

§§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 Association²³

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.