (C. _____) (now pending before the
15 Legislature as this bill);

16 (l) "Licensed locksmith" means a person who is licensed pursuant
17 to the provisions of section 7 of P.L.1997, c.305 (C.45:5A-27);

18 (m) "Licensee" means a person licensed to engage in the alarm
19 business or provide locksmithing services pursuant to the provisions
20 of section 7 of P.L.1997, c.305 (C.45:5A-27);

21 (n) "Locksmithing services" means the modification, recombination,
22 repair or installation of mechanical locking devices and electronic
23 security systems for any type of compensation and includes the
24 following: repairing, rebuilding, recoding, servicing, adjusting,
25 installing, manipulating or bypassing of a mechanical or electronic
26 locking device, for controlled access or egress to premises, vehicles,
27 safes, vaults, safe doors, lock boxes, automatic teller machines or
28 other devices for safeguarding areas where access is meant to be
29 limited; operating a mechanical or electronic locking device, safe or
30 vault by means other than those intended by the manufacturer of such
31 locking devices, safes or vaults; or consulting and providing technical
32 advice regarding selection of hardware and locking systems of
33 mechanical or electronic locking devices and electronic security
34 systems; except that "locksmithing services" shall not include the
35 installation of a prefabricated lock set and door knob into a door of a
36 residence.

37 (cf: P.L.1997, c.305, s.1)]¹

38

39 ¹[10. Section 3 of P.L.1997, c.305 (C.45:5A-23) is amended to
40 read as follows:

41 3. a. There is created within the Division of Consumer Affairs in
42 the Department of Law and Public Safety, under the Board of
43 Examiners of Electrical Contractors, a "[Fire Alarm,] Burglar Alarm
44 and Locksmith Advisory Committee." The committee shall consist of
45 [15] 14 members who are residents of this State as follows:

46 (1) Two members shall have been engaged in the alarm business in

1 this State on a full-time basis for at least five consecutive years
2 immediately preceding their appointments, shall be members of the
3 New Jersey Burglar and Fire Alarm Association and, except for the
4 members first appointed, shall be licensed under the provisions of
5 section 7 of [this act] P.L.1997, c.305 (C.45:5A-27);

6 (2) Five members shall be municipal officials, and shall include (a)
7 a fire prevention officer; (b) a crime prevention officer; (c) [a fire
8 sub-code official] (deleted by amendment, P.L. _____, c. _____) (now
9 pending before the Legislature as this bill); (d) a building inspector;
10 and (e) a chief of police who is a member of the New Jersey
11 Association of Chiefs of Police;

12 (3) One member shall be a representative of the Division of State
13 Police;

14 (4) [One member shall have been engaged in the alarm business in
15 this State on a full-time basis for at least five consecutive years
16 immediately preceding appointment, shall be a member of the
17 Automatic Fire Alarm Association of New Jersey and, except for the
18 member first appointed, shall be licensed under the provisions of
19 section 7 of this act] (deleted by amendment, P.L. _____, c. _____) (now
20 pending before the Legislature as this bill);

21 (5) Two members shall have been engaged as practicing locksmiths
22 on a full-time basis for at least five consecutive years immediately
23 preceding appointment, shall be members of a duly recognized
24 professional locksmith association in New Jersey and, except for the
25 members first appointed, shall be licensed as locksmiths under the
26 provisions of section 7 of [this act] P.L.1997, c.305 (C.45:5A-27);

27 (6) One member shall have been engaged in the alarm business in
28 this State on a full-time basis, shall be a member of both the New
29 Jersey Burglar and Fire Alarm Association and a duly recognized
30 professional locksmith association and, except for the member first
31 appointed, be licensed under the provisions of section 7 of [this act]
32 P.L.1997, c.305 (C.45:5A-27);

33 (7) One member shall have been engaged as a practicing locksmith
34 in this State on a full-time basis for at least five consecutive years
35 immediately preceding appointment, shall be a member of both the
36 New Jersey Burglar and Fire Alarm Association and a duly recognized
37 professional locksmith association and, except for the member first
38 appointed, be licensed under the provisions of section 7 of [this act]
39 P.L.1997, c.305 (C.45:5A-27);

40 (8) One member shall be a member of the International
41 Brotherhood of Electrical Workers, A.F.L.-C.I.O; and

42 (9) One member shall be a public member who meets the
43 requirements pertaining to public members set forth in subsection b.
44 of section 2 of P.L.1971, c.60 (C.45:1-2.2).

45 b. The Governor shall appoint each member for a term of three
46 years, except that of the members first appointed, five shall serve for

1 terms of three years, five shall serve for terms of two years, and five
2 shall serve for terms of one year.

3 c. Any vacancy in the membership of the committee shall be filled
4 for the unexpired term in the manner provided for the original
5 appointment. No member of the committee may serve more than two
6 successive terms in addition to any unexpired term to which he has
7 been appointed.

8 d. The committee shall annually elect from among its members a
9 chair and vice-chair. The committee shall meet at least four times a
10 year and may hold additional meetings as necessary to discharge its
11 duties. In addition to such meetings, the committee shall meet at the
12 call of the chair, the board, or the Attorney General.

13 e. Members of the committee shall be compensated and
14 reimbursed for actual expenses reasonably incurred in the performance
15 of their official duties and reimbursed for expenses and provided with
16 office and meeting facilities and personnel required for the proper
17 conduct of the committee's business.

18 f. The committee shall make recommendations to the board
19 regarding rules and regulations pertaining to professional training,
20 standards, identification and record-keeping procedures for licensees
21 and their employees, classifications of licensure necessary to regulate
22 the work of licensees, and other matters as necessary to effectuate the
23 purposes of **[this act]** P.L.1997, c.305.

24 (cf: P.L.1997, c.305, s.3)]¹

25

26 ¹[11. Section 4 of P.L.1997, c.305 (C.45:5A-24) is amended to
27 read as follows:

28 4. The board shall have the following powers and duties, or may
29 delegate them to the committee:

30 a. To set standards and approve examinations for applicants for a
31 **[fire alarm,]** burglar alarm or locksmith license and issue a license to
32 each qualified applicant;

33 b. To administer the examination to be taken by applicants for
34 licensure;

35 c. To determine the form and contents of applications for licensure,
36 licenses and identification cards;

37 d. To adopt a code of ethics for licensees;

38 e. To issue and renew licenses and identification cards;

39 f. To set the amount of fees for **[fire alarm,]** burglar alarm and
40 locksmith licenses, license renewal, applications, examinations and
41 other services provided by the board and committee, within the limits
42 provided in subsection b. of section 11 of **[this act]** P.L.1997, c.305
43 (C.45:5A-31);

44 g. To refuse to admit a person to an examination or refuse to issue
45 or suspend, revoke, or fail to renew the license of a **[fire alarm,]**
46 burglar alarm[,] or locksmith licensee pursuant to the provisions of

- 1 P.L.1978, c.73 (C.45:1-14 et seq.);
- 2 h. To maintain a record of all applicants for a license;
- 3 i. To maintain and annually publish a record of every licensee, his
- 4 place of business, place of residence and the date and number of his
- 5 license;
- 6 j. To take disciplinary action, in accordance with P.L.1978, c.73
- 7 (C.45:1-14 et seq.) against a licensee or employee who violates any
- 8 provision of this act or any rule or regulation promulgated pursuant to
- 9 [this act] P.L.1997, c.305;
- 10 k. To adopt standards and requirements for and approve continuing
- 11 education programs and courses of study for licensees and their
- 12 employees;
- 13 l. To review advertising by licensees; and
- 14 m. To perform such other duties as may be necessary to effectuate
- 15 the purposes of [this act] P.L.1997, c.305.
- 16 (cf: P.L.1997, c.305, s.4)]¹

17

18 ¹[12. Section 5 of P.L.1997, c.305 (C.45:5A-25) is amended to

19 read as follows:

- 20 5. a. No person shall advertise that he is authorized to engage in,
- 21 or engage in the alarm business, or otherwise engage in the
- 22 installation, service or maintenance of burglar alarm[, fire alarm] or
- 23 electronic security systems unless he satisfies the requirements of
- 24 [this act] P.L.1997, c.305.
- 25 b. No person shall represent himself as qualified to provide, or
- 26 otherwise provide locksmithing services unless he is licensed as a
- 27 locksmith in accordance with the provisions of [this act] P.L.1997,
- 28 c.305.
- 29 (cf: P.L.1997, c.305, s.5)]¹

30

31 ¹[13. Section 13 of P.L.1997, c.305 (C.45:5A-33) is amended to

32 read as follows:

- 33 13. a. Every licensee and every employee or other person engaged
- 34 in the unsupervised installation, servicing or maintenance of burglar
- 35 alarm [, fire alarm] or electronic security systems shall, at all times
- 36 during working hours, display an identification card issued by the
- 37 board. The identification card shall contain the following information:
- 38 (1) the name, photograph and signature of the person to whom the
- 39 card has been issued;
- 40 (2) the business name and address and license number of the
- 41 licensee;
- 42 (3) the expiration date of the card; and
- 43 (4) that other information the board deems appropriate for
- 44 identification purposes.
- 45 b. Identification cards shall be issued for a three-year period which,

1 in the case of a licensee, shall correspond to the term of the license
2 period of the licensee. Application for renewal of an identification
3 card for other than a licensee shall be made by the person named on
4 the card at least 45 days prior to the expiration date of the card. The
5 information provided on the identification card shall at all times be
6 current, and the named holder of the card shall advise the board of any
7 changes and file for issuance of an updated card within five days
8 following occurrence of a change, which card shall be issued for the
9 unexpired term of the original card.

10 c. Identification cards shall not be transferable in the event of a
11 change in employment.

12 (cf: P.L.1997, c.305, s.13)]¹

13

14 ¹[14. Section 14 of P.L.1997, c.305 (C.45:5A-34) is amended to
15 read as follows:

16 14. No person shall be employed by a licensee to install, service or
17 maintain a burglar alarm [, fire alarm] or electronic security system or,
18 except in the case of a licensee, shall otherwise engage in the
19 installation, service or maintenance thereof:

20 a. unless the person is of good moral character; and

21 b. where the work is to be performed other than under the field
22 supervision of a licensee or a person qualified pursuant to the
23 provisions of this section, unless the person shall have at least three
24 years of practical experience and shall have successfully completed a
25 course of study or a competency examination prescribed by the board,
26 in consultation with the committee; except that an employee employed
27 in the installation, servicing or maintenance of burglar alarm[, fire
28 alarm] or electronic security systems by a license applicant filing an
29 application within 120 days of the effective date of this act and
30 identified as an employee on the application, shall not be required to
31 satisfy the competency requirements of this subsection, until the first
32 renewal of the employee's identification card.

33 (cf: P.L.1997, c.305, s.14)]¹

34

35 ¹[15. Section 16 of P.L.1997, c.305 (C.45:5A-36) is amended to
36 read as follows:

37 16. No municipality or county shall enact an ordinance or
38 resolution or promulgate any rules or regulations relating to the
39 licensing or registration of locksmiths or alarm businesses. The
40 provisions of any ordinance or resolution or rules or regulations of any
41 municipality or county relating to the licensing or registration of
42 locksmiths or alarm businesses are superseded by the provisions of this
43 act. Nothing in this section shall be construed, however, to prohibit
44 municipal regulation of door-to-door vendors or salespersons of
45 burglar alarm [, fire alarm] or electronic security systems nor shall
46 anything in this section be construed to prohibit or restrict municipal

1 consideration of alarm business service proposals in consent
2 proceedings under the "Cable Television Act," P.L.1972, c.186
3 (C.48:5A-1 et seq.).
4 (cf: P.L.1997, c.305, s.16)]¹

5
6 ²9. (New section) a. No person whose license to engage in the
7 fire alarm business has been revoked by the Board of Examiners of
8 Electrical Contractors pursuant to P.L.1997, c.305 (C.45:5A-23 et
9 seq.), shall be eligible for certification under the provisions of this act.²

10
11 ²10. (New section) The provisions of this act shall not apply to
12 any person engaged in the installation of fire suppression systems in
13 dormitories pursuant to P.L.2000, c.56 (C.52:27D-198.7 et al.).²

14
15 ²11. Section 18 of P.L.1962, c.162 (C.45:5A-18) is amended to
16 read as follows:

17 18. Electrical work or construction which is performed on the
18 following facilities or which is by or for the following agencies shall
19 not be included within the business of electrical contracting so as to
20 require the securing of a business permit under this act:

21 (a) Minor repair work such as the replacement of lamps and fuses.

22 (b) The connection of portable electrical appliances to suitable
23 permanently installed receptacles.

24 (c) The testing, servicing or repairing of electrical equipment or
25 apparatus.

26 (d) Electrical work in mines, on ships, railway cars, elevators,
27 escalators or automotive equipment.

28 (e) Municipal plants or any public utility as defined in R.S.48:2-13,
29 organized for the purpose of constructing, maintaining and operating
30 works for the generation, supplying, transmission and distribution of
31 electricity for electric light, heat, or power.

32 (f) A public utility subject to regulation, supervision or control by
33 a federal regulatory body, or a public utility operating under the
34 authority granted by the State of New Jersey, and engaged in the
35 furnishing of communication or signal service, or both, to a public
36 utility, or to the public, as an integral part of a communication or
37 signal system, and any agency associated or affiliated with any public
38 utility and engaged in research and development in the
39 communications field.

40 (g) A railway utility in the exercise of its functions as a utility and
41 located in or on buildings or premises used exclusively by such an
42 agency.

43 (h) Commercial radio and television transmission equipment.

44 (i) Construction by any branch of the federal government.

45 (j) Any work with a potential of less than 10 volts.

46 (k) Repair, manufacturing and maintenance work on premises

1 occupied by a firm or corporation, and installation work on premises
2 occupied by a firm or corporation and performed by a regular
3 employee who is a qualified journeyman electrician.

4 (l) Installation, repair or maintenance performed by regular
5 employees of the State or of a municipality, county, or school district
6 on the premises or property owned or occupied by the State, a
7 municipality, county, or school district.

8 (m) The maintaining, installing or connecting of automatic oil, gas
9 or coal burning equipment, gasoline or diesel oil dispensing equipment
10 and the lighting in connection therewith to a supply of adequate size
11 at the load side of the distribution board.

12 (n) Work performed by a person on a dwelling that is occupied
13 solely as a residence for himself or for a member or members of his
14 immediate family.

15 (o) (Deleted by amendment, P.L.1997, c.305)

16 (p) Any work performed by a landscape irrigation contractor which
17 has the potential of not more than 30 volts involving the installation,
18 servicing, or maintenance of a landscape irrigation system as this term
19 is defined by section 2 of this amendatory and supplementary act.
20 Nothing in this act shall be deemed to exempt work covered by this
21 subsection from inspection required by the "State Uniform
22 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or
23 regulations adopted pursuant thereto.

24 (q) Any work performed by a person certified pursuant to sections
25 1 through 10 of P.L. c. (C.) (now pending before the
26 Legislature as this bill) that is not branch circuit wiring. For the
27 purposes of this subsection, "branch circuit wiring" means the circuit
28 conductors between the final overcurrent device protecting the circuit
29 and one or more outlets. A certificate holder shall be deemed to have
30 engaged in professional misconduct for the purposes of section 8 of
31 P.L.1978, c.73 (C.45:1-21) for violating the provisions of this
32 subsection.

33 (r) Any work performed by an alarm business, as that term is
34 defined by section 2 of P.L.1985, c.289 (C.45:5A-18.1), licensed
35 pursuant to P.L.1997, c.305 (C.45:5A-23 et seq.) that is not branch
36 circuit wiring. For the purposes of this subsection, "branch circuit
37 wiring" means the circuit conductors between the final overcurrent
38 device protecting the circuit and one or more outlets. A licensee shall
39 be deemed to have engaged in professional misconduct for the
40 purposes of section 8 of P.L.1978, c.73 (C.54:1-21) for violating the
41 provisions of this subsection..

42 The board may also exempt from the business permit provisions of
43 this act such other electrical activities of like character which in the
44 board's opinion warrant exclusion from the provisions of this act.²
45 (cf: P.L.1997, c.305, s.2)

1 ²12. Section 19 of P.L.1997, c.305 is amended to read as follows:

2 19. This act shall take effect on the 180th day following the date
3 of enactment [, except that section 2 shall take effect on the date
4 regulations promulgated under this act have taken effect].²

5 (cf: P.L.1997, c.305, s.19)

6

7 ²[^{19.}] ²13.² Section 9 of P.L.1997, c.305 (C.45:5A-29) is amended
8 to read as follows:

9 9. a. Telephone utilities and cable television companies regulated
10 by the Board of Regulatory Commissioners pursuant to Title 48 of the
11 Revised Statutes and persons in their employ while performing the
12 duties of their employment are exempt from the requirement of
13 obtaining a license to engage in the alarm business pursuant to this act.

14 b. Electrical contractors regulated by the Board of Examiners of
15 Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et seq.)
16 and persons in their employ while performing the duties of their
17 employment are exempt from the requirement of obtaining a license to
18 engage in the alarm business pursuant to this act.

19 c. Any person who is certified to engage in the fire protection
20 equipment business or who holds a fire protection contractor business
21 permit pursuant to P.L. , c. (C.) (now pending before the
22 Legislature as this bill) and persons in their employ are exempt from
23 the requirement of obtaining a license to engage in the ²fire ² alarm
24 business pursuant to this act.¹

25 (cf: P.L.1997, c.305, s.9)

26

27 ²14. (New section) No person whose certificate of certification
28 to engage in the fire protection contractor business has been revoked
29 by the Commissioner of the Department of Community Affairs
30 pursuant to P.L. , c. (C.) (now pending before the Legislature
31 as this bill) shall be eligible for a license to engage in the fire alarm
32 business under the provisions of P.L.1997, c.305 (C.45:5A-23 et al.).²

33

34 ¹[16.] ²[10.¹] ²15.² Section 7 of P.L.1983, c.383 (C.52:27D-198)
35 is amended to read as follows:

36 7. a. The commissioner shall promulgate, in accordance with the
37 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
38 seq.), and after consulting with the fire safety commission, regulations
39 to insure the maintenance and operation of buildings and equipment in
40 such a manner as will provide a reasonable degree of safety from fire
41 and explosion.

42 Regulations promulgated pursuant to this section shall include a
43 uniform fire safety code primarily based on the standards established
44 by the Life Safety Code (National Fire Protection Association 101)
45 and any other fire codes of the National Fire Protection Association
46 and the Building Officials and Code Administrators International

1 (BOCA) Basic Fire Prevention Code, both of which may be adopted
2 by reference. The regulations may include modifications and
3 amendments the commissioner finds necessary.

4 b. The code promulgated pursuant to this section shall include the
5 requirements for fire detection and suppression systems, elevator
6 systems, emergency egresses and protective equipment reasonably
7 necessary to the fire safety of the occupants or intended occupants of
8 new or existing buildings subject to this act, including but not limited
9 to electrical fire hazards, maintenance of fire protection systems and
10 equipment, fire evacuation plans and fire drills, and all components of
11 building egress. In addition, the regulations issued and promulgated
12 pursuant to this section which are applicable to new or existing
13 buildings shall include, but not be limited to fire suppression systems,
14 built-in fire fighting equipment, fire resistance ratings, smoke control
15 systems, fire detection systems, and fire alarm systems including fire
16 service connections.

17 c. When promulgating regulations, the commissioner shall take
18 into account the varying degrees of fire safety provided by the
19 different types of construction of existing buildings and the varying
20 degrees of hazard associated with the different types and intensity of
21 uses in existing buildings. When preparing regulations which require
22 the installation of fire safety equipment and devices, the commissioner
23 shall consult with the fire safety commission and shall take into
24 account, to the greatest extent prudent, the economic consequences of
25 the regulations and shall define different use groups and levels of
26 hazard within more general use groups, making corresponding
27 distinctions in fire safety requirements for these different uses and
28 levels of hazard. The commissioner shall also take into account the
29 desirability of maintaining the integrity of historical structures to the
30 extent that it is possible to do so without endangering human life and
31 safety. The regulations established pursuant to this subsection shall
32 apply to secured vacant buildings only to the extent necessary to
33 eliminate hazards affecting adjoining properties.

34 d. Except as otherwise provided in this act, including rules and
35 regulations promulgated hereunder, all installations of equipment and
36 other alterations to existing buildings shall be made in accordance with
37 the technical standards and administrative procedures established by
38 the commissioner pursuant to the "State Uniform Construction Code
39 Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and shall be subject to
40 plan review and inspection by the local construction and subcode
41 officials having jurisdiction over the building, who shall enforce the
42 regulations established pursuant to this act applicable to the
43 installation or other alteration along with the regulations established
44 pursuant to the "State Uniform Construction Code Act."

45 e. The commissioner shall, by regulation, establish standards,
46 procedures and fees for the certification of persons engaged in the

1 business of installing, servicing, selling, repairing, inspecting or
2 maintaining fire [suppression systems, for the warranting of those
3 systems, and for the establishment, funding and operation of a
4 warranty security program. A fire suppression system installed in a
5 building subject to this act shall be warranted in accordance with those
6 standards and procedures, shall be required to be covered by the
7 warranty security program, and shall be installed by a person certified
8 in accordance with those standards and procedures] protection
9 equipment. For the purposes of this subsection, fire protection
10 equipment includes fire alarms, sprinkler systems, standpipe systems,
11 clean agent fire suppression systems, special systems, carbon dioxide
12 fire protection systems, foam systems, kitchen fire suppression
13 systems, portable fire extinguishers or any other equipment designed
14 to detect, suppress or extinguish a fire. Fire protection equipment in
15 a building subject to the provisions of the "Uniform Fire Safety Act,"
16 P.L.1983, c.383 (C.52:27D-192 et seq.) shall be installed and
17 maintained by a company certified in accordance with those standards
18 and procedures. Any person subject to certification under this
19 subsection shall be exempt from any other State, county or municipal
20 certification, licensing or registration requirements for the installation
21 or maintenance of fire protection equipment.

22 (cf: P.L.1983, c.383, s.7)

23

24 ¹[17.] ²[11.1] 16.² This act shall take effect on the first day of
25 the seventh month next following enactment.