# ASSEMBLY, No. 147

# STATE OF NEW JERSEY

## 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**
**Assemblyman PARKER SPACE**
**District 24 (Morris, Sussex and Warren)**
**Assemblyman GORDON M. JOHNSON**
**District 37 (Bergen)**

**Co-Sponsored by:**
**Assemblyman Wirths, Assemblywoman B.DeCroce, Assemblymen Burzichelli and Calabrese**

**SYNOPSIS**

Allows members of Junior Firefighter's Auxiliaries to perform certain fire support duties.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.

**AN ACT** concerning Junior Firefighter's Auxiliaries and amending N.J.S.40A:14-96, N.J.S.40A:14-98, and P.L.1940, c.153.

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

1. N.J.S.40A:14-96 is amended to read as follows:

40A:14-96. **[**No**]** a. A person **[**shall be eligible for membership in the Junior Firemen's Auxiliary**]** who is less than 14 or more than 21 years of age shall not be eligible for membership in the Junior Firefighter's Auxiliary. Persons between the ages of 14 and **[**21**]** 17 shall **[**be required to**]** obtain permission to join the auxiliary from their parents or guardian. **[**Such permission**]** Permission shall be in writing and acknowledged or proved in the manner required by law for deeds to real estate to be recorded.

b. Prior to being accepted as a member of any fire department, a Junior Firefighter's Auxiliary applicant shall complete an application, be interviewed by department officers, and submit documentation from a qualified physician verifying that the applicant is medically able to participate.

(cf: P.L.1999, c.318, s.1)

2. N.J.S.40A:14-98 is amended to read as follows:

40A:14-98. a. The governing body of the municipality or the board of commissioners of the fire district **[**shall**]**, before authorizing the establishment of any Junior **[**Firemen's**]** Firefighter's Auxiliary, shall formulate rules and regulations to govern the activities of the auxiliary. The rules and regulations shall provide for promoting and encouraging recruitment and volunteerism of Junior Firefighters, including the training of the auxiliary for eventual membership in the volunteer fire department of the municipality or fire district or in any such volunteer fire company or companies affording fire protection therein, and shall further provide that **[**no**]** a junior **[**fireman**]** firefighter shall not be required to perform duties which would expose **[**him**]** the junior firefighter to the same degree of hazard as a regular member of a volunteer fire company.

b. If the governing body or board of commissioners, as the case may be, so provide in the rules and regulations governing the auxiliary, a junior **[**fireman 16 years of age or older**]** firefighter may perform the non-hazardous support duties at a fire **[**site**]** scene, emergency, and during training; provided:

(1) the junior **[**fireman**]** firefighter has been appropriately and adequately trained to perform the support duties;

**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.**

(2) the junior ⟦fireman⟧ firefighter is appropriately and adequately supervised in performing those support duties at the fire ⟦site⟧ scene or emergency;

(3) the junior ⟦fireman's⟧ firefighter's parent or guardian has provided written permission allowing the junior ⟦fireman⟧ firefighter to perform those support duties; and

(4) the governing body or board of commissioners, as the case may be, provides insurance coverage for the junior ⟦fireman⟧ firefighter that is identical to that provided for the regular members of the volunteer fire department or fire district.

c. Activities of junior ⟦firemen under 16 years of age shall be limited to⟧ firefighters may include:

(1) attending meetings of the Junior ⟦Firemen's⟧ Firefighter's Auxiliary;

(2) receiving instruction; and

(3) ⟦participating in training that does not involve fire, smoke, toxic or noxious gas, or hazardous materials or substances; and

(4)⟧observing firefighting activities, while under supervision.

d. A member of the Junior Firefighter's Auxiliary may participate in training. Junior firefighters under the age of 16 shall not participate in training that involves actual fire or smoke, toxic or noxious gas, or hazardous material.

e. The non-hazardous support duties at a fire scene, emergency, and during training assigned to junior firefighters between the ages of 14 and 21 shall include, but not be limited to, the following:

(1) riding as a passenger in any fire or emergency medical response vehicle, except a hazardous material response vehicle. A junior firefighter shall not operate a fire or emergency medical response vehicle;

(2) training while under supervision with the use of: an axe; crow bar; manual belt cutter; warning flare; medical suction unit; self-contained breathing apparatus during non-live fire situations, including theatrical smoke and confidence courses, provided the junior firefighter receives proper instruction prior to wearing the apparatus;

(3) deploying, picking up, and re-packing a hose at a fire scene in the warm or cold zone and connecting and moving fire hose lines at a fire scene or emergency provided the junior firefighter is wearing proper safety equipment and is under supervision; and

(4) delivering or replacing tools from a fire apparatus as ordered by the chain of command.

f. The non-hazardous support duties at a fire scene, emergency and during training assigned to junior firefighters 16 years of age or older shall include, but not be limited to, the following:

(1) training with an air chisel, powered seat belt cutter, and hydraulically-powered extrication tools, saws, fans, and come-

alongs. A junior firefighter shall not use this equipment at a fire scene or emergency until reaching the age of 18 or older;

(2) using warning flares at a fire scene or emergency; and

(3) operating a medical suction unit at a fire scene or emergency.

g. A junior firefighter shall not be present in the hot zone of a fire scene but may be permitted in the warm or cold zone of a fire scene.

h. As used in this section:

"Hot zone" means the area immediately surrounding a fire scene where there is a serious threat of harm.

"Warm zone" means the area outside the hot zone where rescue workers and emergency equipment are arranged.

"Cold zone" means the area outside the warm zone which is likely to remain safe throughout the incident.

(cf: P.L.2011, c.56, s.1)

3. Section 17 of P.L.1940, c.153 (C.34:2-21.17) is amended to read as follows:

17. No minor under 16 years of age shall be employed, permitted or suffered to work in, about, or in connection with power-driven machinery.

No minor under 18 years of age shall be employed, permitted or suffered to work in, about, or in connection with the following:

The manufacture or packing of paints, colors, white lead, or red lead;

The handling of dangerous or poisonous acids or dyes; injurious quantities of toxic or noxious dust, gases, vapors or fumes;

Work involving exposure to benzol or any benzol compound which is volatile or which can penetrate the skin;

The manufacture, transportation or use of explosives or highly inflammable substances;

Oiling, wiping, or cleaning machinery in motion or assisting therein;

Operation or helping in the operation of power-driven woodworking machinery; provided, that apprentices operating under conditions of bona fide apprenticeship may operate such machines under competent instruction and supervision;

Grinding, abrasive, polishing or buffing machines; provided, that apprentices operating under conditions of bona fide apprenticeship may grind their own tools;

Punch presses or stamping machines if the clearance between the ram and the dye or the stripper exceeds 1/4 inch;

Cutting machines having a guillotine action;

Corrugating, crimping or embossing machines;

Paper lace machines;

Dough brakes or mixing machines in bakeries or cracker machinery;

Calender rolls or mixing rolls in rubber manufacturing;

Centrifugal extractors, or mangles in laundries or dry cleaning establishments;

Ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or any other place in which the heating, melting, or heat treatment of metals is carried on;

Mines or quarries;

Steam boilers carrying a pressure in excess of 15 pounds;

Construction work of any kind, except in the construction of affordable housing as a volunteer for a nonprofit organization as provided in section 1 of P.L.1994, c.82 (C.34:2-21.17d);

Fabrication or assembly of ships;

Operation or repair of elevators or other hoisting apparatus;

The transportation of payrolls other than within the premises of the employer.

No minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, or are sold for consumption on the premises, or in a pool or billiard room; provided, however, this paragraph shall not apply to minors 16 years of age or over, employed as pinsetters, lane attendants, or busboys in public bowling alleys as provided in section 3 of P.L.1940, c.153 (C.34:2-21.3) or to minors employed in theatrical productions where alcoholic beverages are sold on the premises.

Minors 14 years of age or over may be employed as golf course caddies and pool attendants.

No minor under 18 years of age shall be employed, permitted, or suffered to work in any place of employment, or at any occupation hazardous or injurious to the life, health, safety, or welfare of such minor, as such occupation shall, from time to time, be determined and declared by the Commissioner of Labor to be hazardous or injurious to the life, health, safety, or welfare of such minor, after a public hearing thereon and after such notice as the commissioner may by regulation prescribe.

None of the provisions of this section regarding employment in connection with alcoholic liquors shall be construed to prevent the employment of minors 16 years of age or more in a restaurant as defined in section 1 of P.L.1940, c.153 (C.34:2-21.1) and as provided for in section 3 of P.L.1940, c.153 (C.34:2-21.3), in a public bowling alley as provided in this section, or in the executive offices, maintenance departments, or pool or beach areas of a hotel, motel or guesthouse; provided, however, that no minor shall engage in the preparation, sale or serving of alcoholic beverages, nor in the preparation of photographs, nor in any dancing or theatrical exhibition or performance which is not part of a theatrical production where alcoholic beverages are sold on the premises, while so employed; and provided, further, that any minor so

employed shall be closely supervised while engaged in the clearing of alcoholic beverages.

Nothing in this section shall be deemed to apply to the work done by pupils in public or private schools of New Jersey, under the supervision and instruction of officers or teachers of such organizations or schools, or to a minor who is 17 years of age employed in the type of work in which such minor majored under the conditions of the special vocational school graduate permit provided in section 15 of P.L.1940, c.153 (C.34:2-21.15).

Nothing in this section shall be construed to prevent minors **[**16**]** 14 years of age or older who are members of a Junior **[**Firemen's**]** Firefighter's Auxiliary, created pursuant to N.J.S.40A:14-95, from engaging in any activities authorized by N.J.S.40A:14-98.

Notwithstanding any provision of this section to the contrary, a minor who is 15 years of age or older may work as a cashier or bagger on or near a supermarket or retail establishment cash register conveyor belt.

(cf: P.L.1994, c.82, s.3)

4. The Director of the Division of Fire Safety in the Department of Community Affairs may promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) establishing responsibilities for junior firefighters in addition to the responsibilities established pursuant to N.J.S.40A:14-98.

5. This act shall take effect immediately.

STATEMENT

This bill allows members of Junior Firefighter's Auxiliaries to perform certain non-hazardous duties during training and at the scene of a fire or other emergency.

Under current law, a municipality or the board of commissioners of a fire district may establish rules and regulations to govern the activities of Junior Firefighter's Auxiliary members between the ages of 14 and 21 who obtain permission from a parent or guardian to participate. Under the bill, Junior Firefighter's Auxiliary members between the ages 18 to 21 would not be required to obtain a parent's or guardian's permission. The bill also requires a Junior Firefighter's Auxiliary applicant to complete an application, be interviewed by department officers, and submit documentation from a qualified physician verifying that the applicant is medically able to participate.

The bill also delineates specific non-hazardous duties that a Junior Firefighter's Auxiliary member may perform during training or at a fire scene or emergency based on the age of the member. A

member under the age of 16 would be prohibited from participating in training that involves actual fire or smoke, toxic or noxious gas, or hazardous materials. Junior Firefighter's Auxiliary members between the ages of 14 and 21 may participate in the following non-hazardous support duties:

(1) riding as a passenger in any fire or emergency medical response vehicle, except a hazardous material response vehicle. A junior firefighter would not be allowed to operate a fire or emergency medical response vehicle.

(2) training while under supervision with the use of: an axe; crow bar; manual belt cutter; warning flare; medical suction unit; self-contained breathing apparatus during non-live fire situations, including theatrical smoke and confidence courses, provided the junior firefighter receives proper instruction prior to wearing the apparatus.

(3) deploying, picking up, and re-packing a hose at a fire scene in the warm or cold zone or an emergency and connecting and moving fire hose lines provided the junior firefighter is wearing proper safety equipment and is under supervision.

(4) delivering or replacing tools from a fire apparatus as ordered by the chain of command.

In addition, Junior Firefighter's Auxiliary members who are 16 years of age or older may participate in the following non-hazardous support duties:

(1) training with an air chisel, powered seat belt cutter, and hydraulically-powered extrication tools, saws, fans, and come-alongs. A junior firefighter would not be permitted to use this equipment at a fire scene or emergency until reaching the age of 18 or older.

(2) using warning flares at a fire scene or emergency.

(3) operating a medical suction unit at a fire scene or emergency.

Finally, the bill prohibits Junior Firefighter's Auxiliary members from being in the hot zone of a fire scene but allows members to be in the warm or cold zone. The bill defines "hot zone" as the area immediately surrounding a fire scene where there is a serious threat of harm. *"Warm zone" is defined as the* area outside the hot zone where rescue workers and emergency equipment are arranged. The bill defines "cold zone" as the area outside the warm zone which is likely to remain safe throughout the incident.