

S2580 (1R)

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TECHNICAL REVIEW OF BILL:	No	
COMMITTEE STATEMENT:	ASSEMBLY:	No
	SENATE:	Yes Community & Urban Affairs Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	Yes
VETO MESSAGE:	No
GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes
LEGISLATOR STATEMENT:	Yes

FOLLOWING WERE PRINTED:

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P.L. 2025, CHAPTER 19, *approved February 3, 2025*
Assembly, No. 3894 (*First Reprint*)

1 AN ACT concerning fire safety by making changes to certain licensure
2 requirements, equipment requirements, ¹advisory committee
3 memberships,¹ penalties, and fees and amending P.L.1991, c.92 ¹,
4 P.L.2001, c.289,¹ and P.L.1983, c.383.

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

8
9 1. Section 1 of P.L.1991, c.92 (C.52:27D-198.1) is amended to
10 read as follows:

11 1. A structure used or intended for use for residential purposes by
12 not more than two households shall have a smoke-sensitive alarm
13 device on each level of the structure and outside each separate sleeping
14 area in the immediate vicinity of the bedrooms and located on or near
15 the ceiling in accordance with **[National Fire Protection Association**
16 **Standard No. 74-1984 for the installation, maintenance, and use of**
17 **household fire warning equipment. The installation of battery**
18 **operated smoke-sensitive alarm devices shall be accepted as meeting**
19 **the requirements of this section]** regulations established by the
20 Commissioner of Community Affairs. The smoke-sensitive device
21 shall be tested and listed by a product certification agency recognized
22 by the **[Bureau]** Division of Fire Safety.

23 **[Each structure, other than a seasonal rental unit, shall also be**
24 **equipped with at least one portable fire extinguisher in conformance**
25 **with rules and regulations promulgated by the Commissioner of**
26 **Community Affairs pursuant to the "Administrative Procedure Act,"**
27 **P.L.1968, c.410 (C.52:14B-1 et seq.). For the purposes of this section,**
28 **"portable fire extinguisher" means an operable portable device, carried**
29 **and operated by hand, containing an extinguishing agent that can be**
30 **expelled under pressure for the purpose of suppressing or**
31 **extinguishing fire, and which is: (1) rated for residential use consisting**
32 **of an ABC type; (2) no larger than a 10 pound rated extinguisher; and**
33 **(3) mounted within 10 feet of the kitchen area, unless otherwise**
34 **permitted by the enforcing agency. "Seasonal rental unit" means a**
35 **dwelling unit rented for a term of not more than 125 consecutive days**
36 **for residential purposes by a person having a permanent residence**
37 **elsewhere, but shall not include use or rental of living quarters by**
38 **migrant, temporary or seasonal workers in connection with any work**
39 **or place where work is being performed.]**

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 APS committee amendments adopted November 14, 2024.**

1 ¹Each structure subject to the requirements of this section that
2 contains a secondary power source shall have a label installed within
3 18 inches of the main electrical panel and electrical meter warning of
4 the danger associated with secondary power sources.¹

5 This section shall not be enforced except pursuant to sections 2 and
6 3 of P.L.1991, c.92 (C.52:27D-198.2 and C.52:27D-198.3).
7 (cf: P.L.2005, c.71, s.1)

8
9 2. Section 2 of P.L.1991, c.92 (C.52:27D-198.2) is amended to
10 read as follows:

11 2. a. In any case where a change of occupancy of any building
12 subject to the requirements of section 1 of P.L.1991, c.92
13 (C.52:27D-198.1) is subject to a municipal ordinance requiring the
14 issuance of a certificate of occupancy, certificate of inspection, or
15 other documentary certification of compliance with laws and
16 regulations relating to safety, healthfulness, and upkeep of the
17 premises, no such certificate shall issue until the municipal officer
18 or agency responsible for its issuance has determined that the
19 building is equipped with an alarm device or devices **【**and a
20 portable fire extinguisher**】** as required by section 1 of P.L.1991,
21 c.92 (C.52:27D-198.1).

22 b. In the case of change of occupancy of any building subject
23 to the requirements of section 1 of P.L.1991, c.92 (C.52:27D-198.1)
24 to which the provisions of subsection a. of this section do not apply,
25 no owner shall sell, lease, or otherwise permit occupancy for
26 residential purposes of that building without first obtaining from the
27 relevant enforcement agency under the "Uniform Fire Safety Act,"
28 P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate evidencing
29 compliance with the requirements of P.L.1991, c.92
30 (C.52:27D-198.1 et seq.). ¹A change of ownership of a structure
31 which requires rehabilitation such that a new certificate of occupancy
32 is required shall be exempted from this section, provided, however,
33 that the structure shall not be occupied until the appropriate certificate
34 is obtained pursuant to the "State Uniform Construction Code Act,"
35 P.L.1975, c.217 (C.52:27D-119 et seq.). In cases including a sheriff's
36 sale, foreclosure, forfeiture, or purchase from an agency of the federal
37 government where the structure purchased requires rehabilitation such
38 that a new certificate of occupancy is required, and where a certificate
39 evidencing compliance with the requirements of P.L.1991, c.92
40 (C.52:27D-198.1 et seq.) is not obtained, it shall be the responsibility
41 of the purchaser to obtain the necessary certificates prior to
42 occupancy.¹

43 The local governing body having jurisdiction over the said
44 enforcing agency or, where the **【Bureau】** Division of Fire Safety is
45 the enforcing agency, the Commissioner of Community Affairs
46 shall establish a fee which covers the cost of inspection and of
47 issuance of the certificate.

48 (cf: P.L.2005, c.71, s.2)

1 3. Section 3 of P.L.1991, c.92 (C.52:27D-198.3) is amended to
2 read as follows:

3 3. An owner who sells, leases, rents, or otherwise permits to be
4 occupied for residential purposes any premises subject to the
5 provisions of P.L.1991, c.92 (C.52:27D-198.1 et seq.) when the
6 premises do not comply with the requirements of section 1 of
7 P.L.1991, c.92 (C.52:27D-198.1), or without complying with the
8 inspection and certification requirements of section 2 of P.L.1991,
9 c.92 (C.52:27D-198.2), shall be subject to a fine of not more than
10 **[\$500.00 in the case of a violation for an alarm device, or a fine of**
11 **not more than \$100 in the case of a violation for a portable fire**
12 **extinguisher] \$500**, which may be collected and enforced by the
13 local enforcing agency as defined in subsection g. of section 5 of
14 P.L.1983, c.383 (C.52:27D-196) by summary proceedings pursuant
15 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
16 (C.2A:58-10 et seq.).
17 (cf: P.L.2005, c.71, s.3)
18

19 ¹4. Section 2 of P.L.2001, c.289 (C.52:27D-25o) is amended to
20 read as follows:

21 2. a. There is created within the Division of Fire Safety in the
22 Department of Community Affairs a "Fire Protection Equipment
23 Advisory Committee." The committee shall be comprised of the
24 Director of the Division of Fire Safety who shall serve ex officio and
25 **[eleven] twelve** public members, appointed by the Governor. One of
26 the public members shall be a chief administrator of the fire
27 department of a municipality with a population of 100,000 or more
28 according to the most recent federal decennial census, one of the
29 public members shall be a representative of a sheet metal workers
30 local union of the International Association of Sheet Metal, Air, Rail
31 and Transportation Workers, and one of the public members shall be a
32 representative of a volunteer fire organization. Each of the remaining
33 nine public members shall be selected by the Governor from a list of
34 three nominees provided to the Governor by each of the following fire
35 protection organizations or their successor organizations:

36 New Jersey Association of Fire Equipment Distributors,
37 National Fire Sprinkler Association,
38 National Association of Fire Equipment Distributors,
39 American Fire Sprinkler Association,
40 Fire Suppression Systems Association,
41 Automatic Fire Alarm Association,
42 New Jersey Electrical Contractors Association,
43 New Jersey Burglar and Fire Alarm Association, and
44 New Jersey State Fire Prevention and Protection Association.

45 b. The Governor shall appoint each member for a term of three
46 years, except that of the members first appointed, four shall serve for
47 terms of three years, four shall serve for terms of two years and three
48 shall serve for terms of one year.

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

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

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

16 f. The committee shall make recommendations to the
17 commissioner regarding rules and regulations pertaining to
18 professional training, standards, identification and record keeping
19 procedures for certificate holders and their employees, classifications
20 of certificates necessary to regulate the work of certificate holders, and
21 other matters necessary to effectuate the purposes of this act.¹

22 (cf: P.L.2002, c.39, s.1)

23
24 ¹**[4.] 5.**¹ Section 12 of P.L.1983, c.383 (C.52:27D-203) is
25 amended to read as follows:

26 12. a. Each enforcing agency in this State shall enforce **[this act]**
27 the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.)
28 in all buildings, structures, and premises within its jurisdiction, except
29 owner-occupied buildings used exclusively for dwelling purposes and
30 containing fewer than three dwelling units, subject to the control and
31 supervision of the commissioner and in accordance with regulations
32 promulgated by the commissioner. The commissioner shall consult
33 with and advise all local enforcement agencies enforcing the provision
34 of **[this act]** P.L.1983, c.383 (C.52:27D-192 et seq.), and each local
35 enforcement agency shall provide the commissioner with reports, data,
36 and information required by the commissioner. To cover the cost to
37 the municipality of conducting inspections under **[this act]** P.L.1983,
38 c.383 (C.52:27D-192 et seq.), the municipality may, by ordinance,
39 establish fees, which shall be paid into the treasury of the municipality
40 to which the local enforcing agency is responsible, and which shall be
41 appropriated by the municipality to the local enforcing agency to pay
42 the cost of enforcing **[this act]** P.L.1983, c.383 (C.52:27D-192 et
43 seq.).

44 b. A local enforcing agency consisting of or employing at least
45 one paid fire inspector who is **[certified]** licensed pursuant to
46 subsection c. of this section may elect to inspect high-rise structures
47 and life hazard uses within its jurisdiction, in lieu of inspection by the
48 commissioner. That election shall be made by resolution of the

1 governing body having jurisdiction over the local enforcing agency. If
2 an appropriate resolution has not been received by the commissioner
3 on or before the effective date of **[this act]** P.L.1983, c.383
4 (C.52:27D-192 et seq.), the department shall perform all inspections
5 under this subsection until such time as the governing body shall adopt
6 and send to the commissioner an appropriate resolution. A local
7 enforcing agency that elects to inspect high-rise structures and life
8 hazard uses may issue the certificates of inspection required to be
9 issued pursuant to section 14 of **[this act]** P.L.1983, c.383
10 **¹[C.52:27D-192 et seq.] (C.52:27D-205)¹**

11 and may inspect buildings and premises other than high-rise structures
12 and life hazard uses in order to secure compliance with **[this act]**
13 P.L.1983, c.383 (C.52:27D-192 et seq.).

14 c. The commissioner shall **[certify]** license fire inspectors and
15 fire officials under **[this act]** P.L.1983, c.383 (C.52:27D-192 et seq.)
16 in accordance with **[such]** standards as **[he]** the commissioner shall
17 establish by regulation **[**; provided that a fire inspector certificate shall
18 be issued by the commissioner to any person who: on the effective
19 date of this act is, and for at least one year prior to the effective date of
20 this act has been, serving as a fire inspector in the fire service; or shall
21 have, within two years of the effective date of this act, successfully
22 completed an educational program such as the basic fire prevention
23 code course offered by the Building Officials and Code Administrators
24 International or a recognized equivalent, a fire prevention course
25 offered by an institution of higher education or recognized fire school
26 which has been approved by the commissioner**]**. As a condition of
27 licensure, a person shall:

28 (1) submit an application to the Division of Fire Safety with the
29 required fee;

30 (2) successfully complete an educational program adopted by the
31 Division of Fire Safety's Office of Training, Certification, and
32 Licensing;

33 (3) meet prerequisite criteria established by regulation; and

34 (4) pass the State written and practical exams.

35 d. A licensed fire inspector and fire official shall conduct fire
36 inspections authorized by P.L.1983, c.383 (C.52:27D-192 et seq.) and
37 established by regulation in non-life-hazard and life-hazard use
38 groups.

39 e. Fire inspector and fire official certifications approved by the
40 Office of Training and Certification prior to the effective date of P.L.
41 , c. (pending before the Legislature as this bill) shall be considered
42 equivalent to licenses established pursuant to P.L. _____,
43 c. (pending before the Legislature as this bill).

44 ¹f. Existing licensed multiple dwelling inspectors and officials
45 enforcing the fire code in non-life hazard use dwellings shall be
46 allowed two years from the effective date of P.L. _____, c. (C. _____)

1 (pending before the Legislature as this bill) to obtain a fire inspector
2 license to be able to continue enforcing the fire code.¹

3 (cf: P.L.1983, c.383, s.12)

4

5 ¹**[5.] 6.**¹ Section 19 of P.L.1983, c.383 (C.52:27D-210) is
6 amended to read as follows:

7 19. a. No person shall:

8 (1) Obstruct, hinder, delay, or interfere by force or otherwise
9 with the commissioner or any local enforcing agency in the exercise
10 of any power or the discharge of any function or duty under the
11 provisions of **[this act]** the "Uniform Fire Safety Act," P.L.1983,
12 c.383 (C.52:27D-192 et seq.);

13 (2) Prepare, utter, or render any false statement, report,
14 document, plans, or specification permitted or required under the
15 provisions of **[this act]** P.L.1983, c.383 (C.52:27D-192 et seq.);

16 (3) Render ineffective or inoperative, or fail to properly
17 maintain, any protective equipment or system installed, or intended
18 to be installed, in a building or structure;

19 (4) Refuse or fail to comply with a lawful ruling, action, order,
20 or notice of the commissioner or a local enforcing agency; or

21 (5) Violate, or cause to be violated, any of the provisions of
22 **[this act]** P.L.1983, c.383 (C.52:27D-192 et seq.).

23 b. (1) A person who violates or causes to be violated a
24 provision of subsection a. of this section shall be liable to a penalty
25 of not more than \$5,000 for each violation. If a violation of
26 subsection a. of this section is of a continuing nature, each day
27 during which the violation remains unabated after the date fixed in
28 an order or notice for the correction or termination of the continuing
29 violation shall constitute an additional and separate violation,
30 except while an appeal from the order is pending in connection with
31 any property except for those properties which are certified by the
32 fire code official to be unoccupied. For the purposes of this section,
33 a building may not be certified to be unoccupied unless it has been
34 unoccupied for a period of not less than six months.

35 (2) If an owner or operator has been given notice **[of the**
36 **existence of]** that the owner or operator is required to abate a
37 violation of **[the act]** P.L.1983, c.383 (C.52:27D-192 et seq.) and
38 fails to abate the violation, **[he]** the owner or operator shall be
39 liable to an additional penalty of not more than \$50,000. If a
40 violation is of a continuing nature, each day during which the
41 violation remains unabated shall not constitute an additional and
42 separate violation for the purposes of the penalty in this paragraph.
43 Continuing liability for unabated violations of record and unpaid
44 fees or penalties following a change of ownership or tenancy shall
45 be determined in accordance with subsections f. and g. of this
46 section.

47 (3) An additional \$150,000 or the actual cost, whichever is
48 greater, may be imposed as a penalty for the expense to the

1 municipality or fire district of suppressing any fire, directly or
2 indirectly, resulting from the unabated violation and for any other
3 actual expenses, including attorney fees, incurred by the
4 municipality for the enforcement of the violation.

5 (4) Upon the 121st day subsequent to its filing, an appeal to a
6 county, municipal, or joint construction board of appeals, a
7 departmental appeal, or an appeal to a court of competent
8 jurisdiction shall not automatically stay any order, including orders
9 to pay a penalty imposed pursuant to P.L.1983, c.383
10 (C.52:27D-192 et seq.), or prevent the seeking of an order in a court
11 of competent jurisdiction to enjoin the violation of any order of an
12 enforcing agency in connection with any property which is found by
13 the fire code official to be unoccupied.

14 Any party filing an appeal with a court of competent jurisdiction
15 regarding violations assessed against property which has been
16 certified as unoccupied pursuant to this section shall file a motion
17 upon the initiation of the appeal requesting expedited consideration
18 of the appeal on the ground that acceleration is warranted because
19 the subject of the appeal involves matters of public safety. In the
20 event the appeal is granted, the court shall grant the motion to
21 expedite.

22 c. The commissioner or a local enforcing agency may levy and
23 collect penalties in the amounts set forth in this section, but not in
24 excess of the maximum amounts that the commissioner shall
25 establish by regulation for different types of violations. If the
26 administrative penalty order has not been satisfied by the 30th day
27 after its issuance, the penalty may be sued for, and recovered by and
28 in the name of the commissioner or the enforcing agency, as the
29 case may be, in a civil action by a summary proceeding under "The
30 Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et
31 seq.) in the Superior Court or municipal court. All moneys
32 recovered in the form of penalties by a municipality shall be paid
33 into the treasury of the municipality and shall be appropriated for
34 the enforcement of **【the act】** P.L.1983, c.383 (C.52:27D-192 et
35 seq.); except that the additional penalty paid by an owner or
36 operator to a municipality under paragraph (2) or (3) of subsection
37 b. of this section shall be placed in a special municipal trust fund to
38 be applied to the municipality's or fire district's cost of firefighter
39 training and new equipment. A person who fails to pay
40 immediately a money judgment rendered against **【him】** them
41 pursuant to this subsection may be sentenced to imprisonment by
42 the court for a period not exceeding six months, unless the
43 judgment is sooner paid.

44 d. A person shall be deemed to have violated or caused to have
45 violated a provision of subsection a. of this section if an officer,
46 agent, or employee under **【his】** the person's control and with **【his】**
47 the person's knowledge has violated or caused to have violated any
48 of the provisions of subsection a. of this section.

1 e. Upon request of the owner or purchaser of a building or
2 structure, the enforcing agency having jurisdiction over the building
3 or structure shall issue a certificate either enumerating the
4 violations indicated by its records to be unabated and the penalties
5 or fees indicated to be unpaid, or stating that its records indicate
6 that no violations remain unabated and no penalties or fees remain
7 unpaid.

8 f. A **person** new owner who purchases a property without
9 having obtained a certificate stating that there are no unabated
10 violations of record and no unpaid fees or penalties shall be deemed
11 to have notice of all existing violations of record and shall be liable
12 for the payment of all unpaid fees or penalties. The department
13 shall issue requests for payment of unpaid fees or penalties within
14 five years of the purchase date.

15 g. (1) Except as provided in paragraph (2) of this subsection, a
16 new operator taking control of an existing tenant business shall
17 assume liability for the payment of all existing unpaid fees and
18 penalties assessed for that business. The department shall issue
19 requests for payment of unpaid fees or penalties within a period of
20 five years from the date of the change in operator; provided,
21 however, a new operator who was a principal in, or agent of, the
22 business previously occupying the property or who is related to a
23 principal in, or agent of, that business by blood, adoption, or
24 marriage shall assume existing liability for the payment of all
25 unpaid fees and penalties indefinitely.

26 (2) A new operator who occupies all or part of the property with
27 a business not previously situated on the property shall not assume
28 liability for the payment of unpaid fees and penalties.

29 h. As used in this section:

30 "Operator" means a person or persons in the position of a tenant
31 or lessee who conducts business from and is in actual physical
32 possession or occupancy of all or part of the property.

33 "Owner" means a property owner, or the owner's agent or
34 representative, whose name appears on the title in the public
35 records.

36 (cf: P.L1999, c.401, s.2)

37

38 ¹**[6.] 7.** Section 20 of P.L.1983, c.383 (C.52:27D-211) is
39 amended to read as follows:

40 20. a. Notices, rules, decisions, and orders required or permitted
41 to be issued and served pursuant to **[this act]** the "Uniform Fire
42 Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) shall be served
43 as follows:

44 (1) On the owner and operator by one or more of the following
45 methods:

46 (a) By **[certified]** mail to the person designated as owner or
47 agent on the certificate of registration **[,]** in the municipal tax
48 records **[,]** or in the records of the Secretary of State **[;** however, if

1 the certified mailing is returned, the original letter shall be remailed
2 to the last known address of the person by ordinary mail] and to
3 the operator.

4 (b) By serving the document on the Secretary of State, who shall
5 be deemed the owner's agent for service of process; [except]
6 provided that reasonable efforts have first been made to serve the
7 owner [or his] , or the owner's agent, and the operator by
8 [certified] mail and that a copy of the document is posted in a
9 conspicuous location on the premises. "Conspicuous location" shall
10 include the walls of the front vestibule or any common foyer or
11 hallway immediately inside the main front entrance.

12 (c) By personal delivery of the document to the owner and to
13 the operator.

14 (d) By leaving the document at the office or dwelling unit of the
15 owner and of the operator with a person 14 years of age or older.

16 (e) By electronic service to the owner and operator provided
17 that a delivery receipt is obtained.

18 (2) On any other person by one or more of the following
19 methods:

20 (a) By [certified] mail to the person at [his] the person's last
21 known address [; however, if the certified mailing is returned, the
22 original letter shall be remailed to the last known address of the
23 person by ordinary mail].

24 (b) By personal delivery of the document to the person.

25 (c) By leaving the document at the office or dwelling unit of the
26 person with a person 14 years of age or older.

27 b. The date of personal service or the third day after mailing
28 shall be considered the date of service.

29 c. As used in this section:

30 "Operator" means a person or persons in the position of a tenant
31 or lessee who conducts business from and is in actual physical
32 possession or occupancy of all or part of the property.

33 "Owner" means a property owner, or the owner's agent or
34 representative, whose name appears on the title in the public
35 records.

36 (cf: P.L.1983, c.383, s.20)

37

38 ¹[7.] 8.¹ This act shall take effect immediately.

39

40

41

42

43 Amends certain fire safety statutes to update licensure and
44 equipment requirements and liability, fee, and penalty provisions;
45 expands membership of Fire Protection Equipment Advisory
46 Committee.

CHAPTER 19

AN ACT concerning fire safety by making changes to certain licensure requirements, equipment requirements, advisory committee memberships, penalties, and fees and amending P.L.1991, c.92, P.L.2001, c.289, and P.L.1983, c.383.

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

1. Section 1 of P.L.1991, c.92 (C.52:27D-198.1) is amended to read as follows:

C.52:27D-198.1 Residential structures to have smoke-sensitive alarm devices, portable fire extinguishers.

1. A structure used or intended for use for residential purposes by not more than two households shall have a smoke-sensitive alarm device on each level of the structure and outside each separate sleeping area in the immediate vicinity of the bedrooms and located on or near the ceiling in accordance with regulations established by the Commissioner of Community Affairs. The smoke-sensitive device shall be tested and listed by a product certification agency recognized by the Division of Fire Safety.

Each structure subject to the requirements of this section that contains a secondary power source shall have a label installed within 18 inches of the main electrical panel and electrical meter warning of the danger associated with secondary power sources.

This section shall not be enforced except pursuant to sections 2 and 3 of P.L.1991, c.92 (C.52:27D-198.2 and C.52:27D-198.3).

2. Section 2 of P.L.1991, c.92 (C.52:27D-198.2) is amended to read as follows:

C.52:27D-198.2 Municipal officer, agency to determine compliance.

2. a. In any case where a change of occupancy of any building subject to the requirements of section 1 of P.L.1991, c.92 (C.52:27D-198.1) is subject to a municipal ordinance requiring the issuance of a certificate of occupancy, certificate of inspection, or other documentary certification of compliance with laws and regulations relating to safety, healthfulness, and upkeep of the premises, no such certificate shall issue until the municipal officer or agency responsible for its issuance has determined that the building is equipped with an alarm device or devices as required by section 1 of P.L.1991, c.92 (C.52:27D-198.1).

b. In the case of change of occupancy of any building subject to the requirements of section 1 of P.L.1991, c.92 (C.52:27D-198.1) to which the provisions of subsection a. of this section do not apply, no owner shall sell, lease, or otherwise permit occupancy for residential purposes of that building without first obtaining from the relevant enforcement agency under the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate evidencing compliance with the requirements of P.L.1991, c.92 (C.52:27D-198.1 et seq.). A change of ownership of a structure which requires rehabilitation such that a new certificate of occupancy is required shall be exempted from this section, provided, however, that the structure shall not be occupied until the appropriate certificate is obtained pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.). In cases including a sheriff's sale, foreclosure, forfeiture, or purchase from an agency of the federal government where the structure purchased requires rehabilitation such that a new certificate of occupancy is required, and where a certificate evidencing compliance with the requirements of P.L.1991, c.92 (C.52:27D-198.1 et seq.) is not obtained, it shall be the responsibility of the purchaser to obtain the necessary certificates prior to occupancy.

The local governing body having jurisdiction over the said enforcing agency or, where the Division of Fire Safety is the enforcing agency, the Commissioner of Community Affairs shall establish a fee which covers the cost of inspection and of issuance of the certificate.

3. Section 3 of P.L.1991, c.92 (C.52:27D-198.3) is amended to read as follows:

C.52:27D-198.3 Fine for noncompliance.

3. An owner who sells, leases, rents, or otherwise permits to be occupied for residential purposes any premises subject to the provisions of P.L.1991, c.92 (C.52:27D-198.1 et seq.) when the premises do not comply with the requirements of section 1 of P.L.1991, c.92 (C.52:27D-198.1), or without complying with the inspection and certification requirements of section 2 of P.L.1991, c.92 (C.52:27D-198.2), shall be subject to a fine of not more than \$500, which may be collected and enforced by the local enforcing agency as defined in subsection g. of section 5 of P.L.1983, c.383 (C.52:27D-196) by summary proceedings pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

4. Section 2 of P.L.2001, c.289 (C.52:27D-25o) is amended to read as follows:

C.52:27D-25o "Fire Protection Equipment Advisory Committee".

2. a. There is created within the Division of Fire Safety in the Department of Community Affairs a "Fire Protection Equipment Advisory Committee." The committee shall be comprised of the Director of the Division of Fire Safety who shall serve ex officio and twelve public members, appointed by the Governor. One of the public members shall be a chief administrator of the fire department of a municipality with a population of 100,000 or more according to the most recent federal decennial census, one of the public members shall be a representative of a sheet metal workers local union of the International Association of Sheet Metal, Air, Rail and Transportation Workers, and one of the public members shall be a representative of a volunteer fire organization. Each of the remaining nine public members shall be selected by the Governor from a list of three nominees provided to the Governor by each of the following fire protection organizations or their successor organizations:

New Jersey Association of Fire Equipment Distributors,
National Fire Sprinkler Association,
National Association of Fire Equipment Distributors,
American Fire Sprinkler Association,
Fire Suppression Systems Association,
Automatic Fire Alarm Association,
New Jersey Electrical Contractors Association,
New Jersey Burglar and Fire Alarm Association, and
New Jersey State Fire Prevention and Protection Association.

b. The Governor shall appoint each member for a term of three years, except that of the members first appointed, four shall serve for terms of three years, four shall serve for terms of two years and three shall serve for terms of one year.

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

d. The committee shall annually elect from among its members a chair and vice-chair. The committee shall meet at least four times a year and may hold additional meetings as

necessary to discharge its duties. In addition to such meetings, the committee shall meet at the call of the chair or the commissioner.

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

f. The committee shall make recommendations to the commissioner regarding rules and regulations pertaining to professional training, standards, identification and record keeping procedures for certificate holders and their employees, classifications of certificates necessary to regulate the work of certificate holders, and other matters necessary to effectuate the purposes of this act.

5. Section 12 of P.L.1983, c.383 (C.52:27D-203) is amended to read as follows:

C.52:27D-203 Enforcement of act by enforcing agencies; reports, data, information; fees; inspections; fire inspector certification.

12. a. Each enforcing agency in this State shall enforce the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) in all buildings, structures, and premises within its jurisdiction, except owner-occupied buildings used exclusively for dwelling purposes and containing fewer than three dwelling units, subject to the control and supervision of the commissioner and in accordance with regulations promulgated by the commissioner. The commissioner shall consult with and advise all local enforcement agencies enforcing the provision of P.L.1983, c.383 (C.52:27D-192 et seq.), and each local enforcement agency shall provide the commissioner with reports, data, and information required by the commissioner. To cover the cost to the municipality of conducting inspections under P.L.1983, c.383 (C.52:27D-192 et seq.), the municipality may, by ordinance, establish fees, which shall be paid into the treasury of the municipality to which the local enforcing agency is responsible, and which shall be appropriated by the municipality to the local enforcing agency to pay the cost of enforcing P.L.1983, c.383 (C.52:27D-192 et seq.).

b. A local enforcing agency consisting of or employing at least one paid fire inspector who is licensed pursuant to subsection c. of this section may elect to inspect high-rise structures and life hazard uses within its jurisdiction, in lieu of inspection by the commissioner. That election shall be made by resolution of the governing body having jurisdiction over the local enforcing agency. If an appropriate resolution has not been received by the commissioner on or before the effective date of P.L.1983, c.383 (C.52:27D-192 et seq.), the department shall perform all inspections under this subsection until such time as the governing body shall adopt and send to the commissioner an appropriate resolution. A local enforcing agency that elects to inspect high-rise structures and life hazard uses may issue the certificates of inspection required to be issued pursuant to section 14 of P.L.1983, c.383 (C.52:27D-205) and may inspect buildings and premises other than high-rise structures and life hazard uses in order to secure compliance with P.L.1983, c.383 (C.52:27D-192 et seq.).

c. The commissioner shall license fire inspectors and fire officials under P.L.1983, c.383 (C.52:27D-192 et seq.) in accordance with standards as the commissioner shall establish by regulation. As a condition of licensure, a person shall:

- (1) submit an application to the Division of Fire Safety with the required fee;
- (2) successfully complete an educational program adopted by the Division of Fire Safety's Office of Training, Certification, and Licensing;
- (3) meet prerequisite criteria established by regulation; and

(4) pass the State written and practical exams.

d. A licensed fire inspector and fire official shall conduct fire inspections authorized by P.L.1983, c.383 (C.52:27D-192 et seq.) and established by regulation in non-life-hazard and life-hazard use groups.

e. Fire inspector and fire official certifications approved by the Office of Training and Certification prior to the effective date of P.L.2025, c.19 shall be considered equivalent to licenses established pursuant to P.L.2025, c.19.

f. Existing licensed multiple dwelling inspectors and officials enforcing the fire code in non-life hazard use dwellings shall be allowed two years from the effective date of P.L.2025, c.19 to obtain a fire inspector license to be able to continue enforcing the fire code.

6. Section 19 of P.L.1983, c.383 (C.52:27D-210) is amended to read as follows:

C.52:27D-210 Additional violations; penalties.

19. a. No person shall:

(1) Obstruct, hinder, delay, or interfere by force or otherwise with the commissioner or any local enforcing agency in the exercise of any power or the discharge of any function or duty under the provisions of the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.);

(2) Prepare, utter, or render any false statement, report, document, plans, or specification permitted or required under the provisions of P.L.1983, c.383 (C.52:27D-192 et seq.);

(3) Render ineffective or inoperative, or fail to properly maintain, any protective equipment or system installed, or intended to be installed, in a building or structure;

(4) Refuse or fail to comply with a lawful ruling, action, order, or notice of the commissioner or a local enforcing agency; or

(5) Violate, or cause to be violated, any of the provisions of P.L.1983, c.383 (C.52:27D-192 et seq.).

b. (1) A person who violates or causes to be violated a provision of subsection a. of this section shall be liable to a penalty of not more than \$5,000 for each violation. If a violation of subsection a. of this section is of a continuing nature, each day during which the violation remains unabated after the date fixed in an order or notice for the correction or termination of the continuing violation shall constitute an additional and separate violation, except while an appeal from the order is pending in connection with any property except for those properties which are certified by the fire code official to be unoccupied. For the purposes of this section, a building may not be certified to be unoccupied unless it has been unoccupied for a period of not less than six months.

(2) If an owner or operator has been given notice that the owner or operator is required to abate a violation of P.L.1983, c.383 (C.52:27D-192 et seq.) and fails to abate the violation, the owner or operator shall be liable to an additional penalty of not more than \$50,000. If a violation is of a continuing nature, each day during which the violation remains unabated shall not constitute an additional and separate violation for the purposes of the penalty in this paragraph. Continuing liability for unabated violations of record and unpaid fees or penalties following a change of ownership or tenancy shall be determined in accordance with subsections f. and g. of this section.

(3) An additional \$150,000 or the actual cost, whichever is greater, may be imposed as a penalty for the expense to the municipality or fire district of suppressing any fire, directly or indirectly, resulting from the unabated violation and for any other actual expenses, including attorney fees, incurred by the municipality for the enforcement of the violation.

(4) Upon the 121st day subsequent to its filing, an appeal to a county, municipal, or joint construction board of appeals, a departmental appeal, or an appeal to a court of competent jurisdiction shall not automatically stay any order, including orders to pay a penalty imposed pursuant to P.L.1983, c.383 (C.52:27D-192 et seq.), or prevent the seeking of an order in a court of competent jurisdiction to enjoin the violation of any order of an enforcing agency in connection with any property which is found by the fire code official to be unoccupied.

Any party filing an appeal with a court of competent jurisdiction regarding violations assessed against property which has been certified as unoccupied pursuant to this section shall file a motion upon the initiation of the appeal requesting expedited consideration of the appeal on the ground that acceleration is warranted because the subject of the appeal involves matters of public safety. In the event the appeal is granted, the court shall grant the motion to expedite.

c. The commissioner or a local enforcing agency may levy and collect penalties in the amounts set forth in this section, but not in excess of the maximum amounts that the commissioner shall establish by regulation for different types of violations. If the administrative penalty order has not been satisfied by the 30th day after its issuance, the penalty may be sued for, and recovered by and in the name of the commissioner or the enforcing agency, as the case may be, in a civil action by a summary proceeding under "The Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in the Superior Court or municipal court. All moneys recovered in the form of penalties by a municipality shall be paid into the treasury of the municipality and shall be appropriated for the enforcement of P.L.1983, c.383 (C.52:27D-192 et seq.); except that the additional penalty paid by an owner or operator to a municipality under paragraph (2) or (3) of subsection b. of this section shall be placed in a special municipal trust fund to be applied to the municipality's or fire district's cost of firefighter training and new equipment. A person who fails to pay immediately a money judgment rendered against them pursuant to this subsection may be sentenced to imprisonment by the court for a period not exceeding six months, unless the judgment is sooner paid.

d. A person shall be deemed to have violated or caused to have violated a provision of subsection a. of this section if an officer, agent, or employee under the person's control and with the person's knowledge has violated or caused to have violated any of the provisions of subsection a. of this section.

e. Upon request of the owner or purchaser of a building or structure, the enforcing agency having jurisdiction over the building or structure shall issue a certificate either enumerating the violations indicated by its records to be unabated and the penalties or fees indicated to be unpaid, or stating that its records indicate that no violations remain unabated and no penalties or fees remain unpaid.

f. A new owner who purchases a property without having obtained a certificate stating that there are no unabated violations of record and no unpaid fees or penalties shall be deemed to have notice of all existing violations of record and shall be liable for the payment of all unpaid fees or penalties. The department shall issue requests for payment of unpaid fees or penalties within five years of the purchase date.

g. (1) Except as provided in paragraph (2) of this subsection, a new operator taking control of an existing tenant business shall assume liability for the payment of all existing unpaid fees and penalties assessed for that business. The department shall issue requests for payment of unpaid fees or penalties within a period of five years from the date of the change in operator, provided, however, a new operator who was a principal in, or agent of, the business previously occupying the property or who is related to a principal in, or agent of, that business by blood, adoption, or marriage shall assume existing liability for the payment of all unpaid fees and penalties indefinitely.

(2) A new operator who occupies all or part of the property with a business not previously situated on the property shall not assume liability for the payment of unpaid fees and penalties.

h. As used in this section:

"Operator" means a person or persons in the position of a tenant or lessee who conducts business from and is in actual physical possession or occupancy of all or part of the property.

"Owner" means a property owner, or the owner's agent or representative, whose name appears on the title in the public records.

7. Section 20 of P.L.1983, c.383 (C.52:27D-211) is amended to read as follows:

C.52:27D-211 Method of service of notices, rules, decisions and orders.

20. a. Notices, rules, decisions, and orders required or permitted to be issued and served pursuant to the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) shall be served as follows:

(1) On the owner and operator by one or more of the following methods:

(a) By mail to the person designated as owner or agent on the certificate of registration in the municipal tax records or in the records of the Secretary of State and to the operator.

(b) By serving the document on the Secretary of State, who shall be deemed the owner's agent for service of process, provided that reasonable efforts have first been made to serve the owner, or the owner's agent, and the operator by mail and that a copy of the document is posted in a conspicuous location on the premises. "Conspicuous location" shall include the walls of the front vestibule or any common foyer or hallway immediately inside the main front entrance.

(c) By personal delivery of the document to the owner and to the operator.

(d) By leaving the document at the office or dwelling unit of the owner and of the operator with a person 14 years of age or older.

(e) By electronic service to the owner and operator provided that a delivery receipt is obtained.

(2) On any other person by one or more of the following methods:

(a) By mail to the person at the person's last known address.

(b) By personal delivery of the document to the person.

(c) By leaving the document at the office or dwelling unit of the person with a person 14 years of age or older.

b. The date of personal service or the third day after mailing shall be considered the date of service.

c. As used in this section:

"Operator" means a person or persons in the position of a tenant or lessee who conducts business from and is in actual physical possession or occupancy of all or part of the property.

"Owner" means a property owner, or the owner's agent or representative, whose name appears on the title in the public records.

8. This act shall take effect immediately.

Approved February 3, 2025.

ASSEMBLY, No. 3894

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 27, 2024

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Co-Sponsored by:

Assemblyman Sampson

SYNOPSIS

Amends certain fire safety statutes to update licensure and equipment requirements and liability, fee, and penalty provisions.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/14/2024)

A3894 MURPHY, QUIJANO

2

1 AN ACT concerning fire safety by making changes to certain
2 licensure requirements, equipment requirements, penalties, and
3 fees and amending P.L.1991, c.92 and P.L.1983, c.383.

4

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

7

8 1. Section 1 of P.L.1991, c.92 (C.52:27D-198.1) is amended to
9 read as follows:

10 1. A structure used or intended for use for residential purposes
11 by not more than two households shall have a smoke-sensitive
12 alarm device on each level of the structure and outside each
13 separate sleeping area in the immediate vicinity of the bedrooms
14 and located on or near the ceiling in accordance with **[National Fire**
15 **Protection Association Standard No. 74-1984** for the installation,
16 maintenance, and use of household fire warning equipment. The
17 installation of battery operated smoke-sensitive alarm devices shall
18 be accepted as meeting the requirements of this section **] regulations
19 established by the Commissioner of Community Affairs. The
20 smoke-sensitive device shall be tested and listed by a product
21 certification agency recognized by the **[Bureau]** Division of Fire
22 Safety.**

23 **[Each structure, other than a seasonal rental unit, shall also be**
24 **equipped with at least one portable fire extinguisher in conformance**
25 **with rules and regulations promulgated by the Commissioner of**
26 **Community Affairs pursuant to the "Administrative Procedure Act,"**
27 **P.L.1968, c.410 (C.52:14B-1 et seq.). For the purposes of this**
28 **section, "portable fire extinguisher" means an operable portable**
29 **device, carried and operated by hand, containing an extinguishing**
30 **agent that can be expelled under pressure for the purpose of**
31 **suppressing or extinguishing fire, and which is: (1) rated for**
32 **residential use consisting of an ABC type; (2) no larger than a 10**
33 **pound rated extinguisher; and (3) mounted within 10 feet of the**
34 **kitchen area, unless otherwise permitted by the enforcing agency.**
35 **"Seasonal rental unit" means a dwelling unit rented for a term of not**
36 **more than 125 consecutive days for residential purposes by a person**
37 **having a permanent residence elsewhere, but shall not include use**
38 **or rental of living quarters by migrant, temporary or seasonal**
39 **workers in connection with any work or place where work is being**
40 **performed.]**

41 This section shall not be enforced except pursuant to sections 2
42 and 3 of P.L.1991, c.92 (C.52:27D-198.2 and C.52:27D-198.3).
43 (cf: P.L.2005, c.71, s.1)

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 2. Section 2 of P.L.1991, c.92 (C.52:27D-198.2) is amended to
2 read as follows:

3 2. a. In any case where a change of occupancy of any building
4 subject to the requirements of section 1 of P.L.1991, c.92
5 (C.52:27D-198.1) is subject to a municipal ordinance requiring the
6 issuance of a certificate of occupancy, certificate of inspection, or
7 other documentary certification of compliance with laws and
8 regulations relating to safety, healthfulness, and upkeep of the
9 premises, no such certificate shall issue until the municipal officer
10 or agency responsible for its issuance has determined that the
11 building is equipped with an alarm device or devices **【and a**
12 **portable fire extinguisher】** as required by section 1 of P.L.1991,
13 c.92 (C.52:27D-198.1).

14 b. In the case of change of occupancy of any building subject
15 to the requirements of section 1 of P.L.1991, c.92 (C.52:27D-198.1)
16 to which the provisions of subsection a. of this section do not apply,
17 no owner shall sell, lease, or otherwise permit occupancy for
18 residential purposes of that building without first obtaining from the
19 relevant enforcement agency under the "Uniform Fire Safety Act,"
20 P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate evidencing
21 compliance with the requirements of P.L.1991, c.92
22 (C.52:27D-198.1 et seq.). The local governing body having
23 jurisdiction over the said enforcing agency or, where the **【Bureau】**
24 Division of Fire Safety is the enforcing agency, the Commissioner
25 of Community Affairs shall establish a fee which covers the cost of
26 inspection and of issuance of the certificate.

27 (cf: P.L.2005, c.71, s.2)

28

29 3. Section 3 of P.L.1991, c.92 (C.52:27D-198.3) is amended to
30 read as follows:

31 3. An owner who sells, leases, rents, or otherwise permits to be
32 occupied for residential purposes any premises subject to the
33 provisions of P.L.1991, c.92 (C.52:27D-198.1 et seq.) when the
34 premises do not comply with the requirements of section 1 of
35 P.L.1991, c.92 (C.52:27D-198.1), or without complying with the
36 inspection and certification requirements of section 2 of P.L.1991,
37 c.92 (C.52:27D-198.2), shall be subject to a fine of not more than
38 **【\$500.00 in the case of a violation for an alarm device, or a fine of**
39 **not more than \$100 in the case of a violation for a portable fire**
40 **extinguisher】** \$500, which may be collected and enforced by the
41 local enforcing agency as defined in subsection g. of section 5 of
42 P.L.1983, c.383 (C.52:27D-196) by summary proceedings pursuant
43 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
44 (C.2A:58-10 et seq.).

45 (cf: P.L.2005, c.71, s.3)

46

47 4. Section 12 of P.L.1983, c.383 (C.52:27D-203) is amended to
48 read as follows:

1 12. a. Each enforcing agency in this State shall enforce **[this**
2 **act]** the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192
3 et seq.) in all buildings, structures, and premises within its
4 jurisdiction, except owner-occupied buildings used exclusively for
5 dwelling purposes and containing fewer than three dwelling units,
6 subject to the control and supervision of the commissioner and in
7 accordance with regulations promulgated by the commissioner. The
8 commissioner shall consult with and advise all local enforcement
9 agencies enforcing the provision of **[this act]** P.L.1983, c.383
10 (C.52:27D-192 et seq.), and each local enforcement agency shall
11 provide the commissioner with reports, data, and information
12 required by the commissioner. To cover the cost to the
13 municipality of conducting inspections under **[this act]** P.L.1983,
14 c.383 (C.52:27D-192 et seq.), the municipality may, by ordinance,
15 establish fees, which shall be paid into the treasury of the
16 municipality to which the local enforcing agency is responsible, and
17 which shall be appropriated by the municipality to the local
18 enforcing agency to pay the cost of enforcing **[this act]** P.L.1983,
19 c.383 (C.52:27D-192 et seq.).

20 b. A local enforcing agency consisting of or employing at least
21 one paid fire inspector who is **[certified]** licensed pursuant to
22 subsection c. of this section may elect to inspect high-rise structures
23 and life hazard uses within its jurisdiction, in lieu of inspection by
24 the commissioner. That election shall be made by resolution of the
25 governing body having jurisdiction over the local enforcing agency.
26 If an appropriate resolution has not been received by the
27 commissioner on or before the effective date of **[this act]** P.L.1983,
28 c.383 (C.52:27D-192 et seq.), the department shall perform all
29 inspections under this subsection until such time as the governing
30 body shall adopt and send to the commissioner an appropriate
31 resolution. A local enforcing agency that elects to inspect high-rise
32 structures and life hazard uses may issue the certificates of
33 inspection required to be issued pursuant to section 14 of **[this act]**
34 P.L.1983, c.383 (C.52:27D-192 et seq.) and may inspect buildings
35 and premises other than high-rise structures and life hazard uses in
36 order to secure compliance with **[this act]** P.L.1983, c.383
37 (C.52:27D-192 et seq.).

38 c. The commissioner shall **[certify]** license fire inspectors and
39 fire officials under **[this act]** P.L.1983, c.383 (C.52:27D-192 et
40 seq.) in accordance with **[such]** standards as **[he]** the
41 commissioner shall establish by regulation **[**; provided that a fire
42 inspector certificate shall be issued by the commissioner to any
43 person who: on the effective date of this act is, and for at least one
44 year prior to the effective date of this act has been, serving as a fire
45 inspector in the fire service; or shall have, within two years of the
46 effective date of this act, successfully completed an educational
47 program such as the basic fire prevention code course offered by the

1 Building Officials and Code Administrators International or a
2 recognized equivalent, a fire prevention course offered by an
3 institution of higher education or recognized fire school which has
4 been approved by the commissioner¹. As a condition of licensure,
5 a person shall:

6 (1) submit an application to the Division of Fire Safety with the
7 required fee;

8 (2) successfully complete an educational program adopted by
9 the Division of Fire Safety's Office of Training, Certification, and
10 Licensing;

11 (3) meet prerequisite criteria established by regulation; and

12 (4) pass the State written and practical exams.

13 d. A licensed fire inspector and fire official shall conduct fire
14 inspections authorized by P.L.1983, c.383 (C.52:27D-192 et seq.)
15 and established by regulation in non-life-hazard and life-hazard use
16 groups.

17 e. Fire inspector and fire official certifications approved by the
18 Office of Training and Certification prior to the effective date of
19 P.L. , c. (pending before the Legislature as this bill) shall be
20 considered equivalent to licenses established pursuant to P.L. ,
21 c. (pending before the Legislature as this bill).

22 (cf: P.L.1983, c.383, s.12)

23

24 5. Section 19 of P.L.1983, c.383 (C.52:27D-210) is amended to
25 read as follows:

26 19. a. No person shall:

27 (1) Obstruct, hinder, delay, or interfere by force or otherwise
28 with the commissioner or any local enforcing agency in the exercise
29 of any power or the discharge of any function or duty under the
30 provisions of **[this act]** the "Uniform Fire Safety Act," P.L.1983,
31 c.383 (C.52:27D-192 et seq.);

32 (2) Prepare, utter, or render any false statement, report,
33 document, plans, or specification permitted or required under the
34 provisions of **[this act]** P.L.1983, c.383 (C.52:27D-192 et seq.);

35 (3) Render ineffective or inoperative, or fail to properly
36 maintain, any protective equipment or system installed, or intended
37 to be installed, in a building or structure;

38 (4) Refuse or fail to comply with a lawful ruling, action, order,
39 or notice of the commissioner or a local enforcing agency; or

40 (5) Violate, or cause to be violated, any of the provisions of
41 **[this act]** P.L.1983, c.383 (C.52:27D-192 et seq.).

42 b. (1) A person who violates or causes to be violated a
43 provision of subsection a. of this section shall be liable to a penalty
44 of not more than \$5,000 for each violation. If a violation of
45 subsection a. of this section is of a continuing nature, each day
46 during which the violation remains unabated after the date fixed in
47 an order or notice for the correction or termination of the continuing
48 violation shall constitute an additional and separate violation,

1 except while an appeal from the order is pending in connection with
2 any property except for those properties which are certified by the
3 fire code official to be unoccupied. For the purposes of this section,
4 a building may not be certified to be unoccupied unless it has been
5 unoccupied for a period of not less than six months.

6 (2) If an owner or operator has been given notice ~~of the~~
7 ~~existence of~~ that the owner or operator is required to abate a
8 ~~violation of the act~~ P.L.1983, c.383 (C.52:27D-192 et seq.) and
9 fails to abate the violation, ~~he~~ the owner or operator shall be
10 liable to an additional penalty of not more than \$50,000. If a
11 violation is of a continuing nature, each day during which the
12 violation remains unabated shall not constitute an additional and
13 separate violation for the purposes of the penalty in this paragraph.
14 Continuing liability for unabated violations of record and unpaid
15 fees or penalties following a change of ownership or tenancy shall
16 be determined in accordance with subsections f. and g. of this
17 section.

18 (3) An additional \$150,000 or the actual cost, whichever is
19 greater, may be imposed as a penalty for the expense to the
20 municipality or fire district of suppressing any fire, directly or
21 indirectly, resulting from the unabated violation and for any other
22 actual expenses, including attorney fees, incurred by the
23 municipality for the enforcement of the violation.

24 (4) Upon the 121st day subsequent to its filing, an appeal to a
25 county, municipal, or joint construction board of appeals, a
26 departmental appeal, or an appeal to a court of competent
27 jurisdiction shall not automatically stay any order, including orders
28 to pay a penalty imposed pursuant to P.L.1983, c.383
29 (C.52:27D-192 et seq.), or prevent the seeking of an order in a court
30 of competent jurisdiction to enjoin the violation of any order of an
31 enforcing agency in connection with any property which is found by
32 the fire code official to be unoccupied.

33 Any party filing an appeal with a court of competent jurisdiction
34 regarding violations assessed against property which has been
35 certified as unoccupied pursuant to this section shall file a motion
36 upon the initiation of the appeal requesting expedited consideration
37 of the appeal on the ground that acceleration is warranted because
38 the subject of the appeal involves matters of public safety. In the
39 event the appeal is granted, the court shall grant the motion to
40 expedite.

41 c. The commissioner or a local enforcing agency may levy and
42 collect penalties in the amounts set forth in this section, but not in
43 excess of the maximum amounts that the commissioner shall
44 establish by regulation for different types of violations. If the
45 administrative penalty order has not been satisfied by the 30th day
46 after its issuance, the penalty may be sued for, and recovered by and
47 in the name of the commissioner or the enforcing agency, as the
48 case may be, in a civil action by a summary proceeding under "The

1 Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et
2 seq.) in the Superior Court or municipal court. All moneys
3 recovered in the form of penalties by a municipality shall be paid
4 into the treasury of the municipality and shall be appropriated for
5 the enforcement of **【the act】** P.L.1983, c.383 (C.52:27D-192 et
6 seq.); except that the additional penalty paid by an owner or
7 operator to a municipality under paragraph (2) or (3) of subsection
8 b. of this section shall be placed in a special municipal trust fund to
9 be applied to the municipality's or fire district's cost of firefighter
10 training and new equipment. A person who fails to pay
11 immediately a money judgment rendered against **【him】** them
12 pursuant to this subsection may be sentenced to imprisonment by
13 the court for a period not exceeding six months, unless the
14 judgment is sooner paid.

15 d. A person shall be deemed to have violated or caused to have
16 violated a provision of subsection a. of this section if an officer,
17 agent, or employee under **【his】** the person's control and with **【his】**
18 the person's knowledge has violated or caused to have violated any
19 of the provisions of subsection a. of this section.

20 e. Upon request of the owner or purchaser of a building or
21 structure, the enforcing agency having jurisdiction over the building
22 or structure shall issue a certificate either enumerating the
23 violations indicated by its records to be unabated and the penalties
24 or fees indicated to be unpaid, or stating that its records indicate
25 that no violations remain unabated and no penalties or fees remain
26 unpaid.

27 f. A **【person】** new owner who purchases a property without
28 having obtained a certificate stating that there are no unabated
29 violations of record and no unpaid fees or penalties shall be deemed
30 to have notice of all existing violations of record and shall be liable
31 for the payment of all unpaid fees or penalties. The department
32 shall issue requests for payment of unpaid fees or penalties within
33 five years of the purchase date.

34 g. (1) Except as provided in paragraph (2) of this subsection, a
35 new operator taking control of an existing tenant business shall
36 assume liability for the payment of all existing unpaid fees and
37 penalties assessed for that business. The department shall issue
38 requests for payment of unpaid fees or penalties within a period of
39 five years from the date of the change in operator; provided,
40 however, a new operator who was a principal in, or agent of, the
41 business previously occupying the property or who is related to a
42 principal in, or agent of, that business by blood, adoption, or
43 marriage shall assume existing liability for the payment of all
44 unpaid fees and penalties indefinitely.

45 (2) A new operator who occupies all or part of the property with
46 a business not previously situated on the property shall not assume
47 liability for the payment of unpaid fees and penalties.

48 h. As used in this section:

1 "Operator" means a person or persons in the position of a tenant
2 or lessee who conducts business from and is in actual physical
3 possession or occupancy of all or part of the property.

4 "Owner" means a property owner, or the owner's agent or
5 representative, whose name appears on the title in the public
6 records.

7 (cf: P.L1999, c.401, s.2)

8

9 6. Section 20 of P.L.1983, c.383 (C.52:27D-211) is amended to
10 read as follows:

11 20. a. Notices, rules, decisions, and orders required or permitted
12 to be issued and served pursuant to **[this act]** the "Uniform Fire
13 Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) shall be served
14 as follows:

15 (1) On the owner and operator by one or more of the following
16 methods:

17 (a) By **[certified]** mail to the person designated as owner or
18 agent on the certificate of registration **[,]** in the municipal tax
19 records **[,]** or in the records of the Secretary of State **;** however, if
20 the certified mailing is returned, the original letter shall be remailed
21 to the last known address of the person by ordinary mail **]** and to
22 the operator.

23 (b) By serving the document on the Secretary of State, who shall
24 be deemed the owner's agent for service of process; **[except]**
25 provided that reasonable efforts have first been made to serve the
26 owner **[or his]** , or the owner's agent, and the operator by
27 **[certified]** mail and that a copy of the document is posted in a
28 conspicuous location on the premises. "Conspicuous location" shall
29 include the walls of the front vestibule or any common foyer or
30 hallway immediately inside the main front entrance.

31 (c) By personal delivery of the document to the owner and to
32 the operator.

33 (d) By leaving the document at the office or dwelling unit of the
34 owner and of the operator with a person 14 years of age or older.

35 (e) By electronic service to the owner and operator provided
36 that a delivery receipt is obtained.

37 (2) On any other person by one or more of the following
38 methods:

39 (a) By **[certified]** mail to the person at **[his]** the person's last
40 known address **;** however, if the certified mailing is returned, the
41 original letter shall be remailed to the last known address of the
42 person by ordinary mail **]**.

43 (b) By personal delivery of the document to the person.

44 (c) By leaving the document at the office or dwelling unit of the
45 person with a person 14 years of age or older.

46 b. The date of personal service or the third day after mailing
47 shall be considered the date of service.

1 c. As used in this section:

2 "Operator" means a person or persons in the position of a tenant
3 or lessee who conducts business from and is in actual physical
4 possession or occupancy of all or part of the property.

5 "Owner" means a property owner, or the owner's agent or
6 representative, whose name appears on the title in the public
7 records.

8 (cf: P.L.1983, c.383, s.20)

9

10 7. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 This bill amends existing law concerning fire safety.
16 Specifically, this bill provides that smoke-sensitive alarm devices
17 are to meet requirements established by the Commissioner of
18 Community Affairs and eliminates the requirement for portable fire
19 extinguishers in certain structures. The bill also provides that, as a
20 condition of licensure of fire inspectors and fire officials, a person
21 is to submit an application to the Division of Fire Safety with the
22 required fee; successfully complete an educational program adopted
23 by the Division of Fire Safety's Office of Training, Certification,
24 and Licensing; meet prerequisite criteria established by regulation;
25 and pass the State written and practical exams. The bill provides
26 that licensed fire inspectors and fire officials are to conduct fire
27 inspections authorized by the "Uniform Fire Safety Act" and
28 established by regulation in non-life-hazard and life-hazard use
29 groups. Fire inspector and fire official certifications approved by
30 the Office of Training and Certification prior to the effective date of
31 the bill are to be considered equivalent to licenses established
32 pursuant to law.

33 The bill provides that if an owner or operator has been given
34 notice to abate a violation of the "Uniform Fire Safety Act," any
35 continuing liability for unabated violations of record and unpaid
36 fees or penalties following a change of ownership or tenancy are to
37 be determined in accordance with the provisions of the bill. A new
38 owner who purchases a property without having obtained a
39 certificate stating that there are no unabated violations of record and
40 no unpaid fees or penalties is to be deemed to have notice of all
41 existing violations of record and is to be liable for the payment of
42 all unpaid fees or penalties. The DCA is to issue requests for
43 payment of unpaid fees or penalties within five years of the
44 purchase date.

45 Except as provided in the bill, a new operator taking control of
46 an existing tenant business is to assume liability for the payment of
47 all existing unpaid fees and penalties assessed for that business.
48 The DCA is to issue requests for payment of unpaid fees or

1 penalties within a period of five years from the date of the change
2 in operator; provided, however, a new operator who was a principal
3 in, or agent of, the business previously occupying the property or
4 who is related to a principal in, or agent of, that business by blood,
5 adoption, or marriage is to assume existing liability for the payment
6 of all unpaid fees and penalties indefinitely. A new operator who
7 occupies all or part of the property with a business not previously
8 situated on the property is not to assume liability for the payment of
9 unpaid fees and penalties.

10 The bill provides that notice of rules, decisions, and orders
11 concerning the "Uniform Fire Safety Act" are to be served to
12 owners, operators, or other persons by certain methods enumerated
13 in the bill, including electronic methods provided a delivery receipt
14 is obtained.

[First Reprint]

ASSEMBLY, No. 3894

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED FEBRUARY 27, 2024

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Senator ANTHONY M. BUCCO

District 25 (Morris and Passaic)

Senator TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

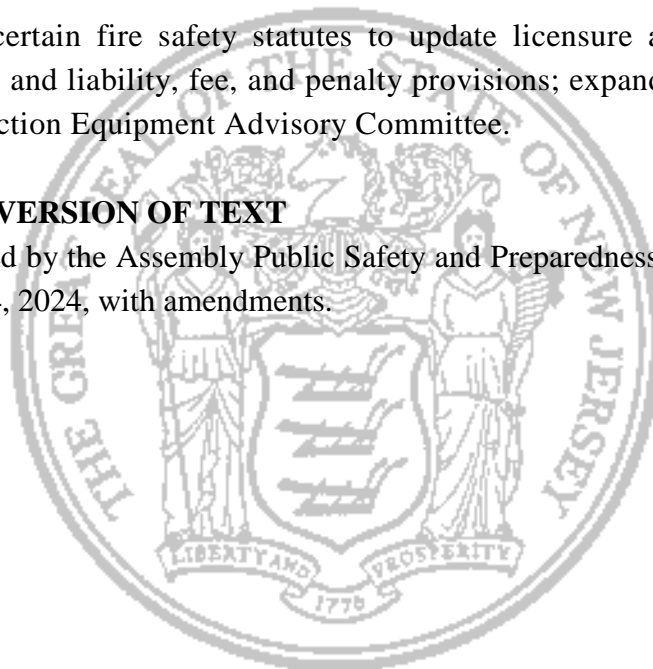
Assemblyman Sampson, Assemblywoman Speight, Senators Gopal and Greenstein

SYNOPSIS

Amends certain fire safety statutes to update licensure and equipment requirements and liability, fee, and penalty provisions; expands membership of Fire Protection Equipment Advisory Committee.

CURRENT VERSION OF TEXT

As reported by the Assembly Public Safety and Preparedness Committee on November 14, 2024, with amendments.



(Sponsorship Updated As Of: 12/19/2024)

A3894 [1R] MURPHY, QUIJANO

2

1 AN ACT concerning fire safety by making changes to certain licensure
2 requirements, equipment requirements, ¹advisory committee
3 memberships,¹ penalties, and fees and amending P.L.1991, c.92 ¹,
4 P.L.2001, c.289,¹ and P.L.1983, c.383.

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

8
9 1. Section 1 of P.L.1991, c.92 (C.52:27D-198.1) is amended to
10 read as follows:

11 1. A structure used or intended for use for residential purposes by
12 not more than two households shall have a smoke-sensitive alarm
13 device on each level of the structure and outside each separate sleeping
14 area in the immediate vicinity of the bedrooms and located on or near
15 the ceiling in accordance with **[National Fire Protection Association**
16 **Standard No. 74-1984** for the installation, maintenance, and use of
17 household fire warning equipment. The installation of battery
18 operated smoke-sensitive alarm devices shall be accepted as meeting
19 the requirements of this section **[** regulations established by the
20 Commissioner of Community Affairs. The smoke-sensitive device
21 shall be tested and listed by a product certification agency recognized
22 by the **[Bureau]** Division of Fire Safety.

23 **[**Each structure, other than a seasonal rental unit, shall also be
24 equipped with at least one portable fire extinguisher in conformance
25 with rules and regulations promulgated by the Commissioner of
26 Community Affairs pursuant to the "Administrative Procedure Act,"
27 P.L.1968, c.410 (C.52:14B-1 et seq.). For the purposes of this section,
28 "portable fire extinguisher" means an operable portable device, carried
29 and operated by hand, containing an extinguishing agent that can be
30 expelled under pressure for the purpose of suppressing or
31 extinguishing fire, and which is: (1) rated for residential use consisting
32 of an ABC type; (2) no larger than a 10 pound rated extinguisher; and
33 (3) mounted within 10 feet of the kitchen area, unless otherwise
34 permitted by the enforcing agency. "Seasonal rental unit" means a
35 dwelling unit rented for a term of not more than 125 consecutive days
36 for residential purposes by a person having a permanent residence
37 elsewhere, but shall not include use or rental of living quarters by
38 migrant, temporary or seasonal workers in connection with any work
39 or place where work is being performed.]

40 ¹Each structure subject to the requirements of this section that
41 contains a secondary power source shall have a label installed within
42 18 inches of the main electrical panel and electrical meter warning of
43 the danger associated with secondary power sources.¹

44 This section shall not be enforced except pursuant to sections 2 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly APS committee amendments adopted November 14, 2024.

1 3 of P.L.1991, c.92 (C.52:27D-198.2 and C.52:27D-198.3).
2 (cf: P.L.2005, c.71, s.1)

3

4 2. Section 2 of P.L.1991, c.92 (C.52:27D-198.2) is amended to
5 read as follows:

6 2. a. In any case where a change of occupancy of any building
7 subject to the requirements of section 1 of P.L.1991, c.92
8 (C.52:27D-198.1) is subject to a municipal ordinance requiring the
9 issuance of a certificate of occupancy, certificate of inspection, or
10 other documentary certification of compliance with laws and
11 regulations relating to safety, healthfulness, and upkeep of the
12 premises, no such certificate shall issue until the municipal officer
13 or agency responsible for its issuance has determined that the
14 building is equipped with an alarm device or devices **and a**
15 **portable fire extinguisher** as required by section 1 of P.L.1991,
16 c.92 (C.52:27D-198.1).

17 b. In the case of change of occupancy of any building subject
18 to the requirements of section 1 of P.L.1991, c.92 (C.52:27D-198.1)
19 to which the provisions of subsection a. of this section do not apply,
20 no owner shall sell, lease, or otherwise permit occupancy for
21 residential purposes of that building without first obtaining from the
22 relevant enforcement agency under the "Uniform Fire Safety Act,"
23 P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate evidencing
24 compliance with the requirements of P.L.1991, c.92
25 (C.52:27D-198.1 et seq.). ¹A change of ownership of a structure
26 which requires rehabilitation such that a new certificate of occupancy
27 is required shall be exempted from this section, provided, however,
28 that the structure shall not be occupied until the appropriate certificate
29 is obtained pursuant to the "State Uniform Construction Code Act,"
30 P.L.1975, c.217 (C.52:27D-119 et seq.). In cases including a sheriff's
31 sale, foreclosure, forfeiture, or purchase from an agency of the federal
32 government where the structure purchased requires rehabilitation such
33 that a new certificate of occupancy is required, and where a certificate
34 evidencing compliance with the requirements of P.L.1991, c.92
35 (C.52:27D-198.1 et seq.) is not obtained, it shall be the responsibility
36 of the purchaser to obtain the necessary certificates prior to
37 occupancy.¹

38 The local governing body having jurisdiction over the said
39 enforcing agency or, where the **Bureau** Division of Fire Safety is
40 the enforcing agency, the Commissioner of Community Affairs
41 shall establish a fee which covers the cost of inspection and of
42 issuance of the certificate.

43 (cf: P.L.2005, c.71, s.2)

44

45 3. Section 3 of P.L.1991, c.92 (C.52:27D-198.3) is amended to
46 read as follows:

47 3. An owner who sells, leases, rents, or otherwise permits to be
48 occupied for residential purposes any premises subject to the

1 provisions of P.L.1991, c.92 (C.52:27D-198.1 et seq.) when the
2 premises do not comply with the requirements of section 1 of
3 P.L.1991, c.92 (C.52:27D-198.1), or without complying with the
4 inspection and certification requirements of section 2 of P.L.1991,
5 c.92 (C.52:27D-198.2), shall be subject to a fine of not more than
6 ~~[\$500.00 in the case of a violation for an alarm device, or a fine of~~
7 ~~not more than \$100 in the case of a violation for a portable fire~~
8 ~~extinguisher] \$500~~, which may be collected and enforced by the
9 local enforcing agency as defined in subsection g. of section 5 of
10 P.L.1983, c.383 (C.52:27D-196) by summary proceedings pursuant
11 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
12 (C.2A:58-10 et seq.).
13 (cf: P.L.2005, c.71, s.3)
14

15 ¹4. Section 2 of P.L.2001, c.289 (C.52:27D-25o) is amended to
16 read as follows:

17 2. a. There is created within the Division of Fire Safety in the
18 Department of Community Affairs a "Fire Protection Equipment
19 Advisory Committee." The committee shall be comprised of the
20 Director of the Division of Fire Safety who shall serve ex officio and
21 ~~[eleven]~~ twelve public members, appointed by the Governor. One of
22 the public members shall be a chief administrator of the fire
23 department of a municipality with a population of 100,000 or more
24 according to the most recent federal decennial census, one of the
25 public members shall be a representative of a sheet metal workers
26 local union of the International Association of Sheet Metal, Air, Rail
27 and Transportation Workers, and one of the public members shall be a
28 representative of a volunteer fire organization. Each of the remaining
29 nine public members shall be selected by the Governor from a list of
30 three nominees provided to the Governor by each of the following fire
31 protection organizations or their successor organizations:

32 New Jersey Association of Fire Equipment Distributors,
33 National Fire Sprinkler Association,
34 National Association of Fire Equipment Distributors,
35 American Fire Sprinkler Association,
36 Fire Suppression Systems Association,
37 Automatic Fire Alarm Association,
38 New Jersey Electrical Contractors Association,
39 New Jersey Burglar and Fire Alarm Association, and
40 New Jersey State Fire Prevention and Protection Association.

41 b. The Governor shall appoint each member for a term of three
42 years, except that of the members first appointed, four shall serve for
43 terms of three years, four shall serve for terms of two years and three
44 shall serve for terms of one year.

45 c. Any vacancy in the membership of the committee shall be
46 filled for the unexpired term in the manner provided for the original
47 appointment. No appointed member of the committee may serve more

1 than two successive terms in addition to any unexpired term to which
2 he has been appointed.

3 d. The committee shall annually elect from among its members a
4 chair and vice-chair. The committee shall meet at least four times a
5 year and may hold additional meetings as necessary to discharge its
6 duties. In addition to such meetings, the committee shall meet at the
7 call of the chair or the commissioner.

8 e. Members of the committee shall be compensated and
9 reimbursed for actual expenses reasonably incurred in the performance
10 of their official duties and reimbursed for expenses and provided with
11 office and meeting facilities and personnel required for the proper
12 conduct of the committee's business.

13 f. The committee shall make recommendations to the
14 commissioner regarding rules and regulations pertaining to
15 professional training, standards, identification and record keeping
16 procedures for certificate holders and their employees, classifications
17 of certificates necessary to regulate the work of certificate holders, and
18 other matters necessary to effectuate the purposes of this act.¹

19 (cf: P.L.2002, c.39, s.1)

20

21 ¹**[4.] 5.**¹ Section 12 of P.L.1983, c.383 (C.52:27D-203) is
22 amended to read as follows:

23 12. a. Each enforcing agency in this State shall enforce **[this act]**
24 the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.)
25 in all buildings, structures, and premises within its jurisdiction, except
26 owner-occupied buildings used exclusively for dwelling purposes and
27 containing fewer than three dwelling units, subject to the control and
28 supervision of the commissioner and in accordance with regulations
29 promulgated by the commissioner. The commissioner shall consult
30 with and advise all local enforcement agencies enforcing the provision
31 of **[this act]** P.L.1983, c.383 (C.52:27D-192 et seq.), and each local
32 enforcement agency shall provide the commissioner with reports, data,
33 and information required by the commissioner. To cover the cost to
34 the municipality of conducting inspections under **[this act]** P.L.1983,
35 c.383 (C.52:27D-192 et seq.), the municipality may, by ordinance,
36 establish fees, which shall be paid into the treasury of the municipality
37 to which the local enforcing agency is responsible, and which shall be
38 appropriated by the municipality to the local enforcing agency to pay
39 the cost of enforcing **[this act]** P.L.1983, c.383 (C.52:27D-192 et
40 seq.).

41 b. A local enforcing agency consisting of or employing at least
42 one paid fire inspector who is **[certified]** licensed pursuant to
43 subsection c. of this section may elect to inspect high-rise structures
44 and life hazard uses within its jurisdiction, in lieu of inspection by the
45 commissioner. That election shall be made by resolution of the
46 governing body having jurisdiction over the local enforcing agency. If
47 an appropriate resolution has not been received by the commissioner

1 on or before the effective date of **[this act]** P.L.1983, c.383
 2 (C.52:27D-192 et seq.), the department shall perform all inspections
 3 under this subsection until such time as the governing body shall adopt
 4 and send to the commissioner an appropriate resolution. A local
 5 enforcing agency that elects to inspect high-rise structures and life
 6 hazard uses may issue the certificates of inspection required to be
 7 issued pursuant to section 14 of **[this act]** P.L.1983, c.383
 8 **¹[(C.52:27D-192 et seq.)]** (C.52:27D-205)¹

9 and may inspect buildings and premises other than high-rise structures
 10 and life hazard uses in order to secure compliance with **[this act]**
 11 P.L.1983, c.383 (C.52:27D-192 et seq.).

12 c. The commissioner shall **[certify]** license fire inspectors and
 13 fire officials under **[this act]** P.L.1983, c.383 (C.52:27D-192 et seq.)
 14 in accordance with **[such]** standards as **[he]** the commissioner shall
 15 establish by regulation **[**; provided that a fire inspector certificate shall
 16 be issued by the commissioner to any person who: on the effective
 17 date of this act is, and for at least one year prior to the effective date of
 18 this act has been, serving as a fire inspector in the fire service; or shall
 19 have, within two years of the effective date of this act, successfully
 20 completed an educational program such as the basic fire prevention
 21 code course offered by the Building Officials and Code Administrators
 22 International or a recognized equivalent, a fire prevention course
 23 offered by an institution of higher education or recognized fire school
 24 which has been approved by the commissioner**]**. As a condition of
 25 licensure, a person shall:

26 (1) submit an application to the Division of Fire Safety with the
 27 required fee;

28 (2) successfully complete an educational program adopted by the
 29 Division of Fire Safety's Office of Training, Certification, and
 30 Licensing;

31 (3) meet prerequisite criteria established by regulation; and

32 (4) pass the State written and practical exams.

33 d. A licensed fire inspector and fire official shall conduct fire
 34 inspections authorized by P.L.1983, c.383 (C.52:27D-192 et seq.) and
 35 established by regulation in non-life-hazard and life-hazard use
 36 groups.

37 e. Fire inspector and fire official certifications approved by the
 38 Office of Training and Certification prior to the effective date of P.L.
 39 , c. (pending before the Legislature as this bill) shall be considered
 40 equivalent to licenses established pursuant to P.L. _____,
 41 c. (pending before the Legislature as this bill).

42 ¹f. Existing licensed multiple dwelling inspectors and officials
 43 enforcing the fire code in non-life hazard use dwellings shall be
 44 allowed two years from the effective date of P.L. _____, c. (C. _____)
 45 (pending before the Legislature as this bill) to obtain a fire inspector
 46 license to be able to continue enforcing the fire code.¹

47 (cf: P.L.1983, c.383, s.12)

1 ¹**[5.] 6.** Section 19 of P.L.1983, c.383 (C.52:27D-210) is
2 amended to read as follows:

3 19. a. No person shall:

4 (1) Obstruct, hinder, delay, or interfere by force or otherwise
5 with the commissioner or any local enforcing agency in the exercise
6 of any power or the discharge of any function or duty under the
7 provisions of **[this act]** the "Uniform Fire Safety Act," P.L.1983,
8 c.383 (C.52:27D-192 et seq.);

9 (2) Prepare, utter, or render any false statement, report,
10 document, plans, or specification permitted or required under the
11 provisions of **[this act]** P.L.1983, c.383 (C.52:27D-192 et seq.);

12 (3) Render ineffective or inoperative, or fail to properly
13 maintain, any protective equipment or system installed, or intended
14 to be installed, in a building or structure;

15 (4) Refuse or fail to comply with a lawful ruling, action, order,
16 or notice of the commissioner or a local enforcing agency; or

17 (5) Violate, or cause to be violated, any of the provisions of
18 **[this act]** P.L.1983, c.383 (C.52:27D-192 et seq.).

19 b. (1) A person who violates or causes to be violated a
20 provision of subsection a. of this section shall be liable to a penalty
21 of not more than \$5,000 for each violation. If a violation of
22 subsection a. of this section is of a continuing nature, each day
23 during which the violation remains unabated after the date fixed in
24 an order or notice for the correction or termination of the continuing
25 violation shall constitute an additional and separate violation,
26 except while an appeal from the order is pending in connection with
27 any property except for those properties which are certified by the
28 fire code official to be unoccupied. For the purposes of this section,
29 a building may not be certified to be unoccupied unless it has been
30 unoccupied for a period of not less than six months.

31 (2) If an owner or operator has been given notice **[of the**
32 **existence of]** that the owner or operator is required to abate a
33 violation of [the act] P.L.1983, c.383 (C.52:27D-192 et seq.) and
34 fails to abate the violation, [he] the owner or operator shall be
35 liable to an additional penalty of not more than \$50,000. If a
36 violation is of a continuing nature, each day during which the
37 violation remains unabated shall not constitute an additional and
38 separate violation for the purposes of the penalty in this paragraph.
39 Continuing liability for unabated violations of record and unpaid
40 fees or penalties following a change of ownership or tenancy shall
41 be determined in accordance with subsections f. and g. of this
42 section.

43 (3) An additional \$150,000 or the actual cost, whichever is
44 greater, may be imposed as a penalty for the expense to the
45 municipality or fire district of suppressing any fire, directly or
46 indirectly, resulting from the unabated violation and for any other

1 actual expenses, including attorney fees, incurred by the
2 municipality for the enforcement of the violation.

3 (4) Upon the 121st day subsequent to its filing, an appeal to a
4 county, municipal, or joint construction board of appeals, a
5 departmental appeal, or an appeal to a court of competent
6 jurisdiction shall not automatically stay any order, including orders
7 to pay a penalty imposed pursuant to P.L.1983, c.383
8 (C.52:27D-192 et seq.), or prevent the seeking of an order in a court
9 of competent jurisdiction to enjoin the violation of any order of an
10 enforcing agency in connection with any property which is found by
11 the fire code official to be unoccupied.

12 Any party filing an appeal with a court of competent jurisdiction
13 regarding violations assessed against property which has been
14 certified as unoccupied pursuant to this section shall file a motion
15 upon the initiation of the appeal requesting expedited consideration
16 of the appeal on the ground that acceleration is warranted because
17 the subject of the appeal involves matters of public safety. In the
18 event the appeal is granted, the court shall grant the motion to
19 expedite.

20 c. The commissioner or a local enforcing agency may levy and
21 collect penalties in the amounts set forth in this section, but not in
22 excess of the maximum amounts that the commissioner shall
23 establish by regulation for different types of violations. If the
24 administrative penalty order has not been satisfied by the 30th day
25 after its issuance, the penalty may be sued for, and recovered by and
26 in the name of the commissioner or the enforcing agency, as the
27 case may be, in a civil action by a summary proceeding under "The
28 Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et
29 seq.) in the Superior Court or municipal court. All moneys
30 recovered in the form of penalties by a municipality shall be paid
31 into the treasury of the municipality and shall be appropriated for
32 the enforcement of **【the act】** P.L.1983, c.383 (C.52:27D-192 et
33 seq.); except that the additional penalty paid by an owner or
34 operator to a municipality under paragraph (2) or (3) of subsection
35 b. of this section shall be placed in a special municipal trust fund to
36 be applied to the municipality's or fire district's cost of firefighter
37 training and new equipment. A person who fails to pay
38 immediately a money judgment rendered against **【him】** them
39 pursuant to this subsection may be sentenced to imprisonment by
40 the court for a period not exceeding six months, unless the
41 judgment is sooner paid.

42 d. A person shall be deemed to have violated or caused to have
43 violated a provision of subsection a. of this section if an officer,
44 agent, or employee under **【his】** the person's control and with **【his】**
45 the person's knowledge has violated or caused to have violated any
46 of the provisions of subsection a. of this section.

47 e. Upon request of the owner or purchaser of a building or
48 structure, the enforcing agency having jurisdiction over the building

1 or structure shall issue a certificate either enumerating the
2 violations indicated by its records to be unabated and the penalties
3 or fees indicated to be unpaid, or stating that its records indicate
4 that no violations remain unabated and no penalties or fees remain
5 unpaid.

6 f. A **[person]** new owner who purchases a property without
7 having obtained a certificate stating that there are no unabated
8 violations of record and no unpaid fees or penalties shall be deemed
9 to have notice of all existing violations of record and shall be liable
10 for the payment of all unpaid fees or penalties. The department
11 shall issue requests for payment of unpaid fees or penalties within
12 five years of the purchase date.

13 g. (1) Except as provided in paragraph (2) of this subsection, a
14 new operator taking control of an existing tenant business shall
15 assume liability for the payment of all existing unpaid fees and
16 penalties assessed for that business. The department shall issue
17 requests for payment of unpaid fees or penalties within a period of
18 five years from the date of the change in operator; provided,
19 however, a new operator who was a principal in, or agent of, the
20 business previously occupying the property or who is related to a
21 principal in, or agent of, that business by blood, adoption, or
22 marriage shall assume existing liability for the payment of all
23 unpaid fees and penalties indefinitely.

24 (2) A new operator who occupies all or part of the property with
25 a business not previously situated on the property shall not assume
26 liability for the payment of unpaid fees and penalties.

27 h. As used in this section:

28 "Operator" means a person or persons in the position of a tenant
29 or lessee who conducts business from and is in actual physical
30 possession or occupancy of all or part of the property.

31 "Owner" means a property owner, or the owner's agent or
32 representative, whose name appears on the title in the public
33 records.

34 (cf: P.L1999, c.401, s.2)

35

36 ¹**[6.] 7.**¹ Section 20 of P.L.1983, c.383 (C.52:27D-211) is
37 amended to read as follows:

38 20. a. Notices, rules, decisions₂ and orders required or permitted
39 to be issued and served pursuant to **[this act]** the "Uniform Fire
40 Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) shall be served
41 as follows:

42 (1) On the owner and operator by one or more of the following
43 methods:

44 (a) By **[certified]** mail to the person designated as owner or
45 agent on the certificate of registration **[,]** in the municipal tax
46 records **[,]** or in the records of the Secretary of State **[;** however, if
47 the certified mailing is returned, the original letter shall be remailed

1 to the last known address of the person by ordinary mail] and to
2 the operator.

3 (b) By serving the document on the Secretary of State, who shall
4 be deemed the owner's agent for service of process; [except]
5 provided that reasonable efforts have first been made to serve the
6 owner [or his] , or the owner's agent, and the operator by
7 [certified] mail and that a copy of the document is posted in a
8 conspicuous location on the premises. "Conspicuous location" shall
9 include the walls of the front vestibule or any common foyer or
10 hallway immediately inside the main front entrance.

11 (c) By personal delivery of the document to the owner and to
12 the operator.

13 (d) By leaving the document at the office or dwelling unit of the
14 owner and of the operator with a person 14 years of age or older.

15 (e) By electronic service to the owner and operator provided
16 that a delivery receipt is obtained.

17 (2) On any other person by one or more of the following
18 methods:

19 (a) By [certified] mail to the person at [his] the person's last
20 known address [; however, if the certified mailing is returned, the
21 original letter shall be remailed to the last known address of the
22 person by ordinary mail].

23 (b) By personal delivery of the document to the person.

24 (c) By leaving the document at the office or dwelling unit of the
25 person with a person 14 years of age or older.

26 b. The date of personal service or the third day after mailing
27 shall be considered the date of service.

28 c. As used in this section:

29 "Operator" means a person or persons in the position of a tenant
30 or lessee who conducts business from and is in actual physical
31 possession or occupancy of all or part of the property.

32 "Owner" means a property owner, or the owner's agent or
33 representative, whose name appears on the title in the public
34 records.

35 (cf: P.L.1983, c.383, s.20)

36

37 ¹[7.] 8.¹ This act shall take effect immediately.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3894

STATE OF NEW JERSEY

DATED: MAY 13, 2024

The Assembly Housing Committee reports favorably Assembly Bill No. 3894.

This bill amends existing law concerning fire safety. Specifically, this bill provides that smoke-sensitive alarm devices are to meet requirements established by the Commissioner of Community Affairs and eliminates the requirement for portable fire extinguishers in certain structures. The bill also provides that, as a condition of licensure of fire inspectors and fire officials, a person is to submit an application to the Division of Fire Safety with the required fee; successfully complete an educational program adopted by the Division of Fire Safety's Office of Training, Certification, and Licensing; meet prerequisite criteria established by regulation; and pass the State written and practical exams. The bill provides that licensed fire inspectors and fire officials are to conduct fire inspections authorized by the "Uniform Fire Safety Act" and established by regulation in non-life-hazard and life-hazard use groups. Fire inspector and fire official certifications approved by the Office of Training and Certification prior to the effective date of the bill are to be considered equivalent to licenses established pursuant to law.

The bill provides that if an owner or operator has been given notice to abate a violation of the "Uniform Fire Safety Act," any continuing liability for unabated violations of record and unpaid fees or penalties following a change of ownership or tenancy are to be determined in accordance with the provisions of the bill. A new owner who purchases a property without having obtained a certificate stating that there are no unabated violations of record and no unpaid fees or penalties is to be deemed to have notice of all existing violations of record and is to be liable for the payment of all unpaid fees or penalties. The DCA is to issue requests for payment of unpaid fees or penalties within five years of the purchase date.

Except as provided in the bill, a new operator taking control of an existing tenant business is to assume liability for the payment of all existing unpaid fees and penalties assessed for that business. The DCA is to issue requests for payment of unpaid fees or penalties within a period of five years from the date of the change in operator; provided, however, a new operator who was a principal in, or agent of, the business previously occupying the property or who is related to a principal in, or agent of, that business by blood, adoption, or marriage

is to assume existing liability for the payment of all unpaid fees and penalties indefinitely. A new operator who occupies all or part of the property with a business not previously situated on the property is not to assume liability for the payment of unpaid fees and penalties.

The bill provides that notice of rules, decisions, and orders concerning the "Uniform Fire Safety Act" are to be served to owners, operators, or other persons by certain methods enumerated in the bill, including electronic methods provided a delivery receipt is obtained.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3894

STATE OF NEW JERSEY

DATED: JUNE 6, 2024

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 3894.

This bill amends existing law concerning fire safety. Specifically, this bill provides that smoke-sensitive alarm devices are to meet requirements established by the Commissioner of Community Affairs and eliminates the requirement for portable fire extinguishers in certain structures. The bill also provides that, as a condition of licensure of fire inspectors and fire officials, a person is to: submit an application to the Division of Fire Safety with the required fee; successfully complete an educational program adopted by the Division of Fire Safety's Office of Training, Certification, and Licensing; meet prerequisite criteria established by regulation; and pass the State written and practical exams. The bill provides that licensed fire inspectors and fire officials are to conduct fire inspections authorized by the "Uniform Fire Safety Act" and established by regulation in non-life-hazard and life-hazard use groups. Fire inspector and fire official certifications approved by the Office of Training and Certification prior to the effective date of the bill are to be considered equivalent to licenses established pursuant to law.

The bill provides that if an owner or operator has been given notice to abate a violation of the "Uniform Fire Safety Act," any continuing liability for unabated violations of record and unpaid fees or penalties following a change of ownership or tenancy are to be determined in accordance with the provisions of the bill. A new owner who purchases a property without having obtained a certificate stating that there are no unabated violations of record and no unpaid fees or penalties is to be deemed to have notice of all existing violations of record and is to be liable for the payment of all unpaid fees or penalties. The DCA is to issue requests for payment of unpaid fees or penalties within five years of the purchase date.

Except as provided in the bill, a new operator taking control of an existing tenant business is to assume liability for the payment of all existing unpaid fees and penalties assessed for that business. The DCA is to issue requests for payment of unpaid fees or penalties within a period of five years from the date of the change in operator; provided, however, a new operator who was a principal in, or agent of,

the business previously occupying the property or who is related to a principal in, or agent of, that business by blood, adoption, or marriage is to assume existing liability for the payment of all unpaid fees and penalties indefinitely. A new operator who occupies all or part of the property with a business not previously situated on the property is not to assume liability for the payment of unpaid fees and penalties.

The bill provides that notice of rules, decisions, and orders concerning the "Uniform Fire Safety Act" are to be served to owners, operators, or other persons by certain methods enumerated in the bill, including electronic methods provided a delivery receipt is obtained.

ASSEMBLY PUBLIC SAFETY AND PREPAREDNESS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3894

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 14, 2024

The Assembly Public Safety and Preparedness Committee reports favorably and with committee amendments Assembly Bill No. 3894.

As amended, this bill provides that smoke-sensitive alarm devices are to meet requirements established by the Commissioner of Community Affairs and eliminates the requirement for portable fire extinguishers in certain structures. The bill also provides that, if those structures contain a secondary power source, then they are required to have a label installed within 18 inches of the main electrical panel and electrical meter warning of the dangers associated with secondary power sources.

Under the bill, as a condition of licensure of fire inspectors and fire officials, a person is to:

- submit an application to the Division of Fire Safety with the required fee;
- successfully complete an educational program adopted by the Division of Fire Safety's Office of Training, Certification, and Licensing;
- meet prerequisite criteria established by regulation; and
- pass the State written and practical exams.

The bill provides that licensed fire inspectors and fire officials are to conduct fire inspections authorized by the "Uniform Fire Safety Act" and established by regulation in non-life-hazard and life-hazard use groups. Fire inspector and fire official certifications approved by the Office of Training and Certification prior to the effective date of the bill are to be considered equivalent to licenses established pursuant to law.

The bill also provides that existing licensed multiple dwelling inspectors and officials enforcing the fire code in non-life hazard use dwellings are to be allowed two years from the bill's effective date to obtain a fire inspector license to be able to continue enforcing the fire code.

Under the bill, if an owner or operator has been given notice to abate a violation of the "Uniform Fire Safety Act," any continuing liability for unabated violations of record and unpaid fees or penalties

following a change of ownership or tenancy are to be determined in accordance with the provisions of the bill. A new owner who purchases a property without having obtained a certificate stating that there are no unabated violations of record and no unpaid fees or penalties is to be deemed to have notice of all existing violations of record and is to be liable for the payment of all unpaid fees or penalties. The Department of Community Affairs (DCA) is to issue requests for payment of unpaid fees or penalties within five years of the purchase date.

Except as provided in the bill, a new operator taking control of an existing tenant business is to assume liability for the payment of all existing unpaid fees and penalties assessed for that business. The DCA is to issue requests for payment of unpaid fees or penalties within a period of five years from the date of the change in operator; provided, however, a new operator who was a principal in, or agent of, the business previously occupying the property or who is related to a principal in, or agent of, that business by blood, adoption, or marriage is to assume existing liability for the payment of all unpaid fees and penalties indefinitely. A new operator who occupies all or part of the property with a business not previously situated on the property is not to assume liability for the payment of unpaid fees and penalties.

The bill provides that notice of rules, decisions, and orders concerning the "Uniform Fire Safety Act" are to be served to owners, operators, or other persons by certain methods enumerated in the bill, including electronic methods provided a delivery receipt is obtained.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- Require that certain structures that contain a secondary power source have a label installed within 18 inches of the main electrical panel and electrical meter warning of the dangers associated with secondary power sources;
- Provide that a change of ownership of a structure which requires rehabilitation such that a new certificate of occupancy is required is exempted from the bill's provisions provided, however, that the structure is not occupied until the appropriate certificate is obtained pursuant to the "State Uniform Construction Code Act." In cases including a sheriff's sale, foreclosure, forfeiture, or purchase from an agency of the federal government where the structure purchased requires rehabilitation such that a new certificate of occupancy is required, and where a certificate evidencing compliance with the requirements of P.L.1991, c.92 (C.52:27D-198.1 et seq.) is not obtained, it is the responsibility of the purchaser to obtain the necessary certificates prior to occupancy;
- Add a representative of a sheet metal workers local union of the International Association of Sheet Metal, Air, Rail and

Transportation Workers to the "Fire Protection Equipment Advisory Committee" in the Division of Fire Safety;

- Provide that existing licensed multiple dwelling inspectors and officials enforcing the fire code in non-life hazard use dwellings have up to two years from the bill's effective date to obtain a fire inspector license to be able to continue enforcing the fire code; and
- Change the bill's title to reflect an additional law that is being amended by the bill and make other technical changes.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3894

STATE OF NEW JERSEY 221st LEGISLATURE

DATED: DECEMBER 19, 2024

SUMMARY

- Synopsis:** Amends certain fire safety statutes to update licensure and equipment requirements and liability, fee, and penalty provisions; expands membership of Fire Protection Equipment Advisory Committee.
- Type of Impact:** One-time State cost increase; annual State and local net revenue impacts.
- Agencies Affected:** Department of Community Affairs; local governments.

Office of Legislative Services Estimate

Fiscal Impact	
One-Time State Cost Increase	Indeterminate
Annual State Revenue Net Impact	Indeterminate
Annual Local Revenue Net Impact	Indeterminate

- The Office of Legislative Services (OLS) concludes that the bill will increase administrative costs to the Department of Community Affairs by an indeterminate amount during the first year in which the bill takes effect associated with updating regulations to effectuate the purposes of the bill.
- The bill will also result in an indeterminate net impact on annual State and local revenue collections. On one hand, the local enforcing agencies will no longer collect some penalty revenues due to the removal of a requirement for certain dwellings to be equipped with a portable fire extinguisher. On the other hand, local enforcing agencies, including the Division of Fire Safety in the department, may experience increased revenue due to the ability to issue requests for unpaid fees and penalties to a new owner or operator of a property, compared to the amount of fees and penalties that would have otherwise remained unpaid by a previous owner or operator.

BILL DESCRIPTION

The bill provides that smoke-sensitive alarm devices are to meet requirements established by the Department of Community Affairs and eliminates the requirement for portable fire extinguishers in certain structures.

The bill also provides that if an owner or operator has been given notice to abate a violation of the Uniform Fire Safety Act, any continuing liability for unabated violations of record and unpaid fees or penalties following a change of ownership or tenancy are to be determined in accordance with the provisions of the bill. A new owner who purchases a property without having obtained a certificate stating that there are no unabated violations of record and no unpaid fees or penalties is to be deemed to have notice of all existing violations of record and is to be liable for the payment of all unpaid fees or penalties. The department is to issue requests for payment of unpaid fees or penalties within five years of the purchase date.

Except as provided in the bill, a new operator taking control of an existing tenant business is to assume liability for the payment of all existing unpaid fees and penalties assessed for that business. The department is to issue requests for payment of unpaid fees or penalties within a period of five years from the date of the change in operator; provided, however, a new operator who was a principal in, or agent of, the business previously occupying the property or who is related to a principal in, or agent of, that business by blood, adoption, or marriage is to assume existing liability for the payment of all unpaid fees and penalties indefinitely.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the bill will increase administrative costs to the Department of Community Affairs by an indeterminate amount during the first year in which the bill takes effect associated with updating regulations as necessary to effectuate the purposes of the bill, including regulations for smoke sensitive alarms in one- and two-dwelling housing units.

The bill is also expected to result in an indeterminate net impact on annual State and local revenue collections. The bill provides that local enforcing agencies, including the Division of Fire Safety in the department that enforces the State Uniform Fire Code in 89 municipalities, will no longer collect some penalty revenues due to the removal of a requirement for certain dwellings to be equipped with a portable fire extinguisher. Under current law, local enforcing agencies collect a \$100 fine for each violation related to a portable fire extinguisher in a one- or two-unit residential dwelling. It is unclear how many violations of this nature have historically been identified on a yearly basis and how many fines are currently collected per year and so an estimate of the potential size of the revenue loss cannot be made.

However, local enforcing agencies, including the division, may also experience increased revenue due to the ability to issue requests for unpaid fees and penalties to a new owner or operator of a property, compared to the amount of fees and penalties that would have otherwise remained unpaid by a previous owner or operator. The OLS is unable estimate the amount of unpaid fees and penalties in any given year that would be collected by a local enforcing agency from a new

owner or operator of a property and is, therefore, unable to predict the exact fiscal impact of this provision.

Section: Local Government

*Analyst: Abigail Stoyer
Associate Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 2580

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED FEBRUARY 8, 2024

Sponsored by:

Senator ANTHONY M. BUCCO

District 25 (Morris and Passaic)

Senator TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

Amends certain fire safety statutes to update licensure and equipment requirements and liability, fee, and penalty provisions.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/8/2024)

1 AN ACT concerning fire safety by making changes to certain
2 licensure requirements, equipment requirements, penalties, and
3 fees and amending P.L.1991, c.92 and P.L.1983, c.383.

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

7
8 1. Section 1 of P.L.1991, c.92 (C.52:27D-198.1) is amended to
9 read as follows:

10 1. A structure used or intended for use for residential purposes
11 by not more than two households shall have a smoke-sensitive
12 alarm device on each level of the structure and outside each
13 separate sleeping area in the immediate vicinity of the bedrooms
14 and located on or near the ceiling in accordance with **[National Fire**
15 **Protection Association Standard No. 74-1984 for the installation,**
16 **maintenance, and use of household fire warning equipment. The**
17 **installation of battery operated smoke-sensitive alarm devices shall**
18 **be accepted as meeting the requirements of this section]** regulations
19 established by the Commissioner of Community Affairs. The
20 smoke-sensitive device shall be tested and listed by a product
21 certification agency recognized by the **[Bureau]** Division of Fire
22 Safety.

23 **[Each structure, other than a seasonal rental unit, shall also be**
24 **equipped with at least one portable fire extinguisher in conformance**
25 **with rules and regulations promulgated by the Commissioner of**
26 **Community Affairs pursuant to the "Administrative Procedure Act,"**
27 **P.L.1968, c.410 (C.52:14B-1 et seq.). For the purposes of this**
28 **section, "portable fire extinguisher" means an operable portable**
29 **device, carried and operated by hand, containing an extinguishing**
30 **agent that can be expelled under pressure for the purpose of**
31 **suppressing or extinguishing fire, and which is: (1) rated for**
32 **residential use consisting of an ABC type; (2) no larger than a 10**
33 **pound rated extinguisher; and (3) mounted within 10 feet of the**
34 **kitchen area, unless otherwise permitted by the enforcing agency.**
35 **"Seasonal rental unit" means a dwelling unit rented for a term of not**
36 **more than 125 consecutive days for residential purposes by a person**
37 **having a permanent residence elsewhere, but shall not include use**
38 **or rental of living quarters by migrant, temporary or seasonal**
39 **workers in connection with any work or place where work is being**
40 **performed.]**

41 This section shall not be enforced except pursuant to sections 2
42 and 3 of P.L.1991, c.92 (C.52:27D-198.2 and C.52:27D-198.3).
43 (cf: P.L.2005, c.71, s.1)

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 2. Section 2 of P.L.1991, c.92 (C.52:27D-198.2) is amended to
2 read as follows:

3 2. a. In any case where a change of occupancy of any building
4 subject to the requirements of section 1 of P.L.1991, c.92
5 (C.52:27D-198.1) is subject to a municipal ordinance requiring the
6 issuance of a certificate of occupancy, certificate of inspection, or
7 other documentary certification of compliance with laws and
8 regulations relating to safety, healthfulness, and upkeep of the
9 premises, no such certificate shall issue until the municipal officer
10 or agency responsible for its issuance has determined that the
11 building is equipped with an alarm device or devices **and a**
12 **portable fire extinguisher** as required by section 1 of P.L.1991,
13 c.92 (C.52:27D-198.1).

14 b. In the case of change of occupancy of any building subject
15 to the requirements of section 1 of P.L.1991, c.92 (C.52:27D-198.1)
16 to which the provisions of subsection a. of this section do not apply,
17 no owner shall sell, lease, or otherwise permit occupancy for
18 residential purposes of that building without first obtaining from the
19 relevant enforcement agency under the "Uniform Fire Safety Act,"
20 P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate evidencing
21 compliance with the requirements of P.L.1991, c.92 (C.52:27D-
22 198.1 et seq.). The local governing body having jurisdiction over
23 the said enforcing agency or, where the **Bureau** Division of Fire
24 Safety is the enforcing agency, the Commissioner of Community
25 Affairs shall establish a fee which covers the cost of inspection and
26 of issuance of the certificate.

27 (cf: P.L.2005, c.71, s.2)

28

29 3. Section 3 of P.L.1991, c.92 (C.52:27D-198.3) is amended to
30 read as follows:

31 3. An owner who sells, leases, rents, or otherwise permits to be
32 occupied for residential purposes any premises subject to the
33 provisions of P.L.1991, c.92 (C.52:27D-198.1 et seq.) when the
34 premises do not comply with the requirements of section 1 of
35 P.L.1991, c.92 (C.52:27D-198.1), or without complying with the
36 inspection and certification requirements of section 2 of P.L.1991,
37 c.92 (C.52:27D-198.2), shall be subject to a fine of not more than
38 **[\$500.00 in the case of a violation for an alarm device, or a fine of**
39 **not more than \$100 in the case of a violation for a portable fire**
40 **extinguisher] \$500**, which may be collected and enforced by the
41 local enforcing agency as defined in subsection g. of section 5 of
42 P.L.1983, c.383 (C.52:27D-196) by summary proceedings pursuant
43 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
44 (C.2A:58-10 et seq.).

45 (cf: P.L.2005, c.71, s.3)

46

47 4. Section 12 of P.L.1983, c.383 (C.52:27D-203) is amended to
48 read as follows:

1 12. a. Each enforcing agency in this State shall enforce **[this**
2 **act]** the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192
3 et seq.) in all buildings, structures, and premises within its
4 jurisdiction, except owner-occupied buildings used exclusively for
5 dwelling purposes and containing fewer than three dwelling units,
6 subject to the control and supervision of the commissioner and in
7 accordance with regulations promulgated by the commissioner. The
8 commissioner shall consult with and advise all local enforcement
9 agencies enforcing the provision of **[this act]** P.L.1983, c.383
10 (C.52:27D-192 et seq.), and each local enforcement agency shall
11 provide the commissioner with reports, data, and information
12 required by the commissioner. To cover the cost to the
13 municipality of conducting inspections under **[this act]** P.L.1983,
14 c.383 (C.52:27D-192 et seq.), the municipality may, by ordinance,
15 establish fees, which shall be paid into the treasury of the
16 municipality to which the local enforcing agency is responsible, and
17 which shall be appropriated by the municipality to the local
18 enforcing agency to pay the cost of enforcing **[this act]** P.L.1983,
19 c.383 (C.52:27D-192 et seq.).

20 b. A local enforcing agency consisting of or employing at least
21 one paid fire inspector who is **[certified]** licensed pursuant to
22 subsection c. of this section may elect to inspect high-rise structures
23 and life hazard uses within its jurisdiction, in lieu of inspection by
24 the commissioner. That election shall be made by resolution of the
25 governing body having jurisdiction over the local enforcing agency.
26 If an appropriate resolution has not been received by the
27 commissioner on or before the effective date of **[this act]** P.L.1983,
28 c.383 (C.52:27D-192 et seq.), the department shall perform all
29 inspections under this subsection until such time as the governing
30 body shall adopt and send to the commissioner an appropriate
31 resolution. A local enforcing agency that elects to inspect high-rise
32 structures and life hazard uses may issue the certificates of
33 inspection required to be issued pursuant to section 14 of **[this act]**
34 P.L.1983, c.383 (C.52:27D-192 et seq.) and may inspect buildings
35 and premises other than high-rise structures and life hazard uses in
36 order to secure compliance with **[this act]** P.L.1983, c.383
37 (C.52:27D-192 et seq.).

38 c. The commissioner shall **[certify]** license fire inspectors and
39 fire officials under **[this act]** P.L.1983, c.383 (C.52:27D-192 et
40 seq.) in accordance with **[such]** standards as **[he]** the
41 commissioner shall establish by regulation **[**; provided that a fire
42 inspector certificate shall be issued by the commissioner to any
43 person who: on the effective date of this act is, and for at least one
44 year prior to the effective date of this act has been, serving as a fire
45 inspector in the fire service; or shall have, within two years of the
46 effective date of this act, successfully completed an educational
47 program such as the basic fire prevention code course offered by the

1 Building Officials and Code Administrators International or a
2 recognized equivalent, a fire prevention course offered by an
3 institution of higher education or recognized fire school which has
4 been approved by the commissioner¹. As a condition of licensure,
5 a person shall:

6 (1) submit an application to the Division of Fire Safety with the
7 required fee;

8 (2) successfully complete an educational program adopted by
9 the Division of Fire Safety's Office of Training, Certification, and
10 Licensing;

11 (3) meet prerequisite criteria established by regulation; and

12 (4) pass the State written and practical exams.

13 d. A licensed fire inspector and fire official shall conduct fire
14 inspections authorized by P.L.1983, c.383 (C.52:27D-192 et seq.)
15 and established by regulation in non-life-hazard and life-hazard use
16 groups.

17 e. Fire inspector and fire official certifications approved by the
18 Office of Training and Certification prior to the effective date of
19 P.L. , c. (pending before the Legislature as this bill) shall be
20 considered equivalent to licenses established pursuant to P.L. , c.
21 (pending before the Legislature as this bill).

22 (cf: P.L.1983, c.383, s.12)

23

24 5. Section 19 of P.L.1983, c.383 (C.52:27D-210) is amended to
25 read as follows:

26 19. a. No person shall:

27 (1) Obstruct, hinder, delay, or interfere by force or otherwise
28 with the commissioner or any local enforcing agency in the exercise
29 of any power or the discharge of any function or duty under the
30 provisions of **[this act]** the "Uniform Fire Safety Act," P.L.1983,
31 c.383 (C.52:27D-192 et seq.);

32 (2) Prepare, utter, or render any false statement, report,
33 document, plans, or specification permitted or required under the
34 provisions of **[this act]** P.L.1983, c.383 (C.52:27D-192 et seq.);

35 (3) Render ineffective or inoperative, or fail to properly
36 maintain, any protective equipment or system installed, or intended
37 to be installed, in a building or structure;

38 (4) Refuse or fail to comply with a lawful ruling, action, order,
39 or notice of the commissioner or a local enforcing agency; or

40 (5) Violate, or cause to be violated, any of the provisions of
41 **[this act]** P.L.1983, c.383 (C.52:27D-192 et seq.).

42 b. (1) A person who violates or causes to be violated a
43 provision of subsection a. of this section shall be liable to a penalty
44 of not more than \$5,000 for each violation. If a violation of
45 subsection a. of this section is of a continuing nature, each day
46 during which the violation remains unabated after the date fixed in
47 an order or notice for the correction or termination of the continuing
48 violation shall constitute an additional and separate violation,

1 except while an appeal from the order is pending in connection with
2 any property except for those properties which are certified by the
3 fire code official to be unoccupied. For the purposes of this section,
4 a building may not be certified to be unoccupied unless it has been
5 unoccupied for a period of not less than six months.

6 (2) If an owner or operator has been given notice **【of the**
7 **existence of】** that the owner or operator is required to abate a
8 violation of 【the act】 P.L.1983, c.383 (C.52:27D-192 et seq.) and
9 fails to abate the violation, **【he】** the owner or operator shall be
10 liable to an additional penalty of not more than \$50,000. If a
11 violation is of a continuing nature, each day during which the
12 violation remains unabated shall not constitute an additional and
13 separate violation for the purposes of the penalty in this paragraph.
14 Continuing liability for unabated violations of record and unpaid
15 fees or penalties following a change of ownership or tenancy shall
16 be determined in accordance with subsections f. and g. of this
17 section.

18 (3) An additional \$150,000 or the actual cost, whichever is
19 greater, may be imposed as a penalty for the expense to the
20 municipality or fire district of suppressing any fire, directly or
21 indirectly, resulting from the unabated violation and for any other
22 actual expenses, including attorney fees, incurred by the
23 municipality for the enforcement of the violation.

24 (4) Upon the 121st day subsequent to its filing, an appeal to a
25 county, municipal, or joint construction board of appeals, a
26 departmental appeal, or an appeal to a court of competent
27 jurisdiction shall not automatically stay any order, including orders
28 to pay a penalty imposed pursuant to P.L.1983, c.383 (C.52:27D-
29 192 et seq.), or prevent the seeking of an order in a court of
30 competent jurisdiction to enjoin the violation of any order of an
31 enforcing agency in connection with any property which is found by
32 the fire code official to be unoccupied.

33 Any party filing an appeal with a court of competent jurisdiction
34 regarding violations assessed against property which has been
35 certified as unoccupied pursuant to this section shall file a motion
36 upon the initiation of the appeal requesting expedited consideration
37 of the appeal on the ground that acceleration is warranted because
38 the subject of the appeal involves matters of public safety. In the
39 event the appeal is granted, the court shall grant the motion to
40 expedite.

41 c. The commissioner or a local enforcing agency may levy and
42 collect penalties in the amounts set forth in this section, but not in
43 excess of the maximum amounts that the commissioner shall
44 establish by regulation for different types of violations. If the
45 administrative penalty order has not been satisfied by the 30th day
46 after its issuance, the penalty may be sued for, and recovered by and
47 in the name of the commissioner or the enforcing agency, as the
48 case may be, in a civil action by a summary proceeding under "The

1 Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et
2 seq.) in the Superior Court or municipal court. All moneys
3 recovered in the form of penalties by a municipality shall be paid
4 into the treasury of the municipality and shall be appropriated for
5 the enforcement of **【the act】** P.L.1983, c.383 (C.52:27D-192 et
6 seq.); except that the additional penalty paid by an owner or
7 operator to a municipality under paragraph (2) or (3) of subsection
8 b. of this section shall be placed in a special municipal trust fund to
9 be applied to the municipality's or fire district's cost of firefighter
10 training and new equipment. A person who fails to pay
11 immediately a money judgment rendered against **【him】** them
12 pursuant to this subsection may be sentenced to imprisonment by
13 the court for a period not exceeding six months, unless the
14 judgment is sooner paid.

15 d. A person shall be deemed to have violated or caused to have
16 violated a provision of subsection a. of this section if an officer,
17 agent, or employee under **【his】** the person's control and with **【his】**
18 the person's knowledge has violated or caused to have violated any
19 of the provisions of subsection a. of this section.

20 e. Upon request of the owner or purchaser of a building or
21 structure, the enforcing agency having jurisdiction over the building
22 or structure shall issue a certificate either enumerating the
23 violations indicated by its records to be unabated and the penalties
24 or fees indicated to be unpaid, or stating that its records indicate
25 that no violations remain unabated and no penalties or fees remain
26 unpaid.

27 f. A **【person】** new owner who purchases a property without
28 having obtained a certificate stating that there are no unabated
29 violations of record and no unpaid fees or penalties shall be deemed
30 to have notice of all existing violations of record and shall be liable
31 for the payment of all unpaid fees or penalties. The department
32 shall issue requests for payment of unpaid fees or penalties within
33 five years of the purchase date.

34 g. (1) Except as provided in paragraph (2) of this subsection, a
35 new operator taking control of an existing tenant business shall
36 assume liability for the payment of all existing unpaid fees and
37 penalties assessed for that business. The department shall issue
38 requests for payment of unpaid fees or penalties within a period of
39 five years from the date of the change in operator; provided,
40 however, a new operator who was a principal in, or agent of, the
41 business previously occupying the property or who is related to a
42 principal in, or agent of, that business by blood, adoption, or
43 marriage shall assume existing liability for the payment of all
44 unpaid fees and penalties indefinitely.

45 (2) A new operator who occupies all or part of the property with
46 a business not previously situated on the property shall not assume
47 liability for the payment of unpaid fees and penalties.

48 h. As used in this section:

1 "Operator" means a person or persons in the position of a tenant
2 or lessee who conducts business from and is in actual physical
3 possession or occupancy of all or part of the property.

4 "Owner" means a property owner, or the owner's agent or
5 representative, whose name appears on the title in the public
6 records.

7 (cf: P.L1999, c.401, s.2)

8

9 6. Section 20 of P.L.1983, c.383 (C.52:27D-211) is amended to
10 read as follows:

11 20. a. Notices, rules, decisions, and orders required or permitted
12 to be issued and served pursuant to **[this act]** the "Uniform Fire
13 Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) shall be served
14 as follows:

15 (1) On the owner and operator by one or more of the following
16 methods:

17 (a) By **[certified]** mail to the person designated as owner or
18 agent on the certificate of registration **[,]** in the municipal tax
19 records **[,]** or in the records of the Secretary of State **;** however, if
20 the certified mailing is returned, the original letter shall be remailed
21 to the last known address of the person by ordinary mail **]** and to
22 the operator.

23 (b) By serving the document on the Secretary of State, who shall
24 be deemed the owner's agent for service of process; **[except]**
25 provided that reasonable efforts have first been made to serve the
26 owner **[or his]** , or the owner's agent, and the operator by
27 **[certified]** mail and that a copy of the document is posted in a
28 conspicuous location on the premises. "Conspicuous location" shall
29 include the walls of the front vestibule or any common foyer or
30 hallway immediately inside the main front entrance.

31 (c) By personal delivery of the document to the owner and to
32 the operator.

33 (d) By leaving the document at the office or dwelling unit of the
34 owner and of the operator with a person 14 years of age or older.

35 (e) By electronic service to the owner and operator provided
36 that a delivery receipt is obtained.

37 (2) On any other person by one or more of the following
38 methods:

39 (a) By **[certified]** mail to the person at **[his]** the person's last
40 known address **;** however, if the certified mailing is returned, the
41 original letter shall be remailed to the last known address of the
42 person by ordinary mail **]**.

43 (b) By personal delivery of the document to the person.

44 (c) By leaving the document at the office or dwelling unit of the
45 person with a person 14 years of age or older.

46 b. The date of personal service or the third day after mailing
47 shall be considered the date of service.

1 c. As used in this section:

2 "Operator" means a person or persons in the position of a tenant
3 or lessee who conducts business from and is in actual physical
4 possession or occupancy of all or part of the property.

5 "Owner" means a property owner, or the owner's agent or
6 representative, whose name appears on the title in the public
7 records.

8 (cf: P.L.1983, c.383, s.20)

9

10 7. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 This bill amends existing law concerning fire safety.
16 Specifically, this bill provides that smoke-sensitive alarm devices
17 are to meet requirements established by the Commissioner of
18 Community Affairs and eliminates the requirement for portable fire
19 extinguishers in certain structures. The bill also provides that, as a
20 condition of licensure of fire inspectors and fire officials, a person
21 is to submit an application to the Division of Fire Safety with the
22 required fee; successfully complete an educational program adopted
23 by the Division of Fire Safety's Office of Training, Certification,
24 and Licensing; meet prerequisite criteria established by regulation;
25 and pass the State written and practical exams. The bill provides
26 that licensed fire inspectors and fire officials are to conduct fire
27 inspections authorized by the "Uniform Fire Safety Act" and
28 established by regulation in non-life-hazard and life-hazard use
29 groups. Fire inspector and fire official certifications approved by
30 the Office of Training and Certification prior to the effective date of
31 the bill are to be considered equivalent to licenses established
32 pursuant to law.

33 The bill provides that if an owner or operator has been given
34 notice to abate a violation of the "Uniform Fire Safety Act," any
35 continuing liability for unabated violations of record and unpaid
36 fees or penalties following a change of ownership or tenancy are to
37 be determined in accordance with the provisions of the bill. A new
38 owner who purchases a property without having obtained a
39 certificate stating that there are no unabated violations of record and
40 no unpaid fees or penalties is to be deemed to have notice of all
41 existing violations of record and is to be liable for the payment of
42 all unpaid fees or penalties. The DCA is to issue requests for
43 payment of unpaid fees or penalties within five years of the
44 purchase date.

45 Except as provided in the bill, a new operator taking control of
46 an existing tenant business is to assume liability for the payment of
47 all existing unpaid fees and penalties assessed for that business.
48 The DCA is to issue requests for payment of unpaid fees or

1 penalties within a period of five years from the date of the change
2 in operator; provided, however, a new operator who was a principal
3 in, or agent of, the business previously occupying the property or
4 who is related to a principal in, or agent of, that business by blood,
5 adoption, or marriage is to assume existing liability for the payment
6 of all unpaid fees and penalties indefinitely. A new operator who
7 occupies all or part of the property with a business not previously
8 situated on the property is not to assume liability for the payment of
9 unpaid fees and penalties.

10 The bill provides that notice of rules, decisions, and orders
11 concerning the "Uniform Fire Safety Act" are to be served to
12 owners, operators, or other persons by certain methods enumerated
13 in the bill, including electronic methods provided a delivery receipt
14 is obtained.

[First Reprint]

SENATE, No. 2580

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED FEBRUARY 8, 2024

Sponsored by:

Senator ANTHONY M. BUCCO

District 25 (Morris and Passaic)

Senator TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

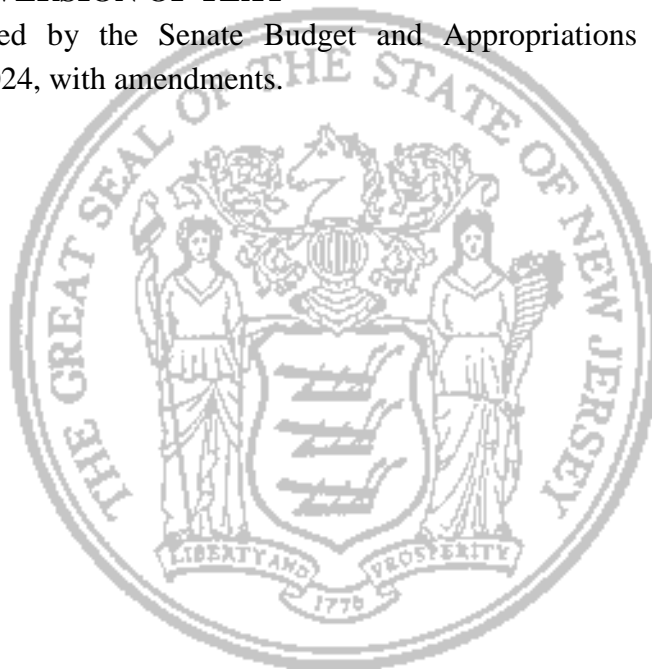
Senators Gopal and Greenstein

SYNOPSIS

Amends certain fire safety statutes to update licensure and equipment requirements and liability, fee, and penalty provisions; expands membership of Fire Protection Equipment Advisory Committee.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on October 7, 2024, with amendments.



(Sponsorship Updated As Of: 10/10/2024)

1 AN ACT concerning fire safety by making changes to certain
2 licensure requirements, equipment requirements, ¹advisory
3 committee memberships,¹ penalties, and fees and amending
4 P.L.1991, c.92 ¹, P.L.2001, c.289,¹ and P.L.1983, c.383.

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

8
9 1. Section 1 of P.L.1991, c.92 (C.52:27D-198.1) is amended to
10 read as follows:

11 1. A structure used or intended for use for residential purposes
12 by not more than two households shall have a smoke-sensitive
13 alarm device on each level of the structure and outside each
14 separate sleeping area in the immediate vicinity of the bedrooms
15 and located on or near the ceiling in accordance with **[National Fire**
16 **Protection Association Standard No. 74-1984 for the installation,**
17 **maintenance, and use of household fire warning equipment. The**
18 **installation of battery operated smoke-sensitive alarm devices shall**
19 **be accepted as meeting the requirements of this section]** regulations
20 established by the Commissioner of Community Affairs. The
21 smoke-sensitive device shall be tested and listed by a product
22 certification agency recognized by the **[Bureau]** Division of Fire
23 Safety.

24 **[Each structure, other than a seasonal rental unit, shall also be**
25 **equipped with at least one portable fire extinguisher in conformance**
26 **with rules and regulations promulgated by the Commissioner of**
27 **Community Affairs pursuant to the "Administrative Procedure Act,"**
28 **P.L.1968, c.410 (C.52:14B-1 et seq.). For the purposes of this**
29 **section, "portable fire extinguisher" means an operable portable**
30 **device, carried and operated by hand, containing an extinguishing**
31 **agent that can be expelled under pressure for the purpose of**
32 **suppressing or extinguishing fire, and which is: (1) rated for**
33 **residential use consisting of an ABC type; (2) no larger than a 10**
34 **pound rated extinguisher; and (3) mounted within 10 feet of the**
35 **kitchen area, unless otherwise permitted by the enforcing agency.**
36 **"Seasonal rental unit" means a dwelling unit rented for a term of not**
37 **more than 125 consecutive days for residential purposes by a person**
38 **having a permanent residence elsewhere, but shall not include use**
39 **or rental of living quarters by migrant, temporary or seasonal**
40 **workers in connection with any work or place where work is being**
41 **performed.]**

42 ¹Each structure subject to the requirements of this section that
43 contains a secondary power source shall have a label installed within
44 18 inches of the main electrical panel and electrical meter warning of
45 the danger associated with secondary power sources.¹

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:

¹Senate SBA committee amendments adopted October 7, 2024.

1 This section shall not be enforced except pursuant to sections 2
2 and 3 of P.L.1991, c.92 (C.52:27D-198.2 and C.52:27D-198.3).

3 (cf: P.L.2005, c.71, s.1)

4
5 2. Section 2 of P.L.1991, c.92 (C.52:27D-198.2) is amended to
6 read as follows:

7 2. a. In any case where a change of occupancy of any building
8 subject to the requirements of section 1 of P.L.1991, c.92
9 (C.52:27D-198.1) is subject to a municipal ordinance requiring the
10 issuance of a certificate of occupancy, certificate of inspection,
11 or other documentary certification of compliance with laws and
12 regulations relating to safety, healthfulness, and upkeep of the
13 premises, no such certificate shall issue until the municipal officer
14 or agency responsible for its issuance has determined that the
15 building is equipped with an alarm device or devices [and a
16 portable fire extinguisher] as required by section 1 of P.L.1991,
17 c.92 (C.52:27D-198.1).

18 b. In the case of change of occupancy of any building subject
19 to the requirements of section 1 of P.L.1991, c.92 (C.52:27D-198.1)
20 to which the provisions of subsection a. of this section do not apply,
21 no owner shall sell, lease, or otherwise permit occupancy for
22 residential purposes of that building without first obtaining from the
23 relevant enforcement agency under the "Uniform Fire Safety Act,"
24 P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate evidencing
25 compliance with the requirements of P.L.1991, c.92 (C.52:27D-
26 198.1 et seq.). ¹A change of ownership of a structure which
27 requires rehabilitation such that a new certificate of occupancy is
28 required shall be exempted from this section, provided, however,
29 that the structure shall not be occupied until the appropriate
30 certificate is obtained pursuant to the "State Uniform Construction
31 Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.). In cases
32 including a sheriff's sale, foreclosure, forfeiture, or purchase from
33 an agency of the federal government where the structure purchased
34 requires rehabilitation such that a new certificate of occupancy is
35 required, and where a certificate evidencing compliance with the
36 requirements of P.L.1991, c.92 (C.52:27D-198.1 et seq.) is not
37 obtained, it shall be the responsibility of the purchaser to obtain the
38 necessary certificates prior to occupancy.¹ The local governing
39 body having jurisdiction over the said enforcing agency or, where
40 the [Bureau] Division of Fire Safety is the enforcing agency, the
41 Commissioner of Community Affairs shall establish a fee which
42 covers the cost of inspection and of issuance of the certificate.

43 (cf: P.L.2005, c.71, s.2)

44
45 3. Section 3 of P.L.1991, c.92 (C.52:27D-198.3) is amended to
46 read as follows:

47 3. An owner who sells, leases, rents, or otherwise permits to be
48 occupied for residential purposes any premises subject to the

1 provisions of P.L.1991, c.92 (C.52:27D-198.1 et seq.) when the
2 premises do not comply with the requirements of section 1 of
3 P.L.1991, c.92 (C.52:27D-198.1), or without complying with the
4 inspection and certification requirements of section 2 of P.L.1991,
5 c.92 (C.52:27D-198.2), shall be subject to a fine of not more than
6 ~~[\$500.00 in the case of a violation for an alarm device, or a fine of~~
7 ~~not more than \$100 in the case of a violation for a portable fire~~
8 ~~extinguisher] \$500~~, which may be collected and enforced by the
9 local enforcing agency as defined in subsection g. of section 5 of
10 P.L.1983, c.383 (C.52:27D-196) by summary proceedings pursuant
11 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
12 (C.2A:58-10 et seq.).
13 (cf: P.L.2005, c.71, s.3)

14
15 ¹⁴. Section 2 of P.L.2001, c.289 (C.52:27D-25o) is amended to
16 read as follows:

17 2. a. There is created within the Division of Fire Safety in the
18 Department of Community Affairs a "Fire Protection Equipment
19 Advisory Committee." The committee shall be comprised of the
20 Director of the Division of Fire Safety who shall serve ex officio
21 and ~~[eleven]~~ twelve public members, appointed by the Governor.
22 One of the public members shall be a chief administrator of the fire
23 department of a municipality with a population of 100,000 or more
24 according to the most recent federal decennial census, one of the
25 public members shall be a representative of a sheet metal workers
26 local union of the International Association of Sheet Metal, Air, Rail
27 and Transportation Workers, and one of the public members shall be
28 a representative of a volunteer fire organization. Each of the
29 remaining nine public members shall be selected by the Governor
30 from a list of three nominees provided to the Governor by each of
31 the following fire protection organizations or their successor
32 organizations:

33 New Jersey Association of Fire Equipment Distributors,
34 National Fire Sprinkler Association,
35 National Association of Fire Equipment Distributors,
36 American Fire Sprinkler Association,
37 Fire Suppression Systems Association,
38 Automatic Fire Alarm Association,
39 New Jersey Electrical Contractors Association,
40 New Jersey Burglar and Fire Alarm Association, and
41 New Jersey State Fire Prevention and Protection Association.

42 b. The Governor shall appoint each member for a term of three
43 years, except that of the members first appointed, four shall serve
44 for terms of three years, four shall serve for terms of two years and
45 three shall serve for terms of one year.

46 c. Any vacancy in the membership of the committee shall be
47 filled for the unexpired term in the manner provided for the original
48 appointment. No appointed member of the committee may serve

1 more than two successive terms in addition to any unexpired term to
2 which he has been appointed.

3 d. The committee shall annually elect from among its members
4 a chair and vice-chair. The committee shall meet at least four times
5 a year and may hold additional meetings as necessary to discharge
6 its duties. In addition to such meetings, the committee shall meet at
7 the call of the chair or the commissioner.

8 e. Members of the committee shall be compensated and
9 reimbursed for actual expenses reasonably incurred in the
10 performance of their official duties and reimbursed for expenses
11 and provided with office and meeting facilities and personnel
12 required for the proper conduct of the committee's business.

13 f. The committee shall make recommendations to the
14 commissioner regarding rules and regulations pertaining to
15 professional training, standards, identification and record keeping
16 procedures for certificate holders and their employees,
17 classifications of certificates necessary to regulate the work of
18 certificate holders, and other matters necessary to effectuate the
19 purposes of this act.¹

20 (cf: P.L.2002, c.39, s.1)

21

22 ¹**[4.] 5.**¹ Section 12 of P.L.1983, c.383 (C.52:27D-203) is
23 amended to read as follows:

24 12. a. Each enforcing agency in this State shall enforce **[this**
25 **act]** the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192
26 et seq.) in all buildings, structures, and premises within its
27 jurisdiction, except owner-occupied buildings used exclusively for
28 dwelling purposes and containing fewer than three dwelling units,
29 subject to the control and supervision of the commissioner and in
30 accordance with regulations promulgated by the commissioner. The
31 commissioner shall consult with and advise all local enforcement
32 agencies enforcing the provision of **[this act]** P.L.1983, c.383
33 (C.52:27D-192 et seq.), and each local enforcement agency shall
34 provide the commissioner with reports, data, and information
35 required by the commissioner. To cover the cost to the
36 municipality of conducting inspections under **[this act]** P.L.1983,
37 c.383 (C.52:27D-192 et seq.), the municipality may, by ordinance,
38 establish fees, which shall be paid into the treasury of the
39 municipality to which the local enforcing agency is responsible, and
40 which shall be appropriated by the municipality to the local
41 enforcing agency to pay the cost of enforcing **[this act]** P.L.1983,
42 c.383 (C.52:27D-192 et seq.).

43 b. A local enforcing agency consisting of or employing at least
44 one paid fire inspector who is **[certified]** licensed pursuant to
45 subsection c. of this section may elect to inspect high-rise structures
46 and life hazard uses within its jurisdiction, in lieu of inspection by
47 the commissioner. That election shall be made by resolution of the

1 governing body having jurisdiction over the local enforcing agency.
2 If an appropriate resolution has not been received by the
3 commissioner on or before the effective date of **[this act]** P.L.1983,
4 c.383 (C.52:27D-192 et seq.), the department shall perform all
5 inspections under this subsection until such time as the governing
6 body shall adopt and send to the commissioner an appropriate
7 resolution. A local enforcing agency that elects to inspect high-rise
8 structures and life hazard uses may issue the certificates of
9 inspection required to be issued pursuant to section 14 of **[this act]**
10 P.L.1983, c.383 ¹**[(C.52:27D-192 et seq.)]** (C.52:27D-205)¹ and
11 may inspect buildings and premises other than high-rise structures
12 and life hazard uses in order to secure compliance with **[this act]**
13 P.L.1983, c.383 (C.52:27D-192 et seq.).

14 c. The commissioner shall **[certify]** license fire inspectors and
15 fire officials under **[this act]** P.L.1983, c.383 (C.52:27D-192 et
16 seq.) in accordance with **[such]** standards as **[he]** the
17 commissioner shall establish by regulation **];** provided that a fire
18 inspector certificate shall be issued by the commissioner to any
19 person who: on the effective date of this act is, and for at least one
20 year prior to the effective date of this act has been, serving as a fire
21 inspector in the fire service; or shall have, within two years of the
22 effective date of this act, successfully completed an educational
23 program such as the basic fire prevention code course offered by the
24 Building Officials and Code Administrators International or a
25 recognized equivalent, a fire prevention course offered by an
26 institution of higher education or recognized fire school which has
27 been approved by the commissioner¹. As a condition of licensure,
28 a person shall:

29 (1) submit an application to the Division of Fire Safety with the
30 required fee;

31 (2) successfully complete an educational program adopted by
32 the Division of Fire Safety's Office of Training, Certification, and
33 Licensing;

34 (3) meet prerequisite criteria established by regulation; and

35 (4) pass the State written and practical exams.

36 d. A licensed fire inspector and fire official shall conduct fire
37 inspections authorized by P.L.1983, c.383 (C.52:27D-192 et seq.)
38 and established by regulation in non-life-hazard and life-hazard use
39 groups.

40 e. Fire inspector and fire official certifications approved by the
41 Office of Training and Certification prior to the effective date of
42 P.L. , c. (pending before the Legislature as this bill) shall be
43 considered equivalent to licenses established pursuant to P.L. , c.
44 (pending before the Legislature as this bill).

45 ¹f. Existing licensed multiple dwelling inspectors and officials
46 enforcing the fire code in non-life hazard use dwellings shall be
47 allowed two years from the effective date of P.L. , c. (C.)

1 (pending before the Legislature as this bill) to obtain a fire inspector
2 license to be able to continue enforcing the fire code.¹

3 (cf: P.L.1983, c.383, s.12)

4

5 ¹**[5.]** 6.¹ Section 19 of P.L.1983, c.383 (C.52:27D-210) is
6 amended to read as follows:

7 19. a. No person shall:

8 (1) Obstruct, hinder, delay, or interfere by force or otherwise
9 with the commissioner or any local enforcing agency in the exercise
10 of any power or the discharge of any function or duty under the
11 provisions of **[this act]** the "Uniform Fire Safety Act," P.L.1983,
12 c.383 (C.52:27D-192 et seq.);

13 (2) Prepare, utter, or render any false statement, report,
14 document, plans, or specification permitted or required under the
15 provisions of **[this act]** P.L.1983, c.383 (C.52:27D-192 et seq.);

16 (3) Render ineffective or inoperative, or fail to properly
17 maintain, any protective equipment or system installed, or intended
18 to be installed, in a building or structure;

19 (4) Refuse or fail to comply with a lawful ruling, action, order,
20 or notice of the commissioner or a local enforcing agency; or

21 (5) Violate, or cause to be violated, any of the provisions of
22 **[this act]** P.L.1983, c.383 (C.52:27D-192 et seq.).

23 b. (1) A person who violates or causes to be violated a
24 provision of subsection a. of this section shall be liable to a penalty
25 of not more than \$5,000 for each violation. If a violation of
26 subsection a. of this section is of a continuing nature, each day
27 during which the violation remains unabated after the date fixed in
28 an order or notice for the correction or termination of the continuing
29 violation shall constitute an additional and separate violation,
30 except while an appeal from the order is pending in connection with
31 any property except for those properties which are certified by the
32 fire code official to be unoccupied. For the purposes of this section,
33 a building may not be certified to be unoccupied unless it has been
34 unoccupied for a period of not less than six months.

35 (2) If an owner or operator has been given notice **[of the**
36 **existence of]** that the owner or operator is required to abate a
37 violation of [the act] P.L.1983, c.383 (C.52:27D-192 et seq.) and
38 fails to abate the violation, [he] the owner or operator shall be
39 liable to an additional penalty of not more than \$50,000. If a
40 violation is of a continuing nature, each day during which the
41 violation remains unabated shall not constitute an additional and
42 separate violation for the purposes of the penalty in this paragraph.
43 Continuing liability for unabated violations of record and unpaid
44 fees or penalties following a change of ownership or tenancy shall
45 be determined in accordance with subsections f. and g. of this
46 section.

1 (3) An additional \$150,000 or the actual cost, whichever is
2 greater, may be imposed as a penalty for the expense to the
3 municipality or fire district of suppressing any fire, directly or
4 indirectly, resulting from the unabated violation and for any other
5 actual expenses, including attorney fees, incurred by the
6 municipality for the enforcement of the violation.

7 (4) Upon the 121st day subsequent to its filing, an appeal to a
8 county, municipal, or joint construction board of appeals, a
9 departmental appeal, or an appeal to a court of competent
10 jurisdiction shall not automatically stay any order, including orders
11 to pay a penalty imposed pursuant to P.L.1983, c.383 (C.52:27D-
12 192 et seq.), or prevent the seeking of an order in a court of
13 competent jurisdiction to enjoin the violation of any order of an
14 enforcing agency in connection with any property which is found by
15 the fire code official to be unoccupied.

16 Any party filing an appeal with a court of competent jurisdiction
17 regarding violations assessed against property which has been
18 certified as unoccupied pursuant to this section shall file a motion
19 upon the initiation of the appeal requesting expedited consideration
20 of the appeal on the ground that acceleration is warranted because
21 the subject of the appeal involves matters of public safety. In the
22 event the appeal is granted, the court shall grant the motion to
23 expedite.

24 c. The commissioner or a local enforcing agency may levy and
25 collect penalties in the amounts set forth in this section, but not in
26 excess of the maximum amounts that the commissioner shall
27 establish by regulation for different types of violations. If the
28 administrative penalty order has not been satisfied by the 30th day
29 after its issuance, the penalty may be sued for, and recovered by and
30 in the name of the commissioner or the enforcing agency, as the
31 case may be, in a civil action by a summary proceeding under "The
32 Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et
33 seq.) in the Superior Court or municipal court. All moneys
34 recovered in the form of penalties by a municipality shall be paid
35 into the treasury of the municipality and shall be appropriated for
36 the enforcement of **【the act】** P.L.1983, c.383 (C.52:27D-192 et
37 seq.); except that the additional penalty paid by an owner or
38 operator to a municipality under paragraph (2) or (3) of subsection
39 b. of this section shall be placed in a special municipal trust fund to
40 be applied to the municipality's or fire district's cost of firefighter
41 training and new equipment. A person who fails to pay
42 immediately a money judgment rendered against **【him】** them
43 pursuant to this subsection may be sentenced to imprisonment by
44 the court for a period not exceeding six months, unless the
45 judgment is sooner paid.

46 d. A person shall be deemed to have violated or caused to have
47 violated a provision of subsection a. of this section if an officer,
48 agent, or employee under **【his】** the person's control and with **【his】**

1 the person's knowledge has violated or caused to have violated any
2 of the provisions of subsection a. of this section.

3 e. Upon request of the owner or purchaser of a building or
4 structure, the enforcing agency having jurisdiction over the building
5 or structure shall issue a certificate either enumerating the
6 violations indicated by its records to be unabated and the penalties
7 or fees indicated to be unpaid, or stating that its records indicate
8 that no violations remain unabated and no penalties or fees remain
9 unpaid.

10 f. A **[person]** new owner who purchases a property without
11 having obtained a certificate stating that there are no unabated
12 violations of record and no unpaid fees or penalties shall be deemed
13 to have notice of all existing violations of record and shall be liable
14 for the payment of all unpaid fees or penalties. The department
15 shall issue requests for payment of unpaid fees or penalties within
16 five years of the purchase date.

17 g. (1) Except as provided in paragraph (2) of this subsection, a
18 new operator taking control of an existing tenant business shall
19 assume liability for the payment of all existing unpaid fees and
20 penalties assessed for that business. The department shall issue
21 requests for payment of unpaid fees or penalties within a period of
22 five years from the date of the change in operator; provided,
23 however, a new operator who was a principal in, or agent of, the
24 business previously occupying the property or who is related to a
25 principal in, or agent of, that business by blood, adoption, or
26 marriage shall assume existing liability for the payment of all
27 unpaid fees and penalties indefinitely.

28 (2) A new operator who occupies all or part of the property with
29 a business not previously situated on the property shall not assume
30 liability for the payment of unpaid fees and penalties.

31 h. As used in this section:

32 "Operator" means a person or persons in the position of a tenant
33 or lessee who conducts business from and is in actual physical
34 possession or occupancy of all or part of the property.

35 "Owner" means a property owner, or the owner's agent or
36 representative, whose name appears on the title in the public
37 records.

38 (cf: P.L.1999, c.401, s.2)

39

40 ¹**[6.] 7.**¹ Section 20 of P.L.1983, c.383 (C.52:27D-211) is
41 amended to read as follows:

42 20. a. Notices, rules, decisions, and orders required or permitted
43 to be issued and served pursuant to **[this act]** the "Uniform Fire
44 Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) shall be served
45 as follows:

46 (1) On the owner and operator by one or more of the following
47 methods:

1 (a) By **【certified】** mail to the person designated as owner or
2 agent on the certificate of registration **【,】** in the municipal tax
3 records **【,】** or in the records of the Secretary of State **【**; however, if
4 the certified mailing is returned, the original letter shall be remailed
5 to the last known address of the person by ordinary mail **】** and to
6 the operator.

7 (b) By serving the document on the Secretary of State, who shall
8 be deemed the owner's agent for service of process; **【except】**
9 provided that reasonable efforts have first been made to serve the
10 owner **【or his】** , or the owner's agent, and the operator by
11 **【certified】** mail and that a copy of the document is posted in a
12 conspicuous location on the premises. "Conspicuous location" shall
13 include the walls of the front vestibule or any common foyer or
14 hallway immediately inside the main front entrance.

15 (c) By personal delivery of the document to the owner and to
16 the operator.

17 (d) By leaving the document at the office or dwelling unit of the
18 owner and of the operator with a person 14 years of age or older.

19 (e) By electronic service to the owner and operator provided
20 that a delivery receipt is obtained.

21 (2) On any other person by one or more of the following
22 methods:

23 (a) By **【certified】** mail to the person at **【his】** the person's last
24 known address **【**; however, if the certified mailing is returned, the
25 original letter shall be remailed to the last known address of the
26 person by ordinary mail **】**.

27 (b) By personal delivery of the document to the person.

28 (c) By leaving the document at the office or dwelling unit of the
29 person with a person 14 years of age or older.

30 b. The date of personal service or the third day after mailing
31 shall be considered the date of service.

32 c. As used in this section:

33 "Operator" means a person or persons in the position of a tenant
34 or lessee who conducts business from and is in actual physical
35 possession or occupancy of all or part of the property.

36 "Owner" means a property owner, or the owner's agent or
37 representative, whose name appears on the title in the public
38 records.

39 (cf: P.L.1983, c.383, s.20)

40
41 ¹**【7.】 8.**¹ This act shall take effect immediately.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2580

STATE OF NEW JERSEY

DATED: MAY 6, 2024

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 2580.

This bill amends existing law concerning fire safety. Specifically, this bill provides that smoke-sensitive alarm devices are to meet requirements established by the Commissioner of Community Affairs and eliminates the requirement for portable fire extinguishers in certain structures. The bill also provides that, as a condition of licensure of fire inspectors and fire officials, a person is to submit an application to the Division of Fire Safety with the required fee; successfully complete an educational program adopted by the Division of Fire Safety's Office of Training, Certification, and Licensing; meet prerequisite criteria established by regulation; and pass the State written and practical exams. The bill provides that licensed fire inspectors and fire officials are to conduct fire inspections authorized by the "Uniform Fire Safety Act" and established by regulation in non-life-hazard and life-hazard use groups. Fire inspector and fire official certifications approved by the Office of Training and Certification prior to the effective date of the bill are to be considered equivalent to licenses established pursuant to law.

The bill provides that if an owner or operator has been given notice to abate a violation of the "Uniform Fire Safety Act," any continuing liability for unabated violations of record and unpaid fees or penalties following a change of ownership or tenancy are to be determined in accordance with the provisions of the bill. A new owner who purchases a property without having obtained a certificate stating that there are no unabated violations of record and no unpaid fees or penalties is to be deemed to have notice of all existing violations of record and is to be liable for the payment of all unpaid fees or penalties. The Department of Community Affairs (DCA) is to issue requests for payment of unpaid fees or penalties within five years of the purchase date.

Except as provided in the bill, a new operator taking control of an existing tenant business is to assume liability for the payment of all existing unpaid fees and penalties assessed for that business. The DCA is to issue requests for payment of unpaid fees or penalties within a period of five years from the date of the change in operator; provided, however, a new operator who was a principal in, or agent of, the business previously occupying the property or who is related to a

principal in, or agent of, that business by blood, adoption, or marriage is to assume existing liability for the payment of all unpaid fees and penalties indefinitely. A new operator who occupies all or part of the property with a business not previously situated on the property is not to assume liability for the payment of unpaid fees and penalties.

The bill provides that notice of rules, decisions, and orders concerning the "Uniform Fire Safety Act" are to be served to owners, operators, or other persons by certain methods enumerated in the bill, including electronic methods provided a delivery receipt is obtained.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2580

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 7, 2024

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 2580.

As amended, this bill provides that smoke-sensitive alarm devices are to meet requirements established by the Commissioner of Community Affairs and eliminates the requirement for portable fire extinguishers in certain structures. The bill also provides that, if those structures contain a secondary power source, then they are required to have a label installed within 18 inches of the main electrical panel and electrical meter warning of the dangers associated with secondary power sources.

The bill also provides that, as a condition of licensure of fire inspectors and fire officials, a person is to:

- submit an application to the Division of Fire Safety with the required fee;
- successfully complete an educational program adopted by the Division of Fire Safety's Office of Training, Certification, and Licensing;
- meet prerequisite criteria established by regulation; and
- pass the State written and practical exams.

Under the bill, licensed fire inspectors and fire officials are to conduct fire inspections authorized by the "Uniform Fire Safety Act" and established by regulation in non-life-hazard and life-hazard use groups. Fire inspector and fire official certifications approved by the Office of Training and Certification prior to the effective date of the bill are to be considered equivalent to licenses established pursuant to law.

The bill also provides that existing licensed multiple dwelling inspectors and officials enforcing the fire code in non-life hazard use dwellings are to be allowed two years from the bill's effective date to obtain a fire inspector license to be able to continue enforcing the fire code.

The bill provides that if an owner or operator has been given notice to abate a violation of the "Uniform Fire Safety Act," any continuing liability for unabated violations of record and unpaid fees or penalties following a change of ownership or tenancy are to be determined in accordance with the provisions of the bill. A new owner who

purchases a property without having obtained a certificate stating that there are no unabated violations of record and no unpaid fees or penalties is to be deemed to have notice of all existing violations of record and is to be liable for the payment of all unpaid fees or penalties. The Department of Community Affairs (DCA) is to issue requests for payment of unpaid fees or penalties within five years of the purchase date.

Except as provided in the bill, a new operator taking control of an existing tenant business is to assume liability for the payment of all existing unpaid fees and penalties assessed for that business. The DCA is to issue requests for payment of unpaid fees or penalties within a period of five years from the date of the change in operator; provided, however, a new operator who was a principal in, or agent of, the business previously occupying the property or who is related to a principal in, or agent of, that business by blood, adoption, or marriage is to assume existing liability for the payment of all unpaid fees and penalties indefinitely. A new operator who occupies all or part of the property with a business not previously situated on the property is not to assume liability for the payment of unpaid fees and penalties.

The bill provides that notice of rules, decisions, and orders concerning the "Uniform Fire Safety Act" are to be served to owners, operators, or other persons by certain methods enumerated in the bill, including electronic methods provided a delivery receipt is obtained.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- Require that certain structures that contain a secondary power source have a label installed within 18 inches of the main electrical panel and electrical meter warning of the dangers associated with secondary power sources;
- Provide that a change of ownership of a structure which requires rehabilitation such that a new certificate of occupancy is required is exempted from the bill's provisions provided, however, that the structure is not occupied until the appropriate certificate is obtained pursuant to the "State Uniform Construction Code Act." In cases including a sheriff's sale, foreclosure, forfeiture, or purchase from an agency of the federal government where the structure purchased requires rehabilitation such that a new certificate of occupancy is required, and where a certificate evidencing compliance with the requirements of P.L.1991, c.92 (C.52:27D-198.1 et seq.) is not obtained, it is the responsibility of the purchaser to obtain the necessary certificates prior to occupancy;
- Add a representative of a sheet metal workers local union of the International Association of Sheet Metal, Air, Rail and Transportation Workers to the "Fire Protection Equipment Advisory Committee" in the Division of Fire Safety;

- Provide that existing licensed multiple dwelling inspectors and officials enforcing the fire code in non-life hazard use dwellings have up to two years from the bill's effective date to obtain a fire inspector license to be able to continue enforcing the fire code; and
- Change the bill's title to reflect an additional law that is being amended by the bill and make other technical changes.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the bill will increase administrative costs to the Department of Community Affairs by an indeterminate amount associated with establishing regulations to effectuate the purposes of the bill and administering fire inspector and fire official's licensure. The bill will also result in an indeterminate impact on State revenue collections. On one hand, the State will no longer collect some penalty revenues due to the removal of a requirement for certain dwellings to be equipped with a portable fire extinguisher. On the other hand, the department, and local enforcing agencies, may experience increased revenue due to the ability to issue requests for unpaid fees and penalties to a new owner or operator of a property, compared to the amount of fees and penalties that would have otherwise remained unpaid by a previous owner or operator.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2580

STATE OF NEW JERSEY 221st LEGISLATURE

DATED: NOVEMBER 4, 2024

SUMMARY

- Synopsis:** Amends certain fire safety statutes to update licensure and equipment requirements and liability, fee, and penalty provisions; expands membership of Fire Protection Equipment Advisory Committee.
- Type of Impact:** One-time State cost increase; annual State and local net revenue impacts.
- Agencies Affected:** Department of Community Affairs; local governments.

Office of Legislative Services Estimate

Fiscal Impact	
One-Time State Cost Increase	Indeterminate
Annual State Revenue Net Impact	Indeterminate
Annual Local Revenue Net Impact	Indeterminate

- The Office of Legislative Services (OLS) concludes that the bill will increase administrative costs to the Department of Community Affairs by an indeterminate amount during the first year in which the bill takes effect associated with updating regulations to effectuate the purposes of the bill.
- The bill will also result in an indeterminate net impact on annual State and local revenue collections. On one hand, the local enforcing agencies will no longer collect some penalty revenues due to the removal of a requirement for certain dwellings to be equipped with a portable fire extinguisher. On the other hand, local enforcing agencies, including the Division of Fire Safety in the department, may experience increased revenue due to the ability to issue requests for unpaid fees and penalties to a new owner or operator of a property, compared to the amount of fees and penalties that would have otherwise remained unpaid by a previous owner or operator.

BILL DESCRIPTION

The bill provides that smoke-sensitive alarm devices are to meet requirements established by the Department of Community Affairs and eliminates the requirement for portable fire extinguishers in certain structures.

The bill also provides that if an owner or operator has been given notice to abate a violation of the Uniform Fire Safety Act, any continuing liability for unabated violations of record and unpaid fees or penalties following a change of ownership or tenancy are to be determined in accordance with the provisions of the bill. A new owner who purchases a property without having obtained a certificate stating that there are no unabated violations of record and no unpaid fees or penalties is to be deemed to have notice of all existing violations of record and is to be liable for the payment of all unpaid fees or penalties. The department is to issue requests for payment of unpaid fees or penalties within five years of the purchase date.

Except as provided in the bill, a new operator taking control of an existing tenant business is to assume liability for the payment of all existing unpaid fees and penalties assessed for that business. The department is to issue requests for payment of unpaid fees or penalties within a period of five years from the date of the change in operator; provided, however, a new operator who was a principal in, or agent of, the business previously occupying the property or who is related to a principal in, or agent of, that business by blood, adoption, or marriage is to assume existing liability for the payment of all unpaid fees and penalties indefinitely.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the bill will increase administrative costs to the Department of Community Affairs by an indeterminate amount during the first year in which the bill takes effect associated with updating regulations as necessary to effectuate the purposes of the bill, including regulations for smoke sensitive alarms in one- and two-dwelling housing units.

The bill is also expected to result in an indeterminate net impact on annual State and local revenue collections. The bill provides that local enforcing agencies, including the Division of Fire Safety in the department that enforces the State Uniform Fire Code in 89 municipalities, will no longer collect some penalty revenues due to the removal of a requirement for certain dwellings to be equipped with a portable fire extinguisher. Under current law, local enforcing agencies collect a \$100 fine for each violation related to a portable fire extinguisher in a one- or two-unit residential dwelling. It is unclear how many violations of this nature have historically been identified on a yearly basis and how many fines are currently collected per year and so an estimate of the potential size of the revenue loss cannot be made.

However, local enforcing agencies, including the division, may also experience increased revenue due to the ability to issue requests for unpaid fees and penalties to a new owner or operator of a property, compared to the amount of fees and penalties that would have otherwise remained unpaid by a previous owner or operator. The OLS is unable estimate the amount of unpaid fees and penalties in any given year that would be collected by a local enforcing agency from a new

owner or operator of a property and is, therefore, unable to predict the exact fiscal impact of this provision.

Section: Local Government

*Analyst: Abigail Stoyer
Associate Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

02/3/2025

TRENTON – Today, Governor Murphy signed the following bills into law:

A-1899/S-1981 (Conaway, Speight/Vitale, Mukherji) - Expands authority of pharmacy technician in administering drugs and vaccines and permits certain pharmacists and pharmacy interns, externs, and technicians to administer COVID-19 vaccine

A-3414/SCS for S-2245 (Murphy, Lampitt, Speight/Ruiz, Turner, McKnight) - Modifies regulation of student permits by NJ State Board of Cosmetology and Hairstyling and establishes oversight of individuals seeking employment as shampoo technicians

A-3894/S-2580 (Murphy, Quijano/Bucco, Singleton) - Amends certain fire safety statutes to update licensure and equipment requirements and liability, fee, and penalty provisions; expands membership of Fire Protection Equipment Advisory Committee

A-5117/S-3994 (Greenwald/Beach, Sarlo) - Modifies number of signatures required for candidates to be placed on primary, general, nonpartisan municipal, and school election ballots; requires Secretary of State to publish certain nominating petition forms by January 1 of each year

Posted on: February 3, 2025

Bucco Bill to Update Fire Safety Standards Signed into Law

Today, Senate Republican Leader Anthony M. Bucco's (R-25) bill to update fire safety standards was signed into law by Governor Murphy.



“Updating our fire safety standards and fire official credentials will make it easier for departments to find fire inspectors and address burdensome staffing shortages while improving public safety,” said Sen. Bucco. “With the Governor’s signature, we can get these roles filled and streamline the inspection process to better promote fire safety.”

You can read the full bill, A-3894/S-2580, [here](#).