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Bill and Sponsors Statement identical to A1950

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SENATE: Yes

FLOOR AMENDMENT STATEMENTS: No

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ASSEMBLY, No. 1950

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED JANUARY 27, 2000

Sponsored by:

Assemblyman JOHN V. KELLY

District 36 (Bergen, Essex and Passaic)

SYNOPSIS

Establishes license program for persons who install, service, sell, repair, inspect and maintain fire protection equipment; clarifies that oversight of such persons shall be by Department of Community Affairs.

CURRENT VERSION OF TEXT

As introduced.



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2

1 **AN ACT** concerning the installation or maintenance of fire protection
2 equipment, supplementing chapter 27D of Title 52 of the Revised
3 Statutes and amending P.L.1962, c.162, P.L.1997, c.305 and
4 P.L.1983, c.383.

5

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

8

9 1. (New section) As used in sections 1 through 8 of P.L. ,
10 c. (C.) (now pending before the Legislature as this bill):

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

13 "Commissioner" means the Commissioner of Community Affairs.

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

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

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

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

27 "Fire protection equipment" includes fire alarms, sprinkler systems,
28 standpipe systems, clean agent fire suppression systems, special fire
29 suppression systems, carbon dioxide fire protection systems, foam
30 systems, kitchen fire suppression systems, portable fire extinguishers
31 or any other equipment designed to detect, suppress or extinguish a
32 fire.

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

37 "Fire protection contractor" or "contractor" means a person or
38 business entity that offers to undertake or represents itself as being
39 able to undertake, or does undertake the installation, service, sale,
40 repair, inspection or maintenance of fire protection equipment and has
41 received a fire protection contractor business permit from the
42 commissioner.

43 "Fire protection contractor business permit" means a permit issued

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 by the commissioner to a business entity to operate as a fire protection
2 contractor.

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

6 "Fire suppression system" means a regular system or special system
7 that automatically detects and automatically or manually suppresses a
8 fire using an extinguishing agent distributed through fixed piping and
9 nozzles.

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

17 "License" means a certificate issued by the commissioner that
18 authorizes a person to engage in the fire protection equipment business
19 to the degree indicated on the certificate.

20 "License holder" means a person who is licensed to engage in the
21 fire protection equipment business.

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

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

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

38 "Special hazard fire suppression system" means an engineered or
39 pre-engineered fire suppression system or any automatic fire
40 suppression system, other than an automatic water sprinkler system,
41 which may include containers, nozzles, controls, automatic detection,
42 manual release, equipment shut downs and alarms. In such systems,
43 an extinguishing agent is discharged through fixed pipes and nozzles
44 into or over a potential fire hazard area.

45 "Warranty" means a written guarantee given to a purchaser of fire

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

3
4 2. (New section) a. After the effective date of P.L. ,
5 c. (C.) (now pending before the Legislature as this bill), no fire
6 protection contractor shall engage in the installation, service, sale,
7 repair, inspection or maintenance of fire protection equipment without
8 holding or employing a person who holds a valid license issued in
9 accordance with P.L. , c. (C.) (now pending before the
10 Legislature as this bill). A fire protection contractor who is not a
11 license holder shall be required to obtain a fire protection contractor
12 business permit from the commissioner, which shall be issued for three
13 years upon payment of an appropriate fee set by the commissioner and
14 proof that the fire protection contractor employs a license holder.
15 Notwithstanding the provisions of this section, persons holding a
16 license to engage in the fire alarm business pursuant to P.L.1997,
17 c.305 (C.45:5A-23 et seq.), or who are electrical contractors as
18 defined in P.L.1997, c.305 (C.45:5A-23 et seq.), are exempt from the
19 requirement of obtaining a license under P.L. , c. (C.) (now
20 pending before the Legislature as this bill) to engage in the fire alarm
21 business pursuant to this act.

22 The license required by this section shall define by class the type of
23 work in which a fire protection contractor may engage. Any person
24 subject to certification under P.L. , c. (C.) (now pending
25 before the Legislature as this bill) shall be exempt from any other
26 State, county or municipal certification, licensing or registration
27 requirements for the installation or maintenance of fire protection
28 equipment.

29 The commissioner shall issue a license to any person who has been
30 employed as a fire protection equipment contractor for a period of not
31 less than five years on or before the effective date of P.L. ,
32 c. (C.) (now pending before the Legislature as this bill), upon
33 payment by that person of the appropriate license fee.

34 b. The following license classifications are hereby established:

35 (1) An "All Fire Protection Equipment Contractor" is authorized
36 to install, service, sell, repair, inspect and maintain all fire protection
37 equipment.

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

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

43 (4) A "Fire Alarm Equipment Contractor" is authorized to install,
44 service, sell, repair, inspect and maintain all fire alarms.

45 (5) A "Portable Fire Extinguisher Contractor" is authorized to

1 install, service, sell, repair, inspect and maintain all portable fire
2 extinguishers.

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

6 c. A licensed fire protection contractor shall perform work only
7 within the scope of the contractor's license class.

8 d. The commissioner shall establish license fees for each license
9 class. Application for a license pursuant to this section shall be made
10 on a form promulgated by the commissioner. An applicant for a
11 license under P.L. , c. (C.) (now pending before the
12 Legislature as this bill) shall have five years' experience in the field for
13 which a license is sought, which shall include installation , service,
14 sales, repair, inspection and maintenance of the fire protection
15 equipment used in the field, and shall meet one of the following
16 requirements:

17 (1) The applicant shall pass a test administered by the division for
18 the field for which a license is sought. The first such tests shall be
19 administered six months after enactment of P.L. , c. (C.)
20 (now pending before the Legislature as this bill), and every other
21 month thereafter, or

22 (2) The applicant shall have achieved NICET Level II for the field
23 for which the license is sought.

24 e. The division, within 30 days of receiving an application for a
25 license under P.L. , c. (C.) (now pending before the
26 Legislature as this bill), shall determine whether an application is
27 complete and if the required experience level is met or the qualification
28 test has been passed.

29 f. If all license requirements are met and the appropriate license fee
30 is paid, the commissioner shall issue a license to the applicant in each
31 field for which qualifications are met. Each license shall be valid for
32 three years and may be renewed at the end of each three-year period
33 by the payment of a renewal fee.

34 Any change in more than 50% of the ownership of a fire protection
35 contractor shall require an amended license. An application for an
36 amended license must be submitted within 60 days of a change of
37 ownership or change of company name or location. Licenses are non-
38 transferable and shall be displayed prominently in the principal work
39 place. A licensee shall not be used to qualify more than one fire
40 protection contractor. The commissioner shall be notified within 30
41 days if a license holder leaves the fire protection contractor or is
42 replaced. Notwithstanding subsection a. of this section, no fire
43 protection contractor shall be denied the privilege of continuing
44 business as a fire protection contractor in the event of death, illness,
45 or other physical disability of the license holder who qualified the fire
46 protection contractor under this section, for at least six months

1 following the date of such death, illness or other physical disability;
2 provided that the fire protection contractor operates under such
3 qualified supervision as the commissioner deems adequate. If, after six
4 months, the fire protection contractor has failed to employ another
5 license holder, then the commission shall revoke its fire protection
6 contractor business permit.

7 g. Whenever the division shall find cause to deny an application for
8 a license or to suspend or revoke a license, it shall notify the applicant
9 or the holder of the license and state the reasons for the denial or
10 suspension, as appropriate.

11 h. Whenever the division shall find cause to deny an application for
12 a fire protection contractor business permit or to suspend or revoke a
13 fire protection contractor business permit, it shall notify the applicant
14 or the holder of the business permit and state the reasons for the denial
15 or suspension, as appropriate.

16

17 3. (New section) The commissioner shall appoint an advisory
18 committee to advise the division in the administration of the licensing
19 program established pursuant to P.L. , c. (C.) (now pending
20 before the Legislature as this bill) and to create the licensing tests
21 required pursuant to P.L. , c. (C.) (now pending before
22 the Legislature as this bill). The advisory committee shall be
23 comprised of the Director of the Division of Fire Safety and one
24 member representing each of the following fire protection distributor
25 associations:

26 New Jersey Association of Fire Equipment Distributors

27 National Fire Sprinkler Association

28 National Association of Fire Equipment Distributors

29 American Fire Sprinkler Association

30 Fire Suppression Systems Association

31 Automatic Fire Alarm Association

32

33 4. (New section) All contractors shall carry commercial general
34 liability insurance, including products and completed operations
35 coverage, in the minimum amount of \$1,000,000 for each coverage.
36 The contractor shall furnish a general warranty for one year with each
37 system installation in accordance with guidelines promulgated by the
38 commissioner.

39

40 5. (New section) a. The commissioner may suspend, for up to one
41 year, or revoke any license or assess a penalty if the commissioner
42 determines that a contractor has committed any violation of P.L. ,
43 c. (C.) (now pending before the Legislature as this bill).

44 Specific violations shall subject violators to civil penalties, which shall
45 be in addition to any criminal penalties imposed by a court, as follows:

46 (1) A willful misstatement of material fact in an applicant's

1 application for registration or renewal-a maximum of \$1,000.

2 (2) The willful commission of fraud in the practice of the
3 installation of fire protection equipment - a maximum of \$20,000 per
4 occurrence.

5 (3) The installation of fire protection equipment in a grossly
6 negligent manner - a maximum of \$2,000 per occurrence.

7 (4) The failure to correct or settle any claim, provided the
8 contractor has been paid in full, arising out of any defect after the
9 contractor's responsibility has been established through the dispute
10 settlement procedure provided for in the fire code promulgated by the
11 commissioner pursuant to section 7 of P.L.1983, c.383 (C.52:27D-
12 198) - a maximum of \$5,000. Payment of the penalty shall not be
13 deemed to satisfy the responsibility of the contractor to correct or
14 settle the claim.

15 (5) Any person advertising as being, or publicly purporting to be,
16 available to install, service, sell, repair, inspect and maintain fire
17 protection equipment who is not licensed shall be subject to a
18 maximum penalty of \$1,000 for each occurrence.

19 b. A contractor may compete work in process if the license has
20 been suspended or revoked.

21

22 6. (New section) After revocation of a license, the division shall
23 not renew or reinstate such license; however, a person may apply for
24 a new license. When it can be shown that all loss caused by the act or
25 omission for which the license was revoked has been fully satisfied,
26 and that all conditions imposed by the order of revocation have been
27 complied with, the commissioner may issue a new license, provided
28 that the applicant meets all other qualifications necessary for licensure
29 and pays the appropriate fee.

30

31 7. (New section) Any person aggrieved by any action, notice,
32 ruling or order of the commissioner, with respect to P.L. , c. (C.)
33 (now pending before the Legislature as this bill), shall have the right
34 to a dispute settlement hearing, in accordance with the "Administrative
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The aggrieved
36 party shall submit a written request to the division for a hearing within
37 15 days of the action, notice, ruling or order. All hearing requests shall
38 include:

39 The date of the action which is the subject of the appeal;

40 The name and status of the person submitting the appeal;

41 The specific violations or other action claimed to be in error; and

42 A concise statement of the basis for the appeal.

43

44 8. (New section) a. Any person who has contracted with a fire
45 protection contractor and who is not satisfied with the work done by
46 the fire protection contractor shall notify the contractor of the

1 problems and shall allow a reasonable time for the repair of such
2 problems. If the repairs are not made within a reasonable time, or are
3 unsatisfactory to the person, that person may file a request for a
4 dispute settlement hearing. The division shall, upon receipt of a
5 request for a dispute settlement hearing, designate a conciliator and
6 schedule a hearing at the fire protection equipment owner's premises.
7 Any resulting agreement shall be in writing, listing the specific actions
8 to be taken by the contractor to repair or replace defects in the system
9 and a date by which corrections shall take place.

10 b. When the defect is corrected or a monetary settlement is made
11 in lieu thereof, the contractor shall present the owner with a release for
12 execution. One copy of the signed release shall be retained by the
13 contractor, one by the owner, and one copy shall be forwarded to the
14 division.

15 c. If the dispute remains unresolved after a dispute settlement
16 hearing, the division shall thoroughly review the matter and shall make
17 a decision as to the merits of the claim. This decision shall be binding
18 on both parties; provided, however, that if either party files a notice of
19 appeal of the decision with the division, the division shall provide for
20 an administrative hearing in accordance with the "Administrative
21 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), with a final
22 decision to be issued by the commissioner, or an owner may seek a
23 remedy directly in court, without regard to the dispute settlement
24 procedures made available in accordance with P.L. , c. (C.)
25 (now pending before the Legislature as this bill).

26 If, in the opinion of the division, a fire suppression system may be
27 rendered inoperable for an extended period of time due to legal delays,
28 either the fire official or the division may order the owner to have the
29 system restored to service in accordance with the fire code regulations
30 promulgated by the commissioner pursuant to section 7 of P.L.1983,
31 c.383 (C.52:27D-198).

32
33 9. Section 2 of P.L.1962, c.162 (C.45:5A-2) is amended to read as
34 follows:

35 2. For the purpose of this act, unless otherwise indicated by the
36 context:

37 (a) "Act" means this act (P.L.1962, c.162 (C.45:5A-1 et seq.)) and
38 the rules and regulations adopted under it;

39 (b) "Board" means the Board of Examiners of Electrical
40 Contractors created by section 3 of this act;

41 (c) "Department" means the Department of Law and Public Safety;

42 (d) "Electrical contractor" means a person who engages in the
43 business of contracting to install, erect, repair or alter electrical
44 equipment for the generation, transmission or utilization of electrical
45 energy;

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1 (e) "Person" means a person, firm, corporation or other legal
2 entity;

3 (f) "Alarm business" means the installation, servicing or
4 maintenance of burglar alarm[, fire alarm] or electronic security
5 systems, or the monitoring or responding to alarm signals when
6 provided in conjunction therewith. "Installation," as used in this
7 definition, includes the survey of a premises, the design and
8 preparation of the specifications for the equipment or system to be
9 installed pursuant to a survey, the installation of the equipment or
10 system, or the demonstration of the equipment or system after the
11 installation is completed, but does not include any survey, design or
12 preparation of specifications for equipment or for a system that is
13 prepared by an engineer licensed pursuant to the provisions of
14 P.L.1938, c.342 (C.45:8-27 et seq.), or an architect licensed pursuant
15 to the provisions of chapter 3 of Title 45 of the Revised Statutes, if the
16 survey, design, or preparation of specifications is part of a design for
17 construction of a new building or premises or a renovation of an
18 existing building or premises, which renovation includes components
19 other than the installation of a burglar alarm[, fire alarm] or electronic
20 security system, and further does not include the design or preparation
21 of specifications for the equipment or system to be installed that are
22 within the practice of professional engineering as defined in subsection
23 (b) of section 2 of P.L.1938, c.342 (C.45:8-28);

24 (g) "Burglar alarm" means a security system comprised of an
25 interconnected series of alarm devices or components, including
26 systems interconnected with radio frequency signals, which emits an
27 audible, visual or electronic signal indicating an alarm condition and
28 providing a warning of intrusion, which is designed to discourage
29 crime;

30 (h) "Business firm" means a partnership, corporation or other
31 business entity engaged in the alarm business or locksmithing services;

32 (i) "Committee" means the [Fire Alarm,] Burglar Alarm[,] and
33 Locksmith Advisory Committee created by section 3 of P.L.1997,
34 c.305 (C.45:5A-23);

35 (j) "Electronic security system" means a security system comprised
36 of an interconnected series of devices or components, including
37 systems with audio and video signals or other electronic systems,
38 which emits or transmits an audible, visual or electronic signal warning
39 of intrusion and provides notification of authorized entry or exit,
40 which is designed to discourage crime;

41 (k) ["Fire alarm" means a security system comprised of an
42 interconnected series of alarm devices or components, including
43 systems interconnected with radio frequency signals, which emits an
44 audible, visual or electronic signal indicating an alarm condition and
45 which provides a warning of the presence of smoke or fire. "Fire
46 alarm" does not mean a system whose primary purpose is

1 telecommunications with energy control, the monitoring of the interior
2 environment being an incidental feature thereto] (deleted by
3 amendment, P.L. _____, c. _____ (C. _____) (now pending before the
4 Legislature as this bill);

5 (l) "Licensed locksmith" means a person who is licensed pursuant
6 to the provisions of section 7 of P.L.1997, c.305 (C.45:5A-27);

7 (m) "Licensee" means a person licensed to engage in the alarm
8 business or provide locksmithing services pursuant to the provisions
9 of section 7 of P.L.1997, c.305 (C.45:5A-27);

10 (n) "Locksmithing services" means the modification, recombination,
11 repair or installation of mechanical locking devices and electronic
12 security systems for any type of compensation and includes the
13 following: repairing, rebuilding, recoding, servicing, adjusting,
14 installing, manipulating or bypassing of a mechanical or electronic
15 locking device, for controlled access or egress to premises, vehicles,
16 safes, vaults, safe doors, lock boxes, automatic teller machines or
17 other devices for safeguarding areas where access is meant to be
18 limited; operating a mechanical or electronic locking device, safe or
19 vault by means other than those intended by the manufacturer of such
20 locking devices, safes or vaults; or consulting and providing technical
21 advice regarding selection of hardware and locking systems of
22 mechanical or electronic locking devices and electronic security
23 systems; except that "locksmithing services" shall not include the
24 installation of a prefabricated lock set and door knob into a door of a
25 residence.

26 (cf: P.L.1997, c.305, s.1)

27

28 10. Section 3 of P.L.1997, c.305 (C.45:5A-23) is amended to read
29 as follows:

30 3. a. There is created within the Division of Consumer Affairs in
31 the Department of Law and Public Safety, under the Board of
32 Examiners of Electrical Contractors, a "[Fire Alarm,] Burglar Alarm
33 and Locksmith Advisory Committee." The committee shall consist of
34 [15] 14 members who are residents of this State as follows:

35 (1) Two members shall have been engaged in the alarm business in
36 this State on a full-time basis for at least five consecutive years
37 immediately preceding their appointments, shall be members of the
38 New Jersey Burglar and Fire Alarm Association and, except for the
39 members first appointed, shall be licensed under the provisions of
40 section 7 of [this act] P.L.1997, c.305 (C.45:5A-27);

41 (2) Five members shall be municipal officials, and shall include (a)
42 a fire prevention officer; (b) a crime prevention officer; (c) [a fire
43 sub-code official] (deleted by amendment, P.L. _____, c. _____) (now
44 pending before the Legislature as this bill); (d) a building inspector;
45 and (e) a chief of police who is a member of the New Jersey
46 Association of Chiefs of Police;

1 (3) One member shall be a representative of the Division of State
2 Police;

3 (4) [One member shall have been engaged in the alarm business in
4 this State on a full-time basis for at least five consecutive years
5 immediately preceding appointment, shall be a member of the
6 Automatic Fire Alarm Association of New Jersey and, except for the
7 member first appointed, shall be licensed under the provisions of
8 section 7 of this act] (deleted by amendment, P.L. _____, c. _____) (now
9 pending before the Legislature as this bill);

10 (5) Two members shall have been engaged as practicing locksmiths
11 on a full-time basis for at least five consecutive years immediately
12 preceding appointment, shall be members of a duly recognized
13 professional locksmith association in New Jersey and, except for the
14 members first appointed, shall be licensed as locksmiths under the
15 provisions of section 7 of [this act] P.L.1997, c.305 (C.45:5A-27);

16 (6) One member shall have been engaged in the alarm business in
17 this State on a full-time basis, shall be a member of both the New
18 Jersey Burglar and Fire Alarm Association and a duly recognized
19 professional locksmith association and, except for the member first
20 appointed, be licensed under the provisions of section 7 of [this act]
21 P.L.1997, c.305 (C.45:5A-27);

22 (7) One member shall have been engaged as a practicing locksmith
23 in this State on a full-time basis for at least five consecutive years
24 immediately preceding appointment, shall be a member of both the
25 New Jersey Burglar and Fire Alarm Association and a duly recognized
26 professional locksmith association and, except for the member first
27 appointed, be licensed under the provisions of section 7 of [this act]
28 P.L.1997, c.305 (C.45:5A-27);

29 (8) One member shall be a member of the International
30 Brotherhood of Electrical Workers, A.F.L.-C.I.O; and

31 (9) One member shall be a public member who meets the
32 requirements pertaining to public members set forth in subsection b.
33 of section 2 of P.L.1971, c.60 (C.45:1-2.2).

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

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

43 d. The committee shall annually elect from among its members a
44 chair and vice-chair. The committee shall meet at least four times a
45 year and may hold additional meetings as necessary to discharge its
46 duties. In addition to such meetings, the committee shall meet at the

1 call of the chair, the board, or the Attorney General.

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

7 f. The committee shall make recommendations to the board
8 regarding rules and regulations pertaining to professional training,
9 standards, identification and record-keeping procedures for licensees
10 and their employees, classifications of licensure necessary to regulate
11 the work of licensees, and other matters as necessary to effectuate the
12 purposes of [this act] P.L.1997, c.305.

13 (cf: P.L.1997, c.305, s.3)

14

15 11. Section 4 of P.L.1997, c.305 (C.45:5A-24) is amended to read
16 as follows:

17 4. The board shall have the following powers and duties, or may
18 delegate them to the committee:

19 a. To set standards and approve examinations for applicants for a
20 [fire alarm,] burglar alarm or locksmith license and issue a license to
21 each qualified applicant;

22 b. To administer the examination to be taken by applicants for
23 licensure;

24 c. To determine the form and contents of applications for licensure,
25 licenses and identification cards;

26 d. To adopt a code of ethics for licensees;

27 e. To issue and renew licenses and identification cards;

28 f. To set the amount of fees for [fire alarm,] burglar alarm and
29 locksmith licenses, license renewal, applications, examinations and
30 other services provided by the board and committee, within the limits
31 provided in subsection b. of section 11 of [this act] P.L.1997, c.305
32 (C.45:5A-31);

33 g. To refuse to admit a person to an examination or refuse to issue
34 or suspend, revoke, or fail to renew the license of a [fire alarm,]
35 burglar alarm[,] or locksmith licensee pursuant to the provisions of
36 P.L.1978, c.73 (C.45:1-14 et seq.);

37 h. To maintain a record of all applicants for a license;

38 i. To maintain and annually publish a record of every licensee, his
39 place of business, place of residence and the date and number of his
40 license;

41 j. To take disciplinary action, in accordance with P.L.1978, c.73
42 (C.45:1-14 et seq.) against a licensee or employee who violates any
43 provision of this act or any rule or regulation promulgated pursuant to
44 [this act] P.L.1997, c.305;

45 k. To adopt standards and requirements for and approve continuing
46 education programs and courses of study for licensees and their

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13

1 employees;

2 l. To review advertising by licensees; and

3 m. To perform such other duties as may be necessary to effectuate
4 the purposes of [this act] P.L.1997, c.305.

5 (cf: P.L.1997, c.305, s.4)

6

7 12. Section 5 of P.L.1997, c.305 (C.45:5A-25) is amended to read
8 as follows:

9 5. a. No person shall advertise that he is authorized to engage in,
10 or engage in the alarm business, or otherwise engage in the
11 installation, service or maintenance of burglar alarm[, fire alarm] or
12 electronic security systems unless he satisfies the requirements of [this
13 act] P.L.1997, c.305.

14 b. No person shall represent himself as qualified to provide, or
15 otherwise provide locksmithing services unless he is licensed as a
16 locksmith in accordance with the provisions of [this act] P.L.1997,
17 c.305.

18 (cf: P.L.1997, c.305, s.5)

19

20 13. Section 13 of P.L.1997, c.305 (C.45:5A-33) is amended to
21 read as follows:

22 13. a. Every licensee and every employee or other person engaged
23 in the unsupervised installation, servicing or maintenance of burglar
24 alarm [, fire alarm] or electronic security systems shall, at all times
25 during working hours, display an identification card issued by the
26 board. The identification card shall contain the following information:

27 (1) the name, photograph and signature of the person to whom the
28 card has been issued;

29 (2) the business name and address and license number of the
30 licensee;

31 (3) the expiration date of the card; and

32 (4) that other information the board deems appropriate for
33 identification purposes.

34 b. Identification cards shall be issued for a three-year period which,
35 in the case of a licensee, shall correspond to the term of the license
36 period of the licensee. Application for renewal of an identification
37 card for other than a licensee shall be made by the person named on
38 the card at least 45 days prior to the expiration date of the card. The
39 information provided on the identification card shall at all times be
40 current, and the named holder of the card shall advise the board of any
41 changes and file for issuance of an updated card within five days
42 following occurrence of a change, which card shall be issued for the
43 unexpired term of the original card.

44 c. Identification cards shall not be transferable in the event of a
45 change in employment.

46 (cf: P.L.1997, c.305, s.13)

A1950 KELLY

14

1 14. Section 14 of P.L.1997, c.305 (C.45:5A-34) is amended to
2 read as follows:

3 14. No person shall be employed by a licensee to install, service or
4 maintain a burglar alarm [, fire alarm] or electronic security system or,
5 except in the case of a licensee, shall otherwise engage in the
6 installation, service or maintenance thereof:

7 a. unless the person is of good moral character; and

8 b. where the work is to be performed other than under the field
9 supervision of a licensee or a person qualified pursuant to the
10 provisions of this section, unless the person shall have at least three
11 years of practical experience and shall have successfully completed a
12 course of study or a competency examination prescribed by the board,
13 in consultation with the committee; except that an employee employed
14 in the installation, servicing or maintenance of burglar alarm [, fire
15 alarm] or electronic security systems by a license applicant filing an
16 application within 120 days of the effective date of this act and
17 identified as an employee on the application, shall not be required to
18 satisfy the competency requirements of this subsection, until the first
19 renewal of the employee's identification card.

20 (cf: P.L.1997, c.305, s.14)

21

22 15. Section 16 of P.L.1997, c.305 (C.45:5A-36) is amended to
23 read as follows:

24 16. No municipality or county shall enact an ordinance or
25 resolution or promulgate any rules or regulations relating to the
26 licensing or registration of locksmiths or alarm businesses. The
27 provisions of any ordinance or resolution or rules or regulations of any
28 municipality or county relating to the licensing or registration of
29 locksmiths or alarm businesses are superseded by the provisions of this
30 act. Nothing in this section shall be construed, however, to prohibit
31 municipal regulation of door-to-door vendors or salespersons of
32 burglar alarm [, fire alarm] or electronic security systems nor shall
33 anything in this section be construed to prohibit or restrict municipal
34 consideration of alarm business service proposals in consent
35 proceedings under the "Cable Television Act," P.L.1972, c.186
36 (C.48:5A-1 et seq.).

37 (cf: P.L.1997, c.305, s.16)

38

39 16. Section 7 of P.L.1983, c.383 (C.52:27D-198) is amended to
40 read as follows:

41 7. a. The commissioner shall promulgate, in accordance with the
42 "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et
43 seq.), and after consulting with the fire safety commission, regulations
44 to insure the maintenance and operation of buildings and equipment in
45 such a manner as will provide a reasonable degree of safety from fire
46 and explosion.

1 Regulations promulgated pursuant to this section shall include a
2 uniform fire safety code primarily based on the standards established
3 by the Life Safety Code (National Fire Protection Association 101)
4 and any other fire codes of the National Fire Protection Association
5 and the Building Officials and Code Administrators International
6 (BOCA) Basic Fire Prevention Code, both of which may be adopted
7 by reference. The regulations may include modifications and
8 amendments the commissioner finds necessary.

9 b. The code promulgated pursuant to this section shall include the
10 requirements for fire detection and suppression systems, elevator
11 systems, emergency egresses and protective equipment reasonably
12 necessary to the fire safety of the occupants or intended occupants of
13 new or existing buildings subject to this act, including but not limited
14 to electrical fire hazards, maintenance of fire protection systems and
15 equipment, fire evacuation plans and fire drills, and all components of
16 building egress. In addition, the regulations issued and promulgated
17 pursuant to this section which are applicable to new or existing
18 buildings shall include, but not be limited to fire suppression systems,
19 built-in fire fighting equipment, fire resistance ratings, smoke control
20 systems, fire detection systems, and fire alarm systems including fire
21 service connections.

22 c. When promulgating regulations, the commissioner shall take
23 into account the varying degrees of fire safety provided by the
24 different types of construction of existing buildings and the varying
25 degrees of hazard associated with the different types and intensity of
26 uses in existing buildings. When preparing regulations which require
27 the installation of fire safety equipment and devices, the commissioner
28 shall consult with the fire safety commission and shall take into
29 account, to the greatest extent prudent, the economic consequences
30 of the regulations and shall define different use groups and levels of
31 hazard within more general use groups, making corresponding
32 distinctions in fire safety requirements for these different uses and
33 levels of hazard. The commissioner shall also take into account the
34 desirability of maintaining the integrity of historical structures to the
35 extent that it is possible to do so without endangering human life and
36 safety. The regulations established pursuant to this subsection shall
37 apply to secured vacant buildings only to the extent necessary to
38 eliminate hazards affecting adjoining properties.

39 d. Except as otherwise provided in this act, including rules and
40 regulations promulgated hereunder, all installations of equipment and
41 other alterations to existing buildings shall be made in accordance with
42 the technical standards and administrative procedures established by
43 the commissioner pursuant to the "State Uniform Construction Code
44 Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and shall be subject to
45 plan review and inspection by the local construction and subcode
46 officials having jurisdiction over the building, who shall enforce the

1 regulations established pursuant to this act applicable to the
2 installation or other alteration along with the regulations established
3 pursuant to the "State Uniform Construction Code Act."
4 e. The commissioner shall, by regulation, establish standards,
5 procedures and fees for the certification of persons engaged in the
6 business of installing, servicing, selling, repairing, inspecting or
7 maintaining fire [suppression systems, for the warranting of those
8 systems, and for the establishment, funding and operation of a
9 warranty security program. A fire suppression system installed in a
10 building subject to this act shall be warranted in accordance with those
11 standards and procedures, shall be required to be covered by the
12 warranty security program, and shall be installed by a person certified
13 in accordance with those standards and procedures] protection
14 equipment. For the purposes of this subsection, fire protection
15 equipment includes fire alarms, sprinkler systems, standpipe systems,
16 clean agent fire suppression systems, special systems, carbon dioxide
17 fire protection systems, foam systems, kitchen fire suppression
18 systems, portable fire extinguishers or any other equipment designed
19 to detect, suppress or extinguish a fire. Fire protection equipment in
20 a building subject to the provisions of the "Uniform Fire Safety Act,"
21 P.L.1983, c.383 (C.52:27D-192 et seq.) shall be installed and
22 maintained by a company certified in accordance with those standards
23 and procedures. Any person subject to certification under this
24 subsection shall be exempt from any other State, county or municipal
25 certification, licensing or registration requirements for the installation
26 or maintenance of fire protection equipment.

27 (cf: P.L.1983, c.383, s.7)

28

29 17. This act shall take effect on the first day of the seventh month
30 next following enactment.

31

32

33

STATEMENT

34

35 The bill creates a comprehensive, mandatory licensing procedure for
36 contractors who sell, install, repair, inspect and maintain fire
37 protection equipment. This bill also clarifies that companies engaged
38 in the business of installing or maintaining fire protection equipment
39 shall be regulated by the Department of Community Affairs. The bill
40 also removes fire alarm companies from the requirements of P.L.1997,
41 c.305, which required that these companies must be licensed by the
42 "Fire Alarm, Burglar Alarm and Locksmith Advisory Committee,"
43 located in the Division of Consumer Affairs in the Department of Law
44 and Public Safety.

ASSEMBLY CONSUMER AFFAIRS AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1950

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 22, 2000

The Assembly Consumer Affairs and Regulated Professions Committee reports favorably and with committee amendments Assembly Bill No. 1950.

As amended, this bill creates a comprehensive, mandatory, certification procedure for contractors who sell, install, repair, inspect and maintain fire protection equipment. The bill specifies that no fire protection contractor shall engage in the installation, service, sale, repair, inspection or maintenance of fire protection equipment without holding or employing a person who holds a certificate of certification issued in accordance with the provisions of this bill. In addition, the bill provides that a fire protection contractor who is not a certificate holder shall be required to obtain a fire protection contractor business permit, which is valid for three years upon payment of an appropriate fee set by the Commissioner of Community Affairs and proof that the contractor employs a certificate holder.

The bill establishes various certified classifications, including an all fire protection equipment contractor, who is authorized to install, service, sell, repair, inspect and maintain all fire protection equipment. The other certified classifications are: fire sprinkler system contractor; special hazard fire suppression system contractor; fire alarm equipment contractor; portable fire extinguisher contractor; and kitchen fire suppression system contractor. A certified fire protection contractor shall perform work only within the scope of the contractor's certification class.

Successful applicants for these classifications shall pass a test administered by the Division of Fire Safety in the Department of Community Affairs in the field for which the classification is sought or the applicant shall have achieved NICET Level II for the field in which the certificate is sought, or, as provided by committee amendment, other substantially similar level of attainment, as determined by the commissioner.

The bill also establishes an advisory committee to advise the Division of Fire Safety in the administration of the bill's certification program and to create the certification tests required pursuant to this bill. The advisory committee shall consist of the Director of the Division of Fire Safety and one member representing each of the following fire protection distributor associations: New Jersey Association of Fire Equipment Distributors; National Fire Sprinkler Association; National Association of Fire Equipment Distributors; American Fire Sprinkler Association; Fire Suppression Systems Association; and Automatic Fire Alarm Association.

Furthermore, the bill states that all contractors shall carry commercial general liability insurance in the minimum amount of \$1,000,000 for each coverage. Also, the contractor shall furnish a general warranty for one year with each system installation.

Under P.L.1997, c.305, fire alarm companies are required to be licensed by the "Fire Alarm, Burglar Alarm and Locksmith Advisory Committee." The committee amendments delete provisions in this bill that would have removed references to fire alarm companies and systems in P.L.1997, c.305. The amendments to this bill also provide that any person who is certified to engage in the fire protection equipment business or who holds a fire protection contractor business permit pursuant to this bill and persons in their employ are exempt from the requirement of obtaining a license to engage in the alarm business pursuant to P.L.1997, c.305.

The committee amendments also change the licensing requirements in the bill to certification requirements. In addition, the amendments direct the Commissioner of Community Affairs to promulgate regulations identifying violations of provisions of this bill and establish a range of penalties for violations of similar type, seriousness and duration. The bill originally had stipulated specific penalties for particular violations.

[First Reprint]

ASSEMBLY, No. 1950

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JANUARY 27, 2000

Sponsored by:

Assemblyman JOHN V. KELLY

District 36 (Bergen, Essex and Passaic)

Co-Sponsored by:

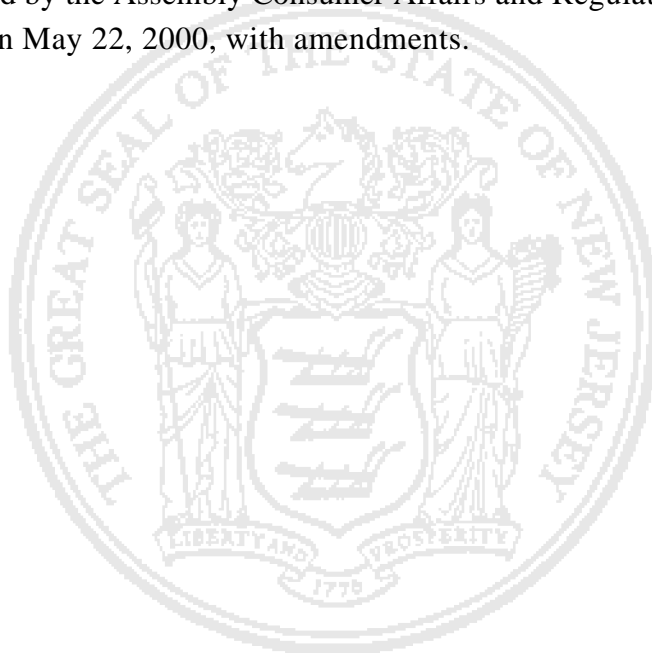
Assemblyman Steele

SYNOPSIS

Establishes certification program for persons who install, service, sell, repair, inspect and maintain fire protection equipment; provides oversight by Department of Community Affairs.

CURRENT VERSION OF TEXT

As reported by the Assembly Consumer Affairs and Regulated Professions Committee on May 22, 2000, with amendments.



(Sponsorship Updated As Of: 12/8/2000)

1 AN ACT concerning the installation or maintenance of fire protection
2 equipment, supplementing chapter 27D of Title 52 of the Revised
3 Statutes and amending ¹[P.L.1962, c.162,]¹ P.L.1997, c.305 and
4 P.L.1983, c.383.

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

8
9 1. (New section) As used in sections 1 through 8 of ¹[P.L. ,
10 c. (C.) (now pending before the Legislature as this bill)] this
11 act¹:

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

14 "Commissioner" means the Commissioner of Community Affairs.

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

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

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

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

28 "Fire protection equipment" includes fire alarms, sprinkler systems,
29 standpipe systems, clean agent fire suppression systems, special fire
30 suppression systems, carbon dioxide fire protection systems, foam
31 systems, kitchen fire suppression systems, portable fire extinguishers
32 or any other equipment designed to detect, suppress or extinguish a
33 fire.

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

38 "Fire protection contractor" or "contractor" means a person or
39 business entity that offers to undertake or represents itself as being
40 able to undertake, or does undertake the installation, service, sale,
41 repair, inspection or maintenance of fire protection equipment and has

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACP committee amendments adopted May 22, 2000.

1 received a fire protection contractor business permit from the
2 commissioner.

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

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

9 "Fire suppression system" means a regular system or special system
10 that automatically detects and automatically or manually suppresses a
11 fire using an extinguishing agent distributed through fixed piping and
12 nozzles.

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

20 ¹["License"] "Certificate of certification"¹ means a certificate
21 issued by the commissioner that authorizes a person to engage in the
22 fire protection equipment business to the degree indicated on the
23 certificate.

24 ¹["License holder"] "Certificate holder"¹ means a person who is
25 ¹[licensed] certified¹ to engage in the fire protection equipment
26 business.

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

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

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

43 "Special hazard fire suppression system" means an engineered or
44 pre-engineered fire suppression system or any automatic fire
45 suppression system, other than an automatic water sprinkler system,
46 which may include containers, nozzles, controls, automatic detection,

1 manual release, equipment shut downs and alarms. In such systems,
2 an extinguishing agent is discharged through fixed pipes and nozzles
3 into or over a potential fire hazard area.

4 "Warranty" means a written guarantee given to a purchaser of fire
5 protection equipment covering a period of one year after the
6 installation of new fire protection equipment.

7
8 2. (New section) a. After the effective date of ¹[P.L. , c.
9 (C.) (now pending before the Legislature as this bill)] this act¹,
10 no fire protection contractor shall engage in the installation, service,
11 sale, repair, inspection or maintenance of fire protection equipment
12 without holding or employing a person who holds a valid ¹[license]
13 certificate of certification¹ issued in accordance with ¹[P.L. , c.
14 (C.) (now pending before the Legislature as this bill)] this act¹. A
15 fire protection contractor who is not a ¹[license] certificate¹ holder
16 shall be required to obtain a fire protection contractor business permit
17 from the commissioner, which shall be issued for three years upon
18 payment of an appropriate fee set by the commissioner and proof that
19 the fire protection contractor employs a ¹[license] certificate¹ holder.
20 Notwithstanding the provisions of this section, persons holding a
21 license to engage in the fire alarm business pursuant to P.L.1997,
22 c.305 (C.45:5A-23 et seq.), or who are electrical contractors as
23 defined in P.L.1997, c.305 (C.45:5A-23 et seq.), are exempt from the
24 requirement of obtaining a ¹[license] certificate of certification¹ under
25 ¹[P.L. , c. (C.) (now pending before the Legislature as this
26 bill)] this act¹ to engage in the fire alarm business pursuant to this act.

27 The ¹[license] certificate¹ required by this section shall define by
28 class the type of work in which a fire protection contractor may
29 engage. Any person subject to certification under ¹[P.L. , c.
30 (C.) (now pending before the Legislature as this bill)] this act¹
31 shall be exempt from any other State, county or municipal
32 certification, licensing or registration requirements for the installation
33 or maintenance of fire protection equipment.

34 The commissioner shall issue a ¹[license] certificate¹ to any person
35 who has been employed as a fire protection equipment contractor for
36 a period of not less than five years on or before the effective date of
37 ¹[P.L. c. (C.) (now pending before the Legislature as this
38 bill)] this act¹, upon payment by that person of the appropriate
39 ¹[license] certification¹ fee.

40 b. The following ¹[license] certified¹ classifications are hereby
41 established:

42 (1) An "All Fire Protection Equipment Contractor" is authorized
43 to install, service, sell, repair, inspect and maintain all fire protection
44 equipment.

45 (2) A "Fire Sprinkler System Contractor" is authorized to install,

1 service, sell, repair, inspect and maintain fire sprinkler systems.

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

5 (4) A "Fire Alarm Equipment Contractor" is authorized to install,
6 service, sell, repair, inspect and maintain all fire alarms.

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

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

13 c. A ¹[licensed] certified¹ fire protection contractor shall perform
14 work only within the scope of the contractor's ¹[license] certification¹
15 class.

16 d. The commissioner shall establish ¹[license] certification¹ fees
17 for each ¹[license] certified¹ class. Application for a ¹[license]
18 certificate of certification¹ pursuant to this section shall be made on a
19 form promulgated by the commissioner. An applicant for a ¹[license]
20 certificate of certification¹ under ¹[P.L. , c. (C.) (now
21 pending before the Legislature as this bill)] this act¹ shall have five
22 years' experience in the field for which a ¹[license] certificate¹ is
23 sought, which shall include installation, service, sales, repair,
24 inspection and maintenance of the fire protection equipment used in
25 the field, and shall meet one of the following requirements:

26 (1) The applicant shall pass a test administered by the division for
27 the field for which a ¹[license] certificate¹ is sought. The first such
28 tests shall be administered six months after enactment of ¹[P.L. ,
29 c. (C.) (now pending before the Legislature as this bill)] this
30 act¹, and every other month thereafter, or

31 (2) The applicant shall have achieved NICET Level II for the field
32 for which the ¹[license] certificate¹ is sought ¹or other substantially
33 similar level of attainment, as determined by the commissioner¹.

34 e. The division, within 30 days of receiving an application for a
35 ¹[license] certificate of certification¹ under ¹[P.L. , c. (C.)
36 (now pending before the Legislature as this bill)] this act¹, shall
37 determine whether an application is complete and if the required
38 experience level is met or the qualification test has been passed.

39 f. If all ¹[license] certification¹ requirements are met and the
40 appropriate ¹[license] certificate of certification¹ fee is paid, the
41 commissioner shall issue a ¹[license] certificate of certification¹ to the
42 applicant in each field for which qualifications are met. Each
43 ¹[license] certificate¹ shall be valid for three years and may be
44 renewed at the end of each three-year period by the payment of a
45 renewal fee.

1 Any change in more than 50% of the ownership of a fire protection
2 contractor shall require an amended ¹[license] certificate of
3 certification¹. An application for an amended ¹[license must]
4 certificate of certification shall¹ be submitted within 60 days of a
5 change of ownership or change of company name or location.
6 ¹[Licenses] Certificates of certification¹ are non-transferable and shall
7 be displayed prominently in the principal work place. A ¹[licensee]
8 certificate holder¹ shall not be used to qualify more than one fire
9 protection contractor. The commissioner shall be notified within
10 30 days if a ¹[license] certificate¹ holder leaves the fire protection
11 contractor or is replaced. Notwithstanding subsection a. of this
12 section, no fire protection contractor shall be denied the privilege of
13 continuing business as a fire protection contractor in the event of
14 death, illness, or other physical disability of the ¹[license] certificate¹
15 holder who qualified the fire protection contractor under this section,
16 for at least six months following the date of such death, illness or other
17 physical disability; provided that the fire protection contractor
18 operates under such qualified supervision as the commissioner deems
19 adequate. If, after six months, the fire protection contractor has failed
20 to employ another ¹[license] certificate¹ holder, then the
21 ¹[commission] commissioner¹ shall revoke its fire protection
22 contractor business permit.

23 g. Whenever the division shall find cause to deny an application for
24 a ¹[license] certificate of certification¹ or to suspend or revoke a
25 ¹[license] certificate¹, it shall notify the applicant or the holder of the
26 ¹[license] certificate¹ and state the reasons for the denial or
27 suspension, as appropriate.

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

33
34 3. (New section) The commissioner shall appoint an advisory
35 committee to advise the division in the administration of the
36 ¹[licensing] certification¹ program established pursuant
37 to ¹[P.L. , c. (C.) (now pending before the Legislature as this
38 bill)] this act¹ and to create the ¹[licensing] certification¹ tests
39 required pursuant to ¹[P.L. , c. (C.) (now pending before
40 the Legislature as this bill)] this act¹. The advisory committee shall
41 be comprised of the Director of the Division of Fire Safety and one
42 member representing each of the following fire protection distributor
43 associations:

44 New Jersey Association of Fire Equipment Distributors

45 National Fire Sprinkler Association

1 National Association of Fire Equipment Distributors
2 American Fire Sprinkler Association
3 Fire Suppression Systems Association
4 Automatic Fire Alarm Association
5

6 4. (New section) All contractors shall carry commercial general
7 liability insurance, including products and completed operations
8 coverage, in the minimum amount of \$1,000,000 for each coverage.
9 The contractor shall furnish a general warranty for one year with each
10 system installation in accordance with guidelines promulgated by the
11 commissioner.
12

13 5. (New section) a. The commissioner ¹[may suspend, for up to
14 one year, or revoke any license or assess a penalty if the commissioner
15 determines that a contractor has committed any violation of P.L. ,
16 c. (C.) (now pending before the Legislature as this bill).
17 Specific violations shall subject violators to civil penalties, which shall
18 be in addition to any criminal penalties imposed by a court, as follows:

19 (1) A willful misstatement of material fact in an applicant's
20 application for registration or renewal-a maximum of \$1,000.

21 (2) The willful commission of fraud in the practice of the
22 installation of fire protection equipment - a maximum of \$20,000 per
23 occurrence.

24 (3) The installation of fire protection equipment in a grossly
25 negligent manner - a maximum of \$2,000 per occurrence.

26 (4) The failure to correct or settle any claim, provided the
27 contractor has been paid in full, arising out of any defect after the
28 contractor's responsibility has been established through the dispute
29 settlement procedure provided for in the fire code promulgated by the
30 commissioner pursuant to section 7 of P.L.1983, c.383 (C.52:27D-
31 198) - a maximum of \$5,000. Payment of the penalty shall not be
32 deemed to satisfy the responsibility of the contractor to correct or
33 settle the claim.

34 (5) Any person advertising as being, or publicly purporting to be,
35 available to install, service, sell, repair, inspect and maintain fire
36 protection equipment who is not licensed shall be subject to a
37 maximum penalty of \$1,000 for each occurrence.

38 b. A contractor may compete work in process if the license has
39 been suspended or revoked] shall promulgate, in accordance with the
40 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
41 seq.), regulations identifying violations of provisions of this act and
42 establishing a range of penalties for violations of similar type,
43 seriousness and duration¹.

44
45 6. (New section) After revocation of a ¹[license] certificate of
46 certification¹, the division shall not renew or reinstate such ¹[license]

1 certificate¹; however, a person may apply for a new ¹[license]
2 certificate of certification¹. When it can be shown that all loss caused
3 by the act or omission for which the ¹[license] certificate¹ was
4 revoked has been fully satisfied, and that all conditions imposed by the
5 order of revocation have been complied with, the commissioner may
6 issue a new ¹[license] certification¹, provided that the applicant meets
7 all other qualifications necessary for ¹[licensure] certification¹ and
8 pays the appropriate fee.

9
10 7. (New section) Any person aggrieved by any action, notice,
11 ruling or order of the commissioner, with respect to ¹[P.L. , c.
12 (C.) (now pending before the Legislature as this bill)] this act¹,
13 shall have the right to a dispute settlement hearing, in accordance with
14 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
15 seq.). The aggrieved party shall submit a written request to the
16 division for a hearing within 15 days of the action, notice, ruling or
17 order. All hearing requests shall include:

18 The date of the action which is the subject of the appeal;
19 The name and status of the person submitting the appeal;
20 The specific violations or other action claimed to be in error; and
21 A concise statement of the basis for the appeal.

22
23 8. (New section) a. Any person who has contracted with a fire
24 protection contractor and who is not satisfied with the work done by
25 the fire protection contractor shall notify the contractor of the
26 problems and shall allow a reasonable time for the repair of such
27 problems. If the repairs are not made within a reasonable time, or are
28 unsatisfactory to the person, that person may file a request for a
29 dispute settlement hearing. The division shall, upon receipt of a
30 request for a dispute settlement hearing, designate a conciliator and
31 schedule a hearing at the fire protection equipment owner's premises.
32 Any resulting agreement shall be in writing, listing the specific actions
33 to be taken by the contractor to repair or replace defects in the system
34 and a date by which corrections shall take place.

35 b. When the defect is corrected or a monetary settlement is made
36 in lieu thereof, the contractor shall present the owner with a release for
37 execution. One copy of the signed release shall be retained by the
38 contractor, one by the owner, and one copy shall be forwarded to the
39 division.

40 c. If the dispute remains unresolved after a dispute settlement
41 hearing, the division shall thoroughly review the matter and shall make
42 a decision as to the merits of the claim. This decision shall be binding
43 on both parties; provided, however, that if either party files a notice of
44 appeal of the decision with the division, the division shall provide for
45 an administrative hearing in accordance with the "Administrative
46 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), with a final

1 decision to be issued by the commissioner, or an owner may seek a
2 remedy directly in court, without regard to the dispute settlement
3 procedures made available in accordance with ¹[P.L. , c. (C.)
4 (now pending before the Legislature as this bill)] this act¹.

5 If, in the opinion of the division, a fire suppression system may be
6 rendered inoperable for an extended period of time due to legal delays,
7 either the fire official or the division may order the owner to have the
8 system restored to service in accordance with the fire code regulations
9 promulgated by the commissioner pursuant to section 7 of P.L.1983,
10 c.383 (C.52:27D-198).

11

12 ¹[9. Section 2 of P.L.1962, c.162 (C.45:5A-2) is amended to read
13 as follows:

14 2. For the purpose of this act, unless otherwise indicated by the
15 context:

16 (a) "Act" means this act (P.L.1962, c.162 (C.45:5A-1 et seq.)) and
17 the rules and regulations adopted under it;

18 (b) "Board" means the Board of Examiners of Electrical
19 Contractors created by section 3 of this act;

20 (c) "Department" means the Department of Law and Public Safety;

21 (d) "Electrical contractor" means a person who engages in the
22 business of contracting to install, erect, repair or alter electrical
23 equipment for the generation, transmission or utilization of electrical
24 energy;

25 (e) "Person" means a person, firm, corporation or other legal
26 entity;

27 (f) "Alarm business" means the installation, servicing or
28 maintenance of burglar alarm[, fire alarm] or electronic security
29 systems, or the monitoring or responding to alarm signals when
30 provided in conjunction therewith. "Installation," as used in this
31 definition, includes the survey of a premises, the design and
32 preparation of the specifications for the equipment or system to be
33 installed pursuant to a survey, the installation of the equipment or
34 system, or the demonstration of the equipment or system after the
35 installation is completed, but does not include any survey, design or
36 preparation of specifications for equipment or for a system that is
37 prepared by an engineer licensed pursuant to the provisions of
38 P.L.1938, c.342 (C.45:8-27 et seq.), or an architect licensed pursuant
39 to the provisions of chapter 3 of Title 45 of the Revised Statutes, if the
40 survey, design, or preparation of specifications is part of a design for
41 construction of a new building or premises or a renovation of an
42 existing building or premises, which renovation includes components
43 other than the installation of a burglar alarm[, fire alarm] or electronic
44 security system, and further does not include the design or preparation
45 of specifications for the equipment or system to be installed that are
46 within the practice of professional engineering as defined in subsection

1 (b) of section 2 of P.L.1938, c.342 (C.45:8-28);

2 (g) "Burglar alarm" means a security system comprised of an
3 interconnected series of alarm devices or components, including
4 systems interconnected with radio frequency signals, which emits an
5 audible, visual or electronic signal indicating an alarm condition and
6 providing a warning of intrusion, which is designed to discourage
7 crime;

8 (h) "Business firm" means a partnership, corporation or other
9 business entity engaged in the alarm business or locksmithing services;

10 (i) "Committee" means the [Fire Alarm,] Burglar Alarm[,] and
11 Locksmith Advisory Committee created by section 3 of P.L.1997,
12 c.305 (C.45:5A-23);

13 (j) "Electronic security system" means a security system comprised
14 of an interconnected series of devices or components, including
15 systems with audio and video signals or other electronic systems,
16 which emits or transmits an audible, visual or electronic signal warning
17 of intrusion and provides notification of authorized entry or exit,
18 which is designed to discourage crime;

19 (k) ["Fire alarm" means a security system comprised of an
20 interconnected series of alarm devices or components, including
21 systems interconnected with radio frequency signals, which emits an
22 audible, visual or electronic signal indicating an alarm condition and
23 which provides a warning of the presence of smoke or fire. "Fire
24 alarm" does not mean a system whose primary purpose is
25 telecommunications with energy control, the monitoring of the interior
26 environment being an incidental feature thereto] (~~deleted by~~
27 amendment, P.L. _____, c. _____ (C. _____) (now pending before the
28 Legislature as this bill);

29 (l) "Licensed locksmith" means a person who is licensed pursuant
30 to the provisions of section 7 of P.L.1997, c.305 (C.45:5A-27);

31 (m) "Licensee" means a person licensed to engage in the alarm
32 business or provide locksmithing services pursuant to the provisions
33 of section 7 of P.L.1997, c.305 (C.45:5A-27);

34 (n) "Locksmithing services" means the modification, recombination,
35 repair or installation of mechanical locking devices and electronic
36 security systems for any type of compensation and includes the
37 following: repairing, rebuilding, recoding, servicing, adjusting,
38 installing, manipulating or bypassing of a mechanical or electronic
39 locking device, for controlled access or egress to premises, vehicles,
40 safes, vaults, safe doors, lock boxes, automatic teller machines or
41 other devices for safeguarding areas where access is meant to be
42 limited; operating a mechanical or electronic locking device, safe or
43 vault by means other than those intended by the manufacturer of such
44 locking devices, safes or vaults; or consulting and providing technical
45 advice regarding selection of hardware and locking systems of
46 mechanical or electronic locking devices and electronic security

1 systems; except that "locksmithing services" shall not include the
2 installation of a prefabricated lock set and door knob into a door of a
3 residence.

4 (cf: P.L.1997, c.305, s.1)]¹

5

6 ¹[10. Section 3 of P.L.1997, c.305 (C.45:5A-23) is amended to
7 read as follows:

8 3. a. There is created within the Division of Consumer Affairs in
9 the Department of Law and Public Safety, under the Board of
10 Examiners of Electrical Contractors, a "[Fire Alarm,] Burglar Alarm
11 and Locksmith Advisory Committee." The committee shall consist of
12 [15] 14 members who are residents of this State as follows:

13 (1) Two members shall have been engaged in the alarm business in
14 this State on a full-time basis for at least five consecutive years
15 immediately preceding their appointments, shall be members of the
16 New Jersey Burglar and Fire Alarm Association and, except for the
17 members first appointed, shall be licensed under the provisions of
18 section 7 of [this act] P.L.1997, c.305 (C.45:5A-27);

19 (2) Five members shall be municipal officials, and shall include (a)
20 a fire prevention officer; (b) a crime prevention officer; (c) [a fire
21 sub-code official] (deleted by amendment, P.L. _____, c. _____) (now
22 pending before the Legislature as this bill); (d) a building inspector;
23 and (e) a chief of police who is a member of the New Jersey
24 Association of Chiefs of Police;

25 (3) One member shall be a representative of the Division of State
26 Police;

27 (4) [One member shall have been engaged in the alarm business in
28 this State on a full-time basis for at least five consecutive years
29 immediately preceding appointment, shall be a member of the
30 Automatic Fire Alarm Association of New Jersey and, except for the
31 member first appointed, shall be licensed under the provisions of
32 section 7 of this act] (deleted by amendment, P.L. _____, c. _____) (now
33 pending before the Legislature as this bill);

34 (5) Two members shall have been engaged as practicing locksmiths
35 on a full-time basis for at least five consecutive years immediately
36 preceding appointment, shall be members of a duly recognized
37 professional locksmith association in New Jersey and, except for the
38 members first appointed, shall be licensed as locksmiths under the
39 provisions of section 7 of [this act] P.L.1997, c.305 (C.45:5A-27);

40 (6) One member shall have been engaged in the alarm business in
41 this State on a full-time basis, shall be a member of both the New
42 Jersey Burglar and Fire Alarm Association and a duly recognized
43 professional locksmith association and, except for the member first
44 appointed, be licensed under the provisions of section 7 of [this act]
45 P.L.1997, c.305 (C.45:5A-27);

1 (7) One member shall have been engaged as a practicing locksmith
2 in this State on a full-time basis for at least five consecutive years
3 immediately preceding appointment, shall be a member of both the
4 New Jersey Burglar and Fire Alarm Association and a duly recognized
5 professional locksmith association and, except for the member first
6 appointed, be licensed under the provisions of section 7 of [this act]
7 P.L.1997, c.305 (C.45:5A-27);

8 (8) One member shall be a member of the International
9 Brotherhood of Electrical Workers, A.F.L.-C.I.O; and

10 (9) One member shall be a public member who meets the
11 requirements pertaining to public members set forth in subsection b.
12 of section 2 of P.L.1971, c.60 (C.45:1-2.2).

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

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

22 d. The committee shall annually elect from among its members a
23 chair and vice-chair. The committee shall meet at least four times a
24 year and may hold additional meetings as necessary to discharge its
25 duties. In addition to such meetings, the committee shall meet at the
26 call of the chair, the board, or the Attorney General.

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

32 f. The committee shall make recommendations to the board
33 regarding rules and regulations pertaining to professional training,
34 standards, identification and record-keeping procedures for licensees
35 and their employees, classifications of licensure necessary to regulate
36 the work of licensees, and other matters as necessary to effectuate the
37 purposes of [this act] P.L.1997, c.305.

38 (cf: P.L.1997, c.305, s.3)]¹

39

40 ¹[11. Section 4 of P.L.1997, c.305 (C.45:5A-24) is amended to
41 read as follows:

42 4. The board shall have the following powers and duties, or may
43 delegate them to the committee:

44 a. To set standards and approve examinations for applicants for a
45 [fire alarm,] burglar alarm or locksmith license and issue a license to
46 each qualified applicant;

- 1 b. To administer the examination to be taken by applicants for
2 licensure;
- 3 c. To determine the form and contents of applications for licensure,
4 licenses and identification cards;
- 5 d. To adopt a code of ethics for licensees;
- 6 e. To issue and renew licenses and identification cards;
- 7 f. To set the amount of fees for [fire alarm,] burglar alarm and
8 locksmith licenses, license renewal, applications, examinations and
9 other services provided by the board and committee, within the limits
10 provided in subsection b. of section 11 of [this act] P.L.1997, c.305
11 (C.45:5A-31);
- 12 g. To refuse to admit a person to an examination or refuse to issue
13 or suspend, revoke, or fail to renew the license of a [fire alarm,]
14 burglar alarm[,] or locksmith licensee pursuant to the provisions of
15 P.L.1978, c.73 (C.45:1-14 et seq.);
- 16 h. To maintain a record of all applicants for a license;
- 17 i. To maintain and annually publish a record of every licensee, his
18 place of business, place of residence and the date and number of his
19 license;
- 20 j. To take disciplinary action, in accordance with P.L.1978, c.73
21 (C.45:1-14 et seq.) against a licensee or employee who violates any
22 provision of this act or any rule or regulation promulgated pursuant to
23 [this act] P.L.1997, c.305;
- 24 k. To adopt standards and requirements for and approve continuing
25 education programs and courses of study for licensees and their
26 employees;
- 27 l. To review advertising by licensees; and
- 28 m. To perform such other duties as may be necessary to effectuate
29 the purposes of [this act] P.L.1997, c.305.
30 (cf: P.L.1997, c.305, s.4)]¹

31
32 ¹[12. Section 5 of P.L.1997, c.305 (C.45:5A-25) is amended to
33 read as follows:

34 5. a. No person shall advertise that he is authorized to engage in,
35 or engage in the alarm business, or otherwise engage in the
36 installation, service or maintenance of burglar alarm[, fire alarm] or
37 electronic security systems unless he satisfies the requirements of
38 [this act] P.L.1997, c.305.

39 b. No person shall represent himself as qualified to provide, or
40 otherwise provide locksmithing services unless he is licensed as a
41 locksmith in accordance with the provisions of [this act] P.L.1997,
42 c.305.
43 (cf: P.L.1997, c.305, s.5)]¹

44
45 ¹[13. Section 13 of P.L.1997, c.305 (C.45:5A-33) is amended to
46 read as follows:

1 13. a. Every licensee and every employee or other person engaged
2 in the unsupervised installation, servicing or maintenance of burglar
3 alarm [, fire alarm] or electronic security systems shall, at all times
4 during working hours, display an identification card issued by the
5 board. The identification card shall contain the following information:

6 (1) the name, photograph and signature of the person to whom the
7 card has been issued;

8 (2) the business name and address and license number of the
9 licensee;

10 (3) the expiration date of the card; and

11 (4) that other information the board deems appropriate for
12 identification purposes.

13 b. Identification cards shall be issued for a three-year period which,
14 in the case of a licensee, shall correspond to the term of the license
15 period of the licensee. Application for renewal of an identification
16 card for other than a licensee shall be made by the person named on
17 the card at least 45 days prior to the expiration date of the card. The
18 information provided on the identification card shall at all times be
19 current, and the named holder of the card shall advise the board of any
20 changes and file for issuance of an updated card within five days
21 following occurrence of a change, which card shall be issued for the
22 unexpired term of the original card.

23 c. Identification cards shall not be transferable in the event of a
24 change in employment.

25 (cf: P.L.1997, c.305, s.13)]¹

26
27 ¹[14. Section 14 of P.L.1997, c.305 (C.45:5A-34) is amended to
28 read as follows:

29 14. No person shall be employed by a licensee to install, service or
30 maintain a burglar alarm [, fire alarm] or electronic security system or,
31 except in the case of a licensee, shall otherwise engage in the
32 installation, service or maintenance thereof:

33 a. unless the person is of good moral character; and

34 b. where the work is to be performed other than under the field
35 supervision of a licensee or a person qualified pursuant to the
36 provisions of this section, unless the person shall have at least three
37 years of practical experience and shall have successfully completed a
38 course of study or a competency examination prescribed by the board,
39 in consultation with the committee; except that an employee employed
40 in the installation, servicing or maintenance of burglar alarm[, fire
41 alarm] or electronic security systems by a license applicant filing an
42 application within 120 days of the effective date of this act and
43 identified as an employee on the application, shall not be required to
44 satisfy the competency requirements of this subsection, until the first
45 renewal of the employee's identification card.

46 (cf: P.L.1997, c.305, s.14)]¹

1 ¹[15. Section 16 of P.L.1997, c.305 (C.45:5A-36) is amended to
2 read as follows:

3 16. No municipality or county shall enact an ordinance or
4 resolution or promulgate any rules or regulations relating to the
5 licensing or registration of locksmiths or alarm businesses. The
6 provisions of any ordinance or resolution or rules or regulations of any
7 municipality or county relating to the licensing or registration of
8 locksmiths or alarm businesses are superseded by the provisions of this
9 act. Nothing in this section shall be construed, however, to prohibit
10 municipal regulation of door-to-door vendors or salespersons of
11 burglar alarm [, fire alarm] or electronic security systems nor shall
12 anything in this section be construed to prohibit or restrict municipal
13 consideration of alarm business service proposals in consent
14 proceedings under the "Cable Television Act," P.L.1972, c.186
15 (C.48:5A-1 et seq.).
16 (cf: P.L.1997, c.305, s.16)]¹

17
18 ¹9. Section 9 of P.L.1997, c.305 (C.45:5A-29) is amended to read
19 as follows:

20 9. a. Telephone utilities and cable television companies regulated
21 by the Board of Regulatory Commissioners pursuant to Title 48 of the
22 Revised Statutes and persons in their employ while performing the
23 duties of their employment are exempt from the requirement of
24 obtaining a license to engage in the alarm business pursuant to this act.

25 b. Electrical contractors regulated by the Board of Examiners of
26 Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et seq.)
27 and persons in their employ while performing the duties of their
28 employment are exempt from the requirement of obtaining a license to
29 engage in the alarm business pursuant to this act.

30 c. Any person who is certified to engage in the fire protection
31 equipment business or who holds a fire protection contractor business
32 permit pursuant to P.L. _____, c. _____ (C. _____) (now pending before the
33 Legislature as this bill) and persons in their employ are exempt from
34 the requirement of obtaining a license to engage in the alarm business
35 pursuant to this act.¹

36 (cf: P.L.1997, c.305, s.9)

37

38 ¹[16.] 10.¹ Section 7 of P.L.1983, c.383 (C.52:27D-198) is
39 amended to read as follows:

40 7. a. The commissioner shall promulgate, in accordance with the
41 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
42 seq.), and after consulting with the fire safety commission, regulations
43 to insure the maintenance and operation of buildings and equipment in
44 such a manner as will provide a reasonable degree of safety from fire
45 and explosion.

46 Regulations promulgated pursuant to this section shall include a

1 uniform fire safety code primarily based on the standards established
2 by the Life Safety Code (National Fire Protection Association 101)
3 and any other fire codes of the National Fire Protection Association
4 and the Building Officials and Code Administrators International
5 (BOCA) Basic Fire Prevention Code, both of which may be adopted
6 by reference. The regulations may include modifications and
7 amendments the commissioner finds necessary.

8 b. The code promulgated pursuant to this section shall include the
9 requirements for fire detection and suppression systems, elevator
10 systems, emergency egresses and protective equipment reasonably
11 necessary to the fire safety of the occupants or intended occupants of
12 new or existing buildings subject to this act, including but not limited
13 to electrical fire hazards, maintenance of fire protection systems and
14 equipment, fire evacuation plans and fire drills, and all components of
15 building egress. In addition, the regulations issued and promulgated
16 pursuant to this section which are applicable to new or existing
17 buildings shall include, but not be limited to fire suppression systems,
18 built-in fire fighting equipment, fire resistance ratings, smoke control
19 systems, fire detection systems, and fire alarm systems including fire
20 service connections.

21 c. When promulgating regulations, the commissioner shall take
22 into account the varying degrees of fire safety provided by the
23 different types of construction of existing buildings and the varying
24 degrees of hazard associated with the different types and intensity of
25 uses in existing buildings. When preparing regulations which require
26 the installation of fire safety equipment and devices, the commissioner
27 shall consult with the fire safety commission and shall take into
28 account, to the greatest extent prudent, the economic consequences of
29 the regulations and shall define different use groups and levels of
30 hazard within more general use groups, making corresponding
31 distinctions in fire safety requirements for these different uses and
32 levels of hazard. The commissioner shall also take into account the
33 desirability of maintaining the integrity of historical structures to the
34 extent that it is possible to do so without endangering human life and
35 safety. The regulations established pursuant to this subsection shall
36 apply to secured vacant buildings only to the extent necessary to
37 eliminate hazards affecting adjoining properties.

38 d. Except as otherwise provided in this act, including rules and
39 regulations promulgated hereunder, all installations of equipment and
40 other alterations to existing buildings shall be made in accordance with
41 the technical standards and administrative procedures established by
42 the commissioner pursuant to the "State Uniform Construction Code
43 Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and shall be subject to
44 plan review and inspection by the local construction and subcode
45 officials having jurisdiction over the building, who shall enforce the
46 regulations established pursuant to this act applicable to the

1 installation or other alteration along with the regulations established
2 pursuant to the "State Uniform Construction Code Act."

3 e. The commissioner shall, by regulation, establish standards,
4 procedures and fees for the certification of persons engaged in the
5 business of installing, servicing, selling, repairing, inspecting or
6 maintaining fire [suppression systems, for the warranting of those
7 systems, and for the establishment, funding and operation of a
8 warranty security program. A fire suppression system installed in a
9 building subject to this act shall be warranted in accordance with those
10 standards and procedures, shall be required to be covered by the
11 warranty security program, and shall be installed by a person certified
12 in accordance with those standards and procedures] protection
13 equipment. For the purposes of this subsection, fire protection
14 equipment includes fire alarms, sprinkler systems, standpipe systems,
15 clean agent fire suppression systems, special systems, carbon dioxide
16 fire protection systems, foam systems, kitchen fire suppression
17 systems, portable fire extinguishers or any other equipment designed
18 to detect, suppress or extinguish a fire. Fire protection equipment in
19 a building subject to the provisions of the "Uniform Fire Safety Act,"
20 P.L.1983, c.383 (C.52:27D-192 et seq.) shall be installed and
21 maintained by a company certified in accordance with those standards
22 and procedures. Any person subject to certification under this
23 subsection shall be exempt from any other State, county or municipal
24 certification, licensing or registration requirements for the installation
25 or maintenance of fire protection equipment.

26 (cf: P.L.1983, c.383, s.7)

27

28 ¹[17.] 11.¹ This act shall take effect on the first day of the
29 seventh month next following enactment.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 1950

STATE OF NEW JERSEY

209th LEGISLATURE

DATED: JULY 17, 2000

SUMMARY

Synopsis: Establishes certification program for persons who install, service, sell, repair, inspect and maintain fire protection equipment; provides oversight by Department of Community Affairs.

Type of Impact: Administrative costs; fee revenue.

Agencies Affected: Department of Community Affairs, Division of Fire Safety.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	\$418,008	\$376,083	\$390,660
State Revenue	\$1,182,500	\$0	\$0

- ! Creates new certification program within the Division of Fire Safety (division) in the Department of Community Affairs (DCA) requiring a fee from contractors who sell, install, repair, inspect and maintain fire protection equipment.
- ! The provisions of the bill will increase the statutory responsibilities of the Division of Fire Safety.
- ! The Division of Fire Safety anticipates a net surplus of \$764,492 in the first year of the program, which when applied should be sufficient to cover the administrative costs of the second and third years of the program and not require the expenditure of State funds.

BILL DESCRIPTION

Assembly Bill No. 1950 (1R) of 2000 creates a comprehensive, mandatory, certification procedure for contractors who sell, install, repair, inspect and maintain fire protection equipment. The bill specifies that no fire protection contractor shall engage in the installation, service, sale, repair, inspection or maintenance of fire protection equipment without holding or employing a person who holds a certificate of certification issued in accordance with the

provisions of this bill. In addition, the bill provides that a fire protection contractor who is not a certificate holder shall be required to obtain a fire protection contractor business permit, which is valid for three years upon payment of an appropriate fee set by the Commissioner of Community Affairs and proof that the contractor employs a certificate holder.

The bill establishes various certified classifications for the installation, service, sale, repair, inspection and maintenance of fire protection equipment. Successful applicants for these classifications must pass a test administered by the Division of Fire Safety in the Department of Community Affairs in the field for which the classification is sought, or demonstrate achievement in the field of fire protection equipment.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Department of Community Affairs (DCA) has informally advised the Office of Legislative Services (OLS) that, while the bill provides no appropriation for the development and implementation of the certification program proposed by the bill, the Division of Fire Safety (division) in the DCA would be able to modify existing certification programs to reflect the new licensing responsibility proposed by the bill. The division states that it would incur approximately \$45,000 in computer enhancement costs during the first year of the program, along with an additional \$373,008 for staff, printing, mailing and other costs related to the development and implementation of this new certification. The division notes that it would be responsible for developing and administering a certification test for each of the classifications of certification, and also for issuing business certifications to contractors who do not hold a certification, but employ a certified individual.

The division advises the OLS that State funds would not be affected if the certification fees are sufficient to cover the administrative costs of the program.

The division anticipates total gross operating expenditures for the program to be \$418,008 in the first year of the program, \$376,083 in the second year and \$390,660 in the third year. These figures include the salaries and fringe benefits for seven new employees to run the program, materials and supplies, data processing and other services, and equipment for the program's employees.

The division has based its estimates on the anticipation of issuing 1,550 business permits at a fee of \$250 each, and 10,600 certifications to individual contractors at \$75 each. The total amount of fee revenue anticipated, \$1,182,500, will cover the cost of a three-year cycle of testing as well as the issuing of certifications required by the bill.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) has received no information that would indicate a fiscal impact other than that anticipated by the DCA.

Section: *Local Government*

Analyst: *Cindy Lombardi Hesper*
Senior Research Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1950

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 18, 2001

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1950 (1R) with committee amendments.

Assembly Bill No. 1950 (1R), as amended, creates a comprehensive, mandatory, certification procedure for contractors who install, repair, inspect and maintain fire protection equipment. The bill specifies that 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 certificate of certification issued in accordance with the provisions of this bill. The bill requires a fire protection contractor who is not a certificate holder to obtain a fire protection contractor business permit, which is valid for three years upon payment of an appropriate fee set by the Commissioner of Community Affairs and proof that the contractor employs a certificate holder.

The bill establishes various certified classifications, including an "all fire protection equipment contractor," authorized to install, service, sell, repair, inspect and maintain all fire protection equipment. The other certified classifications are: fire sprinkler system contractor; special hazard fire suppression system contractor; fire alarm equipment contractor; portable fire extinguisher contractor; and kitchen fire suppression system contractor. A certified fire protection contractor shall perform work only within the scope of the contractor's certification class.

Successful applicants for these classifications shall pass a test administered by the Division of Fire Safety in the Department of Community Affairs in the field for which the classification is sought or the applicant shall have achieved NICET Level II for the field in which the certificate is sought, or, as provided by committee amendment, other substantially similar level of attainment, as determined by the commissioner.

The bill establishes an advisory committee to advise the Division of Fire Safety in the administration of the bill's certification program and to create the certification tests required pursuant to this bill. The advisory committee shall consist of the Director of the Division of Fire Safety and one member representing each of the following fire protection distributor associations: New Jersey Association of Fire Equipment Distributors; National Fire Sprinkler Association; National Association of Fire Equipment Distributors; American Fire Sprinkler Association; Fire Suppression Systems Association; Automatic Fire Alarm Association, New Jersey Electrical Contractors Association and the New Jersey Burglar and Fire Alarm Association.

The bill requires all contractors to carry commercial general liability insurance in the minimum amount of \$1,000,000 for each coverage. Also, the contractor shall furnish a general warranty for one year with each system installation.

FISCAL IMPACT:

The Division of Fire Safety in the Department of Community Affairs has anticipated total gross operating expenditures for the program to be \$418,008 in the first year of the program, \$376,083 in the second year and \$390,660 in the third year. The division has based its estimates on the anticipation of issuing 1,550 business permits at a fee of \$250 each, and 10,600 certifications to individual contractors at \$75 each. The division anticipates fee revenue of \$1,182,500. That fee revenue will just cover the cost of a three-year cycle of testing, as well as the issuing of certifications required by the bill.

COMMITTEE AMENDMENTS:

Under P.L.1997, c.305, fire alarm companies are required to be licensed by the "Fire Alarm, Burglar Alarm and Locksmith Advisory Committee." The amendments specify standards of electrical work that is not "electrical contracting" under that act as they apply to certificate holder (under this bill) and an alarm business (under P.L.1997, c.305) to clarify that electrical contracting does not include work that is that is not branch circuit wiring.

The amendments specify that no person whose license to engage in the fire alarm business has been revoked shall be eligible for certification under the bill, that no person whose certification under this bill has been revoked shall be eligible for a fire alarm business license, and that the bill does not apply to installation of fire suppression systems in dormitories pursuant to P.L.2000, c.56.

The amendments delete references to the selling of fire protection equipment in the certified classifications.

The amendments also make various technical changes.

[Second Reprint]

ASSEMBLY, No. 1950

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JANUARY 27, 2000

Sponsored by:

Assemblyman JOHN V. KELLY

District 36 (Bergen, Essex and Passaic)

Co-Sponsored by:

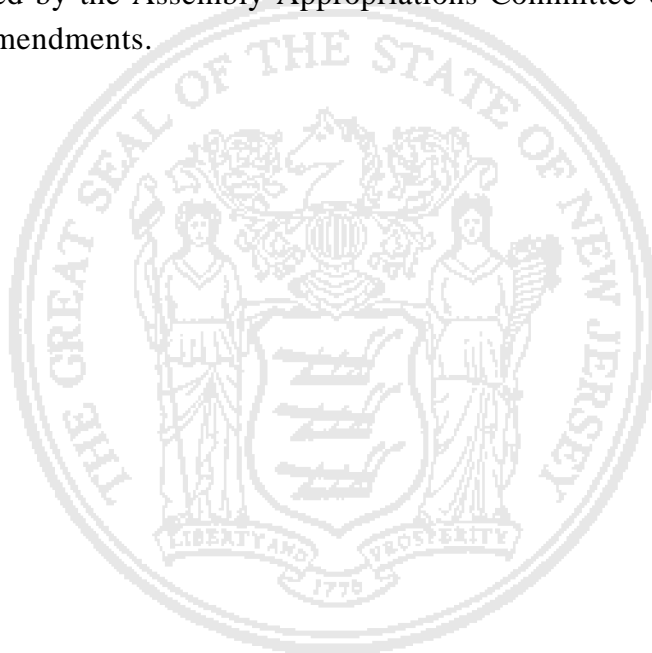
Assemblyman Steele

SYNOPSIS

Establishes certification program for persons who install, service, sell, repair, inspect and maintain fire protection equipment; provides oversight by Department of Community Affairs.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on January 18, 2001, with amendments.



(Sponsorship Updated As Of: 12/8/2000)

1 AN ACT concerning the installation or maintenance of fire protection
2 equipment, supplementing chapter 27D of Title 52 of the Revised
3 Statutes and amending ¹[P.L.1962, c.162,]¹ ²P.L.1962, c.162,
4 amending and supplementing² P.L.1997, c.305 and ²amending²
5 P.L.1983, c.383.

6

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

9

10 1. (New section) As used in sections 1 through ²[8] ¹⁰²
11 of ¹[P.L. ,
12 c. (C.) (now pending before the Legislature as this bill)] this
13 act¹:

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

16 ²"Carbon dioxide fire protection system" means a special hazard fire
17 suppression system that uses carbon dioxide as its extinguishing agent.

18 "Clean agent fire suppression system" means a special hazard fire
19 suppression system that uses an extinguishing agent that will not
20 damage the contents of the hazard.²

21 "Commissioner" means the Commissioner of Community Affairs.

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

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

26 "Engineered fire suppression system" means a fire suppression
27 system which is designed individually to suit a particular purpose or
28 hazard. Such a system requires individual calculation and design to
29 determine the flow rates, nozzle pressures, pipe ²[sizes] size², area or
30 volume ²to be² protected by each nozzle, ²[qualities] quantities²
31 extinguishing agent and the number and types of nozzles and their
32 placement in a specific system.

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

36 "Fire protection equipment" includes fire alarms, ²fire² sprinkler
37 systems, standpipe systems, clean agent fire suppression systems,
38 special ²hazard² fire suppression systems, carbon dioxide fire
39 protection systems, foam ²fire protection² systems, kitchen fire
40 suppression systems, portable fire extinguishers or any other
41 equipment designed to detect, suppress or extinguish a fire.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACP committee amendments adopted May 22, 2000.

² Assembly AAP committee amendments adopted January 18, 2001.

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

5 "Fire protection contractor" or "contractor" means a person or
6 business entity that offers to undertake or represents itself as being
7 able to undertake, or does undertake the installation, service, sale,
8 repair, inspection or maintenance of fire protection equipment and has
9 received a fire protection contractor business permit from the
10 commissioner.

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

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

17 "Fire suppression system" means ²[a regular system or special
18 system that automatically detects and automatically or manually
19 suppresses a fire using an extinguishing agent distributed through fixed
20 piping and nozzles] an engineered or pre-engineered system that
21 suppresses a fire using an extinguishing agent distributed through fixed
22 piping and nozzles that are activated either manually or automatically.
23 The system may include containers, nozzles, controls, automatic
24 detection, manual releases, equipment shut downs and alarms. In such
25 systems, an extinguishing agent is discharged through fixed pipes and
26 nozzles into or over a potential fire hazard².

27 ²"Foam fire protection system" means a special hazard fire
28 suppression system that uses foam as its extinguishing agent.²

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

36 ¹["License"] "Certificate of certification"¹ means a certificate
37 issued by the commissioner that authorizes a person to engage in the
38 fire protection equipment business to the degree indicated on the
39 certificate.

40 ¹["License holder"] "Certificate holder"¹ means a person who is
41 ¹[licensed] certified¹ to engage in the fire protection equipment
42 business.

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

45 "Portable fire extinguisher" means a portable device, carried or on
46 wheels and operated by hand, containing an extinguishing agent that

1 can be expelled under pressure for the purpose of suppressing or
2 extinguishing fire.

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

13 "Special hazard fire suppression system" means ²[an engineered or
14 pre-engineered fire suppression system or any automatic fire
15 suppression system, other than an automatic water sprinkler system,
16 which may include containers, nozzles, controls, automatic detection,
17 manual release, equipment shut downs and alarms. In such systems,
18 an extinguishing agent is discharged through fixed pipes and nozzles
19 into or over a potential fire hazard area] a fire suppression system that
20 uses an extinguishing agent other than water².

21 ²"Standpipe system" means a fire protection system consisting of an
22 arrangement of piping, valves, hose outlets, and allied equipment
23 installed in a building or structure.²

24 "Warranty" means a written guarantee given to a purchaser of fire
25 protection equipment covering a period of one year after the
26 installation of new fire protection equipment.

27

28 2. (New section) a. After the effective date of ¹[P.L. , c.
29 (C.) (now pending before the Legislature as this bill)] this act¹,
30 no fire protection contractor shall engage in the installation, service,
31 sale, repair, inspection or maintenance of fire protection equipment
32 without holding or employing a person who holds a valid ¹[license]
33 certificate of certification¹ issued in accordance with ¹[P.L. , c.
34 (C.) (now pending before the Legislature as this bill)] this act¹. A
35 fire protection contractor who is not a ¹[license] certificate¹ holder
36 shall be required to obtain a fire protection contractor business permit
37 from the commissioner, which shall be issued for three years upon
38 payment of an appropriate fee set by the commissioner and proof that
39 the fire protection contractor employs a ¹[license] certificate¹ holder.
40 Notwithstanding the provisions of this section, persons holding a
41 license to engage in the fire alarm business pursuant to P.L.1997,
42 c.305 (C.45:5A-23 et seq.), or who are electrical contractors as
43 defined in P.L.1997, c.305 (C.45:5A-23 et seq.), are exempt from the
44 requirement of obtaining a ¹[license] certificate of certification¹ under
45 ¹[P.L. , c. (C.) (now pending before the Legislature as this

1 bill)] this act¹ to engage in the fire alarm business pursuant to this act.

2 The ¹[license] certificate¹ required by this section shall define by
3 class the type of work in which a fire protection contractor may
4 engage. Any person subject to certification under ¹[P.L. , c.
5 (C.) (now pending before the Legislature as this bill)] this act¹
6 shall be exempt from any other State, county or municipal
7 certification, licensing or registration requirements for the installation
8 or maintenance of fire protection equipment.

9 The commissioner shall issue a ¹[license] certificate¹ to any person
10 who has been employed as a fire protection equipment contractor for
11 a period of not less than five years on or before the effective date of
12 ¹[P.L. c. (C.) (now pending before the Legislature as this
13 bill)] this act¹, upon payment by that person of the appropriate
14 ¹[license] certification¹ fee.

15 b. The following ¹[license] certified¹ classifications are hereby
16 established:

17 (1) An "All Fire Protection Equipment Contractor" is authorized
18 to install, service, ²[sell,]² repair, inspect and maintain all fire
19 protection equipment.

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

22 (3) A "Special Hazard Fire Suppression System Contractor" is
23 authorized to install, service, ²[sell,]² repair, inspect and maintain
24 special hazard fire suppression systems and kitchen fire suppression
25 systems.

26 (4) A "Fire Alarm Equipment Contractor" is authorized to install,
27 service, ²[sell,]² repair, inspect and maintain all fire alarms.

28 (5) A "Portable Fire Extinguisher Contractor" is authorized to
29 install, service, ²[sell,]² repair, inspect and maintain all portable fire
30 extinguishers.

31 (6) A "Kitchen Fire Suppression System Contractor" is authorized
32 to install, service, ²[sell,]² repair, inspect and maintain all kitchen fire
33 suppression systems.

34 c. A ¹[licensed] certified¹ fire protection contractor shall perform
35 work only within the scope of the contractor's ¹[license] certification¹
36 class.

37 d. The commissioner shall establish ¹[license] certification¹ fees
38 for each ¹[license] certified¹ class. Application for a ¹[license]
39 certificate of certification¹ pursuant to this section shall be made on a
40 form promulgated by the commissioner. An applicant for a ¹[license]
41 certificate of certification¹ under ¹[P.L. , c. (C.) (now
42 pending before the Legislature as this bill)] this act¹ shall have five
43 years' experience in the field for which a ¹[license] certificate¹ is
44 sought, which shall include installation, service, sales, repair,
45 inspection and maintenance of the fire protection equipment used in

1 the field, and shall meet one of the following requirements:

2 (1) The applicant shall pass a test ²[administered] approved² by
3 the division for the field for which a ¹[license] certificate¹ is sought
4 ²[. The first such tests shall be administered six months after
5 enactment of]² ¹[P.L. , c. (C.) (now pending before the
6 Legislature as this bill)] ²[this act¹, and every other month
7 thereafter,]² or

8 (2) The applicant shall have achieved NICET Level II for the field
9 for which the ¹[license] certificate¹ is sought ¹or other substantially
10 similar level of attainment, as determined by the commissioner¹.

11 e. The division, within 30 days of receiving an application for a
12 ¹[license] certificate of certification¹ under ¹[P.L. , c. (C.)
13 (now pending before the Legislature as this bill)] this act¹, shall
14 determine whether an application is complete and if the required
15 experience level is met or the qualification test has been passed.

16 f. If all ¹[license] certification¹ requirements are met and the
17 appropriate ¹[license] certificate of certification¹ fee is paid, the
18 commissioner shall issue a ¹[license] certificate of certification¹ to the
19 applicant in each field for which qualifications are met. Each
20 ¹[license] certificate¹ shall be valid for three years and may be
21 renewed at the end of each three-year period by the payment of a
22 renewal fee ²and by meeting any continuing education requirements as
23 may be required by the commissioner².

24 Any change in more than 50% of the ownership of a fire protection
25 contractor shall require an amended ¹[license] certificate of
26 certification¹. An application for an amended ¹[license must]
27 certificate of certification shall¹ be submitted within 60 days of a
28 change of ownership or change of company name or location.
29 ¹[Licenses] Certificates of certification¹ are non-transferable and shall
30 be displayed prominently in the principal work place. A ¹[licensee]
31 certificate holder¹ shall not be used to qualify more than one fire
32 protection contractor. The commissioner shall be notified within
33 30 days if a ¹[license] certificate¹ holder leaves the fire protection
34 contractor or is replaced. Notwithstanding subsection a. of this
35 section, no fire protection contractor shall be denied the privilege of
36 continuing business as a fire protection contractor in the event of
37 death, illness, or other physical disability of the ¹[license] certificate¹
38 holder who qualified the fire protection contractor under this section,
39 for at least six months following the date of such death, illness or other
40 physical disability; provided that the fire protection contractor
41 operates under such qualified supervision as the commissioner deems
42 adequate. If, after six months, the fire protection contractor has failed
43 to employ another ¹[license] certificate¹ holder, then the
44 ¹[commission] commissioner¹ shall revoke its fire protection
45 contractor business permit.

1 g. Whenever the division shall find cause to deny an application for
 2 a ¹[license] certificate of certification¹ or to suspend or revoke a
 3 ¹[license] certificate¹, it shall notify the applicant or the holder of the
 4 ¹[license] certificate¹ and state the reasons for the denial or
 5 suspension, as appropriate.

6 h. Whenever the division shall find cause to deny an application for
 7 a fire protection contractor business permit or to suspend or revoke a
 8 fire protection contractor business permit, it shall notify the applicant
 9 or the holder of the business permit and state the reasons for the denial
 10 or suspension, as appropriate.

11

12 3. (New section) The commissioner shall appoint an advisory
 13 committee to advise the division in the administration of the
 14 ¹[licensing] certification¹ program established pursuant
 15 to ¹[P.L. , c. (C.) (now pending before the Legislature as this
 16 bill)] this act¹ and to create the ¹[licensing] certification¹ tests
 17 required pursuant to ¹[P.L. , c. (C.) (now pending before
 18 the Legislature as this bill)] this act¹. The advisory committee shall
 19 be comprised of the Director of the Division of Fire Safety and one
 20 member representing each of the following fire protection distributor
 21 associations:

22 New Jersey Association of Fire Equipment Distributors

23 National Fire Sprinkler Association

24 National Association of Fire Equipment Distributors

25 American Fire Sprinkler Association

26 Fire Suppression Systems Association

27 Automatic Fire Alarm Association

28 ²New Jersey Electrical Contractors Association

29 New Jersey Burglar and Fire Alarm Association²

30

31 4. (New section) All contractors shall carry commercial general
 32 liability insurance, including products and completed operations
 33 coverage, in the minimum amount of \$1,000,000 for each coverage.
 34 The contractor shall furnish a general warranty for one year with each
 35 system installation in accordance with guidelines promulgated by the
 36 commissioner.

37

38 5. (New section) a. The commissioner ¹[may suspend, for up to
 39 one year, or revoke any license or assess a penalty if the commissioner
 40 determines that a contractor has committed any violation of P.L. ,
 41 c. (C.) (now pending before the Legislature as this bill)].
 42 Specific violations shall subject violators to civil penalties, which shall
 43 be in addition to any criminal penalties imposed by a court, as follows:

44 (1) A willful misstatement of material fact in an applicant's
 45 application for registration or renewal-a maximum of \$1,000.

1 (2) The willful commission of fraud in the practice of the
2 installation of fire protection equipment - a maximum of \$20,000 per
3 occurrence.

4 (3) The installation of fire protection equipment in a grossly
5 negligent manner - a maximum of \$2,000 per occurrence.

6 (4) The failure to correct or settle any claim, provided the
7 contractor has been paid in full, arising out of any defect after the
8 contractor's responsibility has been established through the dispute
9 settlement procedure provided for in the fire code promulgated by the
10 commissioner pursuant to section 7 of P.L.1983, c.383 (C.52:27D-
11 198) - a maximum of \$5,000. Payment of the penalty shall not be
12 deemed to satisfy the responsibility of the contractor to correct or
13 settle the claim.

14 (5) Any person advertising as being, or publicly purporting to be,
15 available to install, service, sell, repair, inspect and maintain fire
16 protection equipment who is not licensed shall be subject to a
17 maximum penalty of \$1,000 for each occurrence.

18 b. A contractor may compete work in process if the license has
19 been suspended or revoked] shall promulgate, in accordance with the
20 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
21 seq.), regulations identifying violations of provisions of this act and
22 establishing a range of penalties for violations of similar type,
23 seriousness and duration¹.

24
25 6. (New section) After revocation of a ¹[license] certificate of
26 certification¹, the division shall not renew or reinstate such ¹[license]
27 certificate¹; however, a person may apply for a new ¹[license]
28 certificate of certification¹. When it can be shown that all loss caused
29 by the act or omission for which the ¹[license] certificate¹ was
30 revoked has been fully satisfied, and that all conditions imposed by the
31 order of revocation have been complied with, the commissioner may
32 issue a new ¹[license] certification¹, provided that the applicant meets
33 all other qualifications necessary for ¹[licensure] certification¹ and
34 pays the appropriate fee.

35
36 7. (New section) Any person aggrieved by any action, notice,
37 ruling or order of the commissioner, with respect to ¹[P.L. , c.
38 (C.) (now pending before the Legislature as this bill)] this act¹,
39 shall have the right to a dispute settlement hearing, in accordance with
40 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
41 seq.). The aggrieved party shall submit a written request to the
42 division for a hearing within 15 days of the action, notice, ruling or
43 order. All hearing requests shall include:

44 The date of the action which is the subject of the appeal;

45 The name and status of the person submitting the appeal;

1 The specific violations or other action claimed to be in error; and
2 A concise statement of the basis for the appeal.

3
4 8. (New section) a. Any person who has contracted with a fire
5 protection contractor and who is not satisfied with the work done by
6 the fire protection contractor shall notify the contractor of the
7 problems and shall allow a reasonable time for the repair of such
8 problems. If the repairs are not made within a reasonable time, or are
9 unsatisfactory to the person, that person may file a request for a
10 dispute settlement hearing. The division shall, upon receipt of a
11 request for a dispute settlement hearing, designate a conciliator and
12 schedule a hearing at the fire protection equipment owner's premises.
13 Any resulting agreement shall be in writing, listing the specific actions
14 to be taken by the contractor to repair or replace defects in the system
15 and a date by which corrections shall take place.

16 b. When the defect is corrected or a monetary settlement is made
17 in lieu thereof, the contractor shall present the owner with a release for
18 execution. One copy of the signed release shall be retained by the
19 contractor, one by the owner, and one copy shall be forwarded to the
20 division.

21 c. If the dispute remains unresolved after a dispute settlement
22 hearing, the division shall thoroughly review the matter and shall make
23 a decision as to the merits of the claim. This decision shall be binding
24 on both parties; provided, however, that if either party files a notice of
25 appeal of the decision with the division, the division shall provide for
26 an administrative hearing in accordance with the "Administrative
27 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), with a final
28 decision to be issued by the commissioner, or an owner may seek a
29 remedy directly in court, without regard to the dispute settlement
30 procedures made available in accordance with ¹[P.L. , c. (C.)
31 (now pending before the Legislature as this bill)] this act¹.

32 If, in the opinion of the division, a fire suppression system may be
33 rendered inoperable for an extended period of time due to legal delays,
34 either the fire official or the division may order the owner to have the
35 system restored to service in accordance with the fire code regulations
36 promulgated by the commissioner pursuant to section 7 of P.L.1983,
37 c.383 (C.52:27D-198).

38 ²d. The rights, remedies and procedures accorded by the provisions
39 of this section are in addition to, and cumulative of, any other right,
40 remedy and procedure accorded by the common law or statutes of this
41 State, and nothing contained herein shall be construed to deny,
42 abrogate or impair any such common law or statutory right, remedy or
43 procedure.²

44
45 ¹[9. Section 2 of P.L.1962, c.162 (C.45:5A-2) is amended to read
46 as follows:

1 2. For the purpose of this act, unless otherwise indicated by the
2 context:

3 (a) "Act" means this act (P.L.1962, c.162 (C.45:5A-1 et seq.)) and
4 the rules and regulations adopted under it;

5 (b) "Board" means the Board of Examiners of Electrical
6 Contractors created by section 3 of this act;

7 (c) "Department" means the Department of Law and Public Safety;

8 (d) "Electrical contractor" means a person who engages in the
9 business of contracting to install, erect, repair or alter electrical
10 equipment for the generation, transmission or utilization of electrical
11 energy;

12 (e) "Person" means a person, firm, corporation or other legal
13 entity;

14 (f) "Alarm business" means the installation, servicing or
15 maintenance of burglar alarm[, fire alarm] or electronic security
16 systems, or the monitoring or responding to alarm signals when
17 provided in conjunction therewith. "Installation," as used in this
18 definition, includes the survey of a premises, the design and
19 preparation of the specifications for the equipment or system to be
20 installed pursuant to a survey, the installation of the equipment or
21 system, or the demonstration of the equipment or system after the
22 installation is completed, but does not include any survey, design or
23 preparation of specifications for equipment or for a system that is
24 prepared by an engineer licensed pursuant to the provisions of
25 P.L.1938, c.342 (C.45:8-27 et seq.), or an architect licensed pursuant
26 to the provisions of chapter 3 of Title 45 of the Revised Statutes, if the
27 survey, design, or preparation of specifications is part of a design for
28 construction of a new building or premises or a renovation of an
29 existing building or premises, which renovation includes components
30 other than the installation of a burglar alarm[, fire alarm] or electronic
31 security system, and further does not include the design or preparation
32 of specifications for the equipment or system to be installed that are
33 within the practice of professional engineering as defined in subsection
34 (b) of section 2 of P.L.1938, c.342 (C.45:8-28);

35 (g) "Burglar alarm" means a security system comprised of an
36 interconnected series of alarm devices or components, including
37 systems interconnected with radio frequency signals, which emits an
38 audible, visual or electronic signal indicating an alarm condition and
39 providing a warning of intrusion, which is designed to discourage
40 crime;

41 (h) "Business firm" means a partnership, corporation or other
42 business entity engaged in the alarm business or locksmithing services;

43 (i) "Committee" means the [Fire Alarm,] Burglar Alarm[,] and
44 Locksmith Advisory Committee created by section 3 of P.L.1997,
45 c.305 (C.45:5A-23);

46 (j) "Electronic security system" means a security system comprised

1 of an interconnected series of devices or components, including
2 systems with audio and video signals or other electronic systems,
3 which emits or transmits an audible, visual or electronic signal warning
4 of intrusion and provides notification of authorized entry or exit,
5 which is designed to discourage crime;

6 (k) ["Fire alarm" means a security system comprised of an
7 interconnected series of alarm devices or components, including
8 systems interconnected with radio frequency signals, which emits an
9 audible, visual or electronic signal indicating an alarm condition and
10 which provides a warning of the presence of smoke or fire. "Fire
11 alarm" does not mean a system whose primary purpose is
12 telecommunications with energy control, the monitoring of the interior
13 environment being an incidental feature thereto] (deleted by
14 amendment, P.L. _____, c. _____ (C. _____) (now pending before the
15 Legislature as this bill);

16 (l) "Licensed locksmith" means a person who is licensed pursuant
17 to the provisions of section 7 of P.L.1997, c.305 (C.45:5A-27);

18 (m) "Licensee" means a person licensed to engage in the alarm
19 business or provide locksmithing services pursuant to the provisions
20 of section 7 of P.L.1997, c.305 (C.45:5A-27);

21 (n) "Locksmithing services" means the modification, recombination,
22 repair or installation of mechanical locking devices and electronic
23 security systems for any type of compensation and includes the
24 following: repairing, rebuilding, recoding, servicing, adjusting,
25 installing, manipulating or bypassing of a mechanical or electronic
26 locking device, for controlled access or egress to premises, vehicles,
27 safes, vaults, safe doors, lock boxes, automatic teller machines or
28 other devices for safeguarding areas where access is meant to be
29 limited; operating a mechanical or electronic locking device, safe or
30 vault by means other than those intended by the manufacturer of such
31 locking devices, safes or vaults; or consulting and providing technical
32 advice regarding selection of hardware and locking systems of
33 mechanical or electronic locking devices and electronic security
34 systems; except that "locksmithing services" shall not include the
35 installation of a prefabricated lock set and door knob into a door of a
36 residence.

37 (cf: P.L.1997, c.305, s.1)]¹

38

39 ¹[10. Section 3 of P.L.1997, c.305 (C.45:5A-23) is amended to
40 read as follows:

41 3. a. There is created within the Division of Consumer Affairs in
42 the Department of Law and Public Safety, under the Board of
43 Examiners of Electrical Contractors, a "[Fire Alarm,] Burglar Alarm
44 and Locksmith Advisory Committee." The committee shall consist of
45 [15] 14 members who are residents of this State as follows:

46 (1) Two members shall have been engaged in the alarm business in

1 this State on a full-time basis for at least five consecutive years
2 immediately preceding their appointments, shall be members of the
3 New Jersey Burglar and Fire Alarm Association and, except for the
4 members first appointed, shall be licensed under the provisions of
5 section 7 of [this act] P.L.1997, c.305 (C.45:5A-27);

6 (2) Five members shall be municipal officials, and shall include (a)
7 a fire prevention officer; (b) a crime prevention officer; (c) [a fire
8 sub-code official] (deleted by amendment, P.L. _____, c. _____) (now
9 pending before the Legislature as this bill); (d) a building inspector;
10 and (e) a chief of police who is a member of the New Jersey
11 Association of Chiefs of Police;

12 (3) One member shall be a representative of the Division of State
13 Police;

14 (4) [One member shall have been engaged in the alarm business in
15 this State on a full-time basis for at least five consecutive years
16 immediately preceding appointment, shall be a member of the
17 Automatic Fire Alarm Association of New Jersey and, except for the
18 member first appointed, shall be licensed under the provisions of
19 section 7 of this act] (deleted by amendment, P.L. _____, c. _____) (now
20 pending before the Legislature as this bill);

21 (5) Two members shall have been engaged as practicing locksmiths
22 on a full-time basis for at least five consecutive years immediately
23 preceding appointment, shall be members of a duly recognized
24 professional locksmith association in New Jersey and, except for the
25 members first appointed, shall be licensed as locksmiths under the
26 provisions of section 7 of [this act] P.L.1997, c.305 (C.45:5A-27);

27 (6) One member shall have been engaged in the alarm business in
28 this State on a full-time basis, shall be a member of both the New
29 Jersey Burglar and Fire Alarm Association and a duly recognized
30 professional locksmith association and, except for the member first
31 appointed, be licensed under the provisions of section 7 of [this act]
32 P.L.1997, c.305 (C.45:5A-27);

33 (7) One member shall have been engaged as a practicing locksmith
34 in this State on a full-time basis for at least five consecutive years
35 immediately preceding appointment, shall be a member of both the
36 New Jersey Burglar and Fire Alarm Association and a duly recognized
37 professional locksmith association and, except for the member first
38 appointed, be licensed under the provisions of section 7 of [this act]
39 P.L.1997, c.305 (C.45:5A-27);

40 (8) One member shall be a member of the International
41 Brotherhood of Electrical Workers, A.F.L.-C.I.O; and

42 (9) One member shall be a public member who meets the
43 requirements pertaining to public members set forth in subsection b.
44 of section 2 of P.L.1971, c.60 (C.45:1-2.2).

45 b. The Governor shall appoint each member for a term of three
46 years, except that of the members first appointed, five shall serve for

1 terms of three years, five shall serve for terms of two years, and five
2 shall serve for terms of one year.

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

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

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

18 f. The committee shall make recommendations to the board
19 regarding rules and regulations pertaining to professional training,
20 standards, identification and record-keeping procedures for licensees
21 and their employees, classifications of licensure necessary to regulate
22 the work of licensees, and other matters as necessary to effectuate the
23 purposes of [this act] P.L.1997, c.305.

24 (cf: P.L.1997, c.305, s.3)]¹

25

26 ¹[11. Section 4 of P.L.1997, c.305 (C.45:5A-24) is amended to
27 read as follows:

28 4. The board shall have the following powers and duties, or may
29 delegate them to the committee:

30 a. To set standards and approve examinations for applicants for a
31 [fire alarm,] burglar alarm or locksmith license and issue a license to
32 each qualified applicant;

33 b. To administer the examination to be taken by applicants for
34 licensure;

35 c. To determine the form and contents of applications for licensure,
36 licenses and identification cards;

37 d. To adopt a code of ethics for licensees;

38 e. To issue and renew licenses and identification cards;

39 f. To set the amount of fees for [fire alarm,] burglar alarm and
40 locksmith licenses, license renewal, applications, examinations and
41 other services provided by the board and committee, within the limits
42 provided in subsection b. of section 11 of [this act] P.L.1997, c.305
43 (C.45:5A-31);

44 g. To refuse to admit a person to an examination or refuse to issue
45 or suspend, revoke, or fail to renew the license of a [fire alarm,]
46 burglar alarm[,] or locksmith licensee pursuant to the provisions of

- 1 P.L.1978, c.73 (C.45:1-14 et seq.);
- 2 h. To maintain a record of all applicants for a license;
- 3 i. To maintain and annually publish a record of every licensee, his
- 4 place of business, place of residence and the date and number of his
- 5 license;
- 6 j. To take disciplinary action, in accordance with P.L.1978, c.73
- 7 (C.45:1-14 et seq.) against a licensee or employee who violates any
- 8 provision of this act or any rule or regulation promulgated pursuant to
- 9 **[this act] P.L.1997, c.305**;
- 10 k. To adopt standards and requirements for and approve continuing
- 11 education programs and courses of study for licensees and their
- 12 employees;
- 13 l. To review advertising by licensees; and
- 14 m. To perform such other duties as may be necessary to effectuate
- 15 the purposes of **[this act] P.L.1997, c.305**.
- 16 (cf: P.L.1997, c.305, s.4)]¹

17

18 ¹[12. Section 5 of P.L.1997, c.305 (C.45:5A-25) is amended to

19 read as follows:

- 20 5. a. No person shall advertise that he is authorized to engage in,
- 21 or engage in the alarm business, or otherwise engage in the
- 22 installation, service or maintenance of burglar alarm[, fire alarm] or
- 23 electronic security systems unless he satisfies the requirements of
- 24 **[this act] P.L.1997, c.305**.
- 25 b. No person shall represent himself as qualified to provide, or
- 26 otherwise provide locksmithing services unless he is licensed as a
- 27 locksmith in accordance with the provisions of **[this act] P.L.1997,**
- 28 **c.305**.
- 29 (cf: P.L.1997, c.305, s.5)]¹

30

31 ¹[13. Section 13 of P.L.1997, c.305 (C.45:5A-33) is amended to

32 read as follows:

- 33 13. a. Every licensee and every employee or other person engaged
- 34 in the unsupervised installation, servicing or maintenance of burglar
- 35 alarm [, fire alarm] or electronic security systems shall, at all times
- 36 during working hours, display an identification card issued by the
- 37 board. The identification card shall contain the following information:
- 38 (1) the name, photograph and signature of the person to whom the
- 39 card has been issued;
- 40 (2) the business name and address and license number of the
- 41 licensee;
- 42 (3) the expiration date of the card; and
- 43 (4) that other information the board deems appropriate for
- 44 identification purposes.
- 45 b. Identification cards shall be issued for a three-year period which,

1 in the case of a licensee, shall correspond to the term of the license
2 period of the licensee. Application for renewal of an identification
3 card for other than a licensee shall be made by the person named on
4 the card at least 45 days prior to the expiration date of the card. The
5 information provided on the identification card shall at all times be
6 current, and the named holder of the card shall advise the board of any
7 changes and file for issuance of an updated card within five days
8 following occurrence of a change, which card shall be issued for the
9 unexpired term of the original card.

10 c. Identification cards shall not be transferable in the event of a
11 change in employment.

12 (cf: P.L.1997, c.305, s.13)]¹

13

14 ¹[14. Section 14 of P.L.1997, c.305 (C.45:5A-34) is amended to
15 read as follows:

16 14. No person shall be employed by a licensee to install, service or
17 maintain a burglar alarm [, fire alarm] or electronic security system or,
18 except in the case of a licensee, shall otherwise engage in the
19 installation, service or maintenance thereof:

20 a. unless the person is of good moral character; and

21 b. where the work is to be performed other than under the field
22 supervision of a licensee or a person qualified pursuant to the
23 provisions of this section, unless the person shall have at least three
24 years of practical experience and shall have successfully completed a
25 course of study or a competency examination prescribed by the board,
26 in consultation with the committee; except that an employee employed
27 in the installation, servicing or maintenance of burglar alarm[, fire
28 alarm] or electronic security systems by a license applicant filing an
29 application within 120 days of the effective date of this act and
30 identified as an employee on the application, shall not be required to
31 satisfy the competency requirements of this subsection, until the first
32 renewal of the employee's identification card.

33 (cf: P.L.1997, c.305, s.14)]¹

34

35 ¹[15. Section 16 of P.L.1997, c.305 (C.45:5A-36) is amended to
36 read as follows:

37 16. No municipality or county shall enact an ordinance or
38 resolution or promulgate any rules or regulations relating to the
39 licensing or registration of locksmiths or alarm businesses. The
40 provisions of any ordinance or resolution or rules or regulations of any
41 municipality or county relating to the licensing or registration of
42 locksmiths or alarm businesses are superseded by the provisions of this
43 act. Nothing in this section shall be construed, however, to prohibit
44 municipal regulation of door-to-door vendors or salespersons of
45 burglar alarm [, fire alarm] or electronic security systems nor shall
46 anything in this section be construed to prohibit or restrict municipal

1 consideration of alarm business service proposals in consent
2 proceedings under the "Cable Television Act," P.L.1972, c.186
3 (C.48:5A-1 et seq.).
4 (cf: P.L.1997, c.305, s.16)]¹

5
6 ²9. (New section) a. No person whose license to engage in the
7 fire alarm business has been revoked by the Board of Examiners of
8 Electrical Contractors pursuant to P.L.1997, c.305 (C.45:5A-23 et
9 seq.), shall be eligible for certification under the provisions of this act.²

10
11 ²10. (New section) The provisions of this act shall not apply to
12 any person engaged in the installation of fire suppression systems in
13 dormitories pursuant to P.L.2000, c.56 (C.52:27D-198.7 et al.).²

14
15 ²11. Section 18 of P.L.1962, c.162 (C.45:5A-18) is amended to
16 read as follows:

17 18. Electrical work or construction which is performed on the
18 following facilities or which is by or for the following agencies shall
19 not be included within the business of electrical contracting so as to
20 require the securing of a business permit under this act:

21 (a) Minor repair work such as the replacement of lamps and fuses.

22 (b) The connection of portable electrical appliances to suitable
23 permanently installed receptacles.

24 (c) The testing, servicing or repairing of electrical equipment or
25 apparatus.

26 (d) Electrical work in mines, on ships, railway cars, elevators,
27 escalators or automotive equipment.

28 (e) Municipal plants or any public utility as defined in R.S.48:2-13,
29 organized for the purpose of constructing, maintaining and operating
30 works for the generation, supplying, transmission and distribution of
31 electricity for electric light, heat, or power.

32 (f) A public utility subject to regulation, supervision or control by
33 a federal regulatory body, or a public utility operating under the
34 authority granted by the State of New Jersey, and engaged in the
35 furnishing of communication or signal service, or both, to a public
36 utility, or to the public, as an integral part of a communication or
37 signal system, and any agency associated or affiliated with any public
38 utility and engaged in research and development in the
39 communications field.

40 (g) A railway utility in the exercise of its functions as a utility and
41 located in or on buildings or premises used exclusively by such an
42 agency.

43 (h) Commercial radio and television transmission equipment.

44 (i) Construction by any branch of the federal government.

45 (j) Any work with a potential of less than 10 volts.

46 (k) Repair, manufacturing and maintenance work on premises

1 occupied by a firm or corporation, and installation work on premises
2 occupied by a firm or corporation and performed by a regular
3 employee who is a qualified journeyman electrician.

4 (l) Installation, repair or maintenance performed by regular
5 employees of the State or of a municipality, county, or school district
6 on the premises or property owned or occupied by the State, a
7 municipality, county, or school district.

8 (m) The maintaining, installing or connecting of automatic oil, gas
9 or coal burning equipment, gasoline or diesel oil dispensing equipment
10 and the lighting in connection therewith to a supply of adequate size
11 at the load side of the distribution board.

12 (n) Work performed by a person on a dwelling that is occupied
13 solely as a residence for himself or for a member or members of his
14 immediate family.

15 (o) (Deleted by amendment, P.L.1997, c.305)

16 (p) Any work performed by a landscape irrigation contractor which
17 has the potential of not more than 30 volts involving the installation,
18 servicing, or maintenance of a landscape irrigation system as this term
19 is defined by section 2 of this amendatory and supplementary act.
20 Nothing in this act shall be deemed to exempt work covered by this
21 subsection from inspection required by the "State Uniform
22 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or
23 regulations adopted pursuant thereto.

24 (q) Any work performed by a person certified pursuant to sections
25 1 through 10 of P.L. c. (C.) (now pending before the
26 Legislature as this bill) that is not branch circuit wiring. For the
27 purposes of this subsection, "branch circuit wiring" means the circuit
28 conductors between the final overcurrent device protecting the circuit
29 and one or more outlets. A certificate holder shall be deemed to have
30 engaged in professional misconduct for the purposes of section 8 of
31 P.L.1978, c.73 (C.45:1-21) for violating the provisions of this
32 subsection.

33 (r) Any work performed by an alarm business, as that term is
34 defined by section 2 of P.L.1985, c.289 (C.45:5A-18.1), licensed
35 pursuant to P.L.1997, c.305 (C.45:5A-23 et seq.) that is not branch
36 circuit wiring. For the purposes of this subsection, "branch circuit
37 wiring" means the circuit conductors between the final overcurrent
38 device protecting the circuit and one or more outlets. A licensee shall
39 be deemed to have engaged in professional misconduct for the
40 purposes of section 8 of P.L.1978, c.73 (C.54:1-21) for violating the
41 provisions of this subsection..

42 The board may also exempt from the business permit provisions of
43 this act such other electrical activities of like character which in the
44 board's opinion warrant exclusion from the provisions of this act.²
45 (cf: P.L.1997, c.305, s.2)

1 ²12. Section 19 of P.L.1997, c.305 is amended to read as follows:

2 19. This act shall take effect on the 180th day following the date
3 of enactment [, except that section 2 shall take effect on the date
4 regulations promulgated under this act have taken effect].²

5 (cf: P.L.1997, c.305, s.19)

6

7 ²[^{19.}] ²13.² Section 9 of P.L.1997, c.305 (C.45:5A-29) is amended
8 to read as follows:

9 9. a. Telephone utilities and cable television companies regulated
10 by the Board of Regulatory Commissioners pursuant to Title 48 of the
11 Revised Statutes and persons in their employ while performing the
12 duties of their employment are exempt from the requirement of
13 obtaining a license to engage in the alarm business pursuant to this act.

14 b. Electrical contractors regulated by the Board of Examiners of
15 Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et seq.)
16 and persons in their employ while performing the duties of their
17 employment are exempt from the requirement of obtaining a license to
18 engage in the alarm business pursuant to this act.

19 c. Any person who is certified to engage in the fire protection
20 equipment business or who holds a fire protection contractor business
21 permit pursuant to P.L. , c. (C.) (now pending before the
22 Legislature as this bill) and persons in their employ are exempt from
23 the requirement of obtaining a license to engage in the ²fire ² alarm
24 business pursuant to this act.¹

25 (cf: P.L.1997, c.305, s.9)

26

27 ²14. (New section) No person whose certificate of certification
28 to engage in the fire protection contractor business has been revoked
29 by the Commissioner of the Department of Community Affairs
30 pursuant to P.L. , c. (C.) (now pending before the Legislature
31 as this bill) shall be eligible for a license to engage in the fire alarm
32 business under the provisions of P.L.1997, c.305 (C.45:5A-23 et al.).²

33

34 ¹[16.] ²[10.¹] ²15.² Section 7 of P.L.1983, c.383 (C.52:27D-198)
35 is amended to read as follows:

36 7. a. The commissioner shall promulgate, in accordance with the
37 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
38 seq.), and after consulting with the fire safety commission, regulations
39 to insure the maintenance and operation of buildings and equipment in
40 such a manner as will provide a reasonable degree of safety from fire
41 and explosion.

42 Regulations promulgated pursuant to this section shall include a
43 uniform fire safety code primarily based on the standards established
44 by the Life Safety Code (National Fire Protection Association 101)
45 and any other fire codes of the National Fire Protection Association
46 and the Building Officials and Code Administrators International

1 (BOCA) Basic Fire Prevention Code, both of which may be adopted
2 by reference. The regulations may include modifications and
3 amendments the commissioner finds necessary.

4 b. The code promulgated pursuant to this section shall include the
5 requirements for fire detection and suppression systems, elevator
6 systems, emergency egresses and protective equipment reasonably
7 necessary to the fire safety of the occupants or intended occupants of
8 new or existing buildings subject to this act, including but not limited
9 to electrical fire hazards, maintenance of fire protection systems and
10 equipment, fire evacuation plans and fire drills, and all components of
11 building egress. In addition, the regulations issued and promulgated
12 pursuant to this section which are applicable to new or existing
13 buildings shall include, but not be limited to fire suppression systems,
14 built-in fire fighting equipment, fire resistance ratings, smoke control
15 systems, fire detection systems, and fire alarm systems including fire
16 service connections.

17 c. When promulgating regulations, the commissioner shall take
18 into account the varying degrees of fire safety provided by the
19 different types of construction of existing buildings and the varying
20 degrees of hazard associated with the different types and intensity of
21 uses in existing buildings. When preparing regulations which require
22 the installation of fire safety equipment and devices, the commissioner
23 shall consult with the fire safety commission and shall take into
24 account, to the greatest extent prudent, the economic consequences of
25 the regulations and shall define different use groups and levels of
26 hazard within more general use groups, making corresponding
27 distinctions in fire safety requirements for these different uses and
28 levels of hazard. The commissioner shall also take into account the
29 desirability of maintaining the integrity of historical structures to the
30 extent that it is possible to do so without endangering human life and
31 safety. The regulations established pursuant to this subsection shall
32 apply to secured vacant buildings only to the extent necessary to
33 eliminate hazards affecting adjoining properties.

34 d. Except as otherwise provided in this act, including rules and
35 regulations promulgated hereunder, all installations of equipment and
36 other alterations to existing buildings shall be made in accordance with
37 the technical standards and administrative procedures established by
38 the commissioner pursuant to the "State Uniform Construction Code
39 Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and shall be subject to
40 plan review and inspection by the local construction and subcode
41 officials having jurisdiction over the building, who shall enforce the
42 regulations established pursuant to this act applicable to the
43 installation or other alteration along with the regulations established
44 pursuant to the "State Uniform Construction Code Act."

45 e. The commissioner shall, by regulation, establish standards,
46 procedures and fees for the certification of persons engaged in the

1 business of installing, servicing, selling, repairing, inspecting or
2 maintaining fire [suppression systems, for the warranting of those
3 systems, and for the establishment, funding and operation of a
4 warranty security program. A fire suppression system installed in a
5 building subject to this act shall be warranted in accordance with those
6 standards and procedures, shall be required to be covered by the
7 warranty security program, and shall be installed by a person certified
8 in accordance with those standards and procedures] protection
9 equipment. For the purposes of this subsection, fire protection
10 equipment includes fire alarms, sprinkler systems, standpipe systems,
11 clean agent fire suppression systems, special systems, carbon dioxide
12 fire protection systems, foam systems, kitchen fire suppression
13 systems, portable fire extinguishers or any other equipment designed
14 to detect, suppress or extinguish a fire. Fire protection equipment in
15 a building subject to the provisions of the "Uniform Fire Safety Act,"
16 P.L.1983, c.383 (C.52:27D-192 et seq.) shall be installed and
17 maintained by a company certified in accordance with those standards
18 and procedures. Any person subject to certification under this
19 subsection shall be exempt from any other State, county or municipal
20 certification, licensing or registration requirements for the installation
21 or maintenance of fire protection equipment.

22 (cf: P.L.1983, c.383, s.7)

23

24 ¹[17.] ²[11.1] 16.² This act shall take effect on the first day of
25 the seventh month next following enactment.

SENATE COMMERCE COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 1950

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 2001

The Senate Commerce Committee reports favorably and with committee amendments Assembly Bill No. 1950 (2R).

This bill, as amended by the committee, creates a comprehensive, mandatory, certification procedure for contractors who install, service, repair, inspect and maintain fire protection equipment. The Commissioner of Community Affairs shall administer the provisions of the bill and his powers and duties are specified in section 3 of the bill. The bill specifies that 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 certificate of certification issued in accordance with the provisions of this bill. The bill requires a fire protection contractor who is not a certificate holder to obtain a fire protection contractor business permit, which is valid for three years upon payment of an appropriate fee set by the commissioner and proof that the contractor employs a certificate holder.

An applicant applying for certification to engage in the fire protection equipment business must:

- a. Be at least 18 years of age;
- b. Be of good moral character and not have been convicted of a crime of the first, second or third degree within 10 years prior to filing the application;
- c. Meet qualifications established by the commissioner, regarding experience, continuing education, financial responsibility and integrity; and
- d. Establish his qualifications to perform and supervise various phases of fire protection equipment installation, service, repair, inspection and maintenance as evidenced by successful completion of an examination approved by the commissioner.

The commissioner shall issue a certificate of certification 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 bill.

The commissioner may certify an applicant who holds a valid license, registration, certification or other authorization from another jurisdiction which requires equal or greater experience and knowledge requirements.

The bill establishes various certified classifications, including an "all fire protection equipment contractor," authorized to install, service, repair, inspect and maintain all fire protection equipment. The other certified classifications are: fire sprinkler system contractor; special hazard fire suppression system contractor; fire alarm system contractor; portable fire extinguisher contractor; and kitchen fire suppression system contractor. A certified fire protection contractor shall perform work only within the scope of the contractor's certification class.

A certificate holder must: maintain at least one business office within this State or file a statement allowing the commissioner to accept service of process in an action or legal proceeding against the certificate holder; clearly mark each installation and service vehicle with the business name; and maintain an emergency service number attended to on a 24-hour basis.

The bill requires all contractors to carry commercial general liability insurance in the minimum amount of \$1,000,000 for each coverage. Also, the contractor shall furnish a general warranty for one year with each system installation.

Any work done by an uncertified employee shall be examined by a certificate holder prior to activating the fire protection equipment. A certificate holder shall be liable for any unprofessional conduct of an employee while acting within the scope of his employment.

Any person who has contracted with a fire protection contractor who is not satisfied with the work done by the contractor shall notify the contractor of the problems and allow a reasonable time for repair of the problems. If the repairs are not made within a reasonable time or are unsatisfactory, the claimant may file a request for the commissioner to designate an arbitrator. If both parties do not agree to arbitration, the commissioner shall review the matter and order appropriate relief. Thereafter either party may request an administrative hearing with the commissioner issuing the final decision. In the alternative, a claimant may seek a remedy directly in court.

The commissioner may refuse to admit a person to examination or may refuse to issue or may suspend or revoke any certificate of certification issued by the commissioner for any violation specified in section 14 of the bill. In addition, the commissioner may promulgate regulations identifying violations of provisions of this bill and establishing a range of penalties for violations of similar type, seriousness and duration.

The bill establishes the Fire Protection Equipment Advisory Committee to advise the commissioner in the administration of the bill's certification program. The advisory committee shall consist of the Director of the Division of Fire Safety and one member

representing each of the following fire protection organizations: New Jersey Association of Fire Equipment Distributors, National Fire Sprinkler Association, National Association of Fire Equipment Distributors, American Fire Sprinkler Association, Fire Suppression Systems Association, Automatic Fire Alarm Association, New Jersey Electrical Contractors Association and the New Jersey Burglar and Fire Alarm Association.

A person licensed to engage in the fire alarm business whose license is not in good standing is not eligible for a certificate of certification pursuant to this bill and a person certified to engage in the fire protection contractor business whose certificate of certification is not in good standing is not eligible for a license to engage in the fire alarm business.

Persons engaged in the fire alarm business or who are electrical contractors are exempt from the requirements of obtaining a certificate of certification under this bill to engage in the fire alarm business to the extent that they are acting within their scope of practice.

The commissioner may exempt from the requirements of this bill any person engaged in the installation of fire protection equipment in dormitories and the exemption shall only apply for work performed pursuant to P.L. 2000, c. 56 (C. 52:27D-198.7 et al) and for the time necessary to complete work performed pursuant to that act.

The bill provides that any person subject to certification under this bill is exempt from any other State, county or municipal certification, licensing or registration requirements for installing, servicing, reaping, inspecting or maintaining fire protection equipment.

[Third Reprint]

ASSEMBLY, No. 1950

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JANUARY 27, 2000

Sponsored by:

Assemblyman JOHN V. KELLY

District 36 (Bergen, Essex and Passaic)

Co-Sponsored by:

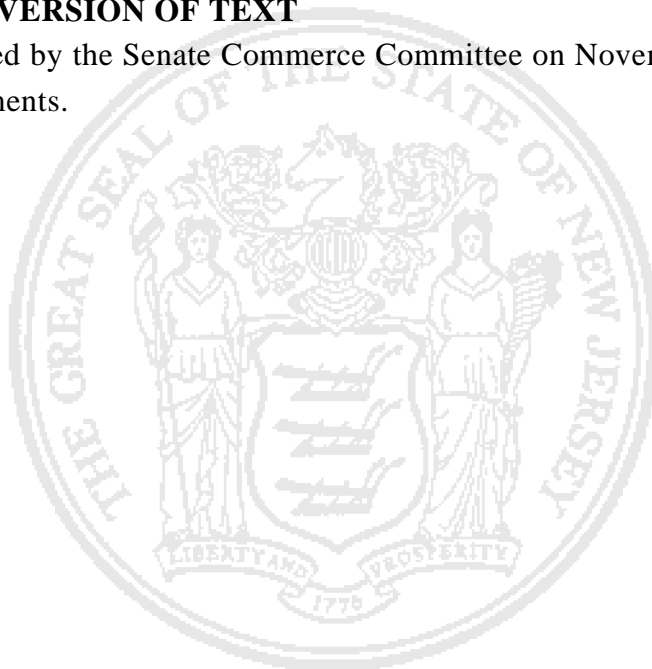
Assemblyman Steele and Senator Connors

SYNOPSIS

Establishes certification program for persons who install, service, repair, inspect and maintain fire protection equipment; provides oversight by Department of Community Affairs.

CURRENT VERSION OF TEXT

As reported by the Senate Commerce Committee on November 19, 2001, with amendments.



(Sponsorship Updated As Of: 12/7/2001)

1 AN ACT concerning the installation or maintenance of fire protection
 2 equipment, supplementing chapter 27D of Title 52 of the Revised
 3 Statutes and amending ¹[P.L.1962, c.162,]¹ ²P.L.1962, c.162,
 4 amending and supplementing² P.L.1997, c.305 and ²amending²
 5 P.L.1983, c.383.

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

9
 10 1. (New section) As used in sections 1 through ²[8] ³[10²] ¹⁹³
 11 of ¹[P.L. ,c. (C.) (now pending before the Legislature as this
 12 bill)] this act¹:

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

15 ²"Carbon dioxide fire protection system" means a special hazard fire
 16 suppression system that uses carbon dioxide as its extinguishing agent.

17 "Clean agent fire suppression system" means a special hazard fire
 18 suppression system that uses an extinguishing agent that will not
 19 damage the contents of the hazard.²

20 "Commissioner" means the Commissioner of Community Affairs.

21 ³"Committee" means the Fire Protection Equipment Advisory
 22 Committee created by section 2 of this act.³

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

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

27 "Engineered fire suppression system" means a fire suppression
 28 system which is designed individually to suit a particular purpose or
 29 hazard. Such a system requires individual calculation and design to
 30 determine the flow rates, nozzle pressures, pipe ²[sizes] size², area or
 31 volume ²to be² protected by each nozzle, ²[qualities] quantities²
 32 extinguishing agent and the number and types of nozzles and their
 33 placement in a specific system.

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

37 "Fire protection equipment" includes fire ³[alarms] alarm systems³,
 38 ²fire² sprinkler systems, standpipe systems, clean agent fire
 39 suppression systems, special ²hazard² fire suppression systems, carbon
 40 dioxide fire protection systems, foam ²fire protection² systems, kitchen

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACP committee amendments adopted May 22, 2000.

² Assembly AAP committee amendments adopted January 18, 2001.

³ Senate SCM committee amendments adopted November 19, 2001.

1 fire suppression systems, portable fire extinguishers or any other
2 equipment designed to detect, suppress or extinguish a fire.

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

7 "Fire protection contractor" or "contractor" means a person or
8 business entity that offers to undertake or represents itself as being
9 able to undertake, or does undertake the installation, service, sale,
10 repair, inspection or maintenance of fire protection equipment ³[and
11 has received a fire protection contractor business permit from the
12 commissioner]³.

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

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

19 "Fire suppression system" means ²[a regular system or special
20 system that automatically detects and automatically or manually
21 suppresses a fire using an extinguishing agent distributed through fixed
22 piping and nozzles] an engineered or pre-engineered system that
23 suppresses a fire using an extinguishing agent distributed through fixed
24 piping and nozzles that are activated either manually or automatically.
25 The system may include containers, nozzles, controls, automatic
26 detection, manual releases, equipment shut downs and alarms. In such
27 systems, an extinguishing agent is discharged through fixed pipes and
28 nozzles into or over a potential fire hazard².

29 ²"Foam fire protection system" means a special hazard fire
30 suppression system that uses foam as its extinguishing agent.²

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

38 ¹["License"] "Certificate of certification"¹ means a certificate
39 issued by the commissioner that authorizes a person to engage in the
40 fire protection equipment business to the degree indicated on the
41 certificate.

42 ¹["License holder"] "Certificate holder"¹ means a person who is
43 ¹[licensed] certified¹ to engage in the fire protection equipment
44 business.

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

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

15 "Special hazard fire suppression system" means ²[an engineered or
16 pre-engineered fire suppression system or any automatic fire
17 suppression system, other than an automatic water sprinkler system,
18 which may include containers, nozzles, controls, automatic detection,
19 manual release, equipment shut downs and alarms. In such systems,
20 an extinguishing agent is discharged through fixed pipes and nozzles
21 into or over a potential fire hazard area] a fire suppression system that
22 uses an extinguishing agent other than water².

23 ²"Standpipe system" means a fire protection system consisting of an
24 arrangement of piping, valves, hose outlets, and allied equipment
25 installed in a building or structure.²

26 "Warranty" means a written guarantee given to a purchaser of fire
27 protection equipment covering a period of one year after the
28 installation of new fire protection equipment.

29
30 ³2. (New section) a. There is created within the Division of Fire
31 Safety in the Department of Community Affairs a "Fire Protection
32 Equipment Advisory Committee." The committee shall be comprised
33 of the Director of the Division of Fire Safety who shall serve ex officio
34 and eight public members, appointed by the Governor. Each of the
35 public members shall be selected by the Governor from a list of three
36 nominees provided to the Governor by each of the following fire
37 protection organizations or their successor organizations:

38 New Jersey Association of Fire Equipment Distributors

39 National Fire Sprinkler Association

40 National Association of Fire Equipment Distributors

41 American Fire Sprinkler Association

42 Fire Suppression Systems Association

43 Automatic Fire Alarm Association

44 New Jersey Electrical Contractors Association

45 New Jersey Burglar and Fire Alarm Association

46 b. The Governor shall appoint each member for a term of three

1 years, except that of the members first appointed, three shall serve for
2 terms of three years, three shall serve for terms of two years and two
3 shall serve for terms of one year.

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

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

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

19 f. The committee shall make recommendations to the commissioner
20 regarding rules and regulations pertaining to professional training,
21 standards, identification and record keeping procedures for certificate
22 holders and their employees, classifications of certificates necessary to
23 regulate the work of certificate holders, and other matters necessary
24 to effectuate the purposes of this act.³

25
26 ³3. (New section) The commissioner shall have the following
27 powers and duties:

28 a. To set standards and approve examinations for applicants for a
29 fire protection equipment certificate and issue a certificate to each
30 qualified applicant;

31 b. To administer or approve the examination to be taken by
32 applicants for certification;

33 c. To determine the form and contents of applications for
34 certification and certificates;

35 d. To adopt a code of ethics for certificate holders;

36 e. To issue and renew certificates;

37 f. To set the amount of fees for certificates, certificate renewal,
38 applications, examinations and other services, within the limits
39 provided in subsection b. of section 8 of this act;

40 g. To refuse to admit a person to an examination or refuse to issue
41 or suspend, revoke or fail to renew a certificate of certification of a
42 certificate holder pursuant to the provisions of section 14 of this act;

43 h. To maintain a record of all applicants for a certificate;

44 i. To maintain and annually publish a record of every certificate
45 holder, his place of business, place of residence and the date and
46 number of his certificate;

1 j. To take disciplinary action, in accordance with section 14 of this
 2 act, against a certificate holder or employee who violates any
 3 provision of this act or any rule or regulation promulgated pursuant to
 4 this act;

5 k. To adopt standards and requirements for and approve continuing
 6 education programs and courses of study for certificate holders and
 7 their employees;

8 l. To review advertising by certificate holders; and

9 m. To perform such other duties as may be necessary to effectuate
 10 the purposes of this act.³

11
 12 ³[2.] 4.³ (New section) a. After the effective date of
 13 ¹[P.L. , c. (C.) (now pending before the Legislature as this
 14 bill)] this act¹, no fire protection contractor shall engage in the
 15 installation, service, ³[sale,]³ repair, inspection or maintenance of fire
 16 protection equipment without holding or employing a person who
 17 holds a valid ¹[license] certificate of certification¹ issued in
 18 accordance with ¹[P.L. , c. (C.) (now pending before the
 19 Legislature as this bill)] this act¹. A fire protection contractor who is
 20 not a ¹[license] certificate¹ holder shall be required to obtain a fire
 21 protection contractor business permit from the commissioner, which
 22 shall be issued for three years upon payment of an appropriate fee set
 23 by the commissioner and proof that the fire protection contractor
 24 employs a ¹[license] certificate¹ holder. Notwithstanding the
 25 provisions of this section, persons holding a license to engage in the
 26 fire alarm business pursuant to P.L.1997, c.305 (C.45:5A-23 et seq.),
 27 or who are electrical contractors as defined in ³[P.L.1997, c.305
 28 (C.45:5A-23 et seq.)] section 2 of P.L.1962, c.162 (C.45:5A-2)³, are
 29 exempt from the requirement of obtaining a ¹[license] certificate of
 30 certification¹ under ¹[P.L. , c. (C.) (now pending before the
 31 Legislature as this bill)] this act¹ to engage in the fire alarm business
 32 pursuant to this act ³to the extent that such persons are acting within
 33 the scope of practice of their profession or occupation³.

34 The ¹[license] certificate¹ required by this section shall define by
 35 class the type of work in which a fire protection contractor may
 36 engage. ³[Any person subject to certification under
 37 ¹[P.L. , c. (C.) (now pending before the Legislature as this bill)]
 38 this act¹ shall be exempt from any other State, county or municipal
 39 certification, licensing or registration requirements for the installation
 40 or maintenance of fire protection equipment.

41 The] Notwithstanding any provision of this act, the³ commissioner
 42 shall issue a ¹[license] certificate¹ to any person who has been
 43 employed as a fire protection ³[equipment]³ contractor for a period
 44 of not less than five years on or before the effective date of
 45 ¹[P.L. c. (C.) (now pending before the Legislature as this

1 bill)] this act¹, upon³ application with submission of satisfactory proof
2 and³ payment by that person of the appropriate ¹[license]
3 certification¹ fee ³within 180 days following the effective date of this
4 act³.

5 b. The following ¹[license] certified¹ classifications are hereby
6 established:

7 (1) An "All Fire Protection Equipment Contractor" is authorized
8 to install, service, ²[sell,]² repair, inspect and maintain all fire
9 protection equipment.

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

12 (3) A "Special Hazard Fire Suppression System Contractor" is
13 authorized to install, service,²[sell,]² repair, inspect and maintain
14 special hazard fire suppression systems and kitchen fire suppression
15 systems.

16 (4) A "Fire Alarm ³[Equipment] System³ Contractor" is
17 authorized to install, service, ²[sell,]² repair, inspect and maintain all
18 fire ³[alarms] alarm systems³.

19 (5) A "Portable Fire Extinguisher Contractor" is authorized to
20 install, service, ²[sell,]² repair, inspect and maintain all portable fire
21 extinguishers.

22 (6) A "Kitchen Fire Suppression System Contractor" is authorized
23 to install, service,²[sell,]² repair, inspect and maintain all kitchen fire
24 suppression systems.

25 c. A ¹[licensed] certified¹ fire protection contractor shall perform
26 work only within the scope of the contractor's ¹[license] certification¹
27 class.

28 d. ³[The commissioner shall establish ¹[license] certification¹ fees
29 for each ¹[license] certified¹ class. Application for a ¹[license]
30 certificate of certification¹ pursuant to this section shall be made on a
31 form promulgated by the commissioner. An applicant for a ¹[license]
32 certificate of certification¹ under ¹[P.L. , c. (C.) (now
33 pending before the Legislature as this bill)] this act¹ shall have five
34 years' experience in the field for which a ¹[license] certificate¹ is
35 sought, which shall include installation, service, sales, repair,
36 inspection and maintenance of the fire protection equipment used in
37 the field, and shall meet one of the following requirements:

38 (1) The applicant shall pass a test ²[administered] approved² by
39 the division for the field for which a ¹[license] certificate¹ is sought
40 ²[. The first such tests shall be administered six months after
41 enactment of]² ¹[P.L. , c. (C.) (now pending before the
42 Legislature as this bill)] ²[this act¹, and every other month
43 thereafter,]² ;² or

44 (2) The applicant shall have achieved NICET Level II for the field

1 for which the ¹[license] certificate¹ is sought ¹or other substantially
2 similar level of attainment, as determined by the commissioner¹.

3 e. The division, within 30 days of receiving an application for a
4 ¹[license] certificate of certification¹ under ¹[P.L. , c. (C.)
5 (now pending before the Legislature as this bill)] this act¹, shall
6 determine whether an application is complete and if the required
7 experience level is met or the qualification test has been passed.

8 f. If all ¹[license] certification¹ requirements are met and the
9 appropriate ¹[license] certificate of certification¹ fee is paid, the
10 commissioner shall issue a ¹[license] certificate of certification¹ to the
11 applicant in each field for which qualifications are met. Each
12 ¹[license] certificate¹ shall be valid for three years and may be
13 renewed at the end of each three-year period by the payment of a
14 renewal fee ²and by meeting any continuing education requirements as
15 may be required by the commissioner².]³

16 Any change in more than 50% of the ownership of a fire protection
17 contractor shall require an amended ¹[license] certificate of
18 certification¹. An application for an amended ¹[license must]
19 certificate of certification shall¹ be submitted within 60 days of a
20 change of ownership or change of company name or location.
21 ¹[Licenses] Certificates of certification¹ are non-transferable and shall
22 be displayed prominently in the principal work place. A ¹[licensee]
23 certificate holder¹ shall not be used to qualify more than one fire
24 protection contractor. The commissioner shall be notified within
25 30 days if a ¹[license] certificate¹ holder leaves the fire protection
26 contractor or is replaced. Notwithstanding subsection a. of this
27 section, no fire protection contractor shall be denied the privilege of
28 continuing business as a fire protection contractor in the event of
29 death, illness, or other physical disability of the ¹[license] certificate¹
30 holder who qualified the fire protection contractor ³for a business
31 permit³ under this section, for at least six months following the date
32 of such death, illness or other physical disability; provided that the fire
33 protection contractor operates under such qualified supervision as the
34 commissioner deems adequate. If, after six months, the fire protection
35 contractor has failed to employ another ¹[license] certificate¹ holder,
36 then the ¹[commission] commissioner¹ shall revoke its fire protection
37 contractor business permit.

38 ³[g.] e.³ Whenever the ³[division] commissioner³ shall find cause
39 to deny an application for a ¹[license] certificate of certification¹ or
40 to suspend or revoke a ¹[license] certificate¹, ³[it] he³ shall notify the
41 applicant or the holder of the ¹[license] certificate¹ and state the
42 reasons for the denial or suspension, as appropriate.

43 ³[h.] f.³ Whenever the ³[division] commissioner³ shall find cause
44 to deny an application for a fire protection contractor business permit
45 or to suspend or revoke a fire protection contractor business permit,

1 ³[it] he³ shall notify the applicant or the holder of the business permit
2 and state the reasons for the denial or suspension, as appropriate.

3 ³g. Any person subject to certification under this act shall be
4 exempt from any other State, county or municipal certification,
5 licensing or registration requirements for installing, servicing,
6 repairing, inspecting or maintaining fire protection equipment.³

7
8 ³5. (New section) No person shall advertise that he is authorized
9 to engage in, or engage in the fire protection equipment business, or
10 otherwise engage in the installation, service, repair, inspection or
11 maintenance of fire protection equipment unless he satisfies the
12 requirements of this act.³

13
14 ³6. (New section) a. Application for a certificate to engage in the
15 fire protection equipment business shall be made to the commissioner
16 in the manner and on the forms as the commissioner may prescribe.

17 b. An application to engage in the fire protection equipment
18 business shall include the name, age, residence, present and previous
19 occupations of the applicant and, in the case of a business firm
20 engaged in the fire protection equipment business, of each member,
21 officer or director thereof, the name of the municipality and the
22 location therein by street number or other appropriate description of
23 the principal place of business and the location of each branch office.

24 c. The commissioner may require other information of the applicant
25 and, if the applicant is proposing to qualify a business firm, of the
26 business firm to determine the professional competence and integrity
27 of the concerned parties.³

28
29 ³7. (New section) An applicant seeking certification to engage in
30 the fire protection equipment business shall:

31 a. Be at least 18 years of age;

32 b. Be of good moral character, and not have been convicted of a
33 crime of the first, second or third degree within 10 years prior to the
34 filing of the application;

35 c. Meet qualifications established by the commissioner, regarding
36 experience, continuing education, financial responsibility and integrity;
37 and

38 d. Establish his qualifications to perform and supervise various
39 phases of fire protection equipment installation, service, repair,
40 inspection and maintenance as evidenced by successful completion of
41 an examination approved by the commissioner.³

42
43 ³8. (New section) a. Certificates of certification shall be issued to
44 qualified applicants seeking certification to engage in the fire
45 protection equipment business for a three-year period, upon payment
46 of a certificate of certification fee. Certificate renewals shall be issued

1 for a three-year period upon the payment of a renewal fee. A renewal
2 application shall be filed with the commissioner at least 45 days prior
3 to expiration of a certificate of certification. A certificate of
4 certification issued pursuant to this act shall not be transferable.

5 b. Fees shall be established, prescribed or changed by the
6 commissioner, to the extent necessary to defray all proper expenses
7 incurred by the commissioner, committee and any staff employed to
8 administer the provisions of this act, except that fees shall not be fixed
9 at a level that will raise amounts in excess of the amount estimated to
10 be required. All fees and any fines imposed under this act shall be paid
11 to the commissioner and shall be forwarded to the State Treasurer and
12 become part of the General Fund.³

13
14 ³9. (New section) No holder of a certificate of certification
15 qualified under the provisions of this act shall engage in the fire
16 protection equipment business unless the certificate holder:

17 a. Maintains at least one business office within this State or files
18 with the commissioner a statement, duly executed and sworn to before
19 a person authorized by the laws of this State to administer oaths,
20 containing a power of attorney constituting the commissioner the true
21 and lawful attorney of the certificate holder upon whom all original
22 process in an action or legal proceeding against the certificate holder
23 may be served and in which the certificate holder agrees that the
24 original process that may be served upon the commissioner shall be of
25 the same force and validity as if served upon the certificate holder and
26 that the authority thereof shall continue in force so long as the
27 certificate holder engages in the fire protection equipment business;

28 b. Clearly marks the outside of each installation and service vehicle
29 to be used in conjunction with the fire protection equipment business
30 with the business name as determined by the commissioner;

31 c. Maintains an emergency service number attended to on a 24-
32 hour basis and responds appropriately to emergencies on a 24-hour
33 basis as determined by the commissioner.³

34
35 ³10. (New section) No employee of a certificate holder shall
36 engage in the installation, service, repair, inspection or maintenance of
37 fire protection equipment unless the certificate holder bears full
38 responsibility for the inspection of all work to be performed in
39 compliance with recognized safety standards.³

40
41 ³11. (New section) A certificate holder shall be liable for any
42 unprofessional conduct of an employee while acting within the scope
43 of his employment, except that the conduct shall not be cause for
44 suspension or revocation of a certificate, unless the commissioner
45 determines that the certificate holder had knowledge thereof, or there
46 is shown to have existed a pattern of unprofessional conduct.³

1 ³12. (New section) If the commissioner determines that an
 2 applicant holds a valid license, registration, certification or other
 3 authorization from another jurisdiction which requires equal or greater
 4 experience and knowledge requirements, the commissioner may accept
 5 the evidence of that license, registration, certification or other
 6 authorization as meeting the experience and knowledge requirements
 7 of this act for a person to engage in the fire protection equipment
 8 business.³

9
 10 ³[3. (New section) The commissioner shall appoint an advisory
 11 committee to advise the division in the administration of the
 12 ¹[licensing] certification¹ program established pursuant
 13 to ¹[P.L. , c. (C.) (now pending before the Legislature as this
 14 bill)] this act¹ and to create the ¹[licensing] certification¹ tests
 15 required pursuant to ¹[P.L. , c. (C.) (now pending before
 16 the Legislature as this bill)] this act¹. The advisory committee shall
 17 be comprised of the Director of the Division of Fire Safety and one
 18 member representing each of the following fire protection distributor
 19 associations:

20 New Jersey Association of Fire Equipment Distributors
 21 National Fire Sprinkler Association
 22 National Association of Fire Equipment Distributors
 23 American Fire Sprinkler Association
 24 Fire Suppression Systems Association
 25 Automatic Fire Alarm Association
 26 ²New Jersey Electrical Contractors Association
 27 New Jersey Burglar and Fire Alarm Association²]³

28
 29 ³[4.] 13.³ (New section) All contractors shall carry commercial
 30 general liability insurance, including products and completed
 31 operations coverage, in the minimum amount of \$1,000,000 for each
 32 coverage. The contractor shall furnish a general warranty for one year
 33 with each system installation in accordance with guidelines
 34 promulgated by the commissioner.

35
 36 ³[5.] 14.³ (New section) a. The commissioner ¹[may suspend,
 37 for up to one year, or revoke any license or assess a penalty if the
 38 commissioner determines that a contractor has committed any
 39 violation of P.L. , c. (C.) (now pending before the
 40 Legislature as this bill). Specific violations shall subject violators to
 41 civil penalties, which shall be in addition to any criminal penalties
 42 imposed by a court, as follows:

43 (1) A willful misstatement of material fact in an applicant's
 44 application for registration or renewal-a maximum of \$1,000.

45 (2) The willful commission of fraud in the practice of the

1 installation of fire protection equipment - a maximum of \$20,000 per
2 occurrence.

3 (3) The installation of fire protection equipment in a grossly
4 negligent manner - a maximum of \$2,000 per occurrence.

5 (4) The failure to correct or settle any claim, provided the
6 contractor has been paid in full, arising out of any defect after the
7 contractor's responsibility has been established through the dispute
8 settlement procedure provided for in the fire code promulgated by the
9 commissioner pursuant to section 7 of P.L.1983, c.383 (C.52:27D-
10 198) - a maximum of \$5,000. Payment of the penalty shall not be
11 deemed to satisfy the responsibility of the contractor to correct or
12 settle the claim.

13 (5) Any person advertising as being, or publicly purporting to be,
14 available to install, service, sell, repair, inspect and maintain fire
15 protection equipment who is not licensed shall be subject to a
16 maximum penalty of \$1,000 for each occurrence.

17 b. A contractor may compete work in process if the license has
18 been suspended or revoked] ³[shall promulgate, in accordance with
19 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
20 seq.), regulations identifying violations of provisions of this act and
21 establishing a range of penalties for violations of similar type,
22 seriousness and duration¹] may refuse to admit a person to
23 examination or may refuse to issue or may suspend or revoke any
24 certificate of certification issued by the commissioner upon proof that
25 the applicant or holder of such certificate:

26 (1) Has obtained a certificate or authorization to sit for an
27 examination, as the case may be, through fraud, deception or
28 misrepresentation;

29 (2) Has engaged in the use or employment of dishonesty, fraud,
30 deception, misrepresentation, false promise or false pretense;

31 (3) Has engaged in gross negligence, gross malpractice or gross
32 incompetence which damaged or endangered the life, health, welfare,
33 safety or property of any person;

34 (4) Has engaged in repeated acts of negligence, malpractice or
35 incompetence;

36 (5) Has engaged in professional or occupational misconduct as may
37 be determined by the commissioner;

38 (6) Has been convicted of, or engaged in acts constituting, any
39 crime or offense involving moral turpitude or relating adversely to the
40 activity regulated by the commissioner. For the purpose of this
41 paragraph, a judgment of conviction or a plea of guilty, non vult, nolo
42 contendere or any other such disposition of alleged criminal activity
43 shall be deemed a conviction;

44 (7) Has had his authority to engage in the activity regulated by the
45 commissioner revoked or suspended by any other state, agency or
46 authority for reasons consistent with this section;

1 (8) Has violated or failed to comply with the provisions of any act
2 or regulation administered by the commissioner;

3 (9) Is incapable, for medical or any other good cause, of
4 discharging the functions of a certificate holder in a manner consistent
5 with the public's health, safety and welfare;

6 (10) Has repeatedly failed to submit completed applications, or
7 parts of, or documentation submitted in conjunction with, such
8 applications, required to be filed with the Department of
9 Environmental Protection;

10 (11) Has violated any provision of P.L. 1983, c. 320 (C. 17:33A-1
11 et seq.) or any insurance fraud prevention law or act of another
12 jurisdiction or has been adjudicated, in civil or administrative
13 proceedings, of a violation of that act or has been subject to a final
14 order, entered in civil or administrative proceedings, that imposed civil
15 penalties under that act against the applicant or holder;

16 (12) Is presently engaged in drug or alcohol use that is likely to
17 impair the ability to install, service, repair, inspect or maintain fire
18 protection equipment with reasonable skill and safety. For purposes
19 of this paragraph, "presently" means at this time or any time within the
20 previous 365 days;

21 (13) Has permitted an unlicensed person or entity to perform an act
22 for which a license or certificate of registration or certification is
23 required by the commissioner, or aided and abetted an unlicensed
24 person or entity in performing such an act;

25 (14) Advertised fraudulently in any manner.

26 For purposes of paragraph (10) of this subsection: "completed
27 application" means the submission of all of the information designated
28 on the checklist, adopted pursuant to section 1 of P.L.1991, c.421
29 (C.13:1D-101), for the class or category of permit for which
30 application is made; and "permit" has the same meaning as defined in
31 section 1 of P.L.1991, c.421 (C.13:1D-101).

32 b. In addition, or as an alternative to any other penalty, the
33 commissioner may promulgate, in accordance with the "Administrative
34 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), regulations
35 identifying violations of provisions of this act and establishing a range
36 of penalties for violations of similar type, seriousness and duration³.

37
38 ³[6.] 15.³ (New section) After revocation of a ¹[license]
39 certificate of certification¹, the ³[division] commissioner³ shall not
40 renew or reinstate such ¹[license] certificate¹; however, a person may
41 apply for a new ¹[license] certificate of certification¹. When it can be
42 shown that all loss caused by the act or omission for which the
43 ¹[license] certificate¹ was revoked has been fully satisfied, and that all
44 conditions imposed by the order of revocation have been complied
45 with, the commissioner may issue a new ¹[license] certification¹,
46 provided that the applicant meets all other qualifications necessary for

1 ¹[licensure] certification¹ and pays the appropriate fee.

2

3 ³[7.] 16.³ (New section) Any person aggrieved by any action,
4 notice, ruling or order of the commissioner, with respect to
5 ¹[P.L. , c. (C.) (now pending before the Legislature as this
6 bill)] this act¹, shall have the right to a dispute settlement hearing, in
7 accordance with the "Administrative Procedure Act," P.L.1968, c.410
8 (C.52:14B-1 et seq.). The aggrieved party shall submit a written
9 request to the ³[division] commissioner³ for a hearing within 15 days
10 of the action, notice, ruling or order. All hearing requests shall include:

11 ³a.³ The date of the action which is the subject of the appeal;

12 ³b.³ The name and status of the person submitting the appeal;

13 ³c.³ The specific violations or other action claimed to be in error;
14 and

15 ³d.³ A concise statement of the basis for the appeal.

16

17 ³[8.] 17.³ (New section) a. Any person who has contracted with
18 a fire protection contractor ³[and] for the installation, service, repair,
19 inspection or maintenance of fire protection equipment³ who is not
20 satisfied with the work done by ³[the fire protection] that³ contractor
21 shall notify the contractor of the problems and shall allow a reasonable
22 time for the repair of such problems. If the repairs are not made
23 within a reasonable time, or are unsatisfactory to the person, that
24 person may file a request for ³[a dispute settlement hearing. The
25 division shall, upon receipt of a request for a dispute settlement
26 hearing, designate a conciliator and schedule a hearing at the fire
27 protection equipment owner's premises. Any resulting agreement shall
28 be in writing, listing the specific actions to be taken by the contractor
29 to repair or replace defects in the system and a date by which
30 corrections shall take place] the commissioner to designate an
31 arbitrator, who shall hear the matter in accordance with the rules of
32 procedure of the American Arbitration Association³.

33 b. ³[When the defect is corrected or a monetary settlement is made
34 in lieu thereof, the contractor shall present the owner with a release for
35 execution. One copy of the signed release shall be retained by the
36 contractor, one by the owner, and one copy shall be forwarded to the
37 division.

38 c. If the dispute remains unresolved after a dispute settlement
39 hearing, the division shall thoroughly review the matter and shall make
40 a decision as to the merits of the claim. This decision shall be binding
41 on both parties; provided, however, that if either party files a notice of
42 appeal of the decision with the division, the division shall provide for
43 an administrative hearing in accordance with the "Administrative
44 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), with a final
45 decision to be issued by the commissioner, or an owner may seek a

1 remedy directly in court, without regard to the dispute settlement
 2 procedures made available in accordance with ¹[P.L. , c. (C.)]
 3 (now pending before the Legislature as this bill)] this act¹. Where
 4 both parties do not agree to submit to the arbitration, the
 5 commissioner shall thoroughly review the matter and shall make a
 6 decision as to the merits of the claim and issue an order directing
 7 appropriate relief if warranted. If, within 30 calendar days of the
 8 commissioner's decision, either party files a written notice requesting
 9 an administrative hearing, the commissioner shall provide for an
 10 administrative hearing in accordance with the "Administrative
 11 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), with a final
 12 decision to be issued by the commissioner. In the alternative, a
 13 claimant may seek a remedy directly in court without regard to dispute
 14 settlement procedures made available in accordance with this act.

15 c.³ If, in the opinion of the ³[division] commissioner³, ³[a fire
 16 suppression system] fire protection equipment³ may be rendered
 17 inoperable for an extended period of time ³[due to legal delays, either
 18 the fire official or the division] , the commissioner³ may order the
 19 owner ³or contractor³ to ³[have the system restored] restore the
 20 equipment³ to service in accordance with the fire code regulations
 21 promulgated by the commissioner pursuant to section 7 of P.L.1983,
 22 c.383 (C.52:27D-198).

23 ²d. The rights, remedies and procedures accorded by the provisions
 24 of this section are in addition to, and cumulative of, any other right,
 25 remedy and procedure accorded by the common law or statutes of this
 26 State, and nothing contained herein shall be construed to deny,
 27 abrogate or impair any such common law or statutory right, remedy or
 28 procedure.²

29

30 ¹[9. Section 2 of P.L.1962, c.162 (C.45:5A-2) is amended to read
 31 as follows:

32 2. For the purpose of this act, unless otherwise indicated by the
 33 context:

34 (a) "Act" means this act (P.L.1962, c.162 (C.45:5A-1 et seq.) and
 35 the rules and regulations adopted under it;

36 (b) "Board" means the Board of Examiners of Electrical
 37 Contractors created by section 3 of this act;

38 (c) "Department" means the Department of Law and Public Safety;

39 (d) "Electrical contractor" means a person who engages in the
 40 business of contracting to install, erect, repair or alter electrical
 41 equipment for the generation, transmission or utilization of electrical
 42 energy;

43 (e) "Person" means a person, firm, corporation or other legal
 44 entity;

45 (f) "Alarm business" means the installation, servicing or

1 maintenance of burglar alarm[, fire alarm] or electronic security
2 systems, or the monitoring or responding to alarm signals when
3 provided in conjunction therewith. "Installation," as used in this
4 definition, includes the survey of a premises, the design and
5 preparation of the specifications for the equipment or system to be
6 installed pursuant to a survey, the installation of the equipment or
7 system, or the demonstration of the equipment or system after the
8 installation is completed, but does not include any survey, design or
9 preparation of specifications for equipment or for a system that is
10 prepared by an engineer licensed pursuant to the provisions of
11 P.L.1938, c.342 (C.45:8-27 et seq.), or an architect licensed pursuant
12 to the provisions of chapter 3 of Title 45 of the Revised Statutes, if the
13 survey, design, or preparation of specifications is part of a design for
14 construction of a new building or premises or a renovation of an
15 existing building or premises, which renovation includes components
16 other than the installation of a burglar alarm[, fire alarm] or electronic
17 security system, and further does not include the design or preparation
18 of specifications for the equipment or system to be installed that are
19 within the practice of professional engineering as defined in subsection
20 (b) of section 2 of P.L.1938, c.342 (C.45:8-28);

21 (g) "Burglar alarm" means a security system comprised of an
22 interconnected series of alarm devices or components, including
23 systems interconnected with radio frequency signals, which emits an
24 audible, visual or electronic signal indicating an alarm condition and
25 providing a warning of intrusion, which is designed to discourage
26 crime;

27 (h) "Business firm" means a partnership, corporation or other
28 business entity engaged in the alarm business or locksmithing services;

29 (i) "Committee" means the [Fire Alarm,] Burglar Alarm[,] and
30 Locksmith Advisory Committee created by section 3 of P.L.1997,
31 c.305 (C.45:5A-23);

32 (j) "Electronic security system" means a security system comprised
33 of an interconnected series of devices or components, including
34 systems with audio and video signals or other electronic systems,
35 which emits or transmits an audible, visual or electronic signal warning
36 of intrusion and provides notification of authorized entry or exit,
37 which is designed to discourage crime;

38 (k) ["Fire alarm" means a security system comprised of an
39 interconnected series of alarm devices or components, including
40 systems interconnected with radio frequency signals, which emits an
41 audible, visual or electronic signal indicating an alarm condition and
42 which provides a warning of the presence of smoke or fire. "Fire
43 alarm" does not mean a system whose primary purpose is
44 telecommunications with energy control, the monitoring of the interior
45 environment being an incidental feature thereto] (deleted by
46 amendment, P.L. _____, c. _____ (C. _____) (now pending before the

1 Legislature as this bill);

2 (l) "Licensed locksmith" means a person who is licensed pursuant
3 to the provisions of section 7 of P.L.1997, c.305 (C.45:5A-27);

4 (m) "Licensee" means a person licensed to engage in the alarm
5 business or provide locksmithing services pursuant to the provisions
6 of section 7 of P.L.1997, c.305 (C.45:5A-27);

7 (n) "Locksmithing services" means the modification, recombination,
8 repair or installation of mechanical locking devices and electronic
9 security systems for any type of compensation and includes the
10 following: repairing, rebuilding, recoding, servicing, adjusting,
11 installing, manipulating or bypassing of a mechanical or electronic
12 locking device, for controlled access or egress to premises, vehicles,
13 safes, vaults, safe doors, lock boxes, automatic teller machines or
14 other devices for safeguarding areas where access is meant to be
15 limited; operating a mechanical or electronic locking device, safe or
16 vault by means other than those intended by the manufacturer of such
17 locking devices, safes or vaults; or consulting and providing technical
18 advice regarding selection of hardware and locking systems of
19 mechanical or electronic locking devices and electronic security
20 systems; except that "locksmithing services" shall not include the
21 installation of a prefabricated lock set and door knob into a door of a
22 residence.

23 (cf: P.L.1997, c.305, s.1)]¹

24

25 ¹[10. Section 3 of P.L.1997, c.305 (C.45:5A-23) is amended to
26 read as follows:

27 3. a. There is created within the Division of Consumer Affairs in
28 the Department of Law and Public Safety, under the Board of
29 Examiners of Electrical Contractors, a "[Fire Alarm,] Burglar Alarm
30 and Locksmith Advisory Committee." The committee shall consist of
31 [15] 14 members who are residents of this State as follows:

32 (1) Two members shall have been engaged in the alarm business in
33 this State on a full-time basis for at least five consecutive years
34 immediately preceding their appointments, shall be members of the
35 New Jersey Burglar and Fire Alarm Association and, except for the
36 members first appointed, shall be licensed under the provisions of
37 section 7 of [this act] P.L.1997, c.305 (C.45:5A-27);

38 (2) Five members shall be municipal officials, and shall include (a)
39 a fire prevention officer; (b) a crime prevention officer; (c) [a fire
40 sub-code official] (~~deleted by amendment, P.L. _____, c. _____~~) (now
41 pending before the Legislature as this bill); (d) a building inspector;
42 and (e) a chief of police who is a member of the New Jersey
43 Association of Chiefs of Police;

44 (3) One member shall be a representative of the Division of State
45 Police;

46 (4) [One member shall have been engaged in the alarm business in

1 this State on a full-time basis for at least five consecutive years
2 immediately preceding appointment, shall be a member of the
3 Automatic Fire Alarm Association of New Jersey and, except for the
4 member first appointed, shall be licensed under the provisions of
5 section 7 of this act] (~~deleted by amendment, P.L. _____, c. _____~~) (now
6 pending before the Legislature as this bill);

7 (5) Two members shall have been engaged as practicing locksmiths
8 on a full-time basis for at least five consecutive years immediately
9 preceding appointment, shall be members of a duly recognized
10 professional locksmith association in New Jersey and, except for the
11 members first appointed, shall be licensed as locksmiths under the
12 provisions of section 7 of [this act] P.L.1997, c.305 (C.45:5A-27);

13 (6) One member shall have been engaged in the alarm business in
14 this State on a full-time basis, shall be a member of both the New
15 Jersey Burglar and Fire Alarm Association and a duly recognized
16 professional locksmith association and, except for the member first
17 appointed, be licensed under the provisions of section 7 of [this act]
18 P.L.1997, c.305 (C.45:5A-27);

19 (7) One member shall have been engaged as a practicing locksmith
20 in this State on a full-time basis for at least five consecutive years
21 immediately preceding appointment, shall be a member of both the
22 New Jersey Burglar and Fire Alarm Association and a duly recognized
23 professional locksmith association and, except for the member first
24 appointed, be licensed under the provisions of section 7 of [this act]
25 P.L.1997, c.305 (C.45:5A-27);

26 (8) One member shall be a member of the International
27 Brotherhood of Electrical Workers, A.F.L.-C.I.O; and

28 (9) One member shall be a public member who meets the
29 requirements pertaining to public members set forth in subsection b.
30 of section 2 of P.L.1971, c.60 (C.45:1-2.2).

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

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

40 d. The committee shall annually elect from among its members a
41 chair and vice-chair. The committee shall meet at least four times a
42 year and may hold additional meetings as necessary to discharge its
43 duties. In addition to such meetings, the committee shall meet at the
44 call of the chair, the board, or the Attorney General.

45 e. Members of the committee shall be compensated and
46 reimbursed for actual expenses reasonably incurred in the performance

1 of their official duties and reimbursed for expenses and provided with
2 office and meeting facilities and personnel required for the proper
3 conduct of the committee's business.

4 f. The committee shall make recommendations to the board
5 regarding rules and regulations pertaining to professional training,
6 standards, identification and record-keeping procedures for licensees
7 and their employees, classifications of licensure necessary to regulate
8 the work of licensees, and other matters as necessary to effectuate the
9 purposes of [this act] P.L.1997, c.305.

10 (cf: P.L.1997, c.305, s.3)]¹

11
12 ¹[11. Section 4 of P.L.1997, c.305 (C.45:5A-24) is amended to
13 read as follows:

14 4. The board shall have the following powers and duties, or may
15 delegate them to the committee:

16 a. To set standards and approve examinations for applicants for a
17 [fire alarm,] burglar alarm or locksmith license and issue a license to
18 each qualified applicant;

19 b. To administer the examination to be taken by applicants for
20 licensure;

21 c. To determine the form and contents of applications for licensure,
22 licenses and identification cards;

23 d. To adopt a code of ethics for licensees;

24 e. To issue and renew licenses and identification cards;

25 f. To set the amount of fees for [fire alarm,] burglar alarm and
26 locksmith licenses, license renewal, applications, examinations and
27 other services provided by the board and committee, within the limits
28 provided in subsection b. of section 11 of [this act] P.L.1997, c.305
29 (C.45:5A-31);

30 g. To refuse to admit a person to an examination or refuse to issue
31 or suspend, revoke, or fail to renew the license of a [fire alarm,]
32 burglar alarm[,] or locksmith licensee pursuant to the provisions of
33 P.L.1978, c.73 (C.45:1-14 et seq.);

34 h. To maintain a record of all applicants for a license;

35 i. To maintain and annually publish a record of every licensee, his
36 place of business, place of residence and the date and number of his
37 license;

38 j. To take disciplinary action, in accordance with P.L.1978, c.73
39 (C.45:1-14 et seq.) against a licensee or employee who violates any
40 provision of this act or any rule or regulation promulgated pursuant to
41 [this act] P.L.1997, c.305;

42 k. To adopt standards and requirements for and approve continuing
43 education programs and courses of study for licensees and their
44 employees;

45 l. To review advertising by licensees; and

1 m. To perform such other duties as may be necessary to effectuate
2 the purposes of [this act] P.L.1997, c.305.

3 (cf: P.L.1997, c.305, s.4)]¹

4

5 ¹[12. Section 5 of P.L.1997, c.305 (C.45:5A-25) is amended to
6 read as follows:

7 5. a. No person shall advertise that he is authorized to engage in,
8 or engage in the alarm business, or otherwise engage in the
9 installation, service or maintenance of burglar alarm[, fire alarm] or
10 electronic security systems unless he satisfies the requirements of
11 [this act] P.L.1997, c.305.

12 b. No person shall represent himself as qualified to provide, or
13 otherwise provide locksmithing services unless he is licensed as a
14 locksmith in accordance with the provisions of [this act] P.L.1997,
15 c.305.

16 (cf: P.L.1997, c.305, s.5)]¹

17

18 ¹[13. Section 13 of P.L.1997, c.305 (C.45:5A-33) is amended to
19 read as follows:

20 13. a. Every licensee and every employee or other person engaged
21 in the unsupervised installation, servicing or maintenance of burglar
22 alarm [, fire alarm] or electronic security systems shall, at all times
23 during working hours, display an identification card issued by the
24 board. The identification card shall contain the following information:

25 (1) the name, photograph and signature of the person to whom the
26 card has been issued;

27 (2) the business name and address and license number of the
28 licensee;

29 (3) the expiration date of the card; and

30 (4) that other information the board deems appropriate for
31 identification purposes.

32 b. Identification cards shall be issued for a three-year period which,
33 in the case of a licensee, shall correspond to the term of the license
34 period of the licensee. Application for renewal of an identification
35 card for other than a licensee shall be made by the person named on
36 the card at least 45 days prior to the expiration date of the card. The
37 information provided on the identification card shall at all times be
38 current, and the named holder of the card shall advise the board of any
39 changes and file for issuance of an updated card within five days
40 following occurrence of a change, which card shall be issued for the
41 unexpired term of the original card.

42 c. Identification cards shall not be transferable in the event of a
43 change in employment.

44 (cf: P.L.1997, c.305, s.13)]¹

1 ¹[14. Section 14 of P.L.1997, c.305 (C.45:5A-34) is amended to
2 read as follows:

3 14. No person shall be employed by a licensee to install, service or
4 maintain a burglar alarm [, fire alarm] or electronic security system or,
5 except in the case of a licensee, shall otherwise engage in the
6 installation, service or maintenance thereof:

7 a. unless the person is of good moral character; and

8 b. where the work is to be performed other than under the field
9 supervision of a licensee or a person qualified pursuant to the
10 provisions of this section, unless the person shall have at least three
11 years of practical experience and shall have successfully completed a
12 course of study or a competency examination prescribed by the board,
13 in consultation with the committee; except that an employee employed
14 in the installation, servicing or maintenance of burglar alarm[, fire
15 alarm] or electronic security systems by a license applicant filing an
16 application within 120 days of the effective date of this act and
17 identified as an employee on the application, shall not be required to
18 satisfy the competency requirements of this subsection, until the first
19 renewal of the employee's identification card.

20 (cf: P.L.1997, c.305, s.14)]¹

21

22 ¹[15. Section 16 of P.L.1997, c.305 (C.45:5A-36) is amended to
23 read as follows:

24 16. No municipality or county shall enact an ordinance or
25 resolution or promulgate any rules or regulations relating to the
26 licensing or registration of locksmiths or alarm businesses. The
27 provisions of any ordinance or resolution or rules or regulations of any
28 municipality or county relating to the licensing or registration of
29 locksmiths or alarm businesses are superseded by the provisions of this
30 act. Nothing in this section shall be construed, however, to prohibit
31 municipal regulation of door-to-door vendors or salespersons of
32 burglar alarm [, fire alarm] or electronic security systems nor shall
33 anything in this section be construed to prohibit or restrict municipal
34 consideration of alarm business service proposals in consent
35 proceedings under the "Cable Television Act," P.L.1972, c.186
36 (C.48:5A-1 et seq.).

37 (cf: P.L.1997, c.305, s.16)]¹

38

39 ³[²9. (New section) a. No person whose license to engage in the
40 fire alarm business has been revoked by the Board of Examiners of
41 Electrical Contractors pursuant to P.L.1997, c.305 (C.45:5A-23 et
42 seq.), shall be eligible for certification under the provisions of this
43 act.²]³

44

45 ³[²10. (New section) The provisions of this act shall not apply to

1 any person engaged in the installation of fire suppression systems in
2 dormitories pursuant to P.L.2000, c.56 (C.52:27D-198.7 et al.).^{2]}³

3
4 ³18. (New section) Any person licensed to engage in the fire alarm
5 business pursuant to P.L.1997, c.305 (C.45:5A-23 et seq.) whose
6 license is not in good standing with the Board of Examiners of
7 Electrical Contractors shall not be eligible for a certificate of
8 certification to engage in the fire protection contractor business under
9 the provisions of this act.³

10
11 ³19. (New section) Notwithstanding the provisions of this act, the
12 commissioner may exempt from the requirements of this act any
13 person engaged in the installation of fire protection equipment in
14 dormitories pursuant to P.L.2000, c.56 (C.52:27D-198.7 et al). The
15 exemption shall apply only for work performed pursuant to P.L.2000,
16 c.56 (C.52:27D-198.7 et al) and only for such time as is necessary to
17 complete work performed pursuant to that act.³

18
19 ³[²11.] 20.³ Section 18 of P.L.1962, c.162 (C.45:5A-18) is
20 amended to read as follows:

21 18. Electrical work or construction which is performed on the
22 following facilities or which is by or for the following agencies shall
23 not be included within the business of electrical contracting so as to
24 require the securing of a business permit under this act:

25 (a) Minor repair work such as the replacement of lamps and fuses.

26 (b) The connection of portable electrical appliances to suitable
27 permanently installed receptacles.

28 (c) The testing, servicing or repairing of electrical equipment or
29 apparatus.

30 (d) Electrical work in mines, on ships, railway cars, elevators,
31 escalators or automotive equipment.

32 (e) Municipal plants or any public utility as defined in R.S.48:2-13,
33 organized for the purpose of constructing, maintaining and operating
34 works for the generation, supplying, transmission and distribution of
35 electricity for electric light, heat, or power.

36 (f) A public utility subject to regulation, supervision or control by
37 a federal regulatory body, or a public utility operating under the
38 authority granted by the State of New Jersey, and engaged in the
39 furnishing of communication or signal service, or both, to a public
40 utility, or to the public, as an integral part of a communication or
41 signal system, and any agency associated or affiliated with any public
42 utility and engaged in research and development in the
43 communications field.

44 (g) A railway utility in the exercise of its functions as a utility and
45 located in or on buildings or premises used exclusively by such an
46 agency.

- 1 (h) Commercial radio and television transmission equipment.
- 2 (i) Construction by any branch of the federal government.
- 3 (j) Any work with a potential of less than 10 volts.
- 4 (k) Repair, manufacturing and maintenance work on premises
5 occupied by a firm or corporation, and installation work on premises
6 occupied by a firm or corporation and performed by a regular
7 employee who is a qualified journeyman electrician.
- 8 (l) Installation, repair or maintenance performed by regular
9 employees of the State or of a municipality, county, or school district
10 on the premises or property owned or occupied by the State, a
11 municipality, county, or school district.
- 12 (m) The maintaining, installing or connecting of automatic oil, gas
13 or coal burning equipment, gasoline or diesel oil dispensing equipment
14 and the lighting in connection therewith to a supply of adequate size
15 at the load side of the distribution board.
- 16 (n) Work performed by a person on a dwelling that is occupied
17 solely as a residence for himself or for a member or members of his
18 immediate family.
- 19 (o) (Deleted by amendment, P.L.1997, c.305)
- 20 (p) Any work performed by a landscape irrigation contractor which
21 has the potential of not more than 30 volts involving the installation,
22 servicing, or maintenance of a landscape irrigation system as this term
23 is defined by section 2 of this amendatory and supplementary act.
24 Nothing in this act shall be deemed to exempt work covered by this
25 subsection from inspection required by the "State Uniform
26 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or
27 regulations adopted pursuant thereto.
- 28 (q) Any work performed by a person certified pursuant to sections
29 1 through 10 of P.L. c. (C.) (now pending before the
30 Legislature as this bill) that is not branch circuit wiring. For the
31 purposes of this subsection, "branch circuit wiring" means the circuit
32 conductors between the final overcurrent device protecting the circuit
33 and one or more outlets. A certificate holder shall be deemed to have
34 engaged in professional misconduct for the purposes of section 8 of
35 P.L.1978, c.73 (C.45:1-21) for violating the provisions of this
36 subsection.
- 37 (r) Any work performed by an alarm business, as that term is
38 defined by section 2 of P.L.1985, c.289 (C.45:5A-18.1), licensed
39 pursuant to P.L.1997, c.305 (C.45:5A-23 et seq.) that is not branch
40 circuit wiring. For the purposes of this subsection, "branch circuit
41 wiring" means the circuit conductors between the final overcurrent
42 device protecting the circuit and one or more outlets. A licensee shall
43 be deemed to have engaged in professional misconduct for the
44 purposes of section 8 of P.L.1978, c.73 (C.54:1-21) for violating the
45 provisions of this subsection..
- 46 The board may also exempt from the business permit provisions of

1 this act such other electrical activities of like character which in the
2 board's opinion warrant exclusion from the provisions of this act.²
3 (cf: P.L.1997, c.305, s.2)

4
5 ³[²12. Section 19 of P.L.1997, c.305 is amended to read as
6 follows: 19. This act shall take effect on the 180th day following the
7 date of enactment [, except that section 2 shall take effect on the date
8 regulations promulgated under this act have taken effect].²
9 (cf: P.L.1997, c.305, s.19)]³

10
11 ²[¹9.]³[^{13.}²] ^{21.}³ Section 9 of P.L.1997, c.305 (C.45:5A-29) is
12 amended to read as follows:

13 9. a. Telephone utilities and cable television companies regulated
14 by the Board of Regulatory Commissioners pursuant to Title 48 of the
15 Revised Statutes and persons in their employ while performing the
16 duties of their employment are exempt from the requirement of
17 obtaining a license to engage in the alarm business pursuant to this act.

18 b. Electrical contractors regulated by the Board of Examiners of
19 Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et seq.)
20 and persons in their employ while performing the duties of their
21 employment are exempt from the requirement of obtaining a license to
22 engage in the alarm business pursuant to this act.

23 c. Any person who is certified to engage in the fire protection
24 equipment business or who holds a fire protection contractor business
25 permit pursuant to P.L. , c. (C.) (now pending before the
26 Legislature as this bill) and persons in their employ are exempt from
27 the requirement of obtaining a license to engage in the ²fire ² alarm
28 business pursuant to this act.¹
29 (cf: P.L.1997, c.305, s.9)

30
31 ³[²14. (New section) No person whose certificate of certification
32 to engage in the fire protection contractor business has been revoked
33 by the Commissioner of the Department of Community Affairs
34 pursuant to P.L. , c. (C.) (now pending before the Legislature
35 as this bill) shall be eligible for a license to engage in the fire alarm
36 business under the provisions of P.L.1997, c.305 (C.45:5A-23 et
37 al.).²]³

38
39 ³22. (New section) Any person certified to engage in the fire
40 protection contractor business pursuant to P.L. , c. (C.)(now
41 pending before the Legislature as this bill) whose certificate of
42 certification is not in good standing with the Commissioner of
43 Community Affairs shall not be eligible for a license to engage in the
44 fire alarm business under the provisions of section 1 of P.L.1995,
45 c.213 (C.45:5A-9.1).³

1 ¹[16.] ²[10.¹] ³[15.²] 23.³ Section 7 of P.L.1983, c.383
2 (C.52:27D-198) is amended to read as follows:

3 7. a. The commissioner shall promulgate, in accordance with the
4 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
5 seq.), and after consulting with the fire safety commission, regulations
6 to insure the maintenance and operation of buildings and equipment in
7 such a manner as will provide a reasonable degree of safety from fire
8 and explosion.

9 Regulations promulgated pursuant to this section shall include a
10 uniform fire safety code primarily based on the standards established
11 by the Life Safety Code (National Fire Protection Association 101)
12 and any other fire codes of the National Fire Protection Association
13 and the Building Officials and Code Administrators International
14 (BOCA) Basic Fire Prevention Code, both of which may be adopted
15 by reference. The regulations may include modifications and
16 amendments the commissioner finds necessary.

17 b. The code promulgated pursuant to this section shall include the
18 requirements for fire detection and suppression systems, elevator
19 systems, emergency egresses and protective equipment reasonably
20 necessary to the fire safety of the occupants or intended occupants of
21 new or existing buildings subject to this act, including but not limited
22 to electrical fire hazards, maintenance of fire protection systems and
23 equipment, fire evacuation plans and fire drills, and all components of
24 building egress. In addition, the regulations issued and promulgated
25 pursuant to this section which are applicable to new or existing
26 buildings shall include, but not be limited to fire suppression systems,
27 built-in fire fighting equipment, fire resistance ratings, smoke control
28 systems, fire detection systems, and fire alarm systems including fire
29 service connections.

30 c. When promulgating regulations, the commissioner shall take
31 into account the varying degrees of fire safety provided by the
32 different types of construction of existing buildings and the varying
33 degrees of hazard associated with the different types and intensity of
34 uses in existing buildings. When preparing regulations which require
35 the installation of fire safety equipment and devices, the commissioner
36 shall consult with the fire safety commission and shall take into
37 account, to the greatest extent prudent, the economic consequences of
38 the regulations and shall define different use groups and levels of
39 hazard within more general use groups, making corresponding
40 distinctions in fire safety requirements for these different uses and
41 levels of hazard. The commissioner shall also take into account the
42 desirability of maintaining the integrity of historical structures to the
43 extent that it is possible to do so without endangering human life and
44 safety. The regulations established pursuant to this subsection shall
45 apply to secured vacant buildings only to the extent necessary to
46 eliminate hazards affecting adjoining properties.

1 d. Except as otherwise provided in this act, including rules and
 2 regulations promulgated hereunder, all installations of equipment and
 3 other alterations to existing buildings shall be made in accordance with
 4 the technical standards and administrative procedures established by
 5 the commissioner pursuant to the "State Uniform Construction Code
 6 Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and shall be subject to
 7 plan review and inspection by the local construction and subcode
 8 officials having jurisdiction over the building, who shall enforce the
 9 regulations established pursuant to this act applicable to the
 10 installation or other alteration along with the regulations established
 11 pursuant to the "State Uniform Construction Code Act."

12 e. ³[The commissioner shall, by regulation, establish standards,
 13 procedures and fees for the certification of persons engaged in the
 14 business of installing, servicing, selling, repairing, inspecting or
 15 maintaining fire [suppression systems, for the warranting of those
 16 systems, and for the establishment, funding and operation of a
 17 warranty security program. A fire suppression system installed in a
 18 building subject to this act shall be warranted in accordance with those
 19 standards and procedures, shall be required to be covered by the
 20 warranty security program, and shall be installed by a person certified
 21 in accordance with those standards and procedures] protection
 22 equipment. For the purposes of this subsection, fire protection
 23 equipment includes fire alarms, sprinkler systems, standpipe systems,
 24 clean agent fire suppression systems, special systems, carbon dioxide
 25 fire protection systems, foam systems, kitchen fire suppression
 26 systems, portable fire extinguishers or any other equipment designed
 27 to detect, suppress or extinguish a fire. Fire protection equipment in
 28 a building subject to the provisions of the "Uniform Fire Safety Act,"
 29 P.L.1983, c.383 (C.52:27D-192 et seq.) shall be installed and
 30 maintained by a company certified in accordance with those standards
 31 and procedures. Any person subject to certification under this
 32 subsection shall be exempt from any other State, county or municipal
 33 certification, licensing or registration requirements for the installation
 34 or maintenance of fire protection equipment.] (Deleted by amendment,
 35 P.L. __, c. __.)³
 36 (cf: P.L.1983, c.383, s.7)

37
 38 ³24. (New section) The commissioner shall promulgate rules and
 39 regulations necessary to carry out the provisions of this act pursuant
 40 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
 41 et seq.).³

42
 43 ¹[17.] ²[11.] ³[16.] ^{25.}³ This act shall take effect on the first
 44 day of the seventh month next following enactment.

SENATE, No. 975

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 10, 2000

Sponsored by:

Senator LEONARD T. CONNORS, JR.

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Establishes license program for persons who install, service, sell, repair, inspect and maintain fire protection equipment; clarifies that oversight of such persons shall be by Department of Community Affairs.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning the installation or maintenance of fire protection
2 equipment, supplementing chapter 27D of Title 52 of the Revised
3 Statutes and amending P.L.1962, c.162, P.L.1997, c.305 and
4 P.L.1983, c.383.

5

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

8

9 1. (New section) As used in sections 1 through 8 of P.L. ,
10 c. (C.) (now pending before the Legislature as this bill):

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

13 "Commissioner" means the Commissioner of Community Affairs.

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

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

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

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

27 "Fire protection equipment" includes fire alarms, sprinkler systems,
28 standpipe systems, clean agent fire suppression systems, special fire
29 suppression systems, carbon dioxide fire protection systems, foam
30 systems, kitchen fire suppression systems, portable fire extinguishers
31 or any other equipment designed to detect, suppress or extinguish a
32 fire.

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

37 "Fire protection contractor" or "contractor" means a person or
38 business entity that offers to undertake or represents itself as being
39 able to undertake, or does undertake the installation, service, sale,
40 repair, inspection or maintenance of fire protection equipment and has
41 received a fire protection contractor business permit from the
42 commissioner.

43 "Fire protection contractor business permit" means a permit issued

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 by the commissioner to a business entity to operate as a fire protection
2 contractor.

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

6 "Fire suppression system" means a regular system or special system
7 that automatically detects and automatically or manually suppresses a
8 fire using an extinguishing agent distributed through fixed piping and
9 nozzles.

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

17 "License" means a certificate issued by the commissioner that
18 authorizes a person to engage in the fire protection equipment business
19 to the degree indicated on the certificate.

20 "License holder" means a person who is licensed to engage in the
21 fire protection equipment business.

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

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

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

38 "Special hazard fire suppression system" means an engineered or
39 pre-engineered fire suppression system or any automatic fire
40 suppression system, other than an automatic water sprinkler system,
41 which may include containers, nozzles, controls, automatic detection,
42 manual release, equipment shut downs and alarms. In such systems,
43 an extinguishing agent is discharged through fixed pipes and nozzles
44 into or over a potential fire hazard area.

45 "Warranty" means a written guarantee given to a purchaser of fire

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

3
4 2. (New section) a. After the effective date of P.L. ,
5 c. (C.) (now pending before the Legislature as this bill), no fire
6 protection contractor shall engage in the installation, service, sale,
7 repair, inspection or maintenance of fire protection equipment without
8 holding or employing a person who holds a valid license issued in
9 accordance with P.L. , c. (C.) (now pending before the
10 Legislature as this bill). A fire protection contractor who is not a
11 license holder shall be required to obtain a fire protection contractor
12 business permit from the commissioner, which shall be issued for three
13 years upon payment of an appropriate fee set by the commissioner and
14 proof that the fire protection contractor employs a license holder.
15 Notwithstanding the provisions of this section, persons holding a
16 license to engage in the fire alarm business pursuant to P.L.1997,
17 c.305 (C.45:5A-23 et seq.), or who are electrical contractors as
18 defined in P.L.1997, c.305 (C.45:5A-23 et seq.), are exempt from the
19 requirement of obtaining a license under P.L. , c. (C.) (now
20 pending before the Legislature as this bill) to engage in the fire alarm
21 business pursuant to this act.

22 The license required by this section shall define by class the type of
23 work in which a fire protection contractor may engage. Any person
24 subject to certification under P.L. , c. (C.) (now pending
25 before the Legislature as this bill) shall be exempt from any other
26 State, county or municipal certification, licensing or registration
27 requirements for the installation or maintenance of fire protection
28 equipment.

29 The commissioner shall issue a license to any person who has been
30 employed as a fire protection equipment contractor for a period of not
31 less than five years on or before the effective date of P.L. ,
32 c. (C.) (now pending before the Legislature as this bill), upon
33 payment by that person of the appropriate license fee.

34 b. The following license classifications are hereby established:

35 (1) An "All Fire Protection Equipment Contractor" is authorized
36 to install, service, sell, repair, inspect and maintain all fire protection
37 equipment.

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

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

43 (4) A "Fire Alarm Equipment Contractor" is authorized to install,
44 service, sell, repair, inspect and maintain all fire alarms.

45 (5) A "Portable Fire Extinguisher Contractor" is authorized to

1 install, service, sell, repair, inspect and maintain all portable fire
2 extinguishers.

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

6 c. A licensed fire protection contractor shall perform work only
7 within the scope of the contractor's license class.

8 d. The commissioner shall establish license fees for each license
9 class. Application for a license pursuant to this section shall be made
10 on a form promulgated by the commissioner. An applicant for a
11 license under P.L. , c. (C.) (now pending before the
12 Legislature as this bill) shall have five years' experience in the field for
13 which a license is sought, which shall include installation , service,
14 sales, repair, inspection and maintenance of the fire protection
15 equipment used in the field, and shall meet one of the following
16 requirements:

17 (1) The applicant shall pass a test administered by the division for
18 the field for which a license is sought. The first such tests shall be
19 administered six months after enactment of P.L. , c. (C.)
20 (now pending before the Legislature as this bill), and every other
21 month thereafter, or

22 (2) The applicant shall have achieved NICET Level II for the field
23 for which the license is sought.

24 e. The division, within 30 days of receiving an application for a
25 license under P.L. , c. (C.) (now pending before the
26 Legislature as this bill), shall determine whether an application is
27 complete and if the required experience level is met or the qualification
28 test has been passed.

29 f. If all license requirements are met and the appropriate license fee
30 is paid, the commissioner shall issue a license to the applicant in each
31 field for which qualifications are met. Each license shall be valid for
32 three years and may be renewed at the end of each three-year period
33 by the payment of a renewal fee.

34 Any change in more than 50% of the ownership of a fire protection
35 contractor shall require an amended license. An application for an
36 amended license must be submitted within 60 days of a change of
37 ownership or change of company name or location. Licenses are non-
38 transferable and shall be displayed prominently in the principal work
39 place. A licensee shall not be used to qualify more than one fire
40 protection contractor. The commissioner shall be notified within 30
41 days if a license holder leaves the fire protection contractor or is
42 replaced. Notwithstanding subsection a. of this section, no fire
43 protection contractor shall be denied the privilege of continuing
44 business as a fire protection contractor in the event of death, illness,
45 or other physical disability of the license holder who qualified the fire
46 protection contractor under this section, for at least six months

1 following the date of such death, illness or other physical disability;
2 provided that the fire protection contractor operates under such
3 qualified supervision as the commissioner deems adequate. If, after six
4 months, the fire protection contractor has failed to employ another
5 license holder, then the commission shall revoke its fire protection
6 contractor business permit.

7 g. Whenever the division shall find cause to deny an application for
8 a license or to suspend or revoke a license, it shall notify the applicant
9 or the holder of the license and state the reasons for the denial or
10 suspension, as appropriate.

11 h. Whenever the division shall find cause to deny an application for
12 a fire protection contractor business permit or to suspend or revoke a
13 fire protection contractor business permit, it shall notify the applicant
14 or the holder of the business permit and state the reasons for the denial
15 or suspension, as appropriate.

16

17 3. (New section) The commissioner shall appoint an advisory
18 committee to advise the division in the administration of the licensing
19 program established pursuant to P.L. , c. (C.) (now pending
20 before the Legislature as this bill) and to create the licensing tests
21 required pursuant to P.L. , c. (C.) (now pending before
22 the Legislature as this bill). The advisory committee shall be
23 comprised of the Director of the Division of Fire Safety and one
24 member representing each of the following fire protection distributor
25 associations:

- 26 New Jersey Association of Fire Equipment Distributors
- 27 National Fire Sprinkler Association
- 28 National Association of Fire Equipment Distributors
- 29 American Fire Sprinkler Association
- 30 Fire Suppression Systems Association
- 31 Automatic Fire Alarm Association

32

33 4. (New section) All contractors shall carry commercial general
34 liability insurance, including products and completed operations
35 coverage, in the minimum amount of \$1,000,000 for each coverage.
36 The contractor shall furnish a general warranty for one year with each
37 system installation in accordance with guidelines promulgated by the
38 commissioner.

39

40 5. (New section) a. The commissioner may suspend, for up to one
41 year, or revoke any license or assess a penalty if the commissioner
42 determines that a contractor has committed any violation of P.L. ,
43 c. (C.) (now pending before the Legislature as this bill).
44 Specific violations shall subject violators to civil penalties, which shall
45 be in addition to any criminal penalties imposed by a court, as follows:

46 (1) A willful misstatement of material fact in an applicant's

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1 application for registration or renewal-a maximum of \$1,000.

2 (2) The willful commission of fraud in the practice of the
3 installation of fire protection equipment - a maximum of \$20,000 per
4 occurrence.

5 (3) The installation of fire protection equipment in a grossly
6 negligent manner - a maximum of \$2,000 per occurrence.

7 (4) The failure to correct or settle any claim, provided the
8 contractor has been paid in full, arising out of any defect after the
9 contractor's responsibility has been established through the dispute
10 settlement procedure provided for in the fire code promulgated by the
11 commissioner pursuant to section 7 of P.L.1983, c.383 (C.52:27D-
12 198) - a maximum of \$5,000. Payment of the penalty shall not be
13 deemed to satisfy the responsibility of the contractor to correct or
14 settle the claim.

15 (5) Any person advertising as being, or publicly purporting to be,
16 available to install, service, sell, repair, inspect and maintain fire
17 protection equipment who is not licensed shall be subject to a
18 maximum penalty of \$1,000 for each occurrence.

19 b. A contractor may compete work in process if the license has
20 been suspended or revoked.

21

22 6. (New section) After revocation of a license, the division shall
23 not renew or reinstate such license; however, a person may apply for
24 a new license. When it can be shown that all loss caused by the act or
25 omission for which the license was revoked has been fully satisfied,
26 and that all conditions imposed by the order of revocation have been
27 complied with, the commissioner may issue a new license, provided
28 that the applicant meets all other qualifications necessary for licensure
29 and pays the appropriate fee.

30

31 7. (New section) Any person aggrieved by any action, notice,
32 ruling or order of the commissioner, with respect to P.L. , c. (C.)
33 (now pending before the Legislature as this bill), shall have the right
34 to a dispute settlement hearing, in accordance with the "Administrative
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The aggrieved
36 party shall submit a written request to the division for a hearing within
37 15 days of the action, notice, ruling or order. All hearing requests shall
38 include:

39 The date of the action which is the subject of the appeal;

40 The name and status of the person submitting the appeal;

41 The specific violations or other action claimed to be in error; and

42 A concise statement of the basis for the appeal.

43

44 8. (New section) a. Any person who has contracted with a fire
45 protection contractor and who is not satisfied with the work done by
46 the fire protection contractor shall notify the contractor of the

1 problems and shall allow a reasonable time for the repair of such
2 problems. If the repairs are not made within a reasonable time, or are
3 unsatisfactory to the person, that person may file a request for a
4 dispute settlement hearing. The division shall, upon receipt of a
5 request for a dispute settlement hearing, designate a conciliator and
6 schedule a hearing at the fire protection equipment owner's premises.
7 Any resulting agreement shall be in writing, listing the specific actions
8 to be taken by the contractor to repair or replace defects in the system
9 and a date by which corrections shall take place.

10 b. When the defect is corrected or a monetary settlement is made
11 in lieu thereof, the contractor shall present the owner with a release for
12 execution. One copy of the signed release shall be retained by the
13 contractor, one by the owner, and one copy shall be forwarded to the
14 division.

15 c. If the dispute remains unresolved after a dispute settlement
16 hearing, the division shall thoroughly review the matter and shall make
17 a decision as to the merits of the claim. This decision shall be binding
18 on both parties; provided, however, that if either party files a notice of
19 appeal of the decision with the division, the division shall provide for
20 an administrative hearing in accordance with the "Administrative
21 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), with a final
22 decision to be issued by the commissioner, or an owner may seek a
23 remedy directly in court, without regard to the dispute settlement
24 procedures made available in accordance with P.L. , c. (C.)
25 (now pending before the Legislature as this bill).

26 If, in the opinion of the division, a fire suppression system may be
27 rendered inoperable for an extended period of time due to legal delays,
28 either the fire official or the division may order the owner to have the
29 system restored to service in accordance with the fire code regulations
30 promulgated by the commissioner pursuant to section 7 of P.L.1983,
31 c.383 (C.52:27D-198).

32
33 9. Section 2 of P.L.1962, c.162 (C.45:5A-2) is amended to read as
34 follows:

35 2. For the purpose of this act, unless otherwise indicated by the
36 context:

37 (a) "Act" means this act (P.L.1962, c.162 (C.45:5A-1 et seq.)) and
38 the rules and regulations adopted under it;

39 (b) "Board" means the Board of Examiners of Electrical
40 Contractors created by section 3 of this act;

41 (c) "Department" means the Department of Law and Public Safety;

42 (d) "Electrical contractor" means a person who engages in the
43 business of contracting to install, erect, repair or alter electrical
44 equipment for the generation, transmission or utilization of electrical
45 energy;

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- 1 (e) "Person" means a person, firm, corporation or other legal
2 entity;
- 3 (f) "Alarm business" means the installation, servicing or
4 maintenance of burglar alarm[, fire alarm] or electronic security
5 systems, or the monitoring or responding to alarm signals when
6 provided in conjunction therewith. "Installation," as used in this
7 definition, includes the survey of a premises, the design and
8 preparation of the specifications for the equipment or system to be
9 installed pursuant to a survey, the installation of the equipment or
10 system, or the demonstration of the equipment or system after the
11 installation is completed, but does not include any survey, design or
12 preparation of specifications for equipment or for a system that is
13 prepared by an engineer licensed pursuant to the provisions of
14 P.L.1938, c.342 (C.45:8-27 et seq.), or an architect licensed pursuant
15 to the provisions of chapter 3 of Title 45 of the Revised Statutes, if the
16 survey, design, or preparation of specifications is part of a design for
17 construction of a new building or premises or a renovation of an
18 existing building or premises, which renovation includes components
19 other than the installation of a burglar alarm[, fire alarm] or electronic
20 security system, and further does not include the design or preparation
21 of specifications for the equipment or system to be installed that are
22 within the practice of professional engineering as defined in subsection
23 (b) of section 2 of P.L.1938, c.342 (C.45:8-28);
- 24 (g) "Burglar alarm" means a security system comprised of an
25 interconnected series of alarm devices or components, including
26 systems interconnected with radio frequency signals, which emits an
27 audible, visual or electronic signal indicating an alarm condition and
28 providing a warning of intrusion, which is designed to discourage
29 crime;
- 30 (h) "Business firm" means a partnership, corporation or other
31 business entity engaged in the alarm business or locksmithing services;
- 32 (i) "Committee" means the [Fire Alarm,] Burglar Alarm[,] and
33 Locksmith Advisory Committee created by section 3 of P.L.1997,
34 c.305 (C.45:5A-23);
- 35 (j) "Electronic security system" means a security system comprised
36 of an interconnected series of devices or components, including
37 systems with audio and video signals or other electronic systems,
38 which emits or transmits an audible, visual or electronic signal warning
39 of intrusion and provides notification of authorized entry or exit,
40 which is designed to discourage crime;
- 41 (k) ["Fire alarm" means a security system comprised of an
42 interconnected series of alarm devices or components, including
43 systems interconnected with radio frequency signals, which emits an
44 audible, visual or electronic signal indicating an alarm condition and
45 which provides a warning of the presence of smoke or fire. "Fire
46 alarm" does not mean a system whose primary purpose is

1 telecommunications with energy control, the monitoring of the interior
2 environment being an incidental feature thereto] (deleted by
3 amendment, P.L. _____, c. _____ (C. _____) (now pending before the
4 Legislature as this bill);

5 (l) "Licensed locksmith" means a person who is licensed pursuant
6 to the provisions of section 7 of P.L.1997, c.305 (C.45:5A-27);

7 (m) "Licensee" means a person licensed to engage in the alarm
8 business or provide locksmithing services pursuant to the provisions
9 of section 7 of P.L.1997, c.305 (C.45:5A-27);

10 (n) "Locksmithing services" means the modification,
11 recombination, repair or installation of mechanical locking devices and
12 electronic security systems for any type of compensation and includes
13 the following: repairing, rebuilding, recoding, servicing, adjusting,
14 installing, manipulating or bypassing of a mechanical or electronic
15 locking device, for controlled access or egress to premises, vehicles,
16 safes, vaults, safe doors, lock boxes, automatic teller machines or
17 other devices for safeguarding areas where access is meant to be
18 limited; operating a mechanical or electronic locking device, safe or
19 vault by means other than those intended by the manufacturer of such
20 locking devices, safes or vaults; or consulting and providing technical
21 advice regarding selection of hardware and locking systems of
22 mechanical or electronic locking devices and electronic security
23 systems; except that "locksmithing services" shall not include the
24 installation of a prefabricated lock set and door knob into a door of a
25 residence.

26 (cf: P.L.1997, c.305, s.1)

27

28 10. Section 3 of P.L.1997, c.305 (C.45:5A-23) is amended to read
29 as follows:

30 3. a. There is created within the Division of Consumer Affairs in
31 the Department of Law and Public Safety, under the Board of
32 Examiners of Electrical Contractors, a "[Fire Alarm,] Burglar Alarm
33 and Locksmith Advisory Committee." The committee shall consist of
34 ~~[15]~~ 14 members who are residents of this State as follows:

35 (1) Two members shall have been engaged in the alarm business in
36 this State on a full-time basis for at least five consecutive years
37 immediately preceding their appointments, shall be members of the
38 New Jersey Burglar and Fire Alarm Association and, except for the
39 members first appointed, shall be licensed under the provisions of
40 section 7 of ~~[this act]~~ P.L.1997, c.305 (C.45:5A-27);

41 (2) Five members shall be municipal officials, and shall include (a)
42 a fire prevention officer; (b) a crime prevention officer; (c) ~~[a fire~~
43 ~~sub-code official]~~ (deleted by amendment, P.L. _____, c. _____) (now
44 pending before the Legislature as this bill); (d) a building inspector;
45 and (e) a chief of police who is a member of the New Jersey
46 Association of Chiefs of Police;

- 1 (3) One member shall be a representative of the Division of State
2 Police;
- 3 (4) [One member shall have been engaged in the alarm business in
4 this State on a full-time basis for at least five consecutive years
5 immediately preceding appointment, shall be a member of the
6 Automatic Fire Alarm Association of New Jersey and, except for the
7 member first appointed, shall be licensed under the provisions of
8 section 7 of this act] (deleted by amendment, P.L. , c.) (now
9 pending before the Legislature as this bill);
- 10 (5) Two members shall have been engaged as practicing locksmiths
11 on a full-time basis for at least five consecutive years immediately
12 preceding appointment, shall be members of a duly recognized
13 professional locksmith association in New Jersey and, except for the
14 members first appointed, shall be licensed as locksmiths under the
15 provisions of section 7 of [this act] P.L.1997, c.305 (C.45:5A-27);
- 16 (6) One member shall have been engaged in the alarm business in
17 this State on a full-time basis, shall be a member of both the New
18 Jersey Burglar and Fire Alarm Association and a duly recognized
19 professional locksmith association and, except for the member first
20 appointed, be licensed under the provisions of section 7 of [this act]
21 P.L.1997, c.305 (C.45:5A-27);
- 22 (7) One member shall have been engaged as a practicing locksmith
23 in this State on a full-time basis for at least five consecutive years
24 immediately preceding appointment, shall be a member of both the
25 New Jersey Burglar and Fire Alarm Association and a duly recognized
26 professional locksmith association and, except for the member first
27 appointed, be licensed under the provisions of section 7 of [this act]
28 P.L.1997, c.305 (C.45:5A-27);
- 29 (8) One member shall be a member of the International
30 Brotherhood of Electrical Workers, A.F.L.-C.I.O; and
- 31 (9) One member shall be a public member who meets the
32 requirements pertaining to public members set forth in subsection b.
33 of section 2 of P.L.1971, c.60 (C.45:1-2.2).
- 34 b. The Governor shall appoint each member for a term of three
35 years, except that of the members first appointed, five shall serve for
36 terms of three years, five shall serve for terms of two years, and five
37 shall serve for terms of one year.
- 38 c. Any vacancy in the membership of the committee shall be filled
39 for the unexpired term in the manner provided for the original
40 appointment. No member of the committee may serve more than two
41 successive terms in addition to any unexpired term to which he has
42 been appointed.
- 43 d. The committee shall annually elect from among its members a
44 chair and vice-chair. The committee shall meet at least four times a
45 year and may hold additional meetings as necessary to discharge its
46 duties. In addition to such meetings, the committee shall meet at the

1 call of the chair, the board, or the Attorney General.

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

7 f. The committee shall make recommendations to the board
8 regarding rules and regulations pertaining to professional training,
9 standards, identification and record-keeping procedures for licensees
10 and their employees, classifications of licensure necessary to regulate
11 the work of licensees, and other matters as necessary to effectuate the
12 purposes of [this act] P.L.1997, c.305.

13 (cf: P.L.1997, c.305, s.3)

14

15 11. Section 4 of P.L.1997, c.305 (C.45:5A-24) is amended to read
16 as follows:

17 4. The board shall have the following powers and duties, or may
18 delegate them to the committee:

19 a. To set standards and approve examinations for applicants for a
20 [fire alarm,] burglar alarm or locksmith license and issue a license to
21 each qualified applicant;

22 b. To administer the examination to be taken by applicants for
23 licensure;

24 c. To determine the form and contents of applications for licensure,
25 licenses and identification cards;

26 d. To adopt a code of ethics for licensees;

27 e. To issue and renew licenses and identification cards;

28 f. To set the amount of fees for [fire alarm,] burglar alarm and
29 locksmith licenses, license renewal, applications, examinations and
30 other services provided by the board and committee, within the limits
31 provided in subsection b. of section 11 of [this act] P.L.1997, c.305
32 (C.45:5A-31);

33 g. To refuse to admit a person to an examination or refuse to issue
34 or suspend, revoke, or fail to renew the license of a [fire alarm,]
35 burglar alarm[,] or locksmith licensee pursuant to the provisions of
36 P.L.1978, c.73 (C.45:1-14 et seq.);

37 h. To maintain a record of all applicants for a license;

38 i. To maintain and annually publish a record of every licensee, his
39 place of business, place of residence and the date and number of his
40 license;

41 j. To take disciplinary action, in accordance with P.L.1978, c.73
42 (C.45:1-14 et seq.) against a licensee or employee who violates any
43 provision of this act or any rule or regulation promulgated pursuant to
44 [this act] P.L.1997, c.305;

45 k. To adopt standards and requirements for and approve continuing
46 education programs and courses of study for licensees and their

1 employees;

2 1. To review advertising by licensees; and

3 m. To perform such other duties as may be necessary to effectuate
4 the purposes of [this act] P.L.1997, c.305.

5 (cf: P.L.1997, c.305, s.4)

6

7 12. Section 5 of P.L.1997, c.305 (C.45:5A-25) is amended to read
8 as follows:

9 5. a. No person shall advertise that he is authorized to engage in,
10 or engage in the alarm business, or otherwise engage in the
11 installation, service or maintenance of burglar alarm[, fire alarm] or
12 electronic security systems unless he satisfies the requirements of
13 [this act] P.L.1997, c.305.

14 b. No person shall represent himself as qualified to provide, or
15 otherwise provide locksmithing services unless he is licensed as a
16 locksmith in accordance with the provisions of [this act] P.L.1997,
17 c.305.

18 (cf: P.L.1997, c.305, s.5)

19

20 13. Section 13 of P.L.1997, c.305 (C.45:5A-33) is amended to
21 read as follows:

22 13. a. Every licensee and every employee or other person engaged
23 in the unsupervised installation, servicing or maintenance of burglar
24 alarm [, fire alarm] or electronic security systems shall, at all times
25 during working hours, display an identification card issued by the
26 board. The identification card shall contain the following information:

27 (1) the name, photograph and signature of the person to whom the
28 card has been issued;

29 (2) the business name and address and license number of the
30 licensee;

31 (3) the expiration date of the card; and

32 (4) that other information the board deems appropriate for
33 identification purposes.

34 b. Identification cards shall be issued for a three-year period which,
35 in the case of a licensee, shall correspond to the term of the license
36 period of the licensee. Application for renewal of an identification
37 card for other than a licensee shall be made by the person named on
38 the card at least 45 days prior to the expiration date of the card. The
39 information provided on the identification card shall at all times be
40 current, and the named holder of the card shall advise the board of any
41 changes and file for issuance of an updated card within five days
42 following occurrence of a change, which card shall be issued for the
43 unexpired term of the original card.

44 c. Identification cards shall not be transferable in the event of a
45 change in employment.

46 (cf: P.L.1997, c.305, s.13)

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14

1 14. Section 14 of P.L.1997, c.305 (C.45:5A-34) is amended to
2 read as follows:

3 14. No person shall be employed by a licensee to install, service or
4 maintain a burglar alarm [, fire alarm] or electronic security system or,
5 except in the case of a licensee, shall otherwise engage in the
6 installation, service or maintenance thereof:

7 a. unless the person is of good moral character; and

8 b. where the work is to be performed other than under the field
9 supervision of a licensee or a person qualified pursuant to the
10 provisions of this section, unless the person shall have at least three
11 years of practical experience and shall have successfully completed a
12 course of study or a competency examination prescribed by the board,
13 in consultation with the committee; except that an employee employed
14 in the installation, servicing or maintenance of burglar alarm [, fire
15 alarm] or electronic security systems by a license applicant filing an
16 application within 120 days of the effective date of this act and
17 identified as an employee on the application, shall not be required to
18 satisfy the competency requirements of this subsection, until the first
19 renewal of the employee's identification card.

20 (cf: P.L.1997, c.305, s.14)

21

22 15. Section 16 of P.L.1997, c.305 (C.45:5A-36) is amended to
23 read as follows:

24 16. No municipality or county shall enact an ordinance or
25 resolution or promulgate any rules or regulations relating to the
26 licensing or registration of locksmiths or alarm businesses. The
27 provisions of any ordinance or resolution or rules or regulations of any
28 municipality or county relating to the licensing or registration of
29 locksmiths or alarm businesses are superseded by the provisions of this
30 act. Nothing in this section shall be construed, however, to prohibit
31 municipal regulation of door-to-door vendors or salespersons of
32 burglar alarm [, fire alarm] or electronic security systems nor shall
33 anything in this section be construed to prohibit or restrict municipal
34 consideration of alarm business service proposals in consent
35 proceedings under the "Cable Television Act," P.L.1972, c.186
36 (C.48:5A-1 et seq.).

37 (cf: P.L.1997, c.305, s.16)

38

39 16. Section 7 of P.L.1983, c.383 (C.52:27D-198) is amended to
40 read as follows:

41 7. a. The commissioner shall promulgate, in accordance with the
42 "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et
43 seq.), and after consulting with the fire safety commission, regulations
44 to insure the maintenance and operation of buildings and equipment in
45 such a manner as will provide a reasonable degree of safety from fire
46 and explosion.

1 Regulations promulgated pursuant to this section shall include a
2 uniform fire safety code primarily based on the standards established
3 by the Life Safety Code (National Fire Protection Association 101)
4 and any other fire codes of the National Fire Protection Association
5 and the Building Officials and Code Administrators International
6 (BOCA) Basic Fire Prevention Code, both of which may be adopted
7 by reference. The regulations may include modifications and
8 amendments the commissioner finds necessary.

9 b. The code promulgated pursuant to this section shall include the
10 requirements for fire detection and suppression systems, elevator
11 systems, emergency egresses and protective equipment reasonably
12 necessary to the fire safety of the occupants or intended occupants of
13 new or existing buildings subject to this act, including but not limited
14 to electrical fire hazards, maintenance of fire protection systems and
15 equipment, fire evacuation plans and fire drills, and all components of
16 building egress. In addition, the regulations issued and promulgated
17 pursuant to this section which are applicable to new or existing
18 buildings shall include, but not be limited to fire suppression systems,
19 built-in fire fighting equipment, fire resistance ratings, smoke control
20 systems, fire detection systems, and fire alarm systems including fire
21 service connections.

22 c. When promulgating regulations, the commissioner shall take into
23 account the varying degrees of fire safety provided by the different
24 types of construction of existing buildings and the varying degrees of
25 hazard associated with the different types and intensity of uses in
26 existing buildings. When preparing regulations which require the
27 installation of fire safety equipment and devices, the commissioner
28 shall consult with the fire safety commission and shall take into
29 account, to the greatest extent prudent, the economic consequences
30 of the regulations and shall define different use groups and levels of
31 hazard within more general use groups, making corresponding
32 distinctions in fire safety requirements for these different uses and
33 levels of hazard. The commissioner shall also take into account the
34 desirability of maintaining the integrity of historical structures to the
35 extent that it is possible to do so without endangering human life and
36 safety. The regulations established pursuant to this subsection shall
37 apply to secured vacant buildings only to the extent necessary to
38 eliminate hazards affecting adjoining properties.

39 d. Except as otherwise provided in this act, including rules and
40 regulations promulgated hereunder, all installations of equipment and
41 other alterations to existing buildings shall be made in accordance with
42 the technical standards and administrative procedures established by
43 the commissioner pursuant to the "State Uniform Construction Code
44 Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and shall be subject to
45 plan review and inspection by the local construction and subcode
46 officials having jurisdiction over the building, who shall enforce the

1 regulations established pursuant to this act applicable to the
2 installation or other alteration along with the regulations established
3 pursuant to the "State Uniform Construction Code Act."
4 e. The commissioner shall, by regulation, establish standards,
5 procedures and fees for the certification of persons engaged in the
6 business of installing, servicing, selling, repairing, inspecting or
7 maintaining fire [suppression systems, for the warranting of those
8 systems, and for the establishment, funding and operation of a
9 warranty security program. A fire suppression system installed in a
10 building subject to this act shall be warranted in accordance with those
11 standards and procedures, shall be required to be covered by the
12 warranty security program, and shall be installed by a person certified
13 in accordance with those standards and procedures] protection
14 equipment. For the purposes of this subsection, fire protection
15 equipment includes fire alarms, sprinkler systems, standpipe systems,
16 clean agent fire suppression systems, special systems, carbon dioxide
17 fire protection systems, foam systems, kitchen fire suppression
18 systems, portable fire extinguishers or any other equipment designed
19 to detect, suppress or extinguish a fire. Fire protection equipment in
20 a building subject to the provisions of the "Uniform Fire Safety Act,"
21 P.L.1983, c.383 (C.52:27D-192 et seq.) shall be installed and
22 maintained by a company certified in accordance with those standards
23 and procedures. Any person subject to certification under this
24 subsection shall be exempt from any other State, county or municipal
25 certification, licensing or registration requirements for the installation
26 or maintenance of fire protection equipment.

27 (cf: P.L.1983, c.383, s.7)

28

29 17. This act shall take effect on the first day of the seventh month
30 next following enactment.

31

32

33

STATEMENT

34

35 The bill creates a comprehensive, mandatory licensing procedure for
36 contractors who sell, install, repair, inspect and maintain fire
37 protection equipment. This bill also clarifies that companies engaged
38 in the business of installing or maintaining fire protection equipment
39 shall be regulated by the Department of Community Affairs. The bill
40 also removes fire alarm companies from the requirements of P.L.1997,
41 c.305, which required that these companies must be licensed by the
42 "Fire Alarm, Burglar Alarm and Locksmith Advisory Committee,"
43 located in the Division of Consumer Affairs in the Department of Law
44 and Public Safety.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 975

STATE OF NEW JERSEY
209th LEGISLATURE

ADOPTED NOVEMBER 19, 2001

Sponsored by:

Senator LEONARD T. CONNORS, JR.

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Establishes certification program for persons who install, service, repair, inspect and maintain fire protection equipment; provides oversight by Department of Community Affairs.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Commerce Committee.



1 AN ACT concerning the installation or maintenance of fire protection
2 equipment, supplementing chapter 27D of Title 52 of the Revised
3 Statutes and amending P.L.1962, c.162, amending and
4 supplementing P.L.1997, c.305 and amending P.L.1983, c.383.

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

8
9 1. (New section) As used in sections 1 through 19 of this act:

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

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

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

17 "Commissioner" means the Commissioner of Community Affairs.

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

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

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

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

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

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

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

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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

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

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

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

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

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

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

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

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

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

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

1 is referenced as a part of the listing.

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

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

7 "Warranty" means a written guarantee given to a purchaser of fire
8 protection equipment covering a period of one year after the
9 installation of new fire protection equipment.

10

11 2. (New section) a. There is created within the Division of Fire
12 Safety in the Department of Community Affairs a "Fire Protection
13 Equipment Advisory Committee." The committee shall be comprised
14 of the Director of the Division of Fire Safety who shall serve ex officio
15 and eight public members, appointed by the Governor. Each of the
16 public members shall be selected by the Governor from a list of three
17 nominees provided to the Governor by each of the following fire
18 protection organizations or their successor organizations:

19 New Jersey Association of Fire Equipment Distributors

20 National Fire Sprinkler Association

21 National Association of Fire Equipment Distributors

22 American Fire Sprinkler Association

23 Fire Suppression Systems Association

24 Automatic Fire Alarm Association

25 New Jersey Electrical Contractors Association

26 New Jersey Burglar and Fire Alarm Association

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

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

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

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

46 f. The committee shall make recommendations to the

1 commissioner regarding rules and regulations pertaining to
2 professional training, standards, identification and record keeping
3 procedures for certificate holders and their employees, classifications
4 of certificates necessary to regulate the work of certificate holders,
5 and other matters necessary to effectuate the purposes of this act.

6
7 3. (New section) The commissioner shall have the following
8 powers and duties:

9 a. To set standards and approve examinations for applicants for a
10 fire protection equipment certificate and issue a certificate to each
11 qualified applicant;

12 b. To administer or approve the examination to be taken by
13 applicants for certification;

14 c. To determine the form and contents of applications for
15 certification and certificates;

16 d. To adopt a code of ethics for certificate holders;

17 e. To issue and renew certificates;

18 f. To set the amount of fees for certificates, certificate renewal,
19 applications, examinations and other services, within the limits
20 provided in subsection b. of section 8 of this act;

21 g. To refuse to admit a person to an examination or refuse to issue
22 or suspend, revoke or fail to renew a certificate of certification of a
23 certificate holder pursuant to the provisions of section 14 of this act;

24 h. To maintain a record of all applicants for a certificate;

25 i. To maintain and annually publish a record of every certificate
26 holder, his place of business, place of residence and the date and
27 number of his certificate;

28 j. To take disciplinary action, in accordance with section 14 of this
29 act, against a certificate holder or employee who violates any
30 provision of this act or any rule or regulation promulgated pursuant to
31 this act;

32 k. To adopt standards and requirements for and approve
33 continuing education programs and courses of study for certificate
34 holders and their employees;

35 l. To review advertising by certificate holders; and

36 m. To perform such other duties as may be necessary to effectuate
37 the purposes of this act.

38
39 4. (New section) a. After the effective date of this act, no fire
40 protection contractor shall engage in the installation, service, repair,
41 inspection or maintenance of fire protection equipment without
42 holding or employing a person who holds a valid certificate of
43 certification issued in accordance with this act. A fire protection
44 contractor who is not a certificate holder shall be required to obtain a
45 fire protection contractor business permit from the commissioner,
46 which shall be issued for three years upon payment of an appropriate

1 fee set by the commissioner and proof that the fire protection
2 contractor employs a certificate holder. Notwithstanding the
3 provisions of this section, persons holding a license to engage in the
4 fire alarm business pursuant to P.L.1997, c.305 (C.45:5A-23 et seq.),
5 or who are electrical contractors as defined in section 2 of P.L.1962,
6 c.162 (C.45:5A-2), are exempt from the requirement of obtaining a
7 certificate of certification under this act to engage in the fire alarm
8 business pursuant to this act to the extent that such persons are acting
9 within the scope of practice of their profession or occupation.

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

12 Notwithstanding any provision of this act, the commissioner shall
13 issue a certificate to any person who has been employed as a fire
14 protection contractor for a period of not less than five years on or
15 before the effective date of this act, upon application with submission
16 of satisfactory proof and payment by that person of the appropriate
17 certification fee within 180 days following the effective date of this
18 act.

19 b. The following certified classifications are hereby established:

20 (1) An "All Fire Protection Equipment Contractor" is authorized
21 to install, service, repair, inspect and maintain all fire protection
22 equipment.

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

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

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

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

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

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

38 d. Any change in more than 50% of the ownership of a fire
39 protection contractor shall require an amended certificate of
40 certification. An application for an amended certificate of certification
41 shall be submitted within 60 days of a change of ownership or change
42 of company name or location. Certificates of certification are non-
43 transferable and shall be displayed prominently in the principal work
44 place. A certificate holder shall not be used to qualify more than one
45 fire protection contractor. The commissioner shall be notified within
46 30 days if a certificate holder leaves the fire protection contractor or

1 is replaced. Notwithstanding subsection a. of this section, no fire
2 protection contractor shall be denied the privilege of continuing
3 business as a fire protection contractor in the event of death, illness,
4 or other physical disability of the certificate holder who qualified the
5 fire protection contractor for a business permit under this section, for
6 at least six months following the date of such death, illness or other
7 physical disability; provided that the fire protection contractor
8 operates under such qualified supervision as the commissioner deems
9 adequate. If, after six months, the fire protection contractor has failed
10 to employ another certificate holder, then the commissioner shall
11 revoke its fire protection contractor business permit.

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

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

21 g. Any person subject to certification under this act shall be
22 exempt from any other State, county or municipal certification,
23 licensing or registration requirements for installing, servicing,
24 repairing, inspecting or maintaining fire protection equipment.

25

26 5. (New section) No person shall advertise that he is authorized
27 to engage in, or engage in the fire protection equipment business, or
28 otherwise engage in the installation, service, repair, inspection or
29 maintenance of fire protection equipment unless he satisfies the
30 requirements of this act.

31

32 6. (New section) a. Application for a certificate to engage in the
33 fire protection equipment business shall be made to the commissioner
34 in the manner and on the forms as the commissioner may prescribe.

35 b. An application to engage in the fire protection equipment
36 business shall include the name, age, residence, present and previous
37 occupations of the applicant and, in the case of a business firm
38 engaged in the fire protection equipment business, of each member,
39 officer or director thereof, the name of the municipality and the
40 location therein by street number or other appropriate description of
41 the principal place of business and the location of each branch office.

42 c. The commissioner may require other information of the
43 applicant and, if the applicant is proposing to qualify a business firm,
44 of the business firm to determine the professional competence and
45 integrity of the concerned parties.

1 7. (New section) An applicant seeking certification to engage in
2 the fire protection equipment business shall:

3 a. Be at least 18 years of age;

4 b. Be of good moral character, and not have been convicted of a
5 crime of the first, second or third degree within 10 years prior to the
6 filing of the application;

7 c. Meet qualifications established by the commissioner, regarding
8 experience, continuing education, financial responsibility and integrity;
9 and

10 d. Establish his qualifications to perform and supervise various
11 phases of fire protection equipment installation, service, repair,
12 inspection and maintenance as evidenced by successful completion of
13 an examination approved by the commissioner.
14

15 8. (New section) a. Certificates of certification shall be issued to
16 qualified applicants seeking certification to engage in the fire
17 protection equipment business for a three-year period, upon payment
18 of a certificate of certification fee. Certificate renewals shall be issued
19 for a three-year period upon the payment of a renewal fee. A renewal
20 application shall be filed with the commissioner at least 45 days prior
21 to expiration of a certificate of certification. A certificate of
22 certification issued pursuant to this act shall not be transferable.

23 b. Fees shall be established, prescribed or changed by the
24 commissioner, to the extent necessary to defray all proper expenses
25 incurred by the commissioner, committee and any staff employed to
26 administer the provisions of this act, except that fees shall not be fixed
27 at a level that will raise amounts in excess of the amount estimated to
28 be required. All fees and any fines imposed under this act shall be paid
29 to the commissioner and shall be forwarded to the State Treasurer and
30 become part of the General Fund.
31

32 9. (New section) No holder of a certificate of certification
33 qualified under the provisions of this act shall engage in the fire
34 protection equipment business unless the certificate holder:

35 a. Maintains at least one business office within this State or files
36 with the commissioner a statement, duly executed and sworn to before
37 a person authorized by the laws of this State to administer oaths,
38 containing a power of attorney constituting the commissioner the true
39 and lawful attorney of the certificate holder upon whom all original
40 process in an action or legal proceeding against the certificate holder
41 may be served and in which the certificate holder agrees that the
42 original process that may be served upon the commissioner shall be of
43 the same force and validity as if served upon the certificate holder and
44 that the authority thereof shall continue in force so long as the
45 certificate holder engages in the fire protection equipment business;

46 b. Clearly marks the outside of each installation and service

1 vehicle to be used in conjunction with the fire protection equipment
2 business with the business name as determined by the commissioner;

3 c. Maintains an emergency service number attended to on a 24-
4 hour basis and responds appropriately to emergencies on a 24-hour
5 basis as determined by the commissioner.

6
7 10. (New section) No employee of a certificate holder shall
8 engage in the installation, service, repair, inspection or maintenance of
9 fire protection equipment unless the certificate holder bears full
10 responsibility for the inspection of all work to be performed in
11 compliance with recognized safety standards.

12
13 11. (New section) A certificate holder shall be liable for any
14 unprofessional conduct of an employee while acting within the scope
15 of his employment, except that the conduct shall not be cause for
16 suspension or revocation of a certificate, unless the commissioner
17 determines that the certificate holder had knowledge thereof, or there
18 is shown to have existed a pattern of unprofessional conduct.

19
20 12. (New section) If the commissioner determines that an
21 applicant holds a valid license, registration, certification or other
22 authorization from another jurisdiction which requires equal or greater
23 experience and knowledge requirements, the commissioner may accept
24 the evidence of that license, registration, certification or other
25 authorization as meeting the experience and knowledge requirements
26 of this act for a person to engage in the fire protection equipment
27 business.

28
29 13. (New section) All contractors shall carry commercial general
30 liability insurance, including products and completed operations
31 coverage, in the minimum amount of \$1,000,000 for each coverage.
32 The contractor shall furnish a general warranty for one year with each
33 system installation in accordance with guidelines promulgated by the
34 commissioner.

35
36 14. (New section) a. The commissioner may refuse to admit a
37 person to examination or may refuse to issue or may suspend or
38 revoke any certificate of certification issued by the commissioner upon
39 proof that the applicant or holder of such certificate:

40 (1) Has obtained a certificate or authorization to sit for an
41 examination, as the case may be, through fraud, deception or
42 misrepresentation;

43 (2) Has engaged in the use or employment of dishonesty, fraud,
44 deception, misrepresentation, false promise or false pretense;

45 (3) Has engaged in gross negligence, gross malpractice or gross
46 incompetence which damaged or endangered the life, health, welfare,

1 safety or property of any person;

2 (4) Has engaged in repeated acts of negligence, malpractice or
3 incompetence;

4 (5) Has engaged in professional or occupational misconduct as
5 may be determined by the commissioner;

6 (6) Has been convicted of, or engaged in acts constituting, any
7 crime or offense involving moral turpitude or relating adversely to the
8 activity regulated by the commissioner. For the purpose of this
9 paragraph, a judgment of conviction or a plea of guilty, non vult, nolo
10 contendere or any other such disposition of alleged criminal activity
11 shall be deemed a conviction;

12 (7) Has had his authority to engage in the activity regulated by the
13 commissioner revoked or suspended by any other state, agency or
14 authority for reasons consistent with this section;

15 (8) Has violated or failed to comply with the provisions of any act
16 or regulation administered by the commissioner;

17 (9) Is incapable, for medical or any other good cause, of
18 discharging the functions of a certificate holder in a manner consistent
19 with the public's health, safety and welfare;

20 (10) Has repeatedly failed to submit completed applications, or
21 parts of, or documentation submitted in conjunction with, such
22 applications, required to be filed with the Department of
23 Environmental Protection;

24 (11) Has violated any provision of P.L. 1983, c. 320 (C. 17:33A-1
25 et seq.) or any insurance fraud prevention law or act of another
26 jurisdiction or has been adjudicated, in civil or administrative
27 proceedings, of a violation of that act or has been subject to a final
28 order, entered in civil or administrative proceedings, that imposed civil
29 penalties under that act against the applicant or holder;

30 (12) Is presently engaged in drug or alcohol use that is likely to
31 impair the ability to install, service, repair, inspect or maintain fire
32 protection equipment with reasonable skill and safety. For purposes
33 of this paragraph, "presently" means at this time or any time within the
34 previous 365 days;

35 (13) Has permitted an unlicensed person or entity to perform an
36 act for which a license or certificate of registration or certification is
37 required by the commissioner, or aided and abetted an unlicensed
38 person or entity in performing such an act;

39 (14) Advertised fraudulently in any manner.

40 For purposes of paragraph (10) of this subsection: "completed
41 application" means the submission of all of the information designated
42 on the checklist, adopted pursuant to section 1 of P.L.1991, c.421
43 (C.13:1D-101), for the class or category of permit for which
44 application is made; and "permit" has the same meaning as defined in
45 section 1 of P.L.1991, c.421 (C.13:1D-101).

46 b. In addition, or as an alternative to any other penalty, the

1 commissioner may promulgate, in accordance with the "Administrative
2 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), regulations
3 identifying violations of provisions of this act and establishing a range
4 of penalties for violations of similar type, seriousness and duration.
5

6 15. (New section) After revocation of a certificate of
7 certification, the commissioner shall not renew or reinstate such
8 certificate; however, a person may apply for a new certificate of
9 certification. When it can be shown that all loss caused by the act or
10 omission for which the certificate was revoked has been fully satisfied,
11 and that all conditions imposed by the order of revocation have been
12 complied with, the commissioner may issue a new certification,
13 provided that the applicant meets all other qualifications necessary for
14 certification and pays the appropriate fee.
15

16 16. (New section) Any person aggrieved by any action, notice,
17 ruling or order of the commissioner, with respect to this act, shall have
18 the right to a dispute settlement hearing, in accordance with the
19 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
20 seq.). The aggrieved party shall submit a written request to the
21 commissioner for a hearing within 15 days of the action, notice, ruling
22 or order. All hearing requests shall include:

- 23 a. The date of the action which is the subject of the appeal;
- 24 b. The name and status of the person submitting the appeal;
- 25 c. The specific violations or other action claimed to be in error;
- 26 and
- 27 d. A concise statement of the basis for the appeal.
28

29 17. (New section) a. Any person who has contracted with a fire
30 protection contractor for the installation, service, repair, inspection or
31 maintenance of fire protection equipment who is not satisfied with the
32 work done by that contractor shall notify the contractor of the
33 problems and shall allow a reasonable time for the repair of such
34 problems. If the repairs are not made within a reasonable time, or are
35 unsatisfactory to the person, that person may file a request for the
36 commissioner to designate an arbitrator, who shall hear the matter in
37 accordance with the rules of procedure of the American Arbitration
38 Association.

39 b. Where both parties do not agree to submit to the arbitration,
40 the commissioner shall thoroughly review the matter and shall make a
41 decision as to the merits of the claim and issue an order directing
42 appropriate relief if warranted. If, within 30 calendar days of the
43 commissioner's decision, either party files a written notice requesting
44 an administrative hearing, the commissioner shall provide for an
45 administrative hearing in accordance with the "Administrative
46 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), with a final

1 decision to be issued by the commissioner. In the alternative, a
2 claimant may seek a remedy directly in court without regard to dispute
3 settlement procedures made available in accordance with this act.

4 c. If, in the opinion of the commissioner, fire protection equipment
5 may be rendered inoperable for an extended period of time, the
6 commissioner may order the owner or contractor to restore the
7 equipment to service in accordance with the fire code regulations
8 promulgated by the commissioner pursuant to section 7 of P.L.1983,
9 c.383 (C.52:27D-198).

10 d. The rights, remedies and procedures accorded by the provisions
11 of this section are in addition to, and cumulative of, any other right,
12 remedy and procedure accorded by the common law or statutes of this
13 State, and nothing contained herein shall be construed to deny,
14 abrogate or impair any such common law or statutory right, remedy or
15 procedure.

16
17 18. (New section) Any person licensed to engage in the fire alarm
18 business pursuant to P.L.1997, c.305 (C.45:5A-23 et seq.) whose
19 license is not in good standing with the Board of Examiners of
20 Electrical Contractors shall not be eligible for a certificate of
21 certification to engage in the fire protection contractor business under
22 the provisions of this act.

23
24 19. (New section) Notwithstanding the provisions of this act, the
25 commissioner may exempt from the requirements of this act any
26 person engaged in the installation of fire protection equipment in
27 dormitories pursuant to P.L.2000, c.56 (C.52:27D-198.7 et al). The
28 exemption shall apply only for work performed pursuant to P.L.2000,
29 c.56 (C.52:27D-198.7 et al) and only for such time as is necessary to
30 complete work performed pursuant to that act.

31
32 20. Section 18 of P.L.1962, c.162 (C.45:5A-18) is amended to
33 read as follows:

34 18. Electrical work or construction which is performed on the
35 following facilities or which is by or for the following agencies shall
36 not be included within the business of electrical contracting so as to
37 require the securing of a business permit under this act:

38 (a) Minor repair work such as the replacement of lamps and fuses.

39 (b) The connection of portable electrical appliances to suitable
40 permanently installed receptacles.

41 (c) The testing, servicing or repairing of electrical equipment or
42 apparatus.

43 (d) Electrical work in mines, on ships, railway cars, elevators,
44 escalators or automotive equipment.

45 (e) Municipal plants or any public utility as defined in
46 R.S.48:2-13, organized for the purpose of constructing, maintaining

1 and operating works for the generation, supplying, transmission and
2 distribution of electricity for electric light, heat, or power.

3 (f) A public utility subject to regulation, supervision or control by
4 a federal regulatory body, or a public utility operating under the
5 authority granted by the State of New Jersey, and engaged in the
6 furnishing of communication or signal service, or both, to a public
7 utility, or to the public, as an integral part of a communication or
8 signal system, and any agency associated or affiliated with any public
9 utility and engaged in research and development in the
10 communications field.

11 (g) A railway utility in the exercise of its functions as a utility and
12 located in or on buildings or premises used exclusively by such an
13 agency.

14 (h) Commercial radio and television transmission equipment.

15 (i) Construction by any branch of the federal government.

16 (j) Any work with a potential of less than 10 volts.

17 (k) Repair, manufacturing and maintenance work on premises
18 occupied by a firm or corporation, and installation work on premises
19 occupied by a firm or corporation and performed by a regular
20 employee who is a qualified journeyman electrician.

21 (l) Installation, repair or maintenance performed by regular
22 employees of the State or of a municipality, county, or school district
23 on the premises or property owned or occupied by the State, a
24 municipality, county, or school district.

25 (m) The maintaining, installing or connecting of automatic oil, gas
26 or coal burning equipment, gasoline or diesel oil dispensing equipment
27 and the lighting in connection therewith to a supply of adequate size
28 at the load side of the distribution board.

29 (n) Work performed by a person on a dwelling that is occupied
30 solely as a residence for himself or for a member or members of his
31 immediate family.

32 (o) (Deleted by amendment, P.L.1997, c.305)

33 (p) Any work performed by a landscape irrigation contractor
34 which has the potential of not more than 30 volts involving the
35 installation, servicing, or maintenance of a landscape irrigation system
36 as this term is defined by section 2 of this amendatory and
37 supplementary act. Nothing in this act shall be deemed to exempt
38 work covered by this subsection from inspection required by the "State
39 Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et
40 seq.) or regulations adopted pursuant thereto.

41 (q) Any work performed by a person certified pursuant to
42 sections 1 through 10 of P.L. c. (C.) (now pending before the
43 Legislature as this bill) that is not branch circuit wiring. For the
44 purposes of this subsection, "branch circuit wiring" means the circuit
45 conductors between the final overcurrent device protecting the circuit
46 and one or more outlets. A certificate holder shall be deemed to have

1 engaged in professional misconduct for the purposes of section 8 of
2 P.L.1978, c.73 (C.45:1-21) for violating the provisions of this
3 subsection.

4 (r) Any work performed by an alarm business, as that term is
5 defined by section 2 of P.L.1985, c.289 (C.45:5A-18.1), licensed
6 pursuant to P.L.1997, c.305 (C.45:5A-23 et seq.) that is not branch
7 circuit wiring. For the purposes of this subsection, "branch circuit
8 wiring" means the circuit conductors between the final overcurrent
9 device protecting the circuit and one or more outlets. A licensee shall
10 be deemed to have engaged in professional misconduct for the
11 purposes of section 8 of P.L.1978, c.73 (C.54:1-21) for violating the
12 provisions of this subsection.

13 The board may also exempt from the business permit provisions of
14 this act such other electrical activities of like character which in the
15 board's opinion warrant exclusion from the provisions of this act.
16 (cf: P.L.1997, c.305, s.2)

17

18 21. Section 9 of P.L.1997, c.305 (C.45:5A-29) is amended to read
19 as follows:

20 9. a. Telephone utilities and cable television companies regulated
21 by the Board of Regulatory Commissioners pursuant to Title 48 of the
22 Revised Statutes and persons in their employ while performing the
23 duties of their employment are exempt from the requirement of
24 obtaining a license to engage in the alarm business pursuant to this act.

25 b. Electrical contractors regulated by the Board of Examiners of
26 Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et seq.)
27 and persons in their employ while performing the duties of their
28 employment are exempt from the requirement of obtaining a license to
29 engage in the alarm business pursuant to this act.

30 c. Any person who is certified to engage in the fire protection
31 equipment business or who holds a fire protection contractor business
32 permit pursuant to P.L. , c. (C.) (now pending before the
33 Legislature as this bill) and persons in their employ are exempt from
34 the requirement of obtaining a license to engage in the fire alarm
35 business pursuant to this act.

36 (cf: P.L.1997, c.305, s.9)

37

38 22. (New section) Any person certified to engage in the fire
39 protection contractor business pursuant to P.L. , c. (C.)(now
40 pending before the Legislature as this bill) whose certificate of
41 certification is not in good standing with the Commissioner of
42 Community Affairs shall not be eligible for a license to engage in the
43 fire alarm business under the provisions of section 1 of P.L.1995,
44 c.213 (C.45:5A-9.1).

45

46 23. Section 7 of P.L.1983, c.383 (C.52:27D-198) is amended to

1 read as follows:

2 7. a. The commissioner shall promulgate, in accordance with the
3 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
4 seq.), and after consulting with the fire safety commission, regulations
5 to insure the maintenance and operation of buildings and equipment in
6 such a manner as will provide a reasonable degree of safety from fire
7 and explosion.

8 Regulations promulgated pursuant to this section shall include a
9 uniform fire safety code primarily based on the standards established
10 by the Life Safety Code (National Fire Protection Association 101)
11 and any other fire codes of the National Fire Protection Association
12 and the Building Officials and Code Administrators International
13 (BOCA) Basic Fire Prevention Code, both of which may be adopted
14 by reference. The regulations may include modifications and
15 amendments the commissioner finds necessary.

16 b. The code promulgated pursuant to this section shall include the
17 requirements for fire detection and suppression systems, elevator
18 systems, emergency egresses and protective equipment reasonably
19 necessary to the fire safety of the occupants or intended occupants of
20 new or existing buildings subject to this act, including but not limited
21 to electrical fire hazards, maintenance of fire protection systems and
22 equipment, fire evacuation plans and fire drills, and all components of
23 building egress. In addition, the regulations issued and promulgated
24 pursuant to this section which are applicable to new or existing
25 buildings shall include, but not be limited to fire suppression systems,
26 built-in fire fighting equipment, fire resistance ratings, smoke control
27 systems, fire detection systems, and fire alarm systems including fire
28 service connections.

29 c. When promulgating regulations, the commissioner shall take
30 into account the varying degrees of fire safety provided by the
31 different types of construction of existing buildings and the varying
32 degrees of hazard associated with the different types and intensity of
33 uses in existing buildings. When preparing regulations which require
34 the installation of fire safety equipment and devices, the commissioner
35 shall consult with the fire safety commission and shall take into
36 account, to the greatest extent prudent, the economic consequences of
37 the regulations and shall define different use groups and levels of
38 hazard within more general use groups, making corresponding
39 distinctions in fire safety requirements for these different uses and
40 levels of hazard. The commissioner shall also take into account the
41 desirability of maintaining the integrity of historical structures to the
42 extent that it is possible to do so without endangering human life and
43 safety. The regulations established pursuant to this subsection shall
44 apply to secured vacant buildings only to the extent necessary to
45 eliminate hazards affecting adjoining properties.

46 d. Except as otherwise provided in this act, including rules and
47 regulations promulgated hereunder, all installations of equipment and

1 other alterations to existing buildings shall be made in accordance with
2 the technical standards and administrative procedures established by
3 the commissioner pursuant to the "State Uniform Construction Code
4 Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and shall be subject to
5 plan review and inspection by the local construction and subcode
6 officials having jurisdiction over the building, who shall enforce the
7 regulations established pursuant to this act applicable to the
8 installation or other alteration along with the regulations established
9 pursuant to the "State Uniform Construction Code Act."

10 e. [The commissioner shall, by regulation, establish standards,
11 procedures and fees for the certification of persons engaged in the
12 business of fire suppression systems, for the warranting of those
13 systems, and for the establishment, funding and operation of a
14 warranty security program. A fire suppression system installed in a
15 building subject to this act shall be warranted in accordance with those
16 standards and procedures, shall be required to be covered by the
17 warranty security program, and shall be installed by a person certified
18 in accordance with those standards and procedures.] (Deleted by
19 amendment, P.L. , c. .)

20 (cf: P.L.1983, c.383, s.7)

21

22 24. (New section) The commissioner shall promulgate rules and
23 regulations necessary to carry out the provisions of this act pursuant
24 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
25 et seq.).

26

27 25. This act shall take effect on the first day of the seventh month
28 next following enactment.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 975**

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 2001

The Senate Commerce Committee reports favorably Senate Committee Substitute for Senate, No. 975.

This bill, a Senate Committee Substitute for Senate, No. 975, creates a comprehensive, mandatory, certification procedure for contractors who install, service, repair, inspect and maintain fire protection equipment. The Commissioner of Community Affairs shall administer the provisions of the bill and his powers and duties are specified in section 3 of the bill. The bill specifies that 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 certificate of certification issued in accordance with the provisions of this bill. The bill requires a fire protection contractor who is not a certificate holder to obtain a fire protection contractor business permit, which is valid for three years upon payment of an appropriate fee set by the commissioner and proof that the contractor employs a certificate holder.

An applicant applying for certification to engage in the fire protection equipment business must:

- a. Be at least 18 years of age;
- b. Be of good moral character and not have been convicted of a crime of the first, second or third degree within 10 years prior to filing the application;
- c. Meet qualifications established by the commissioner, regarding experience, continuing education, financial responsibility and integrity; and
- d. Establish his qualifications to perform and supervise various phases of fire protection equipment installation, service, repair, inspection and maintenance as evidenced by successful completion of an examination approved by the commissioner.

The commissioner shall issue a certificate of certification 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 bill.

The commissioner may certify an applicant who holds a valid license, registration, certification or other authorization from another

jurisdiction which requires equal or greater experience and knowledge requirements.

The bill establishes various certified classifications, including an "all fire protection equipment contractor," authorized to install, service, repair, inspect and maintain all fire protection equipment. The other certified classifications are: fire sprinkler system contractor; special hazard fire suppression system contractor; fire alarm system contractor; portable fire extinguisher contractor; and kitchen fire suppression system contractor. A certified fire protection contractor shall perform work only within the scope of the contractor's certification class.

A certificate holder must: maintain at least one business office within this State or file a statement allowing the commissioner to accept service of process in an action or legal proceeding against the certificate holder; clearly mark each installation and service vehicle with the business name; and maintain an emergency service number attended to on a 24-hour basis.

The bill requires all contractors to carry commercial general liability insurance in the minimum amount of \$1,000,000 for each coverage. Also, the contractor shall furnish a general warranty for one year with each system installation.

Any work done by an uncertified employee shall be examined by a certificate holder prior to activating the fire protection equipment. A certificate holder shall be liable for any unprofessional conduct of an employee while acting within the scope of his employment.

Any person who has contracted with a fire protection contractor who is not satisfied with the work done by the contractor shall notify the contractor of the problems and allow a reasonable time for repair of the problems. If the repairs are not made within a reasonable time or are unsatisfactory, the claimant may file a request for the commissioner to designate an arbitrator. If both parties do not agree to arbitration, the commissioner shall review the matter and order appropriate relief. Thereafter either party may request an administrative hearing with the commissioner issuing the final decision. In the alternative, a claimant may seek a remedy directly in court.

The commissioner may refuse to admit a person to examination or may refuse to issue or may suspend or revoke any certificate of certification issued by the commissioner for any violation specified in section 14 of the bill. In addition, the commissioner may promulgate regulations identifying violations of provisions of this bill and establishing a range of penalties for violations of similar type, seriousness and duration.

The bill establishes the Fire Protection Equipment Advisory Committee to advise the commissioner in the administration of the bill's certification program. The advisory committee shall consist of the Director of the Division of Fire Safety and one member representing each of the following fire protection organizations: New Jersey Association of Fire Equipment Distributors, National Fire

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

A person licensed to engage in the fire alarm business whose license is not in good standing is not eligible for a certificate of certification pursuant to this bill and a person certified to engage in the fire protection contractor business whose certificate of certification is not in good standing is not eligible for a license to engage in the fire alarm business.

Persons engaged in the fire alarm business or who are electrical contractors are exempt from the requirements of obtaining a certificate of certification under this bill to engage in the fire alarm business to the extent that they are acting within their scope of practice.

The commissioner may exempt from the requirements of this bill any person engaged in the installation of fire protection equipment in dormitories and the exemption shall only apply for work performed pursuant to P.L.2000, c.56 (C.52:27D-198.7 et al) and for the time necessary to complete work performed pursuant to that act.

The bill provides that any person subject to certification under this bill is exempt from any other State, county or municipal certification, licensing or registration requirements for installing, servicing, reaping, inspecting or maintaining fire protection equipment.

§§1-19,24 -
C.52:27D-25n
to 52:27D-25gg
§22 - C.45:5A-27.1
§25 - Note to
§§1-24

P.L. 2001, CHAPTER 289, *approved December 28, 2001*
Assembly, No. 1950 (*Third Reprint*)

1 AN ACT concerning the installation or maintenance of fire protection
2 equipment, supplementing chapter 27D of Title 52 of the Revised
3 Statutes and amending ¹[P.L.1962, c.162,]¹ ²P.L.1962, c.162,
4 amending and supplementing² P.L.1997, c.305 and ²amending²
5 P.L.1983, c.383.

6

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

9

10 1. (New section) As used in sections 1 through ²[8] ³[10]² 19³
11 of ¹[P.L. ,c. (C.) (now pending before the Legislature as this
12 bill)] this act¹:

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

15 ²"Carbon dioxide fire protection system" means a special hazard fire
16 suppression system that uses carbon dioxide as its extinguishing agent.

17 "Clean agent fire suppression system" means a special hazard fire
18 suppression system that uses an extinguishing agent that will not
19 damage the contents of the hazard.²

20 "Commissioner" means the Commissioner of Community Affairs.

21 ³"Committee" means the Fire Protection Equipment Advisory
22 Committee created by section 2 of this act.³

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

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

27 "Engineered fire suppression system" means a fire suppression
28 system which is designed individually to suit a particular purpose or
29 hazard. Such a system requires individual calculation and design to
30 determine the flow rates, nozzle pressures, pipe ²[sizes] size², area or
31 volume ²to be² protected by each nozzle, ²[qualities] quantities²
32 extinguishing agent and the number and types of nozzles and their
33 placement in a specific system.

34 "Fire alarm system" means a system which provides a warning alarm

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACP committee amendments adopted May 22, 2000.

² Assembly AAP committee amendments adopted January 18, 2001.

³ Senate SCM committee amendments adopted November 19, 2001.

1 signaling the presence of fire conditions and may be capable of
2 initiating an action to suppress a fire condition.

3 "Fire protection equipment" includes fire ³[alarms] alarm systems³,
4 ²fire² sprinkler systems, standpipe systems, clean agent fire
5 suppression systems, special ²hazard² fire suppression systems, carbon
6 dioxide fire protection systems, foam ²fire protection² systems, kitchen
7 fire suppression systems, portable fire extinguishers or any other
8 equipment designed to detect, suppress or extinguish a fire.

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

13 "Fire protection contractor" or "contractor" means a person or
14 business entity that offers to undertake or represents itself as being
15 able to undertake, or does undertake the installation, service, sale,
16 repair, inspection or maintenance of fire protection equipment ³[and
17 has received a fire protection contractor business permit from the
18 commissioner]³.

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

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

25 "Fire suppression system" means ²[a regular system or special
26 system that automatically detects and automatically or manually
27 suppresses a fire using an extinguishing agent distributed through fixed
28 piping and nozzles] an engineered or pre-engineered system that
29 suppresses a fire using an extinguishing agent distributed through fixed
30 piping and nozzles that are activated either manually or automatically.
31 The system may include containers, nozzles, controls, automatic
32 detection, manual releases, equipment shut downs and alarms. In such
33 systems, an extinguishing agent is discharged through fixed pipes and
34 nozzles into or over a potential fire hazard².

35 ²"Foam fire protection system" means a special hazard fire
36 suppression system that uses foam as its extinguishing agent.²

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

44 ¹["License"] "Certificate of certification"¹ means a certificate
45 issued by the commissioner that authorizes a person to engage in the
46 fire protection equipment business to the degree indicated on the

1 certificate.

2 ¹["License holder"] "Certificate holder"¹ means a person who is
3 ¹[licensed] certified¹ to engage in the fire protection equipment
4 business.

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

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

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

21 "Special hazard fire suppression system" means ²[an engineered or
22 pre-engineered fire suppression system or any automatic fire
23 suppression system, other than an automatic water sprinkler system,
24 which may include containers, nozzles, controls, automatic detection,
25 manual release, equipment shut downs and alarms. In such systems,
26 an extinguishing agent is discharged through fixed pipes and nozzles
27 into or over a potential fire hazard area] a fire suppression system that
28 uses an extinguishing agent other than water².

29 ²"Standpipe system" means a fire protection system consisting of an
30 arrangement of piping, valves, hose outlets, and allied equipment
31 installed in a building or structure.²

32 "Warranty" means a written guarantee given to a purchaser of fire
33 protection equipment covering a period of one year after the
34 installation of new fire protection equipment.

35

36 ³2. (New section) a. There is created within the Division of Fire
37 Safety in the Department of Community Affairs a "Fire Protection
38 Equipment Advisory Committee." The committee shall be comprised
39 of the Director of the Division of Fire Safety who shall serve ex officio
40 and eight public members, appointed by the Governor. Each of the
41 public members shall be selected by the Governor from a list of three
42 nominees provided to the Governor by each of the following fire
43 protection organizations or their successor organizations:

44 New Jersey Association of Fire Equipment Distributors

45 National Fire Sprinkler Association

46 National Association of Fire Equipment Distributors

- 1 American Fire Sprinkler Association
- 2 Fire Suppression Systems Association
- 3 Automatic Fire Alarm Association
- 4 New Jersey Electrical Contractors Association
- 5 New Jersey Burglar and Fire Alarm Association

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

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

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

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

25 f. The committee shall make recommendations to the commissioner
26 regarding rules and regulations pertaining to professional training,
27 standards, identification and record keeping procedures for certificate
28 holders and their employees, classifications of certificates necessary to
29 regulate the work of certificate holders, and other matters necessary
30 to effectuate the purposes of this act.³

31
32 ³3. (New section) The commissioner shall have the following
33 powers and duties:

34 a. To set standards and approve examinations for applicants for a
35 fire protection equipment certificate and issue a certificate to each
36 qualified applicant;

37 b. To administer or approve the examination to be taken by
38 applicants for certification;

39 c. To determine the form and contents of applications for
40 certification and certificates;

41 d. To adopt a code of ethics for certificate holders;

42 e. To issue and renew certificates;

43 f. To set the amount of fees for certificates, certificate renewal,
44 applications, examinations and other services, within the limits
45 provided in subsection b. of section 8 of this act;

46 g. To refuse to admit a person to an examination or refuse to issue

1 or suspend, revoke or fail to renew a certificate of certification of a
 2 certificate holder pursuant to the provisions of section 14 of this act;

3 h. To maintain a record of all applicants for a certificate;

4 i. To maintain and annually publish a record of every certificate
 5 holder, his place of business, place of residence and the date and
 6 number of his certificate;

7 j. To take disciplinary action, in accordance with section 14 of this
 8 act, against a certificate holder or employee who violates any
 9 provision of this act or any rule or regulation promulgated pursuant to
 10 this act;

11 k. To adopt standards and requirements for and approve continuing
 12 education programs and courses of study for certificate holders and
 13 their employees;

14 l. To review advertising by certificate holders; and

15 m. To perform such other duties as may be necessary to effectuate
 16 the purposes of this act.³

17
 18 ³[2.] 4.³ (New section) a. After the effective date of
 19 ¹[P.L. , c. (C.) (now pending before the Legislature as this
 20 bill)] this act¹, no fire protection contractor shall engage in the
 21 installation, service, ³[sale,]³ repair, inspection or maintenance of fire
 22 protection equipment without holding or employing a person who
 23 holds a valid ¹[license] certificate of certification¹ issued in
 24 accordance with ¹[P.L. , c. (C.) (now pending before the
 25 Legislature as this bill)] this act¹. A fire protection contractor who is
 26 not a ¹[license] certificate¹ holder shall be required to obtain a fire
 27 protection contractor business permit from the commissioner, which
 28 shall be issued for three years upon payment of an appropriate fee set
 29 by the commissioner and proof that the fire protection contractor
 30 employs a ¹[license] certificate holder. Notwithstanding the
 31 provisions of this section, persons holding a license to engage in the
 32 fire alarm business pursuant to P.L.1997, c.305 (C.45:5A-23 et seq.),
 33 or who are electrical contractors as defined in ³[P.L.1997, c.305
 34 (C.45:5A-23 et seq.)] section 2 of P.L.1962, c.162 (C.45:5A-2)³, are
 35 exempt from the requirement of obtaining a ¹[license] certificate of
 36 certification¹ under ¹[P.L. , c. (C.) (now pending before the
 37 Legislature as this bill)] this act¹ to engage in the fire alarm business
 38 pursuant to this act ³to the extent that such persons are acting within
 39 the scope of practice of their profession or occupation³.

40 The ¹[license] certificate¹ required by this section shall define by
 41 class the type of work in which a fire protection contractor may
 42 engage. ³[Any person subject to certification under
 43 ¹[P.L. , c. (C.) (now pending before the Legislature as this bill)]
 44 this act¹ shall be exempt from any other State, county or municipal
 45 certification, licensing or registration requirements for the installation

1 or maintenance of fire protection equipment.

2 The] Notwithstanding any provision of this act, the³ commissioner
3 shall issue a ¹[license] certificate¹ to any person who has been
4 employed as a fire protection ³[equipment]³ contractor for a period
5 of not less than five years on or before the effective date of
6 ¹[P.L. c. (C.) (now pending before the Legislature as this
7 bill)] this act¹, upon ³application with submission of satisfactory proof
8 and³ payment by that person of the appropriate ¹[license]
9 certification¹ fee ³within 180 days following the effective date of this
10 act³.

11 b. The following ¹[license] certified¹ classifications are hereby
12 established:

13 (1) An "All Fire Protection Equipment Contractor" is authorized
14 to install, service, ²[sell,]² repair, inspect and maintain all fire
15 protection equipment.

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

18 (3) A "Special Hazard Fire Suppression System Contractor" is
19 authorized to install, service, ²[sell,]² repair, inspect and maintain
20 special hazard fire suppression systems and kitchen fire suppression
21 systems.

22 (4) A "Fire Alarm ³[Equipment] System³ Contractor" is
23 authorized to install, service, ²[sell,]² repair, inspect and maintain all
24 fire ³[alarms] alarm systems³.

25 (5) A "Portable Fire Extinguisher Contractor" is authorized to
26 install, service, ²[sell,]² repair, inspect and maintain all portable fire
27 extinguishers.

28 (6) A "Kitchen Fire Suppression System Contractor" is authorized
29 to install, service, ²[sell,]² repair, inspect and maintain all kitchen fire
30 suppression systems.

31 c. A ¹[licensed] certified¹ fire protection contractor shall perform
32 work only within the scope of the contractor's ¹[license] certification¹
33 class.

34 d. ³[The commissioner shall establish ¹[license] certification¹ fees
35 for each ¹[license] certified¹ class. Application for a ¹[license]
36 certificate of certification¹ pursuant to this section shall be made on a
37 form promulgated by the commissioner. An applicant for a ¹[license]
38 certificate of certification¹ under ¹[P.L. , c. (C.) (now
39 pending before the Legislature as this bill)] this act¹ shall have five
40 years' experience in the field for which a ¹[license] certificate¹ is
41 sought, which shall include installation, service, sales, repair,
42 inspection and maintenance of the fire protection equipment used in
43 the field, and shall meet one of the following requirements:

44 (1) The applicant shall pass a test ²[administered] approved² by

1 the division for the field for which a ¹[license] certificate¹ is sought
2 ²[. The first such tests shall be administered six months after
3 enactment of]² ¹[P.L. , c. (C.) (now pending before the
4 Legislature as this bill)] ²[this act¹, and every other month
5 thereafter,] ;² or

6 (2) The applicant shall have achieved NICET Level II for the field
7 for which the ¹[license] certificate¹ is sought ¹or other substantially
8 similar level of attainment, as determined by the commissioner¹.

9 e. The division, within 30 days of receiving an application for a
10 ¹[license] certificate of certification¹ under ¹[P.L. , c. (C.)
11 (now pending before the Legislature as this bill)] this act¹, shall
12 determine whether an application is complete and if the required
13 experience level is met or the qualification test has been passed.

14 f. If all ¹[license] certification¹ requirements are met and the
15 appropriate ¹[license] certificate of certification¹ fee is paid, the
16 commissioner shall issue a ¹[license] certificate of certification¹ to the
17 applicant in each field for which qualifications are met. Each
18 ¹[license] certificate¹ shall be valid for three years and may be
19 renewed at the end of each three-year period by the payment of a
20 renewal fee ²and by meeting any continuing education requirements as
21 may be required by the commissioner².]³

22 Any change in more than 50% of the ownership of a fire protection
23 contractor shall require an amended ¹[license] certificate of
24 certification¹. An application for an amended ¹[license must]
25 certificate of certification shall¹ be submitted within 60 days of a
26 change of ownership or change of company name or location.
27 ¹[Licenses] Certificates of certification¹ are non-transferable and shall
28 be displayed prominently in the principal work place. A ¹[licensee]
29 certificate holder¹ shall not be used to qualify more than one fire
30 protection contractor. The commissioner shall be notified within
31 30 days if a ¹[license] certificate¹ holder leaves the fire protection
32 contractor or is replaced. Notwithstanding subsection a. of this
33 section, no fire protection contractor shall be denied the privilege of
34 continuing business as a fire protection contractor in the event of
35 death, illness, or other physical disability of the ¹[license] certificate¹
36 holder who qualified the fire protection contractor ³for a business
37 permit³ under this section, for at least six months following the date
38 of such death, illness or other physical disability; provided that the fire
39 protection contractor operates under such qualified supervision as the
40 commissioner deems adequate. If, after six months, the fire protection
41 contractor has failed to employ another ¹[license] certificate¹ holder,
42 then the ¹[commission] commissioner¹ shall revoke its fire protection
43 contractor business permit.

44 ³[g.] e.³ Whenever the ³[division] commissioner³ shall find cause
45 to deny an application for a ¹[license] certificate of certification¹ or

1 to suspend or revoke a ¹[license] certificate¹, ³[it] he³ shall notify the
2 applicant or the holder of the ¹[license] certificate¹ and state the
3 reasons for the denial or suspension, as appropriate.

4 ³[h.] f.³ Whenever the ³[division] commissioner³ shall find cause
5 to deny an application for a fire protection contractor business permit
6 or to suspend or revoke a fire protection contractor business permit,
7 ³[it] he³ shall notify the applicant or the holder of the business permit
8 and state the reasons for the denial or suspension, as appropriate.

9 ³g. Any person subject to certification under this act shall be
10 exempt from any other State, county or municipal certification,
11 licensing or registration requirements for installing, servicing,
12 repairing, inspecting or maintaining fire protection equipment.³

13
14 ³5. (New section) No person shall advertise that he is authorized
15 to engage in, or engage in the fire protection equipment business, or
16 otherwise engage in the installation, service, repair, inspection or
17 maintenance of fire protection equipment unless he satisfies the
18 requirements of this act.³

19
20 ³6. (New section) a. Application for a certificate to engage in the
21 fire protection equipment business shall be made to the commissioner
22 in the manner and on the forms as the commissioner may prescribe.

23 b. An application to engage in the fire protection equipment
24 business shall include the name, age, residence, present and previous
25 occupations of the applicant and, in the case of a business firm
26 engaged in the fire protection equipment business, of each member,
27 officer or director thereof, the name of the municipality and the
28 location therein by street number or other appropriate description of
29 the principal place of business and the location of each branch office.

30 c. The commissioner may require other information of the applicant
31 and, if the applicant is proposing to qualify a business firm, of the
32 business firm to determine the professional competence and integrity
33 of the concerned parties.³

34
35 ³7. (New section) An applicant seeking certification to engage in
36 the fire protection equipment business shall:

37 a. Be at least 18 years of age;

38 b. Be of good moral character, and not have been convicted of a
39 crime of the first, second or third degree within 10 years prior to the
40 filing of the application;

41 c. Meet qualifications established by the commissioner, regarding
42 experience, continuing education, financial responsibility and integrity;
43 and

44 d. Establish his qualifications to perform and supervise various
45 phases of fire protection equipment installation, service, repair,
46 inspection and maintenance as evidenced by successful completion of

1 an examination approved by the commissioner.³

2

3 ³8. (New section) a. Certificates of certification shall be issued to
4 qualified applicants seeking certification to engage in the fire
5 protection equipment business for a three-year period, upon payment
6 of a certificate of certification fee. Certificate renewals shall be issued
7 for a three-year period upon the payment of a renewal fee. A renewal
8 application shall be filed with the commissioner at least 45 days prior
9 to expiration of a certificate of certification. A certificate of
10 certification issued pursuant to this act shall not be transferable.

11 b. Fees shall be established, prescribed or changed by the
12 commissioner, to the extent necessary to defray all proper expenses
13 incurred by the commissioner, committee and any staff employed to
14 administer the provisions of this act, except that fees shall not be fixed
15 at a level that will raise amounts in excess of the amount estimated to
16 be required. All fees and any fines imposed under this act shall be paid
17 to the commissioner and shall be forwarded to the State Treasurer and
18 become part of the General Fund.³

19

20 ³9. (New section) No holder of a certificate of certification
21 qualified under the provisions of this act shall engage in the fire
22 protection equipment business unless the certificate holder:

23 a. Maintains at least one business office within this State or files
24 with the commissioner a statement, duly executed and sworn to before
25 a person authorized by the laws of this State to administer oaths,
26 containing a power of attorney constituting the commissioner the true
27 and lawful attorney of the certificate holder upon whom all original
28 process in an action or legal proceeding against the certificate holder
29 may be served and in which the certificate holder agrees that the
30 original process that may be served upon the commissioner shall be of
31 the same force and validity as if served upon the certificate holder and
32 that the authority thereof shall continue in force so long as the
33 certificate holder engages in the fire protection equipment business;

34 b. Clearly marks the outside of each installation and service vehicle
35 to be used in conjunction with the fire protection equipment business
36 with the business name as determined by the commissioner;

37 c. Maintains an emergency service number attended to on a 24-
38 hour basis and responds appropriately to emergencies on a 24-hour
39 basis as determined by the commissioner.³

40

41 ³10. (New section) No employee of a certificate holder shall
42 engage in the installation, service, repair, inspection or maintenance of
43 fire protection equipment unless the certificate holder bears full
44 responsibility for the inspection of all work to be performed in
45 compliance with recognized safety standards.³

1 ³11. (New section) A certificate holder shall be liable for any
 2 unprofessional conduct of an employee while acting within the scope
 3 of his employment, except that the conduct shall not be cause for
 4 suspension or revocation of a certificate, unless the commissioner
 5 determines that the certificate holder had knowledge thereof, or there
 6 is shown to have existed a pattern of unprofessional conduct.³

7
 8 ³12. (New section) If the commissioner determines that an
 9 applicant holds a valid license, registration, certification or other
 10 authorization from another jurisdiction which requires equal or greater
 11 experience and knowledge requirements, the commissioner may accept
 12 the evidence of that license, registration, certification or other
 13 authorization as meeting the experience and knowledge requirements
 14 of this act for a person to engage in the fire protection equipment
 15 business.³

16
 17 ³[3. (New section) The commissioner shall appoint an advisory
 18 committee to advise the division in the administration of the
 19 ¹[licensing] certification¹ program established pursuant
 20 to ¹[P.L. , c. (C.) (now pending before the Legislature as this
 21 bill)] this act¹ and to create the [licensing] certification¹ tests
 22 required pursuant to ¹[P.L. , c. (C.) (now pending before
 23 the Legislature as this bill)] this act¹. The advisory committee shall
 24 be comprised of the Director of the Division of Fire Safety and one
 25 member representing each of the following fire protection distributor
 26 associations:

27 New Jersey Association of Fire Equipment Distributors

28 National Fire Sprinkler Association

29 National Association of Fire Equipment Distributors

30 American Fire Sprinkler Association

31 Fire Suppression Systems Association

32 Automatic Fire Alarm Association

33 ²New Jersey Electrical Contractors Association

34 New Jersey Burglar and Fire Alarm Association²]³

35
 36 ³[4.] 13.³ (New section) All contractors shall carry commercial
 37 general liability insurance, including products and completed
 38 operations coverage, in the minimum amount of \$1,000,000 for each
 39 coverage. The contractor shall furnish a general warranty for one year
 40 with each system installation in accordance with guidelines
 41 promulgated by the commissioner.

42
 43 ³[5.] 14.³ (New section) a. The commissioner ¹[may suspend,
 44 for up to one year, or revoke any license or assess a penalty if the
 45 commissioner determines that a contractor has committed any

1 violation of P.L. , c. (C.) (now pending before the
2 Legislature as this bill). Specific violations shall subject violators to
3 civil penalties, which shall be in addition to any criminal penalties
4 imposed by a court, as follows:

5 (1) A willful misstatement of material fact in an applicant's
6 application for registration or renewal-a maximum of \$1,000.

7 (2) The willful commission of fraud in the practice of the
8 installation of fire protection equipment - a maximum of \$20,000 per
9 occurrence.

10 (3) The installation of fire protection equipment in a grossly
11 negligent manner - a maximum of \$2,000 per occurrence.

12 (4) The failure to correct or settle any claim, provided the
13 contractor has been paid in full, arising out of any defect after the
14 contractor's responsibility has been established through the dispute
15 settlement procedure provided for in the fire code promulgated by the
16 commissioner pursuant to section 7 of P.L.1983, c.383 (C.52:27D-
17 198) - a maximum of \$5,000. Payment of the penalty shall not be
18 deemed to satisfy the responsibility of the contractor to correct or
19 settle the claim.

20 (5) Any person advertising as being, or publicly purporting to be,
21 available to install, service, sell, repair, inspect and maintain fire
22 protection equipment who is not licensed shall be subject to a
23 maximum penalty of \$1,000 for each occurrence.

24 b. A contractor may compete work in process if the license has
25 been suspended or revoked] ³[shall promulgate, in accordance with
26 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
27 seq.), regulations identifying violations of provisions of this act and
28 establishing a range of penalties for violations of similar type,
29 seriousness and duration¹] may refuse to admit a person to
30 examination or may refuse to issue or may suspend or revoke any
31 certificate of certification issued by the commissioner upon proof that
32 the applicant or holder of such certificate:

33 (1) Has obtained a certificate or authorization to sit for an
34 examination, as the case may be, through fraud, deception or
35 misrepresentation;

36 (2) Has engaged in the use or employment of dishonesty, fraud,
37 deception, misrepresentation, false promise or false pretense;

38 (3) Has engaged in gross negligence, gross malpractice or gross
39 incompetence which damaged or endangered the life, health, welfare,
40 safety or property of any person;

41 (4) Has engaged in repeated acts of negligence, malpractice or
42 incompetence;

43 (5) Has engaged in professional or occupational misconduct as may
44 be determined by the commissioner;

45 (6) Has been convicted of, or engaged in acts constituting, any
46 crime or offense involving moral turpitude or relating adversely to the

1 activity regulated by the commissioner. For the purpose of this
 2 paragraph, a judgment of conviction or a plea of guilty, non vult, nolo
 3 contendere or any other such disposition of alleged criminal activity
 4 shall be deemed a conviction;

5 (7) Has had his authority to engage in the activity regulated by the
 6 commissioner revoked or suspended by any other state, agency or
 7 authority for reasons consistent with this section;

8 (8) Has violated or failed to comply with the provisions of any act
 9 or regulation administered by the commissioner;

10 (9) Is incapable, for medical or any other good cause, of
 11 discharging the functions of a certificate holder in a manner consistent
 12 with the public's health, safety and welfare;

13 (10) Has repeatedly failed to submit completed applications, or
 14 parts of, or documentation submitted in conjunction with, such
 15 applications, required to be filed with the Department of
 16 Environmental Protection;

17 (11) Has violated any provision of P.L. 1983, c. 320 (C. 17:33A-1
 18 et seq.) or any insurance fraud prevention law or act of another
 19 jurisdiction or has been adjudicated, in civil or administrative
 20 proceedings, of a violation of that act or has been subject to a final
 21 order, entered in civil or administrative proceedings, that imposed civil
 22 penalties under that act against the applicant or holder;

23 (12) Is presently engaged in drug or alcohol use that is likely to
 24 impair the ability to install, service, repair, inspect or maintain fire
 25 protection equipment with reasonable skill and safety. For purposes
 26 of this paragraph, "presently" means at this time or any time within the
 27 previous 365 days;

28 (13) Has permitted an unlicensed person or entity to perform an act
 29 for which a license or certificate of registration or certification is
 30 required by the commissioner, or aided and abetted an unlicensed
 31 person or entity in performing such an act;

32 (14) Advertised fraudulently in any manner.

33 For purposes of paragraph (10) of this subsection: "completed
 34 application" means the submission of all of the information designated
 35 on the checklist, adopted pursuant to section 1 of P.L.1991, c.421
 36 (C.13:1D-101), for the class or category of permit for which
 37 application is made; and "permit" has the same meaning as defined in
 38 section 1 of P.L.1991, c.421 (C.13:1D-101).

39 b. In addition, or as an alternative to any other penalty, the
 40 commissioner may promulgate, in accordance with the "Administrative
 41 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), regulations
 42 identifying violations of provisions of this act and establishing a range
 43 of penalties for violations of similar type, seriousness and duration³.

44
 45 ³[6.] 15.³ (New section) After revocation of a ¹[license]
 46 certificate of certification¹, the ³[division] commissioner³ shall not
 47 renew or reinstate such ¹[license] certificate¹; however, a person may

1 apply for a new ¹[license] certificate of certification¹. When it can be
 2 shown that all loss caused by the act or omission for which the
 3 ¹[license] certificate¹ was revoked has been fully satisfied, and that all
 4 conditions imposed by the order of revocation have been complied
 5 with, the commissioner may issue a new ¹[license] certificate¹,
 6 provided that the applicant meets all other qualifications necessary for
 7 ¹[licensure] certificate¹ and pays the appropriate fee.

8
 9 ³[7.] 16.³ (New section) Any person aggrieved by any action,
 10 notice, ruling or order of the commissioner, with respect to
 11 ¹[P.L. , c. (C.) (now pending before the Legislature as this
 12 bill)] this act¹, shall have the right to a dispute settlement hearing, in
 13 accordance with the "Administrative Procedure Act," P.L.1968, c.410
 14 (C.52:14B-1 et seq.). The aggrieved party shall submit a written
 15 request to the ³[division] commissioner³ for a hearing within 15 days
 16 of the action, notice, ruling or order. All hearing requests shall include:

- 17 ³a.³ The date of the action which is the subject of the appeal;
 18 ³b.³ The name and status of the person submitting the appeal;
 19 ³c.³ The specific violations or other action claimed to be in error;
 20 and
 21 ³d.³ A concise statement of the basis for the appeal.

22
 23 ³[8.] 17.³ (New section) a. Any person who has contracted with
 24 a fire protection contractor ³[and] for the installation, service, repair,
 25 inspection or maintenance of fire protection equipment³ who is not
 26 satisfied with the work done by ³[the fire protection] that³ contractor
 27 shall notify the contractor of the problems and shall allow a reasonable
 28 time for the repair of such problems. If the repairs are not made
 29 within a reasonable time, or are unsatisfactory to the person, that
 30 person may file a request for ³[a dispute settlement hearing. The
 31 division shall, upon receipt of a request for a dispute settlement
 32 hearing, designate a conciliator and schedule a hearing at the fire
 33 protection equipment owner's premises. Any resulting agreement shall
 34 be in writing, listing the specific actions to be taken by the contractor
 35 to repair or replace defects in the system and a date by which
 36 corrections shall take place] the commissioner to designate an
 37 arbitrator, who shall hear the matter in accordance with the rules of
 38 procedure of the American Arbitration Association³.

39 b. ³[When the defect is corrected or a monetary settlement is made
 40 in lieu thereof, the contractor shall present the owner with a release for
 41 execution. One copy of the signed release shall be retained by the
 42 contractor, one by the owner, and one copy shall be forwarded to the
 43 division.

44 c. If the dispute remains unresolved after a dispute settlement
 45 hearing, the division shall thoroughly review the matter and shall make

1 a decision as to the merits of the claim. This decision shall be binding
 2 on both parties; provided, however, that if either party files a notice of
 3 appeal of the decision with the division, the division shall provide for
 4 an administrative hearing in accordance with the "Administrative
 5 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), with a final
 6 decision to be issued by the commissioner, or an owner may seek a
 7 remedy directly in court, without regard to the dispute settlement
 8 procedures made available in accordance with ¹[P.L. , c. (C.)]
 9 (now pending before the Legislature as this bill)] this act¹. Where
 10 both parties do not agree to submit to the arbitration, the
 11 commissioner shall thoroughly review the matter and shall make a
 12 decision as to the merits of the claim and issue an order directing
 13 appropriate relief if warranted. If, within 30 calendar days of the
 14 commissioner's decision, either party files a written notice requesting
 15 an administrative hearing, the commissioner shall provide for an
 16 administrative hearing in accordance with the "Administrative
 17 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), with a final
 18 decision to be issued by the commissioner. In the alternative, a
 19 claimant may seek a remedy directly in court without regard to dispute
 20 settlement procedures made available in accordance with this act.

21 c.³ If, in the opinion of the ³[division] commissioner³, ³[a fire
 22 suppression system] fire protection equipment³ may be rendered
 23 inoperable for an extended period of time ³[due to legal delays, either
 24 the fire official or the division] , the commissioner³ may order the
 25 owner ³or contractor³ to ³[have the system restored] restore the
 26 equipment³ to service in accordance with the fire code regulations
 27 promulgated by the commissioner pursuant to section 7 of P.L.1983,
 28 c.383 (C.52:27D-198).

29 ²d. The rights, remedies and procedures accorded by the provisions
 30 of this section are in addition to, and cumulative of, any other right,
 31 remedy and procedure accorded by the common law or statutes of this
 32 State, and nothing contained herein shall be construed to deny,
 33 abrogate or impair any such common law or statutory right, remedy or
 34 procedure.²

35
 36 ¹[9. Section 2 of P.L.1962, c.162 (C.45:5A-2) is amended to read
 37 as follows:

38 2. For the purpose of this act, unless otherwise indicated by the
 39 context:

40 (a) "Act" means this act (P.L.1962, c.162 (C.45:5A-1 et seq.) and
 41 the rules and regulations adopted under it;

42 (b) "Board" means the Board of Examiners of Electrical
 43 Contractors created by section 3 of this act;

44 (c) "Department" means the Department of Law and Public Safety;

45 (d) "Electrical contractor" means a person who engages in the
 46 business of contracting to install, erect, repair or alter electrical

1 equipment for the generation, transmission or utilization of electrical
2 energy;

3 (e) "Person" means a person, firm, corporation or other legal
4 entity;

5 (f) "Alarm business" means the installation, servicing or
6 maintenance of burglar alarm[, fire alarm] or electronic security
7 systems, or the monitoring or responding to alarm signals when
8 provided in conjunction therewith. "Installation," as used in this
9 definition, includes the survey of a premises, the design and
10 preparation of the specifications for the equipment or system to be
11 installed pursuant to a survey, the installation of the equipment or
12 system, or the demonstration of the equipment or system after the
13 installation is completed, but does not include any survey, design or
14 preparation of specifications for equipment or for a system that is
15 prepared by an engineer licensed pursuant to the provisions of
16 P.L.1938, c.342 (C.45:8-27 et seq.), or an architect licensed pursuant
17 to the provisions of chapter 3 of Title 45 of the Revised Statutes, if the
18 survey, design, or preparation of specifications is part of a design for
19 construction of a new building or premises or a renovation of an
20 existing building or premises, which renovation includes components
21 other than the installation of a burglar alarm[, fire alarm] or electronic
22 security system, and further does not include the design or preparation
23 of specifications for the equipment or system to be installed that are
24 within the practice of professional engineering as defined in subsection
25 (b) of section 2 of P.L.1938, c.342 (C.45:8-28);

26 (g) "Burglar alarm" means a security system comprised of an
27 interconnected series of alarm devices or components, including
28 systems interconnected with radio frequency signals, which emits an
29 audible, visual or electronic signal indicating an alarm condition and
30 providing a warning of intrusion, which is designed to discourage
31 crime;

32 (h) "Business firm" means a partnership, corporation or other
33 business entity engaged in the alarm business or locksmithing services;

34 (i) "Committee" means the [Fire Alarm,] Burglar Alarm[,] and
35 Locksmith Advisory Committee created by section 3 of P.L.1997,
36 c.305 (C.45:5A-23);

37 (j) "Electronic security system" means a security system comprised
38 of an interconnected series of devices or components, including
39 systems with audio and video signals or other electronic systems,
40 which emits or transmits an audible, visual or electronic signal warning
41 of intrusion and provides notification of authorized entry or exit,
42 which is designed to discourage crime;

43 (k) ["Fire alarm" means a security system comprised of an
44 interconnected series of alarm devices or components, including
45 systems interconnected with radio frequency signals, which emits an
46 audible, visual or electronic signal indicating an alarm condition and

1 which provides a warning of the presence of smoke or fire. "Fire
2 alarm" does not mean a system whose primary purpose is
3 telecommunications with energy control, the monitoring of the interior
4 environment being an incidental feature thereto] (deleted by
5 amendment, P.L. _____, c. _____ (C. _____) (now pending before the
6 Legislature as this bill);

7 (l) "Licensed locksmith" means a person who is licensed pursuant
8 to the provisions of section 7 of P.L.1997, c.305 (C.45:5A-27);

9 (m) "Licensee" means a person licensed to engage in the alarm
10 business or provide locksmithing services pursuant to the provisions
11 of section 7 of P.L.1997, c.305 (C.45:5A-27);

12 (n) "Locksmithing services" means the modification, recombination,
13 repair or installation of mechanical locking devices and electronic
14 security systems for any type of compensation and includes the
15 following: repairing, rebuilding, recoding, servicing, adjusting,
16 installing, manipulating or bypassing of a mechanical or electronic
17 locking device, for controlled access or egress to premises, vehicles,
18 safes, vaults, safe doors, lock boxes, automatic teller machines or
19 other devices for safeguarding areas where access is meant to be
20 limited; operating a mechanical or electronic locking device, safe or
21 vault by means other than those intended by the manufacturer of such
22 locking devices, safes or vaults; or consulting and providing technical
23 advice regarding selection of hardware and locking systems of
24 mechanical or electronic locking devices and electronic security
25 systems; except that "locksmithing services" shall not include the
26 installation of a prefabricated lock set and door knob into a door of a
27 residence.

28 (cf: P.L.1997, c.305, s.1)]¹

29

30 ¹[10. Section 3 of P.L.1997, c.305 (C.45:5A-23) is amended to
31 read as follows:

32 3. a. There is created within the Division of Consumer Affairs in
33 the Department of Law and Public Safety, under the Board of
34 Examiners of Electrical Contractors, a "[Fire Alarm,] Burglar Alarm
35 and Locksmith Advisory Committee." The committee shall consist of
36 [15] 14 members who are residents of this State as follows:

37 (1) Two members shall have been engaged in the alarm business in
38 this State on a full-time basis for at least five consecutive years
39 immediately preceding their appointments, shall be members of the
40 New Jersey Burglar and Fire Alarm Association and, except for the
41 members first appointed, shall be licensed under the provisions of
42 section 7 of [this act] P.L.1997, c.305 (C.45:5A-27);

43 (2) Five members shall be municipal officials, and shall include (a)
44 a fire prevention officer; (b) a crime prevention officer; (c) [a fire
45 sub-code official] (deleted by amendment, P.L. _____, c. _____) (now
46 pending before the Legislature as this bill); (d) a building inspector;

- 1 and (e) a chief of police who is a member of the New Jersey
2 Association of Chiefs of Police;
- 3 (3) One member shall be a representative of the Division of State
4 Police;
- 5 (4) [One member shall have been engaged in the alarm business in
6 this State on a full-time basis for at least five consecutive years
7 immediately preceding appointment, shall be a member of the
8 Automatic Fire Alarm Association of New Jersey and, except for the
9 member first appointed, shall be licensed under the provisions of
10 section 7 of this act] (~~deleted by amendment, P.L. _____, c. _____~~) (now
11 pending before the Legislature as this bill);
- 12 (5) Two members shall have been engaged as practicing locksmiths
13 on a full-time basis for at least five consecutive years immediately
14 preceding appointment, shall be members of a duly recognized
15 professional locksmith association in New Jersey and, except for the
16 members first appointed, shall be licensed as locksmiths under the
17 provisions of section 7 of [this act] P.L.1997, c.305 (C.45:5A-27);
- 18 (6) One member shall have been engaged in the alarm business in
19 this State on a full-time basis, shall be a member of both the New
20 Jersey Burglar and Fire Alarm Association and a duly recognized
21 professional locksmith association and, except for the member first
22 appointed, be licensed under the provisions of section 7 of [this act]
23 P.L.1997, c.305 (C.45:5A-27);
- 24 (7) One member shall have been engaged as a practicing locksmith
25 in this State on a full-time basis for at least five consecutive years
26 immediately preceding appointment, shall be a member of both the
27 New Jersey Burglar and Fire Alarm Association and a duly recognized
28 professional locksmith association and, except for the member first
29 appointed, be licensed under the provisions of section 7 of [this act]
30 P.L.1997, c.305 (C.45:5A-27);
- 31 (8) One member shall be a member of the International
32 Brotherhood of Electrical Workers, A.F.L.-C.I.O; and
- 33 (9) One member shall be a public member who meets the
34 requirements pertaining to public members set forth in subsection b.
35 of section 2 of P.L.1971, c.60 (C.45:1-2.2).
- 36 b. The Governor shall appoint each member for a term of three
37 years, except that of the members first appointed, five shall serve for
38 terms of three years, five shall serve for terms of two years, and five
39 shall serve for terms of one year.
- 40 c. Any vacancy in the membership of the committee shall be filled
41 for the unexpired term in the manner provided for the original
42 appointment. No member of the committee may serve more than two
43 successive terms in addition to any unexpired term to which he has
44 been appointed.
- 45 d. The committee shall annually elect from among its members a
46 chair and vice-chair. The committee shall meet at least four times a

1 year and may hold additional meetings as necessary to discharge its
2 duties. In addition to such meetings, the committee shall meet at the
3 call of the chair, the board, or the Attorney General.

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

9 f. The committee shall make recommendations to the board
10 regarding rules and regulations pertaining to professional training,
11 standards, identification and record-keeping procedures for licensees
12 and their employees, classifications of licensure necessary to regulate
13 the work of licensees, and other matters as necessary to effectuate the
14 purposes of [this act] P.L.1997, c.305.

15 (cf: P.L.1997, c.305, s.3)]¹

16

17 ¹[11. Section 4 of P.L.1997, c.305 (C.45:5A-24) is amended to
18 read as follows:

19 4. The board shall have the following powers and duties, or may
20 delegate them to the committee:

21 a. To set standards and approve examinations for applicants for a
22 [fire alarm,] burglar alarm or locksmith license and issue a license to
23 each qualified applicant;

24 b. To administer the examination to be taken by applicants for
25 licensure;

26 c. To determine the form and contents of applications for licensure,
27 licenses and identification cards;

28 d. To adopt a code of ethics for licensees;

29 e. To issue and renew licenses and identification cards;

30 f. To set the amount of fees for [fire alarm,] burglar alarm and
31 locksmith licenses, license renewal, applications, examinations and
32 other services provided by the board and committee, within the limits
33 provided in subsection b. of section 11 of [this act] P.L.1997, c.305
34 (C.45:5A-31);

35 g. To refuse to admit a person to an examination or refuse to issue
36 or suspend, revoke, or fail to renew the license of a [fire alarm,]
37 burglar alarm[,] or locksmith licensee pursuant to the provisions of
38 P.L.1978, c.73 (C.45:1-14 et seq.);

39 h. To maintain a record of all applicants for a license;

40 i. To maintain and annually publish a record of every licensee, his
41 place of business, place of residence and the date and number of his
42 license;

43 j. To take disciplinary action, in accordance with P.L.1978, c.73
44 (C.45:1-14 et seq.) against a licensee or employee who violates any
45 provision of this act or any rule or regulation promulgated pursuant to

1 [this act] P.L.1997, c.305;

2 k. To adopt standards and requirements for and approve continuing
3 education programs and courses of study for licensees and their
4 employees;

5 l. To review advertising by licensees; and

6 m. To perform such other duties as may be necessary to effectuate
7 the purposes of [this act] P.L.1997, c.305.

8 (cf: P.L.1997, c.305, s.4)]¹

9

10 ¹[12. Section 5 of P.L.1997, c.305 (C.45:5A-25) is amended to
11 read as follows:

12 5. a. No person shall advertise that he is authorized to engage in,
13 or engage in the alarm business, or otherwise engage in the
14 installation, service or maintenance of burglar alarm[, fire alarm] or
15 electronic security systems unless he satisfies the requirements of
16 [this act] P.L.1997, c.305.

17 b. No person shall represent himself as qualified to provide, or
18 otherwise provide locksmithing services unless he is licensed as a
19 locksmith in accordance with the provisions of [this act] P.L.1997,
20 c.305.

21 (cf: P.L.1997, c.305, s.5)]¹

22

23 ¹[13. Section 13 of P.L.1997, c.305 (C.45:5A-33) is amended to
24 read as follows:

25 13. a. Every licensee and every employee or other person engaged
26 in the unsupervised installation, servicing or maintenance of burglar
27 alarm [, fire alarm] or electronic security systems shall, at all times
28 during working hours, display an identification card issued by the
29 board. The identification card shall contain the following information:

30 (1) the name, photograph and signature of the person to whom the
31 card has been issued;

32 (2) the business name and address and license number of the
33 licensee;

34 (3) the expiration date of the card; and

35 (4) that other information the board deems appropriate for
36 identification purposes.

37 b. Identification cards shall be issued for a three-year period which,
38 in the case of a licensee, shall correspond to the term of the license
39 period of the licensee. Application for renewal of an identification
40 card for other than a licensee shall be made by the person named on
41 the card at least 45 days prior to the expiration date of the card. The
42 information provided on the identification card shall at all times be
43 current, and the named holder of the card shall advise the board of any
44 changes and file for issuance of an updated card within five days
45 following occurrence of a change, which card shall be issued for the

1 unexpired term of the original card.

2 c. Identification cards shall not be transferable in the event of a
3 change in employment.

4 (cf: P.L.1997, c.305, s.13)]¹

5

6 ¹[14. Section 14 of P.L.1997, c.305 (C.45:5A-34) is amended to
7 read as follows:

8 14. No person shall be employed by a licensee to install, service or
9 maintain a burglar alarm [, fire alarm] or electronic security system or,
10 except in the case of a licensee, shall otherwise engage in the
11 installation, service or maintenance thereof:

12 a. unless the person is of good moral character; and

13 b. where the work is to be performed other than under the field
14 supervision of a licensee or a person qualified pursuant to the
15 provisions of this section, unless the person shall have at least three
16 years of practical experience and shall have successfully completed a
17 course of study or a competency examination prescribed by the board,
18 in consultation with the committee; except that an employee employed
19 in the installation, servicing or maintenance of burglar alarm[, fire
20 alarm] or electronic security systems by a license applicant filing an
21 application within 120 days of the effective date of this act and
22 identified as an employee on the application, shall not be required to
23 satisfy the competency requirements of this subsection, until the first
24 renewal of the employee's identification card.

25 (cf: P.L.1997, c.305, s.14)]¹

26

27 ¹[15. Section 16 of P.L.1997, c.305 (C.45:5A-36) is amended to
28 read as follows:

29 16. No municipality or county shall enact an ordinance or
30 resolution or promulgate any rules or regulations relating to the
31 licensing or registration of locksmiths or alarm businesses. The
32 provisions of any ordinance or resolution or rules or regulations of any
33 municipality or county relating to the licensing or registration of
34 locksmiths or alarm businesses are superseded by the provisions of this
35 act. Nothing in this section shall be construed, however, to prohibit
36 municipal regulation of door-to-door vendors or salespersons of
37 burglar alarm [, fire alarm] or electronic security systems nor shall
38 anything in this section be construed to prohibit or restrict municipal
39 consideration of alarm business service proposals in consent
40 proceedings under the "Cable Television Act," P.L.1972, c.186
41 (C.48:5A-1 et seq.).

42 (cf: P.L.1997, c.305, s.16)]¹

43

44 ³[²⁹. (New section) a. No person whose license to engage in the
45 fire alarm business has been revoked by the Board of Examiners of

1 Electrical Contractors pursuant to P.L.1997, c.305 (C.45:5A-23 et
2 seq.), shall be eligible for certification under the provisions of this
3 act.²]³

4
5 ³[²10. (New section) The provisions of this act shall not apply to
6 any person engaged in the installation of fire suppression systems in
7 dormitories pursuant to P.L.2000, c.56 (C.52:27D-198.7 et al.).²]³

8
9 ³18. (New section) Any person licensed to engage in the fire alarm
10 business pursuant to P.L.1997, c.305 (C.45:5A-23 et seq.) whose
11 license is not in good standing with the Board of Examiners of
12 Electrical Contractors shall not be eligible for a certificate of
13 certification to engage in the fire protection contractor business under
14 the provisions of this act.³

15
16 ³19. (New section) Notwithstanding the provisions of this act, the
17 commissioner may exempt from the requirements of this act any
18 person engaged in the installation of fire protection equipment in
19 dormitories pursuant to P.L.2000, c.56 (C.52:27D-198.7 et al). The
20 exemption shall apply only for work performed pursuant to P.L.2000,
21 c.56 (C.52:27D-198.7 et al) and only for such time as is necessary to
22 complete work performed pursuant to that act.³

23
24 ³[²11.] 20.³ Section 18 of P.L.1962, c.162 (C.45:5A-18) is
25 amended to read as follows:

26 18. Electrical work or construction which is performed on the
27 following facilities or which is by or for the following agencies shall
28 not be included within the business of electrical contracting so as to
29 require the securing of a business permit under this act:

30 (a) Minor repair work such as the replacement of lamps and fuses.

31 (b) The connection of portable electrical appliances to suitable
32 permanently installed receptacles.

33 (c) The testing, servicing or repairing of electrical equipment or
34 apparatus.

35 (d) Electrical work in mines, on ships, railway cars, elevators,
36 escalators or automotive equipment.

37 (e) Municipal plants or any public utility as defined in R.S.48:2-13,
38 organized for the purpose of constructing, maintaining and operating
39 works for the generation, supplying, transmission and distribution of
40 electricity for electric light, heat, or power.

41 (f) A public utility subject to regulation, supervision or control by
42 a federal regulatory body, or a public utility operating under the
43 authority granted by the State of New Jersey, and engaged in the
44 furnishing of communication or signal service, or both, to a public
45 utility, or to the public, as an integral part of a communication or
46 signal system, and any agency associated or affiliated with any public

1 utility and engaged in research and development in the
2 communications field.

3 (g) A railway utility in the exercise of its functions as a utility and
4 located in or on buildings or premises used exclusively by such an
5 agency.

6 (h) Commercial radio and television transmission equipment.

7 (i) Construction by any branch of the federal government.

8 (j) Any work with a potential of less than 10 volts.

9 (k) Repair, manufacturing and maintenance work on premises
10 occupied by a firm or corporation, and installation work on premises
11 occupied by a firm or corporation and performed by a regular
12 employee who is a qualified journeyman electrician.

13 (l) Installation, repair or maintenance performed by regular
14 employees of the State or of a municipality, county, or school district
15 on the premises or property owned or occupied by the State, a
16 municipality, county, or school district.

17 (m) The maintaining, installing or connecting of automatic oil, gas
18 or coal burning equipment, gasoline or diesel oil dispensing equipment
19 and the lighting in connection therewith to a supply of adequate size
20 at the load side of the distribution board.

21 (n) Work performed by a person on a dwelling that is occupied
22 solely as a residence for himself or for a member or members of his
23 immediate family.

24 (o) (Deleted by amendment, P.L.1997, c.305)

25 (p) Any work performed by a landscape irrigation contractor which
26 has the potential of not more than 30 volts involving the installation,
27 servicing, or maintenance of a landscape irrigation system as this term
28 is defined by section 2 of this amendatory and supplementary act.
29 Nothing in this act shall be deemed to exempt work covered by this
30 subsection from inspection required by the "State Uniform
31 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or
32 regulations adopted pursuant thereto.

33 (q) Any work performed by a person certified pursuant to sections
34 1 through 10 of P.L. c. (C.) (now pending before the
35 Legislature as this bill) that is not branch circuit wiring. For the
36 purposes of this subsection, "branch circuit wiring" means the circuit
37 conductors between the final overcurrent device protecting the circuit
38 and one or more outlets. A certificate holder shall be deemed to have
39 engaged in professional misconduct for the purposes of section 8 of
40 P.L.1978, c.73 (C.45:1-21) for violating the provisions of this
41 subsection.

42 (r) Any work performed by an alarm business, as that term is
43 defined by section 2 of P.L.1985, c.289 (C.45:5A-18.1), licensed
44 pursuant to P.L.1997, c.305 (C.45:5A-23 et seq.) that is not branch
45 circuit wiring. For the purposes of this subsection, "branch circuit
46 wiring" means the circuit conductors between the final overcurrent

1 device protecting the circuit and one or more outlets. A licensee shall
 2 be deemed to have engaged in professional misconduct for the
 3 purposes of section 8 of P.L.1978, c.73 (C.54:1-21) for violating the
 4 provisions of this subsection.

5 The board may also exempt from the business permit provisions of
 6 this act such other electrical activities of like character which in the
 7 board's opinion warrant exclusion from the provisions of this act.²

8 (cf: P.L.1997, c.305, s.2)

9
 10 ³[²12. Section 19 of P.L.1997, c.305 is amended to read as
 11 follows: 19. This act shall take effect on the 180th day following the
 12 date of enactment [, except that section 2 shall take effect on the date
 13 regulations promulgated under this act have taken effect].²

14 (cf: P.L.1997, c.305, s.19)]³

15
 16 ²[^{19.}]³[^{13.}²] ^{21.}³ Section 9 of P.L.1997, c.305 (C.45:5A-29) is
 17 amended to read as follows:

18 9. a. Telephone utilities and cable television companies regulated
 19 by the Board of Regulatory Commissioners pursuant to Title 48 of the
 20 Revised Statutes and persons in their employ while performing the
 21 duties of their employment are exempt from the requirement of
 22 obtaining a license to engage in the alarm business pursuant to this act.

23 b. Electrical contractors regulated by the Board of Examiners of
 24 Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et seq.)
 25 and persons in their employ while performing the duties of their
 26 employment are exempt from the requirement of obtaining a license to
 27 engage in the alarm business pursuant to this act.

28 c. Any person who is certified to engage in the fire protection
 29 equipment business or who holds a fire protection contractor business
 30 permit pursuant to P.L. , c. (C.) (now pending before the
 31 Legislature as this bill) and persons in their employ are exempt from
 32 the requirement of obtaining a license to engage in the ²fire ² alarm
 33 business pursuant to this act.¹

34 (cf: P.L.1997, c.305, s.9)

35
 36 ³[²14. (New section) No person whose certificate of certification
 37 to engage in the fire protection contractor business has been revoked
 38 by the Commissioner of the Department of Community Affairs
 39 pursuant to P.L. , c. (C.) (now pending before the Legislature
 40 as this bill) shall be eligible for a license to engage in the fire alarm
 41 business under the provisions of P.L.1997, c.305 (C.45:5A-23 et
 42 al.).²]³

43
 44 ³22. (New section) Any person certified to engage in the fire
 45 protection contractor business pursuant to P.L. , c. (C.)(now
 46 pending before the Legislature as this bill) whose certificate of

1 certification is not in good standing with the Commissioner of
2 Community Affairs shall not be eligible for a license to engage in the
3 fire alarm business under the provisions of section 1 of P.L.1995,
4 c.213 (C.45:5A-9.1).³

5
6 ¹[16.] ²[10.¹] ³[15.²] 23.³ Section 7 of P.L.1983, c.383
7 (C.52:27D-198) is amended to read as follows:

8 7. a. The commissioner shall promulgate, in accordance with the
9 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
10 seq.), and after consulting with the fire safety commission, regulations
11 to insure the maintenance and operation of buildings and equipment in
12 such a manner as will provide a reasonable degree of safety from fire
13 and explosion.

14 Regulations promulgated pursuant to this section shall include a
15 uniform fire safety code primarily based on the standards established
16 by the Life Safety Code (National Fire Protection Association 101)
17 and any other fire codes of the National Fire Protection Association
18 and the Building Officials and Code Administrators International
19 (BOCA) Basic Fire Prevention Code, both of which may be adopted
20 by reference. The regulations may include modifications and
21 amendments the commissioner finds necessary.

22 b. The code promulgated pursuant to this section shall include the
23 requirements for fire detection and suppression systems, elevator
24 systems, emergency egresses and protective equipment reasonably
25 necessary to the fire safety of the occupants or intended occupants of
26 new or existing buildings subject to this act, including but not limited
27 to electrical fire hazards, maintenance of fire protection systems and
28 equipment, fire evacuation plans and fire drills, and all components of
29 building egress. In addition, the regulations issued and promulgated
30 pursuant to this section which are applicable to new or existing
31 buildings shall include, but not be limited to fire suppression systems,
32 built-in fire fighting equipment, fire resistance ratings, smoke control
33 systems, fire detection systems, and fire alarm systems including fire
34 service connections.

35 c. When promulgating regulations, the commissioner shall take
36 into account the varying degrees of fire safety provided by the
37 different types of construction of existing buildings and the varying
38 degrees of hazard associated with the different types and intensity of
39 uses in existing buildings. When preparing regulations which require
40 the installation of fire safety equipment and devices, the commissioner
41 shall consult with the fire safety commission and shall take into
42 account, to the greatest extent prudent, the economic consequences of
43 the regulations and shall define different use groups and levels of
44 hazard within more general use groups, making corresponding
45 distinctions in fire safety requirements for these different uses and
46 levels of hazard. The commissioner shall also take into account the

1 desirability of maintaining the integrity of historical structures to the
2 extent that it is possible to do so without endangering human life and
3 safety. The regulations established pursuant to this subsection shall
4 apply to secured vacant buildings only to the extent necessary to
5 eliminate hazards affecting adjoining properties.

6 d. Except as otherwise provided in this act, including rules and
7 regulations promulgated hereunder, all installations of equipment and
8 other alterations to existing buildings shall be made in accordance with
9 the technical standards and administrative procedures established by
10 the commissioner pursuant to the "State Uniform Construction Code
11 Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and shall be subject to
12 plan review and inspection by the local construction and subcode
13 officials having jurisdiction over the building, who shall enforce the
14 regulations established pursuant to this act applicable to the
15 installation or other alteration along with the regulations established
16 pursuant to the "State Uniform Construction Code Act."

17 e. ³[The commissioner shall, by regulation, establish standards,
18 procedures and fees for the certification of persons engaged in the
19 business of installing, servicing, selling, repairing, inspecting or
20 maintaining fire [suppression systems, for the warranting of those
21 systems, and for the establishment, funding and operation of a
22 warranty security program. A fire suppression system installed in a
23 building subject to this act shall be warranted in accordance with those
24 standards and procedures, shall be required to be covered by the
25 warranty security program, and shall be installed by a person certified
26 in accordance with those standards and procedures] protection
27 equipment. For the purposes of this subsection, fire protection
28 equipment includes fire alarms, sprinkler systems, standpipe systems,
29 clean agent fire suppression systems, special systems, carbon dioxide
30 fire protection systems, foam systems, kitchen fire suppression
31 systems, portable fire extinguishers or any other equipment designed
32 to detect, suppress or extinguish a fire. Fire protection equipment in
33 a building subject to the provisions of the "Uniform Fire Safety Act,"
34 P.L.1983, c.383 (C.52:27D-192 et seq.) shall be installed and
35 maintained by a company certified in accordance with those standards
36 and procedures. Any person subject to certification under this
37 subsection shall be exempt from any other State, county or municipal
38 certification, licensing or registration requirements for the installation
39 or maintenance of fire protection equipment.] (Deleted by amendment,
40 P.L. __, c. __.)³

41 (cf: P.L.1983, c.383, s.7)

42
43 ³24. (New section) The commissioner shall promulgate rules and
44 regulations necessary to carry out the provisions of this act pursuant
45 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
46 et seq.).³

1 ¹[17.] ²[11.1] ³[16.2] 25.³ This act shall take effect on the first
2 day of the seventh month next following enactment.

3

4

5

6

7 Establishes certification program for persons who install, service,
8 repair, inspect and maintain fire protection equipment; provides
9 oversight by Department of Community Affairs.

CHAPTER 289

AN ACT concerning the installation or maintenance of fire protection equipment, supplementing chapter 27D of Title 52 of the Revised Statutes and amending P.L.1962, c.162, amending and supplementing P.L.1997, c.305 and amending P.L.1983, c.383.

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

C.52:27D-25n Definitions relative to fire protection equipment.

1. As used in sections 1 through 19 of this act:

"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.

"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.

"Commissioner" means the Commissioner of Community Affairs.

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

"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 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.

"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.

C.52:27D-250 "Fire Protection Equipment Advisory Committee."

2. a. There is created within the Division of Fire Safety in the Department of Community Affairs a "Fire Protection Equipment Advisory Committee." The committee shall be comprised of the Director of the Division of Fire Safety who shall serve ex officio and eight public members, appointed by the Governor. Each of the public members shall be selected by the Governor from a list of three nominees provided to the Governor by each of the following fire protection organizations or their successor organizations:

- New Jersey Association of Fire Equipment Distributors
- National Fire Sprinkler Association
- National Association of Fire Equipment Distributors
- American Fire Sprinkler Association
- Fire Suppression Systems Association
- Automatic Fire Alarm Association
- New Jersey Electrical Contractors Association
- New Jersey Burglar and Fire Alarm Association

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

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

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

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

f. The committee shall make recommendations to the commissioner regarding rules and regulations pertaining to professional training, standards, identification and record keeping

procedures for certificate holders and their employees, classifications of certificates necessary to regulate the work of certificate holders, and other matters necessary to effectuate the purposes of this act.

C.52:27D-25p Powers, duties of commissioner.

3. The commissioner shall have the following powers and duties:
 - a. To set standards and approve examinations for applicants for a fire protection equipment certificate and issue a certificate to each qualified applicant;
 - b. To administer or approve the examination to be taken by applicants for certification;
 - c. To determine the form and contents of applications for certification and certificates;
 - d. To adopt a code of ethics for certificate holders;
 - e. To issue and renew certificates;
 - f. To set the amount of fees for certificates, certificate renewal, applications, examinations and other services, within the limits provided in subsection b. of section 8 of this act;
 - g. To refuse to admit a person to an examination or refuse to issue or suspend, revoke or fail to renew a certificate of certification of a certificate holder pursuant to the provisions of section 14 of this act;
 - h. To maintain a record of all applicants for a certificate;
 - i. To maintain and annually publish a record of every certificate holder, his place of business, place of residence and the date and number of his certificate;
 - j. To take disciplinary action, in accordance with section 14 of this act, against a certificate holder or employee who violates any provision of this act or any rule or regulation promulgated pursuant to this act;
 - k. To adopt standards and requirements for and approve continuing education programs and courses of study for certificate holders and their employees;
 - l. To review advertising by certificate holders; and
 - m. To perform such other duties as may be necessary to effectuate the purposes of this act.

C.52:27D-25q Certification required for fire protection contractors.

4. a. After the effective date of this act, 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. 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, 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.
 - (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.

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 work place. 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 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.

C.52:27D-25r Requirements to engage in fire protection equipment business.

5. No person shall advertise that he is authorized to engage in, or engage in the fire protection equipment business, or otherwise engage in the installation, service, repair, inspection or maintenance of fire protection equipment unless he satisfies the requirements of this act.

C.52:27D-25s Application for certificate.

6. a. Application for a certificate to engage in the fire protection equipment business shall be made to the commissioner in the manner and on the forms as the commissioner may prescribe.

b. An application to engage in the fire protection equipment business shall include the name, age, residence, present and previous occupations of the applicant and, in the case of a business firm engaged in the fire protection equipment business, of each member, officer or director thereof, the name of the municipality and the location therein by street number or other appropriate description of the principal place of business and the location of each branch office.

c. The commissioner may require other information of the applicant and, if the applicant is proposing to qualify a business firm, of the business firm to determine the professional competence and integrity of the concerned parties.

C.52:27D-25t Qualifications for applicants.

7. An applicant seeking certification to engage in the fire protection equipment business shall:

a. Be at least 18 years of age;

- b. Be of good moral character, and not have been convicted of a crime of the first, second or third degree within 10 years prior to the filing of the application;
- c. Meet qualifications established by the commissioner, regarding experience, continuing education, financial responsibility and integrity; and
- d. Establish his qualifications to perform and supervise various phases of fire protection equipment installation, service, repair, inspection and maintenance as evidenced by successful completion of an examination approved by the commissioner.

C.52:27D-25u Issuance of certificates.

8. a. Certificates of certification shall be issued to qualified applicants seeking certification to engage in the fire protection equipment business for a three-year period, upon payment of a certificate of certification fee. Certificate renewals shall be issued for a three-year period upon the payment of a renewal fee. A renewal application shall be filed with the commissioner at least 45 days prior to expiration of a certificate of certification. A certificate of certification issued pursuant to this act shall not be transferable.

b. Fees shall be established, prescribed or changed by the commissioner, to the extent necessary to defray all proper expenses incurred by the commissioner, committee and any staff employed to administer the provisions of this act, except that fees shall not be fixed at a level that will raise amounts in excess of the amount estimated to be required. All fees and any fines imposed under this act shall be paid to the commissioner and shall be forwarded to the State Treasurer and become part of the General Fund.

C.52:27D-25v Requirements for certificate holder to do business.

9. No holder of a certificate of certification qualified under the provisions of this act shall engage in the fire protection equipment business unless the certificate holder:

a. Maintains at least one business office within this State or files with the commissioner a statement, duly executed and sworn to before a person authorized by the laws of this State to administer oaths, containing a power of attorney constituting the commissioner the true and lawful attorney of the certificate holder upon whom all original process in an action or legal proceeding against the certificate holder may be served and in which the certificate holder agrees that the original process that may be served upon the commissioner shall be of the same force and validity as if served upon the certificate holder and that the authority thereof shall continue in force so long as the certificate holder engages in the fire protection equipment business;

b. Clearly marks the outside of each installation and service vehicle to be used in conjunction with the fire protection equipment business with the business name as determined by the commissioner;

c. Maintains an emergency service number attended to on a 24-hour basis and responds appropriately to emergencies on a 24-hour basis as determined by the commissioner.

C.52:27D-25w Responsibility for employees.

10. No employee of a certificate holder shall engage in the installation, service, repair, inspection or maintenance of fire protection equipment unless the certificate holder bears full responsibility for the inspection of all work to be performed in compliance with recognized safety standards.

C.52:27D-25x Liability for employee.

11. A certificate holder shall be liable for any unprofessional conduct of an employee while acting within the scope of his employment, except that the conduct shall not be cause for suspension or revocation of a certificate, unless the commissioner determines that the certificate holder had knowledge thereof, or there is shown to have existed a pattern of unprofessional conduct.

C.52:27D-25y Licensure from other jurisdiction valid.

12. If the commissioner determines that an applicant holds a valid license, registration, certification or other authorization from another jurisdiction which requires equal or greater

experience and knowledge requirements, the commissioner may accept the evidence of that license, registration, certification or other authorization as meeting the experience and knowledge requirements of this act for a person to engage in the fire protection equipment business.

C.52:27D-25z Commercial general liability insurance.

13. All contractors shall carry commercial general liability insurance, including products and completed operations coverage, in the minimum amount of \$1,000,000 for each coverage. The contractor shall furnish a general warranty for one year with each system installation in accordance with guidelines promulgated by the commissioner.

C.52:27D-25aa Refusal to admit person to examination, suspension, revocation of certificate, grounds.

14. a. The commissioner may refuse to admit a person to examination or may refuse to issue or may suspend or revoke any certificate of certification issued by the commissioner upon proof that the applicant or holder of such certificate:

- (1) Has obtained a certificate or authorization to sit for an examination, as the case may be, through fraud, deception or misrepresentation;
- (2) Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;
- (3) Has engaged in gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of any person;
- (4) Has engaged in repeated acts of negligence, malpractice or incompetence;
- (5) Has engaged in professional or occupational misconduct as may be determined by the commissioner;
- (6) Has been convicted of, or engaged in acts constituting, any crime or offense involving moral turpitude or relating adversely to the activity regulated by the commissioner. For the purpose of this paragraph, a judgment of conviction or a plea of guilty, non vult, nolo contendere or any other such disposition of alleged criminal activity shall be deemed a conviction;
- (7) Has had his authority to engage in the activity regulated by the commissioner revoked or suspended by any other state, agency or authority for reasons consistent with this section;
- (8) Has violated or failed to comply with the provisions of any act or regulation administered by the commissioner;
- (9) Is incapable, for medical or any other good cause, of discharging the functions of a certificate holder in a manner consistent with the public's health, safety and welfare;
- (10) Has repeatedly failed to submit completed applications, or parts of, or documentation submitted in conjunction with, such applications, required to be filed with the Department of Environmental Protection;
- (11) Has violated any provision of P.L.1983, c.320 (C.17:33A-1 et seq.) or any insurance fraud prevention law or act of another jurisdiction or has been adjudicated, in civil or administrative proceedings, of a violation of that act or has been subject to a final order, entered in civil or administrative proceedings, that imposed civil penalties under that act against the applicant or holder;
- (12) Is presently engaged in drug or alcohol use that is likely to impair the ability to install, service, repair, inspect or maintain fire protection equipment with reasonable skill and safety. For purposes of this paragraph, "presently" means at this time or any time within the previous 365 days;
- (13) Has permitted an unlicensed person or entity to perform an act for which a license or certificate of registration or certification is required by the commissioner, or aided and abetted an unlicensed person or entity in performing such an act;
- (14) Advertised fraudulently in any manner.

For purposes of paragraph (10) of this subsection: "completed application" means the submission of all of the information designated on the checklist, adopted pursuant to section 1 of P.L.1991, c.421 (C.13:1D-101), for the class or category of permit for which application is made; and "permit" has the same meaning as defined in section 1 of P.L.1991, c.421 (C.13:1D-

101).

b. In addition, or as an alternative to any other penalty, the commissioner may promulgate, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), regulations identifying violations of provisions of this act and establishing a range of penalties for violations of similar type, seriousness and duration.

C.52:27D-25bb After revocation, application for new certificate.

15. After revocation of a certificate of certification, the commissioner shall not renew or reinstate such certificate; however, a person may apply for a new certificate of certification. When it can be shown that all loss caused by the act or omission for which the certificate was revoked has been fully satisfied, and that all conditions imposed by the order of revocation have been complied with, the commissioner may issue a new certification, provided that the applicant meets all other qualifications necessary for certification and pays the appropriate fee.

C.52:27D-25cc Dispute settlement hearing.

16. Any person aggrieved by any action, notice, ruling or order of the commissioner, with respect to this act, shall have the right to a dispute settlement hearing, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The aggrieved party shall submit a written request to the commissioner for a hearing within 15 days of the action, notice, ruling or order. All hearing requests shall include:

- a. The date of the action which is the subject of the appeal;
- b. The name and status of the person submitting the appeal;
- c. The specific violations or other action claimed to be in error; and
- d. A concise statement of the basis for the appeal.

C.52:27D-25dd Arbitration, review by commissioner on disputed work.

17. a. Any person who has contracted with a fire protection contractor for the installation, service, repair, inspection or maintenance of fire protection equipment who is not satisfied with the work done by that contractor shall notify the contractor of the problems and shall allow a reasonable time for the repair of such problems. If the repairs are not made within a reasonable time, or are unsatisfactory to the person, that person may file a request for the commissioner to designate an arbitrator, who shall hear the matter in accordance with the rules of procedure of the American Arbitration Association.

b. Where both parties do not agree to submit to the arbitration, the commissioner shall thoroughly review the matter and shall make a decision as to the merits of the claim and issue an order directing appropriate relief if warranted. If, within 30 calendar days of the commissioner's decision, either party files a written notice requesting an administrative hearing, the commissioner shall provide for an administrative hearing in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), with a final decision to be issued by the commissioner. In the alternative, a claimant may seek a remedy directly in court without regard to dispute settlement procedures made available in accordance with this act.

c. If, in the opinion of the commissioner, fire protection equipment may be rendered inoperable for an extended period of time, the commissioner may order the owner or contractor to restore the equipment to service in accordance with the fire code regulations promulgated by the commissioner pursuant to section 7 of P.L.1983, c.383 (C.52:27D-198).

d. The rights, remedies and procedures accorded by the provisions of this section are in addition to, and cumulative of, any other right, remedy and procedure accorded by the common law or statutes of this State, and nothing contained herein shall be construed to deny, abrogate or impair any such common law or statutory right, remedy or procedure.

C.52:27D-25ee Valid license, certain, required for certification.

18. Any person licensed to engage in the fire alarm business pursuant to P.L.1997, c.305 (C.45:5A-23 et seq.) whose license is not in good standing with the Board of Examiners of Electrical Contractors shall not be eligible for a certificate of certification to engage in the fire protection contractor business under the provisions of this act.

C.52:27D-25ff Exemption, certain.

19. Notwithstanding the provisions of this act, the commissioner may exempt from the requirements of this act any person engaged in the installation of fire protection equipment in dormitories pursuant to P.L.2000, c.56 (C.52:27D-198.7 et al.). The exemption shall apply only for work performed pursuant to P.L.2000, c.56 (C.52:27D-198.7 et al.) and only for such time as is necessary to complete work performed pursuant to that act.

20. Section 18 of P.L.1962, c.162 (C.45:5A-18) is amended to read as follows:

C.45:5A-18 Exempt work or construction.

18. Electrical work or construction which is performed on the following facilities or which is by or for the following agencies shall not be included within the business of electrical contracting so as to require the securing of a business permit under this act:

- (a) Minor repair work such as the replacement of lamps and fuses.
- (b) The connection of portable electrical appliances to suitable permanently installed receptacles.
- (c) The testing, servicing or repairing of electrical equipment or apparatus.
- (d) Electrical work in mines, on ships, railway cars, elevators, escalators or automotive equipment.
- (e) Municipal plants or any public utility as defined in R.S.48:2-13, organized for the purpose of constructing, maintaining and operating works for the generation, supplying, transmission and distribution of electricity for electric light, heat, or power.
- (f) A public utility subject to regulation, supervision or control by a federal regulatory body, or a public utility operating under the authority granted by the State of New Jersey, and engaged in the furnishing of communication or signal service, or both, to a public utility, or to the public, as an integral part of a communication or signal system, and any agency associated or affiliated with any public utility and engaged in research and development in the communications field.
- (g) A railway utility in the exercise of its functions as a utility and located in or on buildings or premises used exclusively by such an agency.
- (h) Commercial radio and television transmission equipment.
- (i) Construction by any branch of the federal government.
- (j) Any work with a potential of less than 10 volts.
- (k) Repair, manufacturing and maintenance work on premises occupied by a firm or corporation, and installation work on premises occupied by a firm or corporation and performed by a regular employee who is a qualified journeyman electrician.
- (l) Installation, repair or maintenance performed by regular employees of the State or of a municipality, county, or school district on the premises or property owned or occupied by the State, a municipality, county, or school district.
- (m) The maintaining, installing or connecting of automatic oil, gas or coal burning equipment, gasoline or diesel oil dispensing equipment and the lighting in connection therewith to a supply of adequate size at the load side of the distribution board.
- (n) Work performed by a person on a dwelling that is occupied solely as a residence for himself or for a member or members of his immediate family.
- (o) (Deleted by amendment, P.L.1997, c.305).
- (p) Any work performed by a landscape irrigation contractor which has the potential of not more than 30 volts involving the installation, servicing, or maintenance of a landscape irrigation system as this term is defined by section 2 of this amendatory and supplementary act. Nothing in this act shall be deemed to exempt work covered by this subsection from inspection required by the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or regulations adopted pursuant thereto.
- (q) Any work performed by a person certified pursuant to sections 1 through 10 of P.L.2001, c.289 (C.52:27D-25n through C.52:27D-25w) that is not branch circuit wiring. For the purposes of this subsection, "branch circuit wiring" means the circuit conductors between the final overcurrent device protecting the circuit and one or more outlets. A certificate holder shall be deemed to have engaged in professional misconduct for the purposes of section 8 of

P.L.1978, c.73 (C.45:1-21) for violating the provisions of this subsection.

(r) Any work performed by an alarm business, as that term is defined by section 2 of P.L.1985, c.289 (C.45:5A-18.1), licensed pursuant to P.L.1997, c.305 (C.45:5A-23 et seq.) that is not branch circuit wiring. For the purposes of this subsection, "branch circuit wiring" means the circuit conductors between the final overcurrent device protecting the circuit and one or more outlets. A licensee shall be deemed to have engaged in professional misconduct for the purposes of section 8 of P.L.1978, c.73 (C.45:1-21) for violating the provisions of this subsection.

The board may also exempt from the business permit provisions of this act such other electrical activities of like character which in the board's opinion warrant exclusion from the provisions of this act.

21. Section 9 of P.L.1997, c.305 (C.45:5A-29) is amended to read as follows:

C.45:5A-29 Exemptions from licensing requirement.

9. a. Telephone utilities and cable television companies regulated by the Board of Regulatory Commissioners pursuant to Title 48 of the Revised Statutes and persons in their employ while performing the duties of their employment are exempt from the requirement of obtaining a license to engage in the alarm business pursuant to this act.

b. Electrical contractors regulated by the Board of Examiners of Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et seq.) and persons in their employ while performing the duties of their employment are exempt from the requirement of obtaining a license to engage in the alarm business pursuant to this act.

c. Any person who is certified to engage in the fire protection equipment business or who holds a fire protection contractor business permit pursuant to P.L.2001, c.289 (C.52:27D-25n et al.) and persons in their employ are exempt from the requirement of obtaining a license to engage in the fire alarm business pursuant to this act.

C.45:5A-27.1 Ineligibility for license to engage in fire alarm business.

22. Any person certified to engage in the fire protection contractor business pursuant to P.L.2001, c.289 (C.52:27D-25n et al.) whose certificate of certification is not in good standing with the Commissioner of Community Affairs shall not be eligible for a license to engage in the fire alarm business under the provisions of section 1 of P.L.1995, c.213 (C.45:5A-9.1).

23. Section 7 of P.L.1983, c.383 (C.52:27D-198) is amended to read as follows:

C.52:27D-198 Regulations to provide reasonable degree of safety from fire, explosion.

7. a. The commissioner shall promulgate, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and after consulting with the fire safety commission, regulations to insure the maintenance and operation of buildings and equipment in such a manner as will provide a reasonable degree of safety from fire and explosion.

Regulations promulgated pursuant to this section shall include a uniform fire safety code primarily based on the standards established by the Life Safety Code (National Fire Protection Association 101) and any other fire codes of the National Fire Protection Association and the Building Officials and Code Administrators International (BOCA) Basic Fire Prevention Code, both of which may be adopted by reference. The regulations may include modifications and amendments the commissioner finds necessary.

b. The code promulgated pursuant to this section shall include the requirements for fire detection and suppression systems, elevator systems, emergency egresses and protective equipment reasonably necessary to the fire safety of the occupants or intended occupants of new or existing buildings subject to this act, including but not limited to electrical fire hazards, maintenance of fire protection systems and equipment, fire evacuation plans and fire drills, and all components of building egress. In addition, the regulations issued and promulgated pursuant to this section which are applicable to new or existing buildings shall include, but not be limited to fire suppression systems, built-in fire fighting equipment, fire resistance ratings, smoke control

systems, fire detection systems, and fire alarm systems including fire service connections.

c. When promulgating regulations, the commissioner shall take into account the varying degrees of fire safety provided by the different types of construction of existing buildings and the varying degrees of hazard associated with the different types and intensity of uses in existing buildings. When preparing regulations which require the installation of fire safety equipment and devices, the commissioner shall consult with the fire safety commission and shall take into account, to the greatest extent prudent, the economic consequences of the regulations and shall define different use groups and levels of hazard within more general use groups, making corresponding distinctions in fire safety requirements for these different uses and levels of hazard. The commissioner shall also take into account the desirability of maintaining the integrity of historical structures to the extent that it is possible to do so without endangering human life and safety. The regulations established pursuant to this subsection shall apply to secured vacant buildings only to the extent necessary to eliminate hazards affecting adjoining properties.

d. Except as otherwise provided in this act, including rules and regulations promulgated hereunder, all installations of equipment and other alterations to existing buildings shall be made in accordance with the technical standards and administrative procedures established by the commissioner pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and shall be subject to plan review and inspection by the local construction and subcode officials having jurisdiction over the building, who shall enforce the regulations established pursuant to this act applicable to the installation or other alteration along with the regulations established pursuant to the "State Uniform Construction Code Act."

e. (Deleted by amendment, P.L.2001, c.289.)

C.52:27D-25gg Rules, regulations.

24. The commissioner shall promulgate rules and regulations necessary to carry out the provisions of this act pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

25. This act shall take effect on the first day of the seventh month next following enactment.

Approved December 28, 2001.