ASSEMBLY, No. 3835

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:
Assemblyman GERARD SCHARFENBERGER, PHD
District 13 (Monmouth)

Co-Sponsored by:
Assemblyman DiMaio and Assemblywoman Stanfield

SYNOPSIS

Raises maximum eligibility age for exempt fireman certificates and membership in New Jersey State Firemen's Association.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 9/14/2020)

AN ACT concerning exempt fireman certificates and New Jersey State Firemen's Association membership and amending N.J.S.40A:14-56 and R.S.43:17-9.

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

1. N.J.S.40A:14-56 is amended to read as follows:

40A:14-56. A member of the fire department and force of a municipality shall be entitled to an exempt fireman certificate when it appears that at the time of his appointment he was of good moral character and was not under 18 or over **[**45**]** 60 years of age and that he had performed during a period of seven years, 60% of fire duty or after January 1, 2009, 50% of fire duty, in each year, respectively. Any member who otherwise would be eligible for an exempt fireman certificate, but who, as the result of an injury or injuries incurred out of or in the course of fire duty, is permanently unable to fulfill the seven-year performance requirement set forth in this section, shall be entitled to an exempt fireman certificate if, at the time he incurred the injury or injuries, the member had performed during a period of five years, 60% of fire duty or after January 1, 2009, 50% of fire duty, in each year, respectively. In cases where the appointment was made during the war years the age limit shall be extended 10 years. Service in the United States Armed Forces during the war years shall be considered as fire duty service.

Service in more than one municipal fire department, for separate periods not concurrent, amounting in the aggregate to seven years, shall be deemed equivalent to seven years' service in a single municipal fire department and any fireman so serving shall be entitled to an exempt fireman certificate from the department and force in the municipality wherein he is serving at the time when he becomes entitled to the certificate. The prior service shall be certified by the chief executive officer of the municipality or municipalities wherein the member served and attested by the municipal clerk or clerks.

(cf: P.L.2014, c.64, s.2)

2. R.S.43:17-9 is amended to read as follows:

43:17-9. The membership of such corporation shall consist, without any formal election thereto, of the officers and members of such fire engine, hook and ladder, hose and supply company or companies, fire association or fire department, or board of firewardens, as shall be under the supervision or control of the governing board or body of the municipality or fire district and

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.

who, at the time of their becoming eligible for membership in the New Jersey State Firemen's Association, shall be not less than 18 years of age and who were not more than ⟦45⟧ 60 years of age at the time of joining the fire engine, hook and ladder, hose and supply company or companies, fire association or fire department, or board of firewardens and shall furnish evidence of good health in accordance with such reasonable rules and regulations as the executive committee of the New Jersey State Firemen's Association shall from time to time establish; the officers and members of any nonprofit corporations and associations incorporated pursuant to N.J.S.15A:1-1 et seq.; and the officers and members of any association therein of exempt firemen. The whole body of the membership of such corporation shall have the same rights therein as the charter members thereof.

(cf: P.L.1998, c.90, s.1)

3. This act shall take effect immediately.

STATEMENT

Under current law, a firefighter is required to join the fire service between the ages of 18 and 45 in order to be eligible for an exempt fireman certificate. Exempt fireman certificates are issued to eligible firefighters who have responded to at least 60 percent of their department’s fire duty calls over a seven-year period.

This bill would increase, from 45 to 60, the age by which a firefighter is required to join the fire service to establish eligibility for the New Jersey State Firemen’s Association and for an exempt fireman certificate.