

ASSEMBLY, No. 4745

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED SEPTEMBER 24, 2020

Sponsored by:

Assemblyman JOHN ARMATO

District 2 (Atlantic)

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

SYNOPSIS

Raises from 45 to 57 maximum eligibility age for exempt fireman certificates and membership in New Jersey State Firemen's Association.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/8/2020)

1 AN ACT concerning exempt fireman certificates and New Jersey
2 State Firemen's Association membership and amending
3 N.J.S.40A:14-56 and R.S.43:17-9.

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

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8 1. N.J.S.40A:14-56 is amended to read as follows:
9 40A:14-56. A member of the fire department and force of a
10 municipality shall be entitled to an exempt fireman certificate when
11 it appears that at the time of his appointment he was of good moral
12 character and was not under 18 or over **[45]** 57 years of age and
13 that he had performed during a period of seven years, 60% of fire
14 duty or after January 1, 2009, 50% of fire duty, in each year,
15 respectively. Any member who otherwise would be eligible for an
16 exempt fireman certificate, but who, as the result of an injury or
17 injuries incurred out of or in the course of fire duty, is permanently
18 unable to fulfill the seven-year performance requirement set forth in
19 this section, shall be entitled to an exempt fireman certificate if, at
20 the time he incurred the injury or injuries, the member had
21 performed during a period of five years, 60% of fire duty or after
22 January 1, 2009, 50% of fire duty, in each year, respectively. In
23 cases where the appointment was made during the war years the age
24 limit shall be extended 10 years. Service in the United States
25 Armed Forces during the war years shall be considered as fire duty
26 service.

27 Service in more than one municipal fire department, for separate
28 periods not concurrent, amounting in the aggregate to seven years,
29 shall be deemed equivalent to seven years' service in a single
30 municipal fire department and any fireman so serving shall be
31 entitled to an exempt fireman certificate from the department and
32 force in the municipality wherein he is serving at the time when he
33 becomes entitled to the certificate. The prior service shall be
34 certified by the chief executive officer of the municipality or
35 municipalities wherein the member served and attested by the
36 municipal clerk or clerks.

37 (cf: P.L.2014, c.64, s.2)

38

39 2. R.S.43:17-9 is amended to read as follows:

40 43:17-9. The membership of such corporation shall consist,
41 without any formal election thereto, of the officers and members of
42 such fire engine, hook and ladder, hose and supply company or
43 companies, fire association or fire department, or board of
44 firewardens, as shall be under the supervision or control of the
45 governing board or body of the municipality or fire district and

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

Matter underlined thus is new matter.

1 who, at the time of their becoming eligible for membership in the
2 New Jersey State Firemen's Association, shall be not less than 18
3 years of age and who were not more than **[45]** 57 years of age at
4 the time of joining the fire engine, hook and ladder, hose and supply
5 company or companies, fire association or fire department, or board
6 of firewardens and shall furnish evidence of good health in
7 accordance with such reasonable rules and regulations as the
8 executive committee of the New Jersey State Firemen's Association
9 shall from time to time establish; the officers and members of any
10 nonprofit corporations and associations incorporated pursuant to
11 N.J.S.15A:1-1 et seq.; and the officers and members of any
12 association therein of exempt firemen. The whole body of the
13 membership of such corporation shall have the same rights therein
14 as the charter members thereof.
15 (cf: P.L.1998, c.90, s.1)

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17 3. This act shall take effect immediately and be retroactive to
18 February 22, 2020.

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21 STATEMENT

22
23 Under current law, a firefighter is required to join the fire service
24 between the ages of 18 and 45 in order to be eligible for an exempt
25 fireman certificate. Exempt fireman certificates are issued to
26 eligible firefighters who have responded to at least 60 percent of
27 their department's fire duty calls over a seven-year period.

28 This bill would increase, from 45 to 57, the age by which a
29 firefighter is required to join the fire service to establish eligibility
30 for the New Jersey State Firemen's Association and for an exempt
31 fireman certificate. The bill would take effect immediately and be
32 retroactive to February 22, 2020.