

[First Reprint]

**ASSEMBLY, No. 2596**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

INTRODUCED FEBRUARY 21, 2012

**Sponsored by:**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**Assemblywoman ANGELICA M. JIMENEZ**

**District 32 (Bergen and Hudson)**

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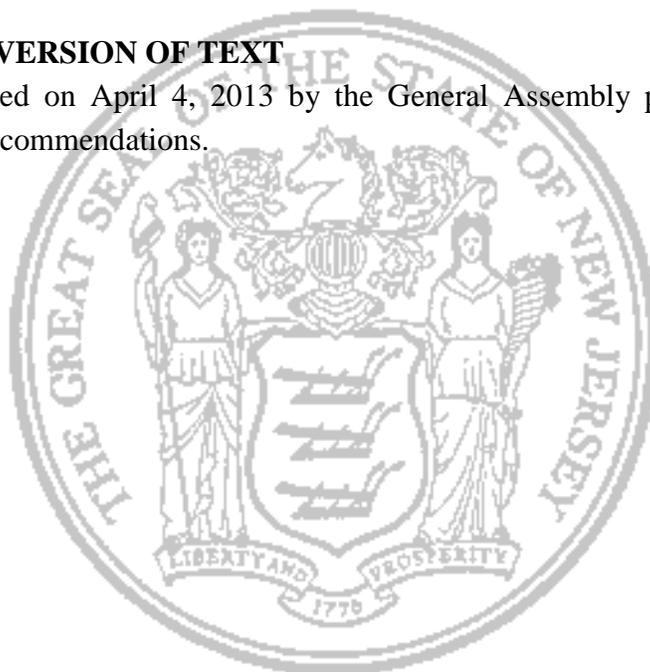
**Assemblywoman Caride and Senator A.R.Bucco**

**SYNOPSIS**

Removes requirement for one and two-family residences to be equipped with a portable fire extinguisher.

**CURRENT VERSION OF TEXT**

As amended on April 4, 2013 by the General Assembly pursuant to the Governor's recommendations.



**(Sponsorship Updated As Of: 6/21/2013)**

1 AN ACT concerning <sup>1</sup>**portable fire extinguishers and amending**  
2 **P.L.1991, c.92** a review of New Jersey's requirements for  
3 portable fire extinguishers in residences<sup>1</sup>.  
4

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

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

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

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

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

41 (cf: P.L.2005, c.71, s.1)】<sup>1</sup>

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>**Assembly amendments adopted in accordance with Governor's recommendations April 4, 2013.**

1 <sup>1</sup>1. The Commissioner of Community Affairs shall undertake a  
2 review of New Jersey's requirements for portable fire extinguishers  
3 in residences and accompanying fines and shall report any findings  
4 and recommendations directly to the Governor no later than six  
5 months from the date of enactment of this act. Specifically, the  
6 commissioner shall examine the impact of, and make  
7 recommendations on, the requirements for portable fire  
8 extinguishers in residences as they relate to public safety.<sup>1</sup>  
9

10 <sup>1</sup>**2.** Section 2 of P.L.1991, c.92 (C.52:27D-198.2) is amended to  
11 read as follows:

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

23 b. In the case of change of occupancy of any building subject  
24 to the requirements of section 1 of P.L.1991, c.92 (C.52:27D-198.1)  
25 to which the provisions of subsection a. of this section do not apply,  
26 no owner shall sell, lease or otherwise permit occupancy for  
27 residential purposes of that building without first obtaining from the  
28 relevant enforcement agency under the "Uniform Fire Safety Act,"  
29 P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate evidencing  
30 compliance with the requirements of P.L.1991, c.92 (C.52:27D-  
31 198.1 et seq.). The local governing body having jurisdiction over  
32 the said enforcing agency or, where the Bureau of Fire Safety is the  
33 enforcing agency, the Commissioner of Community Affairs shall  
34 establish a fee which covers the cost of inspection and of issuance  
35 of the certificate.

36 (cf: P.L.2005, c.71, s.2)<sup>1</sup>  
37

38 <sup>1</sup>**3.** Section 3 of P.L.1991, c.92 (C.52:27D-198.3) is amended to  
39 read as follows:

40 3. An owner who sells, leases, rents or otherwise permits to be  
41 occupied for residential purposes any premises subject to the  
42 provisions of P.L.1991, c.92 (C.52:27D-198.1 et seq.) when the  
43 premises do not comply with the requirements of section 1 of  
44 P.L.1991, c.92 (C.52:27D-198.1), or without complying with the  
45 inspection and certification requirements of section 2 of P.L.1991,  
46 c.92 (C.52:27D-198.2), shall be subject to a fine of not more than  
47 \$500.00 in the case of a violation for an alarm device, **or a fine of**

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1 not more than \$100 in the case of a violation for a portable fire  
2 extinguisher,】 which may be collected and enforced by the local  
3 enforcing agency as defined in subsection g. of section 5 of  
4 P.L.1983, c.383 (C.52:27D-196) by summary proceedings pursuant  
5 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274  
6 (C.2A:58-10 et seq.).  
7 (cf: P.L.2005, c.71, s.3)】<sup>1</sup>

8

9 <sup>1</sup>【4.】 2.<sup>1</sup> This act shall take effect immediately.