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**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

**VETO MESSAGE:** Yes

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

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CL/JA

§§1-5  
C.52:27D-198.21  
to 52:27D-198.25  
§8  
Note to §§1-5,  
C.52:27D-25n  
and 52:27D-25q

P.L. 2023, CHAPTER 186, *approved December 21, 2023*  
Assembly, No. 5179 (*Second Reprint*)

1 **AN ACT** concerning the testing of fire dampers, smoke dampers,  
2 and smoke control systems in certain buildings and  
3 supplementing P.L.1983, c.383 (C.52:27D-192 et seq.).  
4

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

8 1. P.L. , c. (C. ) (pending before the Legislature as this  
9 bill), shall be known and may be cited as the “Fire Life Safety  
10 Damper and Smoke Control System Inspection Verification Act.”  
11

12 2. The Legislature finds and declares that:

13 a. Studies have shown that most fire deaths are not caused by  
14 burns but instead by smoke inhalation. In addition to being toxic,  
15 smoke obstructs light and limits visibility, which in turn increases  
16 the time it takes a building’s occupants to get to safety.

17 b. In the event of a fire, smoke control systems can help a  
18 building’s occupants avoid smoke when evacuating a building.

19 c. Faulty and inoperable fire dampers, smoke dampers, and  
20 smoke control systems are likely to exist without periodic  
21 inspection and testing as required by law and applicable industry  
22 codes and standards. A 2021 University of Maryland study entitled  
23 the “Reliability of Fire Dampers, Smoke Dampers and Smoke  
24 Control Systems” found a majority of fire life safety dampers  
25 inspected, in over 1,100 buildings, needed repair or replacement.

26 d. Without periodic testing as required by applicable industry  
27 codes and standards, faulty and inoperable smoke control systems  
28 and fire life safety dampers are likely to exist in New Jersey  
29 buildings.

30 e. The failure of building owners to properly perform periodic  
31 inspection and testing of fire dampers, smoke dampers, and smoke  
32 control systems is detrimental to the health, safety, and welfare of  
33 the people of New Jersey and the dwellings and businesses thereof,  
34 and visitors thereto.

**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:

<sup>1</sup>Assembly ASL committee amendments adopted March 20, 2023.

<sup>2</sup>Assembly amendments adopted in accordance with Governor's recommendations November 30, 2023.

1 f. New Jersey does not currently <sup>2</sup>[enforce the requirement  
2 that smoke control systems and fire life safety dampers be subject  
3 to a routine maintenance and periodic testing program, nor establish  
4 any] have<sup>2</sup> minimum standards for <sup>2</sup>[inspectors] contractors<sup>2</sup>  
5 performing <sup>2</sup>[such]<sup>2</sup> maintenance and physical periodic testing <sup>2</sup>of  
6 smoke control systems and fire dampers, smoke dampers, and  
7 combination fire and smoke dampers<sup>2</sup>.

8

9 <sup>2</sup>[3.As used in P.L. , c. (C. ) (pending before the  
10 Legislature as this bill):

11 “Approved skill training program” or “program” means a Class  
12 A apprenticeship training program that is registered with, and  
13 approved by, the United States Department of Labor or a State  
14 apprenticeship agency, involving at least 8,000 hours of  
15 documented practical experience in the installation, maintenance,  
16 and servicing of HVAC systems and providing both apprenticeship  
17 training and training to upgrade skills of journey persons in the  
18 skills of the HVAC industry, including those relating to fire safety  
19 equipment.

20 “Combination fire and smoke damper” means a device that meets  
21 both the fire damper and smoke damper requirements.

22 “Dedicated smoke control system” means a smoke control  
23 system and components that are installed for the sole purpose of  
24 providing smoke control and that upon activation of the systems  
25 operate specifically to perform the smoke control function.

26 “Department” means the Department of Community Affairs.

27 "Enforcing agency" means the department, a municipal or county  
28 department or agency, or a fire district which has been authorized  
29 by municipal ordinance to enforce the "Uniform Fire Safety Act,"  
30 P.L.1983, c.383 (C.52:27D-192 et seq.).

31 "Fire damper" means a device installed in an air distribution  
32 system, designed to close automatically upon detection of heat, to  
33 interrupt migratory airflow and to restrict the passage of flame; and  
34 includes devices installed in air conditioning systems to close  
35 automatically upon detection of heat, to interrupt migratory airflow,  
36 and to restrict the passage of flames. A fire damper shall also  
37 include a combination fire and smoke damper system.

38 “Fire life safety damper” means fire dampers, smoke dampers,  
39 and combination fire and smoke dampers.

40 “Fire life safety damper testing” means testing and inspection  
41 activities, including all physical and visual testing of fire life safety  
42 dampers necessary to ensure the proper functioning, as required by  
43 the Uniform Fire Safety Code, and the standards adopted pursuant  
44 to the Uniform Fire Safety Code concerning fire doors and other  
45 protective openings under NFPA 80, smoke door assemblies and  
46 other opening protectives under NFPA 105, smoke control systems  
47 under NFPA 92, and applicable engineering specifications.

1 “HVAC” means heating, ventilation, and air conditioning.

2 “ICB” means International Certification Board.

3 “IEC” means the International Electrotechnical Commission

4 <sup>1</sup>“IFC” means the most recent “International Fire Code – New  
5 Jersey Edition,” published by the International Code Council. <sup>1</sup>

6 “ISO” means International Organization for Standardization.

7 “Non-dedicated smoke control system” means a smoke control  
8 system that shares components with some other system, such as the  
9 building HVAC system, which changes its mode of operation to  
10 achieve the smoke-control objective.

11 “NFPA” means National Fire Protection Association.

12 “Smoke control system” means an engineered system that  
13 includes all methods that can be used singly or in combination to  
14 modify smoke movement, including engineered systems that use  
15 mechanical fans to produce pressure differences across smoke  
16 barriers to inhibit smoke movement.

17 “Smoke control system testing” means testing and inspection  
18 activities, including all physical and visual testing of smoke control  
19 systems necessary to ensure the proper functioning, as required by  
20 the Uniform Fire Safety Code, and the standards adopted pursuant  
21 to the Uniform Fire Safety Code concerning fire doors and other  
22 protective openings under NFPA 80, smoke door assemblies and  
23 other opening protectives under NFPA 105, smoke control systems  
24 under NFPA 92, and applicable engineering specifications.

25 “Smoke damper” means a device within an air distribution  
26 system to control the movement of smoke, and includes devices  
27 installed in air conditioning systems to control the movement of  
28 smoke. A smoke damper shall also include a combination smoke  
29 and fire damper system.

30 “TAB” means testing, adjusting, and balancing of an HVAC  
31 system.

32 “TABB” means Testing, Adjusting and Balancing Bureau of the  
33 International Certification Board.

34 “Uniform Fire Safety Code” means the code promulgated  
35 pursuant to P.L.1983, c.383 (C.52:27D-192 et seq.). <sup>2</sup>

36

37 <sup>2</sup>[4.] 3.<sup>2</sup> a. An owner of a building <sup>1</sup>[, other than a single-  
38 family, two-family, or attached single-family structure used  
39 exclusively for dwelling purposes,] <sup>1</sup> shall be responsible for  
40 ensuring that fire dampers, smoke dampers, and combination fire  
41 and smoke dampers <sup>2</sup>[required to be] <sup>2</sup> installed in a building  
42 <sup>2</sup>[pursuant to the State Uniform Construction Code adopted  
43 pursuant to the "State Uniform Construction Code Act," P.L.1975,  
44 c.217 (C.52:27D-119 et seq.),] <sup>2</sup> are inspected and tested as required  
45 by the applicable standards adopted pursuant to the Uniform Fire  
46 <sup>2</sup>[Safety] <sup>2</sup> Code. <sup>1</sup>This subsection shall not apply to a single-  
47 family, two-family, or attached single-family structure used

1 exclusively for dwelling purposes.<sup>1</sup> <sup>2</sup>**[Fire dampers, smoke**  
2 dampers, and combination fire and smoke dampers shall be  
3 periodically inspected and tested no less than once after the first  
4 year of installation and once every four years thereafter, except for  
5 hospitals. Fire dampers, smoke dampers, and combination fire and  
6 smoke dampers in hospitals shall be periodically inspected and  
7 tested no less than once after the first year of installation and once  
8 every six years thereafter. The periodic testing of fire dampers,  
9 smoke dampers, and combination fire and smoke dampers shall  
10 include the visual inspection method in accordance with NFPA 80  
11 concerning fire doors and other protective openings, and NFPA 105  
12 concerning smoke door assemblies and other opening protectives.  
13 The remote inspection method, as defined in NFPA 80 concerning  
14 fire doors and other protective openings, and NFPA 105 concerning  
15 smoke door assemblies and other opening protectives, shall not be  
16 used in place of visual inspection for the periodic testing required  
17 pursuant to this subsection. All fire and smoke dampers shall be  
18 tested, per the aforementioned schedule, regardless of location.]<sup>2</sup>

19 b. <sup>1</sup>**[In] For all**<sup>1</sup> buildings <sup>1</sup>with a <sup>2</sup>**[new]**<sup>2</sup> smoke control  
20 system <sup>2</sup>**[installed after the effective date of P.L. , c. (C. )**  
21 (pending before the Legislature as this bill)]<sup>2, 1</sup> other than single-  
22 family, two-family, and attached single-family structures used  
23 exclusively for dwelling purposes, a building owner shall subject  
24 <sup>1</sup>**[a] the**<sup>1</sup> <sup>2</sup>**[newly installed]**<sup>2</sup> smoke control system to smoke  
25 control system testing <sup>2</sup>**[. Dedicated smoke control systems shall**  
26 be tested at least semiannually. Non-dedicated smoke control  
27 systems shall be tested at least annually. Testing of smoke control  
28 systems shall include tests to determine airflow quantities and  
29 pressure differences are code compliant, including at the following  
30 locations: (1) across smoke barrier openings; (2) at the air makeup  
31 supplies; and (3) at smoke exhaust equipment.

32 c. The Commissioner of Community Affairs shall, pursuant to  
33 the "Administrative Procedure Act," P.L.1968, c.410 (C.52: 14B-1  
34 et seq.), adopt such rules and regulations as may be necessary to  
35 implement P.L. , c. (C. ) (pending before the Legislature as  
36 this bill), including establishing routine maintenance and  
37 operational testing schedules. The rules and regulations of the  
38 commissioner shall permit inspections required pursuant to  
39 P.L. , c. (C. ) (pending before the Legislature as this bill) to  
40 be conducted as a part of inspections required pursuant to the  
41 "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et  
42 seq.), or other required inspections <sup>2</sup>**[ as required by the applicable**  
43 standards adopted pursuant to the Uniform Fire Code<sup>2</sup>.

44  
45 <sup>2</sup>**[5.] 4.**<sup>2</sup> The owner of a building subject to the provisions of  
46 P.L. , c. (C. ) (pending before the Legislature as this bill)  
47 shall adhere to the routine maintenance and periodic testing

1 schedule for the building, to commence immediately after the  
2 smoke dampers, fire dampers, combination fire and smoke dampers  
3 and smoke control systems have passed the applicable tests. <sup>2</sup>**[A]**  
4 The Commissioner of Community Affairs shall, pursuant to the  
5 authority under the "Uniform Fire Safety Act," P.L.1983, c.383  
6 (C.52:27D-192 et seq.), promulgate rules and regulations to require  
7 a<sup>2</sup> building owner <sup>2</sup>**[shall]** to<sup>2</sup> establish a written schedule for  
8 routine maintenance and periodic testing pursuant to the testing  
9 schedule required pursuant to <sup>2</sup>**[section 4 of P.L. , c. (C. )**  
10 (pending before the Legislature as this bill)] the applicable  
11 standards adopted pursuant to the "Uniform Fire Code."<sup>2</sup>

12 <sup>2</sup>**[6.a.** A contractor that provides smoke damper, fire damper,  
13 and combination fire and smoke damper testing services shall hold  
14 an ICB Fire and Smoke Damper Contractor certification or  
15 equivalent certification from an organization that has been  
16 accredited under the ISO/IEC 17024 Personnel Certification  
17 standard in HVAC Fire Life Safety Damper inspections <sup>1</sup>**[**, or an  
18 equivalent accreditation authorized by a rule or regulation of the  
19 department<sup>1</sup>**]**. A contractor that provides smoke control systems  
20 testing services shall hold an ICB Smoke Control System  
21 Contractor certification or equivalent certifications from an  
22 organization that has been accredited under the ISO/IEC 17024  
23 Personnel Certification standard in HVAC Smoke Control System  
24 inspections <sup>1</sup>**[**, or an equivalent accreditation authorized by a rule or  
25 regulation of the department<sup>1</sup>**]**.

26 b. A person performing smoke dampers, fire dampers, and  
27 combination fire and smoke dampers testing services shall:

28 (1) be employed by an enforcing agency or by a contractor  
29 certified in accordance with subsection a. of this section;

30 (2) have successfully completed an approved skill training  
31 program, as defined in section 3 of P.L. , c. (C. ) (pending  
32 before the Legislature as this bill), or be enrolled in an approved  
33 skill training program and be working under the supervision of a  
34 person having completed such a program; and

35 (3) hold a certification from the ICB as a Fire and Smoke  
36 Damper Technician or an equivalent certification from an  
37 organization that has been accredited under the ISO/IEC 17024  
38 Personnel Certification standard in HVAC Life Safety Damper  
39 inspections or Smoke Control System inspections <sup>1</sup>**[**, or an  
40 equivalent accreditation authorized by a rule or regulation of the  
41 department<sup>1</sup>**]**. Smoke Control Systems technicians shall also be a  
42 <sup>1</sup>**[certified]**<sup>1</sup> TAB technician <sup>1</sup>certified<sup>1</sup> by <sup>1</sup>**[an industry**  
43 **recognized certifying agency]** the Associated Air Balance Council,  
44 the National Environmental Balancing Bureau, or TABB<sup>1</sup>.

45 c. A person performing smoke control system testing services  
46 shall:

- 1 (1) be employed by an enforcing agency or by a contractor  
2 certified in accordance with subsection a. of this section;
- 3 (2) have successfully completed an approved skill training  
4 program, as defined in section 3 of P.L. , c. (C. ) (pending  
5 before the Legislature as this bill), or be enrolled in an approved  
6 skill training program and be working under the supervision of a  
7 person having completed such a program;
- 8 (3) hold a certification from the ICB as a Smoke Control  
9 Systems Technician or an equivalent certification from an  
10 organization that has been accredited under the ISO/IEC 17024  
11 Personnel Certification standard in HVAC Smoke Control System  
12 inspections <sup>1</sup>], or an equivalent accreditation authorized by a rule or  
13 regulation of the department <sup>1</sup>]; and
- 14 (4) be a certified TAB technician by the Associated Air Balance  
15 Council, the National Environmental Balancing Bureau, or  
16 TABB. <sup>2</sup>

17  
18 <sup>2</sup>[7.] 5. The Commissioner of Community Affairs shall,  
19 pursuant to the authority under the "Uniform Fire Safety Act,"  
20 P.L.1983, c.383 (C.52:27D-192 et seq.), promulgate rules and  
21 regulations to require the following:

22 a. If the smoke dampers, fire dampers, combination fire and  
23 smoke dampers, and smoke control systems pass the applicable  
24 inspections and tests, the person performing the inspection or test  
25 shall execute a compliance certification <sup>2</sup>[which shall verify the  
26 compliance and provide:

- 27 (1) the name of the individual conducting the inspection or test  
28 and that person's employer;
- 29 (2) the name of the building owner and address of the property;
- 30 (3) the location of all smoke dampers, fire dampers,  
31 combination fire and smoke dampers, and smoke control systems  
32 inspected or tested; and
- 33 (4) the date of the inspection or test.

34 The building owner shall maintain a copy of the compliance  
35 certification on the building property and make the certification  
36 available for inspection upon request. <sup>2</sup>

37 b. In the event an inspection or test reveals deficiencies in  
38 smoke dampers, fire dampers, combination fire and smoke dampers,  
39 or smoke control systems, the person who conducted the inspection  
40 or test shall prepare a deficiency report for the building owner  
41 identifying the nature of the deficiency and reasons for non-  
42 compliance <sup>2</sup>and any other information deemed necessary by the  
43 department<sup>2</sup>. <sup>2</sup>[The deficiency report shall also contain:

- 44 (1) the name of the individuals conducting the inspection or test  
45 and that person's employer;
- 46 (2) the name of the building owner and address of the property;

1 (3) the location of all fire dampers, smoke dampers,  
2 combination fire and smoke dampers, and smoke control systems  
3 inspected or tested; and

4 (4) the date of the inspection or test.

5 The building owner shall, without delay, take the necessary steps  
6 to ensure the defective equipment is replaced or repaired and that  
7 compliance with the applicable inspection and testing requirements  
8 has been achieved. A building that does not achieve compliance  
9 within 30 days shall be deemed in violation of this section.

10 c. The building owner shall post a notice of verification of the  
11 testing and inspection of fire dampers, smoke dampers, combination  
12 fire and smoke dampers, and smoke control systems in the outside  
13 lobby window of the building or other area clearly visible to the  
14 public. The verification shall state the address of the building and  
15 the date of the last fire damper inspection, smoke damper  
16 inspection, and smoke control system inspection, and the date that  
17 each inspection expires, as follows:

18

19 VERIFICATION OF FIRE SAFETY BUILDING INSPECTION

20

21 Building Address: \_\_\_\_\_

22

23 Date of Last Inspection of Fire Dampers, Smoke Dampers, and  
24 Combination Fire and Smoke Dampers:

25 \_\_\_\_\_

26

27 Pass: Yes / No. Date of Expiration of Inspection:

28 \_\_\_\_\_

29 Name of Inspector: \_\_\_\_\_

30

31 Date of Last Inspection of Smoke Control Systems:

32 \_\_\_\_\_

33

34 Pass: Yes / No. Date of Expiration of Inspection:

35 \_\_\_\_\_

36

37 Name of Inspector: \_\_\_\_\_

38 d. A written record of smoke control system testing and  
39 maintenance shall be maintained on the premises. The written  
40 record shall include the date of the maintenance, identification of  
41 the servicing personnel, and notification of any unsatisfactory  
42 condition and the corrective action taken, including parts  
43 replaced.]<sup>2</sup>

44

45 <sup>2</sup>[8.a. Building owners shall submit copies of all valid operation  
46 certificates to the department showing they are in compliance with  
47 the testing requirements of P.L. , c. (C. ) (pending before

1 the Legislature as this bill) within 30 days of obtaining the  
2 certificate. The department shall commence enforcement actions,  
3 pursuant to section 9 of P.L. , c. (C. ) (pending before the  
4 Legislature as this bill), for any instance of non-compliance and  
5 review compliance when conducting investigations of buildings for  
6 other reasons.

7 b. When the department or local enforcing agency acting  
8 pursuant to department regulations conducts the annual fire  
9 inspection of any building that is subject to P.L. , c. (C. )  
10 (pending before the Legislature as this bill), it shall inspect the  
11 building owner's certificate of operation for smoke dampers, fire  
12 dampers, combination fire and smoke dampers, and smoke control  
13 system to ensure it complies with the requirements of section 7 of  
14 P.L. , c. (C. ) (pending before the Legislature as this bill)  
15 and commence enforcement actions if the department or local  
16 enforcing agency finds any violations. A local enforcing agency  
17 that discovers a building owner's non-compliance shall report this  
18 non-compliance to the department.】<sup>2</sup>

19

20 <sup>2</sup>9.a. A person who violates any provision of  
21 P.L. , c. (C. ) (pending before the Legislature as this bill)  
22 or the technical codes or regulations adopted thereunder, or who  
23 shall erect, construct, install, remove, alter or repair a structure,  
24 mechanical equipment or system in violation of the approved  
25 construction documents or directive of the code official or of a  
26 permit or certificate issued under the provisions of  
27 P.L. , c. (C. ) (pending before the Legislature as this bill),  
28 or the technical codes shall be fined an amount to be determined by  
29 the Commissioner of Community Affairs pursuant to the authority  
30 pursuant to section 2 of P.L.1991, c.489 (C.52:27D-198.5). A fine  
31 imposed pursuant to this section shall be at least \$150 for each  
32 offense. Each day of non-compliance shall constitute a separate  
33 violation for which a separate fine shall be assessed.

34 b. The Commissioner of Community Affairs or the enforcing  
35 agency, as applicable, may collect the penalty established pursuant  
36 to subsection a. of this section following issuance of an  
37 administrative penalty order. If the administrative penalty order has  
38 not been satisfied by the 30th day after its issuance, the penalty may  
39 be sued for, and recovered by and in the name of the commissioner  
40 or the enforcing agency, as the case may be, in a civil action by a  
41 summary proceeding under "The Penalty Enforcement Law of  
42 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in the Superior Court  
43 or municipal court.】<sup>2</sup>

44

45 <sup>2</sup>6. Section 1 of P.L.2001, c.289 (C.52:27D-25n) is amended to  
46 read as follows:

1 1. As used in sections 1 through 19 of **[this act]** P.L.2001,  
2 c.289 (C.52:27D-25n et seq.):

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

5 "Carbon dioxide fire protection system" means a special hazard  
6 fire suppression system that uses carbon dioxide as its extinguishing  
7 agent.

8 "Certificate of certification" means a certificate issued by the  
9 commissioner that authorizes a person to engage in the fire  
10 protection equipment business to the degree indicated on the  
11 certificate.

12 "Certificate holder" means a person who is certified to engage in  
13 the fire protection equipment business.

14 "Clean agent fire suppression system" means a special hazard  
15 fire suppression system that uses an extinguishing agent that will  
16 not damage the contents of the hazard.

17 "Combination fire and smoke damper" means a device that meets  
18 both the fire damper and smoke damper requirements.

19 "Commissioner" means the Commissioner of Community  
20 Affairs.

21 "Committee" means the Fire Protection Equipment Advisory  
22 Committee created by section 2 of this act.

23 "Dedicated smoke control system" means a smoke control  
24 system and components that are installed for the sole purpose of  
25 providing smoke control and that upon activation of the systems  
26 operate specifically to perform the smoke control function.

27 "Director" means the Director of the Division of Fire Safety in  
28 the Department of Community Affairs.

29 "Division" means the Division of Fire Safety in the Department  
30 of Community Affairs.

31 "Engineered fire suppression system" means a fire suppression  
32 system which is designed individually to suit a particular purpose or  
33 hazard. Such a system requires individual calculation and design to  
34 determine the flow rates, nozzle pressures, pipe size, area or volume  
35 to be protected by each nozzle, quantities of extinguishing agent  
36 and the number and types of nozzles and their placement in a  
37 specific system.

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

41 "Fire damper" means a device installed in ducts and air transfer  
42 openings designed to close automatically upon detection of heat and  
43 resist the passage of flame. Fire dampers are classified for use in  
44 either static systems that will automatically shut down in the event  
45 of a fire, or in a dynamic systems that continue to operate during a  
46 fire. A dynamic fire damper is tested and rated for closure under  
47 elevated temperature airflow.

1 "Fire protection equipment" includes fire alarm systems, fire  
2 sprinkler systems, standpipe systems, clean agent fire suppression  
3 systems, special hazard fire suppression systems, carbon dioxide  
4 fire protection systems, foam fire protection systems, kitchen fire  
5 suppression systems, portable fire extinguishers or any other  
6 equipment designed to detect, suppress or extinguish a fire.

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

11 "Fire protection contractor" or "contractor" means a person or  
12 business entity that offers to undertake or represents itself as being  
13 able to undertake, or does undertake the installation, service, sale,  
14 repair, inspection or maintenance of fire protection equipment.

15 "Fire protection contractor business permit" means a permit  
16 issued by the commissioner to a business entity to operate as a fire  
17 protection contractor.

18 "Fire sprinkler system" means an automatic fire suppression  
19 system that includes an automatic water sprinkler system or a  
20 standpipe system and related system components, including  
21 detection.

22 "Fire suppression system" means an engineered or pre-  
23 engineered system that suppresses a fire using an extinguishing  
24 agent distributed through fixed piping and nozzles that are activated  
25 either manually or automatically. The system may include  
26 containers, nozzles, controls, automatic detection, manual releases,  
27 equipment shut downs and alarms. In such systems, an  
28 extinguishing agent is discharged through fixed pipes and nozzles  
29 into or over a potential fire hazard.

30 "Foam fire protection system" means a special hazard fire  
31 suppression system that uses foam as its extinguishing agent.

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

39 **["Certificate of certification"** means a certificate issued by the  
40 commissioner that authorizes a person to engage in the fire  
41 protection equipment business to the degree indicated on the  
42 certificate.

43 "Certificate holder" means a person who is certified to engage in  
44 the fire protection equipment business. **】**

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

1 "Portable fire extinguisher" means a portable device, carried or  
2 on wheels and operated by hand, containing an extinguishing agent  
3 that can be expelled under pressure for the purpose of suppressing  
4 or extinguishing fire.

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

15 "Smoke control system" means an engineered system that  
16 includes all methods that can be used singly or in combination to  
17 modify smoke movement, including engineered systems that use  
18 mechanical fans to produce pressure differences across smoke  
19 barriers to inhibit smoke movement.

20 "Smoke damper" means a device installed in ducts and air  
21 transfer openings designed to resist the passage of smoke. The  
22 device is installed to operate automatically, controlled by a smoke  
23 detection system, and where required, is capable of being positioned  
24 from a fire command center.

25 "Special hazard fire suppression system" means a fire  
26 suppression system that uses an extinguishing agent other than  
27 water.

28 "Standpipe system" means a fire protection system consisting of  
29 an arrangement of piping, valves, hose outlets, and allied equipment  
30 installed in a building or structure.

31 "Warranty" means a written guarantee given to a purchaser of  
32 fire protection equipment covering a period of one year after the  
33 installation of new fire protection equipment.<sup>2</sup>

34 (cf: P.L.2001, c.289, s.1)

35

36 <sup>27.</sup> <sup>2</sup>Section 4 of P.L.2001, c.289 (C.52:27D-25q) is amended to  
37 read as follows:

38 4. a. After the effective date of **【this act】** P.L.2001, c.289, no  
39 fire protection contractor shall engage in the installation, service,  
40 repair, inspection or maintenance of fire protection equipment  
41 without holding or employing a person who holds a valid certificate  
42 of certification issued in accordance with **【this act】** P.L.2001, c.289  
43 (C.52:27D-25n et seq.), except that the commissioner shall determine  
44 by rules and regulations the date after which no contractor may engage  
45 in the installation, service, repair, inspection or maintenance of fire  
46 dampers, combination fire and smoke dampers, or smoke control  
47 systems without holding or employing a person who holds a valid

1 certificate of certification issued in accordance with P.L. c.  
2 (C. ) (pending before the Legislature as this bill). A fire  
3 protection contractor who is not a certificate holder shall be  
4 required to obtain a fire protection contractor business permit from  
5 the commissioner, which shall be issued for three years upon  
6 payment of an appropriate fee set by the commissioner and proof  
7 that the fire protection contractor employs a certificate holder.  
8 Notwithstanding the provisions of this section, persons holding a  
9 license to engage in the fire alarm business pursuant to P.L.1997,  
10 c.305 (C.45:5A-23 et seq.), or who are electrical contractors as  
11 defined in section 2 of P.L.1962, c.162 (C.45:5A-2), are exempt  
12 from the requirement of obtaining a certificate of certification under  
13 this act to engage in the fire alarm business pursuant to this act to  
14 the extent that such persons are acting within the scope of practice  
15 of their profession or occupation.

16 The certificate required by this section shall define by class the  
17 type of work in which a fire protection contractor may engage.

18 Notwithstanding any provision of **[this act]** P.L.2001, c.289, the  
19 commissioner shall issue a certificate to any person who has been  
20 employed as a fire protection contractor for a period of not less than  
21 five years on or before the effective date of this act, upon  
22 application with submission of satisfactory proof and payment by  
23 that person of the appropriate certification fee within 180 days  
24 following the effective date of this act.

25 b. The following certified classifications are hereby  
26 established:

27 (1) An "All Fire Protection Equipment Contractor" is authorized  
28 to install, service, repair, inspect and maintain all fire protection  
29 equipment listed in paragraphs (2) through (6) of this subsection.

30 (2) A "Fire Sprinkler System Contractor" is authorized to install,  
31 service, repair, inspect and maintain fire sprinkler systems.

32 (3) A "Special Hazard Fire Suppression System Contractor" is  
33 authorized to install, service, repair, inspect and maintain special  
34 hazard fire suppression systems and kitchen fire suppression  
35 systems.

36 (4) A "Fire Alarm System Contractor" is authorized to install,  
37 service, repair, inspect and maintain all fire alarm systems.

38 (5) A "Portable Fire Extinguisher Contractor" is authorized to  
39 install, service, repair, inspect and maintain all portable fire  
40 extinguishers.

41 (6) A "Kitchen Fire Suppression System Contractor" is  
42 authorized to install, service, repair, inspect and maintain all  
43 kitchen fire suppression systems.

44 (7) A "Smoke Damper, Fire Damper, and Combination Fire and  
45 Smoke Damper Contractor" is authorized to install, service, repair,  
46 inspect and maintain all smoke dampers, fire dampers, and  
47 combination fire and smoke dampers. In addition to any other  
48 requirements adopted by the commissioner, a Smoke Damper, Fire

1 Damper, and Combination Fire and Smoke Damper Contractor shall  
2 participate in an approved apprenticeship or skill training program  
3 that is registered with, and approved by, the United States  
4 Department of Labor or a State apprenticeship agency, as defined  
5 by the commissioner in rules or regulations, unless the  
6 commissioner determines by rule or regulation that requiring  
7 participation in such a program would be substantially detrimental  
8 to ensuring that a sufficient number of contractors are certified to  
9 conduct the work within the scope of the contractor's certification  
10 class statewide, and shall hold a certification from an organization  
11 that has been accredited under or meets the criteria required by the  
12 International Organization for Standardization/International  
13 Electrotechnical Commission 17024 Personnel Certification  
14 standard, or such substantially similar certification as determined by  
15 the commissioner in rules or regulations. Notwithstanding the  
16 provisions of this section, the commissioner may exempt by  
17 regulation persons with related licenses or credentials from the  
18 requirement of obtaining a certificate of certification as a Smoke  
19 Damper, Fire Damper, and Combination Fire and Smoke Damper  
20 Contractor to engage in the initial installation of smoke dampers,  
21 fire dampers, and combination fire and smoke dampers to the extent  
22 that such persons are acting within the scope of practice of their  
23 profession or occupation.

24 (8) A “Smoke Control System Contractor” is authorized to  
25 install, service, repair, inspect and maintain all smoke control  
26 systems. In addition to any other requirements adopted by the  
27 commissioner, a Smoke Control System Contractor shall participate  
28 in an approved apprenticeship or skill training program that is  
29 registered with, and approved by, the United States Department of  
30 Labor or a State apprenticeship agency, as defined by the  
31 commissioner in rules or regulations, unless the commissioner  
32 determines by rule or regulation that requiring participation in such  
33 a program would be substantially detrimental to ensuring that a  
34 sufficient number of contractors are certified to conduct the work  
35 within the scope of the contractor's certification class statewide, and  
36 shall hold a certification from an organization that has been  
37 accredited under or meets the criteria required by the International  
38 Organization for Standardization/International Electrotechnical  
39 Commission 17024 Personnel Certification standard, or such  
40 substantially similar certification as determined by the  
41 commissioner in rules or regulations. Notwithstanding the  
42 provisions of this section, the commissioner may exempt by  
43 regulation persons with related licenses or credentials from the  
44 requirement of obtaining a certificate of certification as a Smoke  
45 Control System Contractor to engage in the initial installation of  
46 smoke control systems to the extent that such persons are acting  
47 within the scope of practice of their profession or occupation.

1 c. A certified fire protection contractor shall perform work  
2 only within the scope of the contractor's certification class.

3 d. Any change in more than 50% of the ownership of a fire  
4 protection contractor shall require an amended certificate of  
5 certification. An application for an amended certificate of  
6 certification shall be submitted within 60 days of a change of  
7 ownership or change of company name or location. Certificates of  
8 certification are non-transferable and shall be displayed  
9 prominently in the principal work place. A certificate holder shall  
10 not be used to qualify more than one fire protection contractor. The  
11 commissioner shall be notified within 30 days if a certificate holder  
12 leaves the fire protection contractor or is replaced. Notwithstanding  
13 subsection a. of this section, no fire protection contractor shall be  
14 denied the privilege of continuing business as a fire protection  
15 contractor in the event of death, illness, or other physical disability  
16 of the certificate holder who qualified the fire protection contractor  
17 for a business permit under this section, for at least six months  
18 following the date of such death, illness or other physical disability;  
19 provided that the fire protection contractor operates under such  
20 qualified supervision as the commissioner deems adequate. If, after  
21 six months, the fire protection contractor has failed to employ  
22 another certificate holder, then the commissioner shall revoke its  
23 fire protection contractor business permit.

24 e. Whenever the commissioner shall find cause to deny an  
25 application for a certificate of certification or to suspend or revoke a  
26 certificate, he shall notify the applicant or the holder of the  
27 certificate and state the reasons for the denial or suspension, as  
28 appropriate.

29 f. Whenever the commissioner shall find cause to deny an  
30 application for a fire protection contractor business permit or to  
31 suspend or revoke a fire protection contractor business permit, he  
32 shall notify the applicant or the holder of the business permit and  
33 state the reasons for the denial or suspension, as appropriate.

34 g. Any person subject to certification under **【this act】**  
35 paragraphs (1) through (6) of subsection b. of this section shall be  
36 exempt from any other State, county or municipal certification,  
37 licensing or registration requirements for installing, servicing,  
38 repairing, inspecting or maintaining fire protection equipment.<sup>2</sup>

39 (cf: P.L.2001, c.289, s.4)

40

41 <sup>2</sup>**【10.】** 8.<sup>2</sup> This act shall take effect <sup>2</sup>**【upon the adoption of the**  
42 rules and regulations required pursuant to subsection c. of section 4  
43 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
44 establishing routine maintenance and operational testing schedules,  
45 or **】** immediately, but its provisions shall remain inoperative until<sup>2</sup>  
46 year after enactment, **【whichever comes first】** except that the

1 Commissioner of Community Affairs may take any anticipatory steps  
2 necessary to effectuate the provisions of this bill.

3

4

5

6

7           “Fire Life Safety Damper and Smoke Control System Inspection  
8 Verification Act”; Requires routine maintenance and periodic  
9 testing of smoke dampers, fire dampers, and smoke control systems  
10 in certain buildings by qualified personnel.

# ASSEMBLY, No. 5179

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 13, 2023

**Sponsored by:**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

“Fire Life Safety Damper and Smoke Control System Inspection Verification Act;” Requires routine maintenance and periodic testing of smoke dampers, fire dampers, and smoke control systems in certain buildings by qualified personnel.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 3/9/2023)

1 AN ACT concerning the testing of fire dampers, smoke dampers,  
2 and smoke control systems in certain buildings and  
3 supplementing P.L.1983, c.383 (C.52:27D-192 et seq.).  
4

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

8 1. P.L. , c. (C. ) (pending before the Legislature as this  
9 bill), shall be known and may be cited as the “Fire Life Safety  
10 Damper and Smoke Control System Inspection Verification Act.”  
11

12 2. The Legislature finds and declares that:

13 a. Studies have shown that most fire deaths are not caused by  
14 burns but instead by smoke inhalation. In addition to being toxic,  
15 smoke obstructs light and limits visibility, which in turn increases  
16 the time it takes a building’s occupants to get to safety.

17 b. In the event of a fire, smoke control systems can help a  
18 building’s occupants avoid smoke when evacuating a building.

19 c. Faulty and inoperable fire dampers, smoke dampers, and  
20 smoke control systems are likely to exist without periodic  
21 inspection and testing as required by law and applicable industry  
22 codes and standards. A 2021 University of Maryland study entitled  
23 the “Reliability of Fire Dampers, Smoke Dampers and Smoke  
24 Control Systems” found a majority of fire life safety dampers  
25 inspected, in over 1,100 buildings, needed repair or replacement.

26 d. Without periodic testing as required by applicable industry  
27 codes and standards, faulty and inoperable smoke control systems  
28 and fire life safety dampers are likely to exist in New Jersey  
29 buildings.

30 e. The failure of building owners to properly perform periodic  
31 inspection and testing of fire dampers, smoke dampers, and smoke  
32 control systems is detrimental to the health, safety, and welfare of  
33 the people of New Jersey and the dwellings and businesses thereof,  
34 and visitors thereto.

35 f. New Jersey does not currently enforce the requirement that  
36 smoke control systems and fire life safety dampers be subject to a  
37 routine maintenance and periodic testing program, nor establish any  
38 minimum standards for inspectors performing such maintenance  
39 and physical periodic testing.  
40

41 3. As used in P.L. , c. (C. ) (pending before the  
42 Legislature as this bill):

43 “Approved skill training program” or “program” means a Class  
44 A apprenticeship training program that is registered with, and  
45 approved by, the United States Department of Labor or a State  
46 apprenticeship agency, involving at least 8,000 hours of  
47 documented practical experience in the installation, maintenance,  
48 and servicing of HVAC systems and providing both apprenticeship

1 training and training to upgrade skills of journey persons in the  
2 skills of the HVAC industry, including those relating to fire safety  
3 equipment.

4 “Combination fire and smoke damper” means a device that meets  
5 both the fire damper and smoke damper requirements.

6 “Dedicated smoke control system” means a smoke control  
7 system and components that are installed for the sole purpose of  
8 providing smoke control and that upon activation of the systems  
9 operate specifically to perform the smoke control function.

10 “Department” means the Department of Community Affairs.

11 "Enforcing agency" means the department, a municipal or county  
12 department or agency, or a fire district which has been authorized  
13 by municipal ordinance to enforce the "Uniform Fire Safety Act,"  
14 P.L.1983, c.383 (C.52:27D-192 et seq.).

15 "Fire damper" means a device installed in an air distribution  
16 system, designed to close automatically upon detection of heat, to  
17 interrupt migratory airflow and to restrict the passage of flame; and  
18 includes devices installed in air conditioning systems to close  
19 automatically upon detection of heat, to interrupt migratory airflow,  
20 and to restrict the passage of flames. A fire damper shall also  
21 include a combination fire and smoke damper system.

22 “Fire life safety damper” means fire dampers, smoke dampers,  
23 and combination fire and smoke dampers.

24 “Fire life safety damper testing” means testing and inspection  
25 activities, including all physical and visual testing of fire life safety  
26 dampers necessary to ensure the proper functioning, as required by  
27 the Uniform Fire Safety Code, and the standards adopted pursuant  
28 to the Uniform Fire Safety Code concerning fire doors and other  
29 protective openings under NFPA 80, smoke door assemblies and  
30 other opening protectives under NFPA 105, smoke control systems  
31 under NFPA 92, and applicable engineering specifications.

32 “HVAC” means heating, ventilation, and air conditioning.

33 “ICB” means International Certification Board.

34 “IEC” means the International Electrotechnical Commission

35 “IFC” means the most recent “International Fire Code – New  
36 Jersey Edition,” published by the International Code Council.

37 “ISO” means International Organization for Standardization.

38 “Non-dedicated smoke control system” means a smoke control  
39 system that shares components with some other system, such as the  
40 building HVAC system, which changes its mode of operation to  
41 achieve the smoke-control objective.

42 “NFPA” means National Fire Protection Association.

43 “Smoke control system” means an engineered system that  
44 includes all methods that can be used singly or in combination to  
45 modify smoke movement, including engineered systems that use  
46 mechanical fans to produce pressure differences across smoke  
47 barriers to inhibit smoke movement.

1 "Smoke control system testing" means testing and inspection  
2 activities, including all physical and visual testing of smoke control  
3 systems necessary to ensure the proper functioning, as required by  
4 the Uniform Fire Safety Code, and the standards adopted pursuant  
5 to the Uniform Fire Safety Code concerning fire doors and other  
6 protective openings under NFPA 80, smoke door assemblies and  
7 other opening protectives under NFPA 105, smoke control systems  
8 under NFPA 92, and applicable engineering specifications.

9 "Smoke damper" means a device within an air distribution  
10 system to control the movement of smoke, and includes devices  
11 installed in air conditioning systems to control the movement of  
12 smoke. A smoke damper shall also include a combination smoke  
13 and fire damper system.

14 "TAB" means testing, adjusting, and balancing of an HVAC  
15 system.

16 "TABB" means Testing, Adjusting and Balancing Bureau of the  
17 International Certification Board.

18 "Uniform Fire Safety Code" means the code promulgated  
19 pursuant to P.L.1983, c.383 (C.52:27D-192 et seq.).  
20

21 4. a. An owner of a building, other than a single-family,  
22 two-family, or attached single-family structure used exclusively for  
23 dwelling purposes, shall be responsible for ensuring that fire  
24 dampers, smoke dampers, and combination fire and smoke dampers  
25 required to be installed in a building pursuant to the State Uniform  
26 Construction Code adopted pursuant to the "State Uniform  
27 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.),  
28 are inspected and tested as required by the applicable standards  
29 adopted pursuant to the Uniform Fire Safety Code. Fire dampers,  
30 smoke dampers, and combination fire and smoke dampers shall be  
31 periodically inspected and tested no less than once after the first  
32 year of installation and once every four years thereafter, except for  
33 hospitals. Fire dampers, smoke dampers, and combination fire and  
34 smoke dampers in hospitals shall be periodically inspected and  
35 tested no less than once after the first year of installation and once  
36 every six years thereafter. The periodic testing of fire dampers,  
37 smoke dampers, and combination fire and smoke dampers shall  
38 include the visual inspection method in accordance with NFPA 80  
39 concerning fire doors and other protective openings, and NFPA 105  
40 concerning smoke door assemblies and other opening protectives.  
41 The remote inspection method, as defined in NFPA 80 concerning  
42 fire doors and other protective openings, and NFPA 105 concerning  
43 smoke door assemblies and other opening protectives, shall not be  
44 used in place of visual inspection for the periodic testing required  
45 pursuant to this subsection. All fire and smoke dampers shall be  
46 tested, per the aforementioned schedule, regardless of location.

47 b. In buildings other than single-family, two-family, and  
48 attached single-family structures used exclusively for dwelling

1 purposes, a building owner shall subject a newly installed smoke  
2 control system to smoke control system testing. Dedicated smoke  
3 control systems shall be tested at least semiannually. Non-  
4 dedicated smoke control systems shall be tested at least annually.  
5 Testing of smoke control systems shall include tests to determine  
6 airflow quantities and pressure differences are code compliant,  
7 including at the following locations: (1) across smoke barrier  
8 openings; (2) at the air makeup supplies; and (3) at smoke exhaust  
9 equipment.

10 c. The Commissioner of Community Affairs shall, pursuant to  
11 the "Administrative Procedure Act," P.L.1968, c.410 (C.52: 14B-1  
12 et seq.), adopt such rules and regulations as may be necessary to  
13 implement P.L. , c. (C. ) (pending before the Legislature as  
14 this bill), including establishing routine maintenance and  
15 operational testing schedules. The rules and regulations of the  
16 commissioner shall permit inspections required pursuant to P.L. ,  
17 c. (C. ) (pending before the Legislature as this bill) to be  
18 conducted as a part of inspections required pursuant to the "Hotel  
19 and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.),  
20 or other required inspections.

21  
22 5. The owner of a building subject to the provisions of P.L. ,  
23 c. (C. ) (pending before the Legislature as this bill) shall  
24 adhere to the routine maintenance and periodic testing schedule for  
25 the building, to commence immediately after the smoke dampers,  
26 fire dampers, combination fire and smoke dampers and smoke  
27 control systems have passed the applicable tests. A building owner  
28 shall establish a written schedule for routine maintenance and  
29 periodic testing pursuant to the testing schedule required pursuant  
30 to section 4 of P.L. , c. (C. ) (pending before the  
31 Legislature as this bill).

32  
33 6. a. A contractor that provides smoke damper, fire  
34 damper, and combination fire and smoke damper testing services  
35 shall hold an ICB Fire and Smoke Damper Contractor certification  
36 or equivalent certification from an organization that has been  
37 accredited under the ISO/IEC 17024 Personnel Certification  
38 standard in HVAC Fire Life Safety Damper inspections, or an  
39 equivalent accreditation authorized by a rule or regulation of the  
40 department. A contractor that provides smoke control systems  
41 testing services shall hold an ICB Smoke Control System  
42 Contractor certification or equivalent certifications from an  
43 organization that has been accredited under the ISO/IEC 17024  
44 Personnel Certification standard in HVAC Smoke Control System  
45 inspections, or an equivalent accreditation authorized by a rule or  
46 regulation of the department.

47 b. A person performing smoke dampers, fire dampers, and  
48 combination fire and smoke dampers testing services shall:

1 (1) be employed by an enforcing agency or by a contractor  
2 certified in accordance with subsection a. of this section;

3 (2) have successfully completed an approved skill training  
4 program, as defined in section 3 of P.L. , c. (C. ) (pending  
5 before the Legislature as this bill), or be enrolled in an approved  
6 skill training program and be working under the supervision of a  
7 person having completed such a program; and

8 (3) hold a certification from the ICB as a Fire and Smoke  
9 Damper Technician or an equivalent certification from an  
10 organization that has been accredited under the ISO/IEC 17024  
11 Personnel Certification standard in HVAC Life Safety Damper  
12 inspections or Smoke Control System inspections, or an equivalent  
13 accreditation authorized by a rule or regulation of the department.  
14 Smoke Control Systems technicians shall also be a certified TAB  
15 technician by an industry recognized certifying agency.

16 c. A person performing smoke control system testing services  
17 shall:

18 (1) be employed by an enforcing agency or by a contractor  
19 certified in accordance with subsection a. of this section;

20 (2) have successfully completed an approved skill training  
21 program, as defined in section 3 of P.L. , c. (C. ) (pending  
22 before the Legislature as this bill), or be enrolled in an approved  
23 skill training program and be working under the supervision of a  
24 person having completed such a program;

25 (3) hold a certification from the ICB as a Smoke Control  
26 Systems Technician or an equivalent certification from an  
27 organization that has been accredited under the ISO/IEC 17024  
28 Personnel Certification standard in HVAC Smoke Control System  
29 inspections, or an equivalent accreditation authorized by a rule or  
30 regulation of the department; and

31 (4) be a certified TAB technician by the Associated Air Balance  
32 Council, the National Environmental Balancing Bureau, or TABB.

33

34 7. a. If the smoke dampers, fire dampers, combination fire  
35 and smoke dampers, and smoke control systems pass the applicable  
36 inspections and tests, the person performing the inspection or test  
37 shall execute a compliance certification which shall verify the  
38 compliance and provide:

39 (1) the name of the individual conducting the inspection or test  
40 and that person's employer;

41 (2) the name of the building owner and address of the property;

42 (3) the location of all smoke dampers, fire dampers,  
43 combination fire and smoke dampers, and smoke control systems  
44 inspected or tested; and

45 (4) the date of the inspection or test.

46 The building owner shall maintain a copy of the compliance  
47 certification on the building property and make the certification  
48 available for inspection upon request.

1       b. In the event an inspection or test reveals deficiencies in  
2 smoke dampers, fire dampers, combination fire and smoke dampers,  
3 or smoke control systems, the person who conducted the inspection  
4 or test shall prepare a deficiency report for the building owner  
5 identifying the nature of the deficiency and reasons for non-  
6 compliance. The deficiency report shall also contain:

7       (1) the name of the individuals conducting the inspection or test  
8 and that person's employer;

9       (2) the name of the building owner and address of the property;

10       (3) the location of all fire dampers, smoke dampers,  
11 combination fire and smoke dampers, and smoke control systems  
12 inspected or tested; and

13       (4) the date of the inspection or test.

14       The building owner shall, without delay, take the necessary steps  
15 to ensure the defective equipment is replaced or repaired and that  
16 compliance with the applicable inspection and testing requirements  
17 has been achieved. A building that does not achieve compliance  
18 within 30 days shall be deemed in violation of this section.

19       c. The building owner shall post a notice of verification of the  
20 testing and inspection of fire dampers, smoke dampers, combination  
21 fire and smoke dampers, and smoke control systems in the outside  
22 lobby window of the building or other area clearly visible to the  
23 public. The verification shall state the address of the building and  
24 the date of the last fire damper inspection, smoke damper  
25 inspection, and smoke control system inspection, and the date that  
26 each inspection expires, as follows:

27

28 VERIFICATION OF FIRE SAFETY BUILDING INSPECTION

29

30 Building \_\_\_\_\_ Address:  
31 \_\_\_\_\_

32

33 Date of Last Inspection of Fire Dampers, Smoke Dampers, and  
34 Combination Fire and Smoke Dampers:  
35 \_\_\_\_\_

36

37 Pass: Yes / No. Date of Expiration of Inspection:  
38 \_\_\_\_\_

39

40 Name of Inspector: \_\_\_\_\_

41

42 Date of Last Inspection of Smoke Control Systems:  
43 \_\_\_\_\_

44

45 Pass: Yes / No. Date of Expiration of Inspection:  
46 \_\_\_\_\_

47

48 Name of Inspector: \_\_\_\_\_

1 d. A written record of smoke control system testing and  
2 maintenance shall be maintained on the premises. The written  
3 record shall include the date of the maintenance, identification of  
4 the servicing personnel, and notification of any unsatisfactory  
5 condition and the corrective action taken, including parts replaced.  
6

7 8. a. Building owners shall submit copies of all valid  
8 operation certificates to the department showing they are in  
9 compliance with the testing requirements of P.L. , c. (C. )  
10 (pending before the Legislature as this bill) within 30 days of  
11 obtaining the certificate. The department shall commence  
12 enforcement actions, pursuant to section 9 of P.L. , c. (C. )  
13 (pending before the Legislature as this bill), for any instance of  
14 non-compliance and review compliance when conducting  
15 investigations of buildings for other reasons.

16 b. When the department or local enforcing agency acting  
17 pursuant to department regulations conducts the annual fire  
18 inspection of any building that is subject to P.L. , c. (C. )  
19 (pending before the Legislature as this bill), it shall inspect the  
20 building owner's certificate of operation for smoke dampers, fire  
21 dampers, combination fire and smoke dampers, and smoke control  
22 system to ensure it complies with the requirements of section 7 of  
23 P.L. , c. (C. ) (pending before the Legislature as this bill)  
24 and commence enforcement actions if the department or local  
25 enforcing agency finds any violations. A local enforcing agency  
26 that discovers a building owner's non-compliance shall report this  
27 non-compliance to the department.  
28

29 9. a. A person who violates any provision of P.L. , c.  
30 (C. ) (pending before the Legislature as this bill) or the  
31 technical codes or regulations adopted thereunder, or who shall  
32 erect, construct, install, remove, alter or repair a structure,  
33 mechanical equipment or system in violation of the approved  
34 construction documents or directive of the code official or of a  
35 permit or certificate issued under the provisions of  
36 P.L. , c. (C. ) (pending before the Legislature as this bill),  
37 or the technical codes shall be fined an amount to be determined by  
38 the Commissioner of Community Affairs pursuant to the authority  
39 pursuant to section 2 of P.L.1991, c.489 (C.52:27D-198.5). A fine  
40 imposed pursuant to this section shall be at least \$150 for each  
41 offense. Each day of non-compliance shall constitute a separate  
42 violation for which a separate fine shall be assessed.

43 b. The Commissioner of Community Affairs or the enforcing  
44 agency, as applicable, may collect the penalty established pursuant  
45 to subsection a. of this section following issuance of an  
46 administrative penalty order. If the administrative penalty order has  
47 not been satisfied by the 30th day after its issuance, the penalty may  
48 be sued for, and recovered by and in the name of the commissioner

1 or the enforcing agency, as the case may be, in a civil action by a  
2 summary proceeding under "The Penalty Enforcement Law of  
3 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in the Superior Court  
4 or municipal court.

5  
6 10. This act shall take effect upon the adoption of the rules and  
7 regulations required pursuant to subsection c. of section 4 of  
8 P.L. , c. (C. ) (pending before the Legislature as this bill)  
9 establishing routine maintenance and operational testing schedules,  
10 or one year after enactment, whichever comes first.

### 11 12 13 STATEMENT

14  
15 This bill establishes the "Fire Life Safety Damper and Smoke  
16 Control System Inspection Verification Act." The bill defines a  
17 smoke control system as a system that helps contain, minimize, or  
18 reroute the flow of smoke through a building which also helps  
19 create safer egress routes for building occupants and emergency  
20 response teams. The bill differentiates between dedicated and non-  
21 dedicated smoke control systems. The bill also defines a fire  
22 damper as a device installed in an air distribution system, designed  
23 to close automatically upon detection of heat, to interrupt migratory  
24 airflow and to restrict the passage of flame; and includes devices  
25 installed in air conditioning systems to close automatically upon  
26 detection of heat, to interrupt migratory airflow, and to restrict the  
27 passage of flames. A fire damper also includes a combination fire  
28 and smoke damper system.

29 Under the bill, a newly-installed smoke control system in  
30 buildings other than single-family, two-family, and attached single-  
31 family structures used exclusively for dwelling purposes, is subject  
32 to fire and life safety system testing as follows:

#### 33 Smoke Control Systems

- 34 • non-dedicated smoke control systems will be subject to  
35 smoke control system testing every six months; and
- 36 • dedicated smoke control systems will be subject to smoke  
37 control system testing every 12 months.

#### 38 Fire Life Safety Dampers

- 39 • fire dampers, smoke dampers, and fire combination fire and  
40 smoke dampers are required to be inspected and tested no  
41 less than once after the first year of installation and once  
42 every four years thereafter, except for hospitals.
- 43 • Fire dampers, smoke dampers, and combination fire and  
44 smoke dampers in hospitals are required to be periodically  
45 inspected and tested no less than once after the first year of  
46 installation and once every six years thereafter.

47 The bill provides that smoke dampers, fire dampers, combination  
48 fire and smoke dampers, and smoke control systems are to be

1 maintained and tested in accordance with the manufacturer's  
2 instructions, maintained, and required periodic inspections.

3 Under the bill, a contractor and associated technician that  
4 provides smoke dampers, fire dampers, combination fire and smoke  
5 dampers, and smoke control systems testing services is required to  
6 hold certain certifications, as specified in the bill.

7 A person performing smoke dampers, fire dampers, combination  
8 fire and smoke dampers, and smoke control systems testing services  
9 is required to:

- 10 • be employed by a certified contractor or an enforcing  
11 agency;
- 12 • have successfully completed an approved skill training  
13 program or be enrolled in an approved skill training program  
14 and be working under the supervision of a person having  
15 completed such a program; and
- 16 • hold the appropriate certification from the ICB as an Fire  
17 and Smoke Damper Technician, Smoke Control System  
18 Testing Technician, or an equivalent certification from an  
19 organization that has been accredited under the ISO/IEC  
20 17024 Personnel Certification standard in HVAC Fire Life  
21 Safety Damper inspections or Smoke Control System  
22 inspections, or an equivalent accreditation authorized by a  
23 rule or regulation of the department.

24 The bill establishes processes for certifying buildings tested  
25 under the bill, and subjects building owners to certain penalties for  
26 violations.

ASSEMBLY STATE AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 5179**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 20, 2023

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 5179.

As amended, this bill establishes the “Fire Life Safety Damper and Smoke Control System Inspection Verification Act.” The bill defines a smoke control system as a system that helps contain, minimize, or reroute the flow of smoke through a building which also helps create safer egress routes for building occupants and emergency response teams. The bill differentiates between dedicated and non-dedicated smoke control systems. The bill also defines a fire damper as a device installed in an air distribution system, designed to close automatically upon detection of heat, to interrupt migratory airflow and to restrict the passage of flame; and includes devices installed in air conditioning systems to close automatically upon detection of heat, to interrupt migratory airflow, and to restrict the passage of flames. A fire damper also includes a combination fire and smoke damper system.

Under the bill, a newly-installed smoke control system in buildings other than single-family, two-family, and attached single-family structures used exclusively for dwelling purposes, is subject to fire and life safety system testing as follows:

Smoke Control Systems

- non-dedicated smoke control systems will be subject to smoke control system testing every 12 months; and
- dedicated smoke control systems will be subject to smoke control system testing every six months.

Fire Life Safety Dampers

- fire dampers, smoke dampers, and fire combination fire and smoke dampers are required to be inspected and tested no less than once after the first year of installation and once every four years thereafter, except for hospitals.
- Fire dampers, smoke dampers, and combination fire and smoke dampers in hospitals are required to be periodically inspected and tested no less than once after the first year of installation and once every six years thereafter.

The bill provides that smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control systems are to be maintained and tested in accordance with the manufacturer's instructions, maintained, and required periodic inspections.

Under the bill, a contractor and associated technician that provides smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control systems testing services is required to hold certain certifications, as specified in the bill.

A person performing smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control systems testing services is required to:

- be employed by a certified contractor or an enforcing agency;
- have successfully completed an approved skill training program or be enrolled in an approved skill training program and be working under the supervision of a person having completed such a program; and
- hold the appropriate certification from the ICB as an Fire and Smoke Damper Technician, Smoke Control System Testing Technician, or an equivalent certification from an organization that has been accredited under the ISO/IEC 17024 Personnel Certification standard in HVAC Fire Life Safety Damper inspections or Smoke Control System inspections.

The bill establishes processes for certifying buildings tested under the bill, and subjects building owners to certain penalties for violations.

Existing law, section 12 of the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-203), allows municipalities to cover the cost to the municipality of conducting inspections by establishing fees to pay the cost of enforcing the "Uniform Fire Safety Act."

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

- specify that contractors who provide smoke damper, fire damper, and combination fire and smoke damper testing services, or who provide smoke control services, are required to hold a certification from one of the agencies enumerated in the bill and not an equivalent accreditation from the Department of Community Affairs;
- specify that smoke control systems technicians are to be certified by the Associated Air Balance Council, the National Environmental Balancing Bureau, or the Testing, Adjusting and Balancing Bureau of the International Certification Board;
- clarify which building owners are required to subject smoke control systems to smoke control testing;
- remove a definition that was not used in the bill; and
- make technical changes for clarification purposes.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 5179**

# **STATE OF NEW JERSEY**

DATED: MARCH 23, 2023

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5179 (1R).

This bill establishes the “Fire Life Safety Damper and Smoke Control System Inspection Verification Act.” The bill defines a smoke control system as a system that helps contain, minimize, or reroute the flow of smoke through a building which also helps create safer egress routes for building occupants and emergency response teams. The bill differentiates between dedicated and non-dedicated smoke control systems. The bill also defines a fire damper as a device installed in an air distribution system, designed to close automatically upon detection of heat, to interrupt migratory airflow and to restrict the passage of flame; and includes devices installed in air conditioning systems to close automatically upon detection of heat, to interrupt migratory airflow, and to restrict the passage of flames. A fire damper also includes a combination fire and smoke damper system.

Under the bill, a newly-installed smoke control system in buildings other than single-family, two-family, and attached single-family structures used exclusively for dwelling purposes, is subject to fire and life safety system testing as follows:

#### Smoke Control Systems

- non-dedicated smoke control systems will be subject to smoke control system testing every 12 months; and
- dedicated smoke control systems will be subject to smoke control system testing every six months.

#### Fire Life Safety Dampers

- fire dampers, smoke dampers, and fire combination fire and smoke dampers are required to be inspected and tested no less than once after the first year of installation and once every four years thereafter, except for hospitals.
- fire dampers, smoke dampers, and combination fire and smoke dampers in hospitals are required to be periodically inspected and tested no less than once after the first year of installation and once every six years thereafter.

The bill provides that smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control systems are to be

maintained and tested in accordance with the manufacturer's instructions, maintained, and required periodic inspections.

Under the bill, a contractor and associated technician that provides smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control systems testing services is required to hold certain certifications, as specified in the bill.

A person performing smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control systems testing services is required to:

- be employed by a certified contractor or an enforcing agency;
- have successfully completed an approved skill training program or be enrolled in an approved skill training program and be working under the supervision of a person having completed such a program; and
- hold the appropriate certification from the ICB as an Fire and Smoke Damper Technician, Smoke Control System Testing Technician, or an equivalent certification from an organization that has been accredited under the ISO/IEC 17024 Personnel Certification standard in HVAC Fire Life Safety Damper inspections or Smoke Control System inspections.

The bill establishes processes for certifying buildings tested under the bill, and subjects building owners to certain penalties for violations.

Existing law, section 12 of the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-203), allows municipalities to cover the cost to the municipality of conducting inspections by establishing fees to pay the cost of enforcing the "Uniform Fire Safety Act."

**FISCAL IMPACT:**

The Office of Legislative Services concludes that the bill will result in indeterminate annual cost increases to the Department of Community Affairs and local governments, including certain municipal and county agencies and fire districts, to conduct the required inspections of fire life safety dampers and newly installed smoke control systems on certain schedules established by the bill. The department will also incur costs to establish routine maintenance and operational testing schedules to be adhered to by affected building owners, to undertake enforcement actions for any instances of non-compliance with the bill's provisions, and to maintain compliance records.

State agencies and local governments with buildings subject to the requirements of the bill will incur indeterminate cost increases to maintain their systems in compliance with the rules established by the department and to have the required inspections conducted on their fire life safety dampers and any newly installed smoke control systems. They will also incur certain marginal administrative costs to comply with the recordkeeping requirements of the bill.

The State and local governments are also expected to experience indeterminate increases in annual revenue to the extent that fees are established to conduct fire life safety damper and smoke control system testing, and to the extent that fines are collected from building owners for violations of the bill's provisions.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 5179

### STATE OF NEW JERSEY 220th LEGISLATURE

DATED: MARCH 29, 2023

#### SUMMARY

- Synopsis:** “Fire Life Safety Damper and Smoke Control System Inspection Verification Act”; Requires routine maintenance and periodic testing of smoke dampers, fire dampers, and smoke control systems in certain buildings by qualified personnel.
- Type of Impact:** Annual State and local cost increases, annual State and local revenue increases.
- Agencies Affected:** Department of Community Affairs, local governments, various State agencies.

#### Office of Legislative Services Estimate

Fiscal Impact	Annual
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) concludes that the bill will result in indeterminate annual cost increases to the Department of Community Affairs and local governments, including certain municipal and county agencies and fire districts, to conduct the required inspections of fire life safety dampers and newly installed smoke control systems on certain schedules established by the bill. The department will also incur costs to establish routine maintenance and operational testing schedules to be adhered to by affected building owners, to undertake enforcement actions for any instances of non-compliance with the bill’s provisions, and to maintain compliance records.
- State agencies and local governments with buildings subject to the requirements of the bill will incur indeterminate cost increases to maintain their systems in compliance with the rules established by the department and to have the required inspections conducted on their fire life safety dampers and any newly installed smoke control systems. They will also incur certain marginal administrative costs to comply with the recordkeeping requirements of the bill.

- The State and local governments are also expected to experience indeterminate increases in annual revenue to the extent that fees are established to conduct fire life safety damper and smoke control system testing, and to the extent that fines are collected from building owners for violations of the bill's provisions.

## **BILL DESCRIPTION**

The bill, known as the Fire Life Safety Damper and Smoke Control System Inspection Verification Act, establishes certain requirements concerning the maintenance and inspection of fire life safety dampers and smoke control systems. A fire life safety damper required to be installed pursuant to the State Uniform Construction Code, and a newly-installed smoke control system in buildings (other than in single-family, two-family, and attached single-family structures) would be subject to regular testing. Under the bill, a contractor that provides fire life safety damper or smoke control system testing services is required to hold certain certifications. The bill establishes processes for certifying buildings tested under the bill and establishes penalty provisions for violations of the bill.

Certain smoke control system requirements are already established in existing State law pursuant to the New Jersey International Fire Code and the New Jersey International Building Code, adopted by Department of Community Affairs. However, the requirements in existing law differ from those required under the bill.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS concludes that the bill will result in indeterminate annual cost increases to the Department of Community Affairs and local governments, including certain municipal and county agencies and fire districts, to conduct the required inspections of fire life safety dampers and newly installed smoke control systems on certain schedules established by the bill. The OLS is unable to estimate the number of buildings that are currently required to contain fire life safety dampers under the Uniform Construction Code, but notes that this requirement applies to several types of residential and non-residential structures, including but not limited to, hotels, apartments, and treatment centers. The OLS also notes that one federal contractor offering fire and smoke damper testing charges \$29 to \$36 per damper. The OLS also cannot foretell the number of additional, newly installed smoke control systems that will become subject to the requirements of the bill to determine the costs the department and local governments will incur in conducting inspections of these systems. It is noted, however, that inspections of these systems can be in excess of \$300 per inspection.

The department will also incur costs to establish routine maintenance and operational testing schedules to be adhered to by affected building owners and to undertake enforcement actions for any instances of non-compliance with the bill's provisions. There will also be a certain amount of costs to the department to maintain records of compliance with the bill's provisions.

State agencies and local governments with buildings subject to the requirements of the bill will incur indeterminate cost increases to maintain their systems in compliance with the rules established by the department and to have the required inspections conducted on their fire life safety dampers and newly installed smoke control systems. They will also incur certain marginal administrative costs to comply with the recordkeeping requirements of the bill.

The State and local governments will also collect an indeterminate amount of revenue from any fees established to conduct the required inspections and through the collection of fines imposed for violations of the bill's provisions. The OLS notes that existing law allows municipalities to cover their costs of conducting Uniform Fire Safety Act inspections by establishing fees to pay for the costs of enforcing the act. The bill also imposes a fine in an amount to be determined by the department, but at least \$150 per day, on a building owner who violates the provisions of the bill or the technical codes or regulations adopted pursuant to the bill. However, the OLS does not anticipate extensive non-compliance with the provisions of the bill.

*Section: Local Government*

*Analyst: Abigail Stoyer*  
*Assistant 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. 3516

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JANUARY 26, 2023

**Sponsored by:**

**Senator NILSA I. CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

“Smoke Control System Act;” Requires routine maintenance and operational testing of smoke control systems in certain buildings by certain qualified personnel.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 1/26/2023)

1 AN ACT concerning the testing of smoke control systems in certain  
2 buildings and supplementing P.L.1983, c.383 (C.52:27D-192 et  
3 seq.).

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

7  
8 1. P.L. , c. (C. ) (pending before the Legislature as this  
9 bill), shall be known and may be cited as the “Smoke Control  
10 System Act.”

11  
12 2. The Legislature finds and declares that:

13 a. Studies have shown that most fire deaths are not caused by  
14 burns but instead by smoke inhalation. In addition to being toxic,  
15 smoke obstructs light and limits visibility, which in turn increases  
16 the time it takes a building’s occupants to get to safety.

17 b. In the event of a fire, smoke control systems can help a  
18 building’s occupants avoid smoke when evacuating a building.

19 c. Without periodic testing as required by applicable industry  
20 codes and standards, faulty and inoperable smoke control systems  
21 are likely to exist in New Jersey buildings.

22 d. The absence of testing of smoke control systems creates  
23 serious imminent risks to public safety and is detrimental to the  
24 health and welfare of the citizens of New Jersey.

25 e. New Jersey does not currently require that smoke control  
26 systems be subject to a routine maintenance and operational testing  
27 program, nor establish any minimum standards for such  
28 maintenance and operational testing.

29  
30 3. As used in P.L. , c. (C. ) (pending before the  
31 Legislature as this bill):

32 “ANSI” means the American National Standards Institute.

33 “Approved skill training program” or “program” means an  
34 apprenticeship training program that is registered with and  
35 approved by the United States Department of Labor or a State  
36 apprenticeship agency involving at least 8,000 hours of documented  
37 practical experience in the installation, maintenance, and servicing  
38 of HVAC systems and providing both apprenticeship training and  
39 training to upgrade skills of journey persons in the skills of the  
40 HVAC industry, including those relating to fire safety equipment.

41 “Department” means the Department of Community Affairs.

42 “Enforcing agency” means the department, a municipal or county  
43 department or agency, or a fire district which has been authorized  
44 by municipal ordinance to enforce the “Uniform Fire Safety Act,”  
45 P.L.1983, c.383 (C.52:27D-192 et seq.).

46 “FLS” means the “Fire and Life Safety Ecosystem” standards  
47 published by the NFPA.

48 “HVAC” means heating, ventilation, and air conditioning.

1 “ICB” means International Certification Board.

2 “IFC” means the most recent “International Fire Code,”  
3 published by the International Code Council.

4 “NFPA” means National Fire Protection Association.

5 “Smoke control system” means a system that helps contain,  
6 minimize, or reroute the flow of smoke through a building which  
7 also helps create safer egress routes for building occupants and  
8 emergency response teams. “Active smoke control system” means a  
9 smoke control system that uses mechanical equipment to help  
10 control the spread of smoke, including smoke exhaust or evacuation  
11 systems. “Passive smoke control system” means a smoke control  
12 system that does not require mechanical systems and include  
13 partitions and barriers to redirect smoke.

14 “Smoke control system testing” means testing and inspection  
15 activities, including all physical, visual and operational tests,  
16 necessary to ensure the proper functioning of smoke control  
17 systems, as required by the IFC, NFPA 80, NFPA 92 and applicable  
18 engineering specifications, including all equipment such as  
19 initiating devices, fans, smoke and fire dampers, controls, doors and  
20 windows.

21 “TABB” means Testing, Adjusting and Balancing Bureau of the  
22 International Certification Board.

23

24 4. a. In buildings other than single-family, two-family, and  
25 attached single-family structures used exclusively for dwelling  
26 purposes, a building owner shall subject a newly-installed smoke  
27 control system to smoke control system testing no less frequently  
28 than as follows:

29 (1) active smoke control systems shall be subject to smoke  
30 control system testing every six months; and

31 (2) passive smoke control systems shall be subject to smoke  
32 control system testing every 12 months.

33 b. Operational testing of the smoke control system shall  
34 include all equipment such as initiating devices, fans, dampers,  
35 controls, doors, and windows. Smoke control systems shall be  
36 tested under standby power conditions.

37 c. Smoke control systems shall be maintained and tested in  
38 accordance with the manufacturer’s instructions and shall be  
39 maintained to ensure to a reasonable degree that the system is  
40 capable of controlling smoke and fire for the duration required.

41 d. The Commissioner of Community Affairs shall, pursuant to  
42 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52: 14B-1  
43 et seq.), adopt such rules and regulations as may be necessary to  
44 implement P.L. , c. (C. ) (pending before the Legislature as  
45 this bill), including establishing routine maintenance and  
46 operational testing schedules. The rules and regulations of the  
47 commissioner shall permit inspections required pursuant to  
48 P.L. , c. (C. ) (pending before the Legislature as this bill) to

1 be conducted as a part of inspections required pursuant to the  
2 "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et  
3 seq.), or other required inspections.

4  
5 5. The owner of a building subject to the provisions of  
6 P.L. , c. (C. ) (pending before the Legislature as this bill)  
7 shall adhere to the routine maintenance and operational testing  
8 schedule for the building, to commence immediately after the  
9 smoke control system has passed the acceptance tests. A building  
10 owner shall establish a written schedule for routine maintenance  
11 and operational testing pursuant to the testing schedule required  
12 pursuant to section 4 of P.L. , c. (C. ) (pending before the  
13 Legislature as this bill).

14  
15 6. a. A contractor that provides smoke control system testing  
16 services shall hold an ICB, HVAC, FLS1 contractor certification,  
17 and an ICB, TABB contractor certification, or equivalent  
18 certifications from an organization that has been accredited by  
19 ANSI in HVAC FLS inspections.

20 b. A person performing smoke control system testing services  
21 shall:

22 (1) be employed by an enforcing agency or by a contractor  
23 certified in accordance with subsection a. of this section;

24 (2) have successfully completed an approved skill training  
25 program, as defined in section 3 of P.L. , c. (C. ) (pending  
26 before the Legislature as this bill), or be enrolled in an approved  
27 skill training program and be working under the supervision of a  
28 person having completed such a program; and

29 (3) hold a certification from the ICB as an HVAC FLS  
30 Technician, Level 2, or an equivalent certification from an  
31 organization that has been accredited by ANSI in HVAC FLS  
32 inspections.

33  
34 7. a. In the event that a smoke control system passes the  
35 required testing required pursuant to P.L. , c. (C. ) (pending  
36 before the Legislature as this bill), the contractor performing the  
37 tests shall issue the building owner a "certificate of operation." The  
38 certificate shall contain the address of the building, locations of  
39 equipment tested, the names of the contractor and technician  
40 performing the tests, and the date of the tests; and

41 b. In the event that a smoke control system does not pass the  
42 required testing required pursuant to P.L. , c. (C. ) (pending  
43 before the Legislature as this bill), the contractor performing the  
44 tests shall notify the building owner, who shall have 30 days to  
45 have the equipment corrected and re-tested.

46 c. A written record of smoke control system testing and  
47 maintenance shall be maintained on the premises. The written  
48 record shall include the date of the maintenance, identification of

1 the servicing personnel, and notification of any unsatisfactory  
2 condition and the corrective action taken, including parts replaced.

3  
4 8. a. Building owners shall submit copies of all valid operation  
5 certificates to the department showing they are in compliance with  
6 the testing requirements of P.L. , c. (C. ) (pending before  
7 the Legislature as this bill) within 30 days of obtaining the  
8 certificate. The department shall commence enforcement actions,  
9 pursuant to section 9 of P.L. , c. (C. ) (pending before the  
10 Legislature as this bill), for any instance of non-compliance and  
11 review compliance when conducting investigations of buildings for  
12 other reasons.

13 b. When the department or local enforcing agency acting  
14 pursuant to department regulations conducts the annual fire  
15 inspection of any building that is subject to P.L. , c. (C. )  
16 (pending before the Legislature as this bill), it shall inspect the  
17 building owner's smoke control system certificate of operation to  
18 ensure it complies with the requirements of section 7 of P.L. , c.  
19 (C. ) (pending before the Legislature as this bill) and  
20 commence enforcement actions if the department or local enforcing  
21 agency finds any violations. A local enforcing agency that  
22 discovers a building owner's non-compliance shall report this non-  
23 compliance to the department.

24  
25 9. a. A person who violates any provision of  
26 P.L. , c. (C. ) (pending before the Legislature as this bill)  
27 or the technical codes or regulations adopted thereunder, or who  
28 shall erect, construct, install, remove, alter or repair a structure,  
29 mechanical equipment or system in violation of the approved  
30 construction documents or directive of the code official or of a  
31 permit or certificate issued under the provisions of  
32 P.L. , c. (C. ) (pending before the Legislature as this bill),  
33 or the technical codes shall be fined an amount to be determined by  
34 the Commissioner of Community Affairs pursuant to the authority  
35 pursuant to section 2 of P.L.1991, c.489 (C.52:27D-198.5). A fine  
36 imposed pursuant to this section shall be at least \$150 for each  
37 offense. Each day of non-compliance shall constitute a separate  
38 violation for which a separate fine shall be assessed.

39 b. The penalty established pursuant to subsection a. of this  
40 section shall be sued for and recovered by the Commissioner of  
41 Community Affairs or the enforcing agency, as applicable, in a civil  
42 action by a summary proceeding under "The Penalty Enforcement  
43 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in the Superior  
44 Court or municipal court.

45  
46 10. This act shall take effect immediately.

STATEMENT

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This bill establishes the “Smoke Control System Act.” The bill defines a smoke control system as a system that helps contain, minimize, or reroute the flow of smoke through a building which also helps create safer egress routes for building occupants and emergency response teams. The bill differentiates between active and passive smoke control systems, with active systems depending upon mechanical equipment to help control the spread of smoke.

Under the bill, a newly-installed smoke control system in buildings other than single-family, two-family, and attached single-family structures used exclusively for dwelling purposes, would be subject to smoke control system testing as follows:

- active smoke control systems will be subject to smoke control system testing every six months; and
- passive smoke control systems will be subject to smoke control system testing every 12 months.

Operational testing of the smoke control system includes all equipment such as initiating devices, fans, dampers, controls, doors and windows. Smoke control systems would be tested under standby power conditions.

The bill provides that smoke control systems are to be maintained and tested in accordance with the manufacturer’s instructions and maintained to ensure to a reasonable degree that the system is capable of controlling smoke and fire for the duration required.

Under the bill, a contractor that provides smoke control system testing services is required to hold certain certifications, as specified in the bill.

A person performing smoke control system testing services is required to:

- be employed by a certified contractor or an enforcing agency;
- have successfully completed an approved skill training program or be enrolled in an approved skill training program and be working under the supervision of a person having completed such a program; and
- hold a certification from the ICB as an HVAC FLS Technician, Level 2, or an equivalent certification from an organization that has been accredited by ANSI in HVAC FLS inspections.

The bill establishes processes for certifying buildings tested under the bill, and subjects building owners to certain penalties for violations.

# SENATE ECONOMIC GROWTH COMMITTEE

## STATEMENT TO

### SENATE, No. 3516

# STATE OF NEW JERSEY

DATED: JANUARY 26, 2023

The Senate Economic Growth Committee reports favorably Senate Bill No. 3516.

As reported, this bill, known as the “Smoke Control System Act,” establishes certain requirements concerning the maintenance and inspection of smoke control systems. The bill defines a smoke control system as a system that helps to contain, minimize, or reroute the flow of smoke through a building, and helps to create safer egress routes for building occupants and emergency response teams. Notably, the bill differentiates between active and passive smoke control systems, with active systems depending upon mechanical equipment to help control the spread of smoke.

Under the bill, a newly-installed smoke control system in buildings other than single-family, two-family, and attached single-family structures used exclusively for dwelling purposes would be subject to smoke control system testing, as follows: (1) active smoke control systems would be subject to smoke control system testing every six months; and (2) passive smoke control systems would be subject to smoke control system testing every 12 months.

The bill provides that the operational testing of a smoke control system includes all equipment, such as initiating devices, fans, dampers, controls, doors, and windows. The bill also requires smoke control systems to be tested under standby power conditions. Additionally, the bill requires smoke control systems to be maintained and tested in accordance with the manufacturer’s instructions and maintained to ensure that the system is capable of controlling smoke and fire for the duration required.

Under the bill, a contractor that provides smoke control system testing services is required to hold certain certifications. Specifically, a person performing smoke control system testing services is required to: (1) be employed by a certified contractor or an enforcing agency; (2) have either successfully completed an approved skill training program, or be enrolled in an approved skill training program while working under the supervision of a person who completed such a program; and (3) hold certain certifications as provided in the bill.

The bill establishes processes for certifying buildings tested under the bill and establishes penalty provisions for violations of the bill.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR SENATE, No. 3516

# STATE OF NEW JERSEY

DATED: MARCH 16, 2023

The Senate Budget and Appropriations Committee reports favorably a committee substitute for Senate Bill No. 3516.

This committee substitute establishes the “Fire Life Safety Damper and Smoke Control System Inspection Verification Act” as a supplement to the “Uniform Fire Safety Act,” P.L.1983, c.383 (C.52:27D-192 et seq.). The committee substitute defines a smoke control system as a system that helps contain, minimize, or reroute the flow of smoke through a building which also helps create safer egress routes for building occupants and emergency response teams. The committee substitute differentiates between dedicated and non-dedicated smoke control systems. The committee substitute also defines a fire damper as a device installed in an air distribution system, designed to close automatically upon detection of heat, to interrupt migratory airflow and to restrict the passage of flame; and includes devices installed in air conditioning systems to close automatically upon detection of heat, to interrupt migratory airflow, and to restrict the passage of flames. A fire damper also includes a combination fire and smoke damper system.

Under the committee substitute, a newly-installed smoke control system in all buildings other than single-family, two-family, and attached single-family structures used exclusively for dwelling purposes, is subject to fire and life safety system testing as follows:

#### Smoke Control Systems

- non-dedicated smoke control systems are to be subject to smoke control system testing every 12 months; and
- dedicated smoke control systems are to be subject to smoke control system testing every six months.

#### Fire Life Safety Dampers

- fire dampers, smoke dampers, and fire combination fire and smoke dampers are required to be inspected and tested no less than once after the first year of installation and once every four years thereafter, except for hospitals; and
- fire dampers, smoke dampers, and combination fire and smoke dampers in hospitals are required to be periodically inspected and tested no less than once after the first year of installation and once every six years thereafter.

The committee substitute provides that smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control systems are to be maintained and tested in accordance with the manufacturer's instructions, maintained, and required periodic inspections.

Under the committee substitute, a contractor and associated technician that provides smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control systems testing services is required to hold certain certifications, as specified in the committee substitute.

A person performing smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control systems testing services is required to:

- be employed by a certified contractor or an enforcing agency;
- have successfully completed an approved skill training program or be enrolled in an approved skill training program and be working under the supervision of a person having completed such a program; and
- hold the appropriate certification from the ICB as an Fire and Smoke Damper Technician, Smoke Control System Testing Technician, or an equivalent certification from an organization that has been accredited under the ISO/IEC 17024 Personnel Certification standard in HVAC Fire Life Safety Damper inspections or Smoke Control System inspections.

The committee substitute establishes processes for certifying buildings tested under the bill, and subjects building owners to certain penalties for violations.

Existing law, section 12 of the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-203), allows municipalities to cover the cost to the municipality of conducting inspections by establishing fees to pay the cost of enforcing the "Uniform Fire Safety Act."

#### FISCAL IMPACT:

The Office of Legislative Services has concluded that the bill will result in an annual indeterminate increase in costs to the Department of Community Affairs and local governments enforcing the Uniform Fire Safety Code to conduct additional safety testing of smoke control systems and fire life safety dampers. State agencies and local governments that have smoke control systems and fire life safety dampers in their buildings would incur additional administrative costs under the bill and also may be subject to fees to have the required safety tests performed. State and local enforcing agencies would potentially experience a revenue increase for the collection of any fee that may be established. The State and local government also may collect an indeterminate amount of fine revenue from building owners violating the provisions of the bill or the technical codes or regulations adopted pursuant to the bill.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE COMMITTEE SUBSTITUTE FOR**  
**SENATE, No. 3516**  
**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

DATED: MARCH 27, 2023

**SUMMARY**

- Synopsis:** “Fire Life Safety Damper and Smoke Control System Inspection Verification Act”; Requires routine maintenance and periodic testing of smoke dampers, fire dampers, and smoke control systems in certain buildings by qualified personnel.
- Type of Impact:** Annual State and local cost increases, annual State and local revenue increases.
- Agencies Affected:** Department of Community Affairs, local governments, various State agencies.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>State Cost Increase</b>	Indeterminate
<b>State Revenue Increase</b>	Indeterminate
<b>Local Cost Increase</b>	Indeterminate
<b>Local Revenue Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) concludes that the bill will result in indeterminate annual cost increases to the Department of Community Affairs and local governments, including certain municipal and county agencies and fire districts, to conduct the required inspections of fire life safety dampers and newly installed smoke control systems on certain schedules established by the bill. The department will also incur costs to establish routine maintenance and operational testing schedules to be adhered to by affected building owners, to undertake enforcement actions for any instances of non-compliance with the bill’s provisions, and to maintain compliance records.
- State agencies and local governments with buildings subject to the requirements of the bill will incur indeterminate cost increases to maintain their systems in compliance with the rules established by the department and to have the required inspections conducted on their fire life safety dampers and any newly installed smoke control systems. They will also incur certain marginal administrative costs to comply with the recordkeeping requirements of the bill.

- The State and local governments are also expected to experience indeterminate increases in annual revenue to the extent that fees are established to conduct fire life safety damper and smoke control system testing, and to the extent that fines are collected from building owners for violations of the bill's provisions.

## **BILL DESCRIPTION**

The bill, known as the Fire Life Safety Damper and Smoke Control System Inspection Verification Act, establishes certain requirements concerning the maintenance and inspection of fire life safety dampers and smoke control systems. A fire life safety damper required to be installed pursuant to the State Uniform Construction Code, and a newly-installed smoke control system in buildings (other than in single-family, two-family, and attached single-family structures) would be subject to regular testing. Under the bill, a contractor that provides fire life safety damper or smoke control system testing services is required to hold certain certifications. The bill establishes processes for certifying buildings tested under the bill and establishes penalty provisions for violations of the bill.

Certain smoke control system requirements are already established in existing State law pursuant to the New Jersey International Fire Code and the New Jersey International Building Code, adopted by Department of Community Affairs. However, the requirements in existing law differ from those required under the bill.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS concludes that the bill will result in indeterminate annual cost increases to the Department of Community Affairs and local governments, including certain municipal and county agencies and fire districts, to conduct the required inspections of fire life safety dampers and newly installed smoke control systems on certain schedules established by the bill. The OLS is unable to estimate the number of buildings that are currently required to contain fire life safety dampers under the Uniform Construction Code, but notes that this requirement applies to several types of residential and non-residential structures, including but not limited to, hotels, apartments, and treatment centers. The OLS also notes that one federal contractor offering fire and smoke damper testing charges \$29 to \$36 per damper. The OLS also cannot foretell the number of additional, newly installed smoke control systems that will become subject to the requirements of the bill to determine the costs the department and local governments will incur in conducting inspections of these systems. It is noted, however, that inspections of these systems can be in excess of \$300 per inspection.

The department will also incur costs to establish routine maintenance and operational testing schedules to be adhered to by affected building owners and to undertake enforcement actions for any instances of non-compliance with the bill's provisions. There will also be a certain amount of costs to the department to maintain records of compliance with the bill's provisions.

State agencies and local governments with buildings subject to the requirements of the bill will incur indeterminate cost increases to maintain their systems in compliance with the rules established by the department and to have the required inspections conducted on their fire life safety dampers and newly installed smoke control systems. They will also incur certain marginal administrative costs to comply with the recordkeeping requirements of the bill.

The State and local governments will also collect an indeterminate amount of revenue from any fees established to conduct the required inspections and through the collection of fines imposed for violations of the bill's provisions. The OLS notes that existing law allows municipalities to cover their costs of conducting Uniform Fire Safety Act inspections by establishing fees to pay for the costs of enforcing the act. The bill also imposes a fine in an amount to be determined by the department, but at least \$150 per day, on a building owner who violates the provisions of the bill or the technical codes or regulations adopted pursuant to the bill. However, the OLS does not anticipate extensive non-compliance with the provisions of the bill.

*Section: Local Government*  
*Analyst: Abigail Stoyer*  
*Assistant 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

12/21/2023

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

**A-4752wGR/S-3210 (Tully, Benson, Chaparro/Gopal, Pou)** - Promotes small business Internet presence

**A-5179wGR/SCS for S-3516 (Verrelli, Murphy, Benson/Cruz-Perez, Turner)** - "Fire Life Safety Damper and Smoke Control System Inspection Verification Act"; Requires routine maintenance and periodic testing of smoke dampers, fire dampers, and smoke control systems in certain buildings by qualified personnel

**A-5225wGR/S-3729 (McKnight, Speight, Murphy/Codey, Pou)** - Provides for coverage of community-based palliative care benefits under Medicaid

**ASSEMBLY BILL NO. 5179**  
(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 5179 (First Reprint) with my recommendations for reconsideration.

Assembly Bill No. 5179 (First Reprint), entitled the "Fire Life Safety Damper and Smoke Control System Inspection Verification Act," aims to codify periodic inspection and testing, routine maintenance, and compliance and reporting requirements for fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems installed in buildings throughout the State. The bill also establishes certification and training requirements for contractors and their employees who provide testing services for smoke and fire dampers and smoke control systems. And it imposes penalties on anyone who violates provisions of the bill or regulations adopted pursuant to the bill's authority.

I commend my colleagues in the Legislature and the fire safety advocates who championed this bill for their recognition that properly installed and functioning fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems are critical fire prevention tools. I wholeheartedly agree that these smoke and fire protection mechanisms should be tested properly and regularly, and that building owners and operators who skirt compliance requirements should be held responsible. My Administration also agrees that it makes sense to certify the contractors who perform fire and smoke damper and smoke control system testing. Credentialing not only ensures that fire protection professionals receive proper training and have sufficient experience to perform their duties, but also helps to attract and retain quality workers in this essential field.

Despite these laudable goals, I am concerned that this bill is, in many ways, redundant of the requirements found in the Uniform Fire Code ("UFC") – which has been adopted and is enforced by the Division of Fire Safety ("DFS") in the Department of Community Affairs ("DCA") – and

bypasses the standard process by which DFS updates the UFC. Importantly, for example, the UFC already incorporates routine maintenance and periodic testing requirements, as well as reporting requirements, for smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control systems in New Jersey buildings. These requirements were adopted in accordance with international best practices embodied in model codes.

Relatedly, the UFC also already imposes larger penalties for noncompliance than those that would be imposed under the bill. Finally, requiring all building owners to submit compliance certificates with DCA, and subsequently requiring DCA to initiate enforcement actions for noncompliance, is out of step with the State's current fire protection regime, wherein local enforcing agencies are primarily responsible for inspections and enforcement, with the exception of certain jurisdictions where DFS has assumed the local agency's responsibilities. It is important to note that DFS is in the process of building out new information technology infrastructure to better enable seamless and efficient communication between local enforcing agencies and the State. This will provide more insight into noncompliance and allow for more responsive enforcement, helping to achieve the goals of the bill.

Imposing new statutory requirements onto this regime would lead to regulated parties and enforcing agencies having to consult two overlapping sources of law. Additionally, it would prevent DFS from flexibly updating the UFC as standards evolve. For these reasons, I am recommending changes to the bill that would remove the provisions overlapping with the UFC, while reinforcing DFS's statutory authority to promulgate rules regulating the installation, testing, and inspection of smoke and fire dampers and smoke control systems.

For the reasons discussed above, however, I do support creating a system for certifying contractors involved in the installation, testing, and maintenance of fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems. My recommended amendments preserve the core component of this bill, while facilitating DFS's authority to promulgate rules and regulations in this subject area within its current fire protection contractor certification regime. The primary

change I am recommending in this area is to remove certain training and experience requirements in the bill – while still ensuring minimum training and experience standards are included in DFS rulemaking – as the requirements underlying certification for fire protection contractors are better suited to be set forth in regulations. Through the regulatory process, DFS will directly engage with advocates and stakeholders and make an informed judgment about how to best address safety and workforce goals.

As mentioned, the fire protection goals embodied by this bill are admirable, and I once again would like to thank the bill's sponsors for promoting the regular testing and maintenance of fire and smoke dampers and smoke protection systems. I am confident that my recommended amendments will enable DFS to continue to effectively address these issues through the regulatory process and lead to the development of a credentialed, experienced, and well-trained workforce.

Therefore, I herewith return Assembly Bill No. 5179 (First Reprint) and recommend that it be amended as follows:

<u>Page 2, Section 2, Line 35:</u>	Delete "enforce the requirement that" and insert "have"
<u>Page 2, Section 2, Lines 36-37:</u>	Delete in their entirety
<u>Page 2, Section 2, Line 38:</u>	Delete "inspectors" and insert "contractors"
<u>Page 2, Section 2, Line 38:</u>	Delete "such"
<u>Page 2, Section 2, Line 39:</u>	After "testing" insert "of smoke control systems and fire dampers, smoke dampers, and combination fire and smoke dampers"
<u>Page 2, Section 3, Lines 41-45:</u>	Delete in their entirety
<u>Page 3, Section 3, Lines 1-48:</u>	Delete in their entirety
<u>Page 4, Section 3, Lines 1-21:</u>	Delete in their entirety
<u>Page 4, Section 4, Line 23:</u>	Delete "4." and insert "3."
<u>Page 4, Section 4, Line 27:</u>	Delete "required to be"
<u>Page 4, Section 4, Line 27:</u>	Delete "pursuant to the State Uniform"
<u>Page 4, Section 4, Lines 28-29:</u>	Delete in their entirety
<u>Page 4, Section 4, Line 31:</u>	Delete "Safety"
<u>Page 4, Section 4, Line 34:</u>	Delete "Fire dampers, smoke dampers, and combination fire and"

<u>Page 4, Section 4, Lines 35-48:</u>	Delete in their entirety
<u>Page 5, Section 4, Lines 1-3:</u>	Delete in their entirety
<u>Page 5, Section 4, Line 4:</u>	Delete "new"
<u>Page 5, Section 4, Line 5:</u>	Delete in its entirety
<u>Page 5, Section 4, Line 6:</u>	Delete "before the Legislature as this bill)"
<u>Page 5, Section 4, Lines 8-9:</u>	Delete "newly installed"
<u>Page 5, Section 4, Line 9:</u>	After "testing" insert "as required by the applicable standards adopted pursuant to the Uniform Fire Code"
<u>Page 5, Section 4, Lines 10-27:</u>	Delete in their entirety
<u>Page 5, Section 5, Line 29:</u>	Delete "5." and insert "4."
<u>Page 5, Section 5, Line 34:</u>	Delete "A" and insert "The Commissioner of Community Affairs shall, pursuant to the authority under the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.), promulgate rules and regulations to require a"
<u>Page 5, Section 5, Line 35:</u>	Delete "shall" and insert "to"
<u>Page 5, Section 5, Line 37:</u>	Delete "section 4 of P.L. , c. (C. ) (pending" and insert "the applicable standards adopted pursuant to the Uniform Fire Code."
<u>Page 5, Section 5, Line 38:</u>	Delete in its entirety
<u>Page 5, Section 6, Lines 40-48:</u>	Delete in their entirety
<u>Page 6, Section 6, Lines 1-41:</u>	Delete in their entirety
<u>Page 6, Section 7, Line 43:</u>	Delete "7." and insert "5. The Commissioner of Community Affairs shall, pursuant to the authority under the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.), promulgate rules and regulations to require the following:"
<u>Page 6, Section 7, Line 46:</u>	Delete "which shall verify the" and insert "."
<u>Page 6, Section 7, Line 47:</u>	Delete in its entirety
<u>Page 7, Section 7, Lines 1-10:</u>	Delete in their entirety
<u>Page 7, Section 7, Line 16:</u>	After "compliance" insert "and any other information deemed necessary by the department"
<u>Page 7, Section 7, Line 16:</u>	Delete "The deficiency report shall also contain:"
<u>Page 7, Section 7, Lines 17-48:</u>	Delete in their entirety
<u>Page 8, Section 7, Lines 1-48:</u>	Delete in their entirety

Page 9, Section 9, Lines 1-12:

Delete in their entirety

Page 9, Section 9, Line 13:

Delete "or municipal court." and insert "6. Section 1 of P.L.2001, c.289 (C.52:27D-25n) is amended to read as follows:

1. As used in sections 1 through 19 of [this act] P.L.2001, c.289 (C.52:27D-25n et seq.):

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

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

"Certificate of certification" means a certificate issued by the commissioner that authorizes a person to engage in the fire protection equipment business to the degree indicated on the certificate.

"Certificate holder" means a person who is certified to engage in the fire protection equipment business.

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

"Combination fire and smoke damper" means a device that meets both the fire damper and smoke damper requirements.

"Commissioner" means the Commissioner of Community Affairs.

"Committee" means the Fire Protection Equipment Advisory Committee created by section 2 of this act.

"Dedicated smoke control system" means a smoke control system and components that are installed for the sole purpose of providing smoke control and that upon activation of the systems operate specifically to perform the smoke control function.

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

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

"Engineered fire suppression system" means a fire suppression system which is designed individually to suit a particular purpose or hazard. Such a system requires individual calculation and design to determine the flow rates, nozzle pressures, pipe size, area or volume to be protected by each nozzle, quantities of extinguishing agent and the number and types of nozzles and their placement in a specific system.

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

"Fire damper" means a device installed in ducts and air transfer openings designed to close automatically upon detection of heat and resist the passage of flame. Fire dampers are classified for use in either static systems that will automatically shut down in the event of a fire, or in dynamic systems that continue to operate during a fire. A dynamic fire damper is tested and rated for closure under elevated temperature airflow.

"Fire protection equipment" includes fire alarm systems, fire sprinkler systems, standpipe systems, clean agent fire suppression systems, special hazard fire suppression systems, carbon dioxide fire protection systems, foam fire protection systems, kitchen fire suppression systems, portable fire extinguishers or any other equipment designed to detect, suppress or extinguish a fire.

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

"Fire protection contractor" or "contractor" means a person or business entity that offers to undertake or represents itself as being able to undertake, or does

undertake the installation, service, sale, repair, inspection or maintenance of fire protection equipment.

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

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

"Fire suppression system" means an engineered or pre-engineered system that suppresses a fire using an extinguishing agent distributed through fixed piping and nozzles that are activated either manually or automatically. The system may include containers, nozzles, controls, automatic detection, manual releases, equipment shut downs and alarms. In such systems, an extinguishing agent is discharged through fixed pipes and nozzles into or over a potential fire hazard.

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

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

["Certificate of certification" means a certificate issued by the commissioner that authorizes a person to engage in the fire protection equipment business to the degree indicated on the certificate.

"Certificate holder" means a person who is certified to engage in the fire protection equipment business.]

"Maintenance" means the function of keeping equipment in such a

condition that it will perform as it originally was designed to do.

"Portable fire extinguisher" means a portable device, carried or on wheels and operated by hand, containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing fire.

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

"Smoke control system" means an engineered system that includes all methods that can be used singly or in combination to modify smoke movement, including engineered systems that use mechanical fans to produce pressure differences across smoke barriers to inhibit smoke movement.

"Smoke damper" means a device installed in ducts and air transfer openings designed to resist the passage of smoke. The device is installed to operate automatically, controlled by a smoke detection system, and where required, is capable of being positioned from a fire command center.

"Special hazard fire suppression system" means a fire suppression system that uses an extinguishing agent other than water.

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

"Warranty" means a written guarantee given to a purchaser of fire protection equipment

covering a period of one year after the installation of new fire protection equipment.

(cf: P.L.2001, c.289,s.1)

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

4. a. After the effective date of [this act] P.L.2001, c.289, no fire protection contractor shall engage in the installation, service, repair, inspection or maintenance of fire protection equipment without holding or employing a person who holds a valid certificate of certification issued in accordance with [this act] P.L.2001, c.289 (C.52:27D-25n et seq.), except that the commissioner shall determine by rules and regulations the date after which no contractor may engage in the installation, service, repair, inspection or maintenance of fire dampers, smoke dampers, combination fire and smoke dampers, or smoke control systems without holding or employing a person who holds a valid certificate of certification issued in accordance with P.L. , c. (C. ) (pending before the Legislature as this bill). A fire protection contractor who is not a certificate holder shall be required to obtain a fire protection contractor business permit from the commissioner, which shall be issued for three years upon payment of an appropriate fee set by the commissioner and proof that the fire protection contractor employs a certificate holder. Notwithstanding the provisions of this section, persons holding a license to engage in the fire alarm business pursuant to P.L.1997, c.305 (C.45:5A-23 et seq.), or who are electrical contractors as defined in section 2 of P.L.1962, c.162 (C.45:5A-2), are exempt from the requirement of obtaining a certificate of certification under this act to engage in the fire alarm business pursuant to this act to the extent that such persons are acting within the scope of practice of their profession or occupation.

The certificate required by this section shall define by class the type of work in which a fire protection contractor may engage.

Notwithstanding any provision of [this act] P.L.2001, c.289, the commissioner shall issue a certificate to any person who has been employed as a fire protection contractor for a period of not less than five years on or before the effective date of this act, upon application with submission of satisfactory proof and payment by that person of the appropriate certification fee within 180 days following the effective date of this act.

b. The following certified classifications are hereby established:

(1) An "All Fire Protection Equipment Contractor" is authorized to install, service, repair, inspect and maintain all fire protection equipment listed in paragraphs (2) through (6) of this subsection.

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

(3) A "Special Hazard Fire Suppression System Contractor" is authorized to install, service, repair, inspect and maintain special hazard fire suppression systems and kitchen fire suppression systems.

(4) A "Fire Alarm System Contractor" is authorized to install, service, repair, inspect and maintain all fire alarm systems.

(5) A "Portable Fire Extinguisher Contractor" is authorized to install, service, repair, inspect and maintain all portable fire extinguishers.

(6) A "Kitchen Fire Suppression System Contractor" is authorized to install, service, repair, inspect and maintain all kitchen fire suppression systems.

(7) A "Smoke Damper, Fire Damper, and Combination Fire and Smoke Damper Contractor" is authorized to install, service, repair, inspect and maintain all smoke dampers, fire dampers, and combination fire and smoke dampers. In addition to any other requirements adopted by the commissioner, a Smoke Damper, Fire Damper, and Combination Fire and Smoke Damper Contractor shall

participate in an approved apprenticeship or skill training program that is registered with, and approved by, the United States Department of Labor or a State apprenticeship agency, as defined by the commissioner in rules or regulations, unless the commissioner determines by rule or regulation that requiring participation in such a program would be substantially detrimental to ensuring that a sufficient number of contractors are certified to conduct the work within the scope of the contractor's certification class statewide, and shall hold a certification from an organization that has been accredited under or meets the criteria required by the International Organization for Standardization/International Electrotechnical Commission 17024 Personnel Certification standard, or such substantially similar certification as determined by the commissioner in rules or regulations. Notwithstanding the provisions of this section, the commissioner may exempt by regulation persons with related licenses or credentials from the requirement of obtaining a certificate of certification as a Smoke Damper, Fire Damper, and Combination Fire and Smoke Damper Contractor to engage in the initial installation of smoke dampers, fire dampers, and combination fire and smoke dampers to the extent that such persons are acting within the scope of practice of their profession or occupation.

(8) A "Smoke Control System Contractor" is authorized to install, service, repair, inspect and maintain all smoke control systems. In addition to any other requirements adopted by the commissioner, a Smoke Control System Contractor shall participate in an approved apprenticeship or skill training program that is registered with, and approved by, the United States Department of Labor or a State apprenticeship agency, as defined by the commissioner in rules or regulations, unless the commissioner determines by rule or regulation that requiring participation in such a program would be substantially detrimental to ensuring that a sufficient number of contractors are certified to conduct the work within the scope of the

contractor's certification class statewide, and shall hold a certification from an organization that has been accredited under or meets the criteria required by the International Organization for Standardization/International Electrotechnical Commission 17024 Personnel Certification standard, or such substantially similar certification as determined by the commissioner in rules or regulations. Notwithstanding the provisions of this section, the commissioner may exempt by regulation persons with related licenses or credentials from the requirement of obtaining a certificate of certification as a Smoke Control System Contractor to engage in the initial installation of smoke control systems to the extent that such persons are acting within the scope of practice of their profession or occupation.

c. A certified fire protection contractor shall perform work only within the scope of the contractor's certification class.

d. Any change in more than 50% of the ownership of a fire protection contractor shall require an amended certificate of certification. An application for an amended certificate of certification shall be submitted within 60 days of a change of ownership or change of company name or location. Certificates of certification are non-transferable and shall be displayed prominently in the principal workplace. A certificate holder shall not be used to qualify more than one fire protection contractor. The commissioner shall be notified within 30 days if a certificate holder leaves the fire protection contractor or is replaced. Notwithstanding subsection a. of this section, no fire protection contractor shall be denied the privilege of continuing business as a fire protection contractor in the event of death, illness, or other physical disability of the certificate holder who qualified the fire protection contractor for a business permit under this section, for at least six months following the date of such death, illness or other physical disability; provided that the fire protection contractor operates under such

qualified supervision as the commissioner deems adequate. If, after six months, the fire protection contractor has failed to employ another certificate holder, then the commissioner shall revoke its fire protection contractor business permit.

e. Whenever the commissioner shall find cause to deny an application for a certificate of certification or to suspend or revoke a certificate, he shall notify the applicant or the holder of the certificate and state the reasons for the denial or suspension, as appropriate.

f. Whenever the commissioner shall find cause to deny an application for a fire protection contractor business permit or to suspend or revoke a fire protection contractor business permit, he shall notify the applicant or the holder of the business permit and state the reasons for the denial or suspension, as appropriate.

g. Any person subject to certification under [this act] paragraphs (1) through (6) of subsection b. of this section shall be exempt from any other State, county or municipal certification, licensing or registration requirements for installing, servicing, repairing, inspecting or maintaining fire protection equipment.

(cf: P.L.2001, c.289, s.4)"

Page 9, Section 10, Line 15:

Delete "10." and insert "8."

Page 9, Section 10, Line 15:

Delete "upon the adoption of the rules and" and insert "immediately, but its provisions shall remain inoperative until"

Page 9, Section 10, Lines 16-18

Delete in their entirety

Page 9, Section 10, Line 19:

Delete "or"

Page 9, Section 10, Line 19:

Delete "whichever comes first" and insert "except that the Commissioner of Community Affairs may take any anticipatory steps necessary to effectuate the provisions of this bill"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor