

ASSEMBLY, No. 2899

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Co-Sponsored by:

Assemblyman Wirths and Assemblywoman Dunn

SYNOPSIS

Revises law governing training and duties of Junior Firefighters' Auxiliary members.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/12/2020)

1 AN ACT concerning the Junior Firefighters' Auxiliary, amending
 2 various parts of the statutory law, and supplementing Title 40A
 3 of the New Jersey Statutes.

4
 5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 6 *of New Jersey:*

7
 8 1. N.J.S.40A:14-95 is amended to read as follows:

9 40A:14-95. In any municipality **[or]**, fire district, regional
 10 authority, or county in this State maintaining a **[volunteer]** fire
 11 department, or where there shall exist one or more incorporated
 12 **[volunteer]** fire companies affording fire protection to **[said]** the
 13 municipality **[or]** , fire district **[the]**, regional authority, or county
 14 with membership **[whereof are]** serving under the jurisdiction of
 15 and with the consent of **[said]** the municipality **[or]** , fire district,
 16 regional authority, or county, it shall be lawful for the governing
 17 body of **[such]** the municipality, **[or the]** board of commissioners
 18 of **[such]** the fire district, regional authority, or county board of
 19 chosen freeholders to provide, by ordinance or resolution, for the
 20 establishment of an auxiliary to any **[such volunteer]** fire
 21 department or company to be known as the Junior **[Firemen's]**
 22 Firefighters' Auxiliary.

23 (cf: P.L.1971, c.197, s.1)

24

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

26 40A:14-96. **[No]** a. A person **[shall be eligible for**
 27 membership in the Junior Firemen's Auxiliary] who is not less than
 28 14 or more than **[21]** 18 years of age **[shall be eligible for**
 29 membership in the Junior Firefighters' Auxiliary. **[Persons**
 30 between the ages of 14 and 21]

31 b. Prior to being accepted for membership in the Junior
 32 Firefighters' Auxiliary, a person eligible pursuant to subsection a.
 33 of this section shall **[be required to]:**

34 (1) obtain permission to join the auxiliary from **[their]** the
 35 person's parents or guardian. **[Such permission]** Permission shall
 36 be **[in writing and acknowledged or proved]** granted in **[the**
 37 manner required by law for deeds to real estate to be recorded]
 38 writing on a form prescribed by the Commissioner of Community
 39 Affairs;

40 (2) complete an application and be interviewed by officers of
 41 the fire department or company with a parent or guardian present;
 42 and

43 (3) submit documentation from a qualified physician verifying
 44 that the person is medically able to perform the activities of the

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.

1 auxiliary as established by the governing body of the municipality,
2 board of commissioners of the fire district, regional authority, or
3 county board of chosen freeholders pursuant to N.J.S.40A:14-98.
4 (cf: P.L.1999, c.318, s.1)

5
6 3. N.J.S.40A:14-97 is amended to read as follows:

7 40A:14-97. A municipality, fire district **【may】** , regional
8 authority, or county shall provide members of a Junior **【Firemen's】**
9 **Firefighters'** Auxiliary established as an auxiliary to a volunteer fire
10 department or to an incorporated volunteer fire company **【within**
11 **the fire district with the same coverage as provided for the regular**
12 **volunteer firemen of the fire district under N.J.S. 40A:14-37 and**
13 **40A:14-38】** with a minimum amount of workers' compensation
14 insurance.

15 (cf: P.L.1979, c.230, s.4)

16
17 4. N.J.S.40A:14-98 is amended to read as follows:

18 40A:14-98. a. (1) The Commissioner of Community Affairs
19 shall adopt rules to govern the training of Junior Firefighters'
20 Auxiliary members and to establish the duties that auxiliary
21 members may perform at training events and emergency incidents.
22 The rules shall allow auxiliary members, who are 16 years of age or
23 older, to fully participate in recruit firefighter training established
24 by regulations adopted by the commissioner.

25 (2) The governing body of the municipality **【or the】**, board of
26 commissioners of the fire district **【shall】** , regional authority, or
27 county board of chosen freeholders, before authorizing the
28 establishment of any Junior **【Firemen's】** **Firefighters'** Auxiliary,
29 shall formulate rules and regulations to govern the activities of the
30 auxiliary in accordance with regulations adopted by the
31 commissioner pursuant to paragraph (1) of this subsection. The
32 rules and regulations shall provide for the training of the auxiliary
33 for eventual membership in the **【volunteer】** fire department of the
34 municipality **【or】** , fire district , regional authority, or county or in
35 any **【such volunteer】** fire company **【or companies】** affording fire
36 protection therein**【and shall further provide that no junior fireman**
37 **shall be required to perform duties which would expose him to the**
38 **same degree of hazard as a regular member of a volunteer fire**
39 **company】.**

40 b. If the governing body **【or】**, board of commissioners,
41 regional authority, or county board of chosen freeholders, as the
42 case may be, **【so provide】** provides in the rules and regulations
43 governing the auxiliary **【,】** that a junior **【fireman】** firefighter 16
44 years of age or older may perform **【non-hazardous support duties at**
45 **a fire site; provided:】** the duties established by the commissioner
46 pursuant to paragraph (1) of subsection a. of this section at training

1 events and emergency incidents, the junior firefighter may perform
2 these duties only if:

3 (1) the junior **【fireman】** firefighter has been appropriately and
4 adequately trained to perform the **【support】** duties;

5 (2) the junior **【fireman】** firefighter is appropriately and
6 adequately supervised in performing those **【support】** duties at the
7 **【fire site】** training event or emergency incident;

8 (3) the junior **【fireman's parent】** firefighter's parents or
9 guardian has provided written permission allowing the junior
10 **【fireman】** firefighter to perform those **【support】** duties; and

11 (4) the governing body **【or】** , board of commissioners, regional
12 authority, or county board of chosen freeholders, as the case may
13 be, provides insurance coverage for the junior **【fireman】** firefighter
14 that is identical to that provided for the regular members of the
15 **【volunteer】** fire department or fire district.

16 c. Activities of junior **【firemen】** firefighter auxiliary members
17 under 16 years of age shall be limited to:

18 (1) attending meetings of the Junior **【Firemen's】** Firefighters'
19 Auxiliary;

20 (2) receiving instruction;

21 (3) participating in training as established by regulations
22 adopted by the commissioner that does not involve fire, smoke,
23 toxic or noxious gas, or hazardous materials or substances; and

24 (4) observing firefighting activities, while under supervision.
25 (cf: P.L.2011, c.56, s.1)
26

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

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

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

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

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

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

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

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

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

1 Grinding, abrasive, polishing or buffing machines; provided, that
2 apprentices operating under conditions of bona fide apprenticeship
3 may grind their own tools;
4 Punch presses or stamping machines if the clearance between the
5 ram and the dye or the stripper exceeds 1/4 inch;
6 Cutting machines having a guillotine action;
7 Corrugating, crimping or embossing machines;
8 Paper lace machines;
9 Dough brakes or mixing machines in bakeries or cracker
10 machinery;
11 Calender rolls or mixing rolls in rubber manufacturing;
12 Centrifugal extractors, or mangles in laundries or dry cleaning
13 establishments;
14 Ore reduction works, smelters, hot rolling mills, furnaces,
15 foundries, forging shops, or any other place in which the heating,
16 melting, or heat treatment of metals is carried on;
17 Mines or quarries;
18 Steam boilers carrying a pressure in excess of 15 pounds;
19 Construction work of any kind, except in the construction of
20 affordable housing as a volunteer for a nonprofit organization as
21 provided in section 1 of P.L.1994, c.82 (C.34:2-21.17d);
22 Fabrication or assembly of ships;
23 Operation or repair of elevators or other hoisting apparatus;
24 The transportation of payrolls other than within the premises of
25 the employer.
26 No minor under 18 years of age shall be employed, permitted, or
27 suffered to work in, about, or in connection with any establishment
28 where alcoholic liquors are distilled, rectified, compounded,
29 brewed, manufactured, bottled, or are sold for consumption on the
30 premises, or in a pool or billiard room; provided, however, this
31 paragraph shall not apply to minors 16 years of age or over,
32 employed as pinsetters, lane attendants, or busboys in public
33 bowling alleys as provided in section 3 of P.L.1940, c.153 (C.34:2-
34 21.3) or to minors employed in theatrical productions where
35 alcoholic beverages are sold on the premises.
36 Minors 14 years of age or over may be employed as golf course
37 caddies and pool attendants.
38 No minor under 18 years of age shall be employed, permitted, or
39 suffered to work in any place of employment, or at any occupation
40 hazardous or injurious to the life, health, safety, or welfare of such
41 minor, as such occupation shall, from time to time, be determined
42 and declared by the Commissioner of Labor to be hazardous or
43 injurious to the life, health, safety, or welfare of such minor, after a
44 public hearing thereon and after such notice as the commissioner
45 may by regulation prescribe.

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

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

23 Nothing in this section shall be construed to prevent minors **[16]**
24 **14** years of age or older who are members of a Junior **[Firemen's]**
25 **Firefighters'** Auxiliary, created pursuant to N.J.S.40A:14-95, from
26 engaging in any activities authorized by N.J.S.40A:14-98.

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

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

32

33 6. (New section) Notwithstanding the provisions of the
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
35 seq.), to the contrary, the Commissioner of Community Affairs
36 shall adopt immediately upon filing with the Office of
37 Administrative Law, regulations that the commissioner deems
38 necessary to implement the provisions of P.L. , c. (C.)
39 (pending before the Legislature as this bill), which regulations shall
40 be effective for a period not to exceed 180 days from the date of the
41 filing. The commissioner shall thereafter amend, adopt, or readopt
42 the regulations in accordance with P.L.1968, c.410 (C.52:14B-1 et
43 seq.).

44

45 7. This act shall take effect immediately.

STATEMENT

This bill revises current law regarding the Junior Firefighters' Auxiliary.

Under current law, a person between the ages of 14 and 21 who obtains permission from a parent or guardian may become a member of the Junior Firefighters' Auxiliary with a volunteer fire department. The bill reduces the age limit for membership to persons between the ages of 14 and 18.

The bill also allows a fire district, regional authority, or county in this State that maintains a paid or volunteer fire department to establish a Junior Firefighters' Auxiliary. Under current law, only volunteer fire departments are permitted to establish a Junior Firefighters' Auxiliary.

In addition, the bill requires Junior Firefighters' Auxiliary applicants to be interviewed by officers of the fire department with a parent or guardian present. Junior Firefighters' Auxiliary applicants also are required to submit documentation from a qualified physician verifying that the applicant is medically able to perform the activities of the auxiliary.

Current labor law provides that minors under the age of 18 are prohibited from participating in certain work-related tasks, but allow an exemption for members of the Junior Firefighters' Auxiliary who are 16 years of age or older and perform authorized fire-related duties. The bill reduces this age exemption from 16 to 14 years of age.

The bill also grants the Commissioner of Community Affairs authority to promulgate regulations pertaining to the training of Junior Firefighter Auxiliary members and establish the duties they may perform at training events and emergency scenes. The regulations are to become effective immediately upon being filed with the Office of Administrative Law and remain in effect for 180 days. Thereafter, the commissioner is required to amend, adopt, or readopt the regulations in accordance with "Administrative Procedure Act."

Finally, the bill replaces the term "firemen" with the preferred, gender neutral term, "firefighter."