

ASSEMBLY, No. 708

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman R. SMITH

1 AN ACT concerning fire safety and amending P.L.1983, c.383.

2

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

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6 1. Section 10 of P.L.1983, c.383 (C.52:27D-201) is amended to  
7 read as follows:

8 10. a. Within 90 days of the effective date of this act, and  
9 thereafter as required by subsection c. of this section, the owner of a  
10 life hazard use or high-rise structure shall file with the commissioner,  
11 upon forms provided by the commissioner, an application for a  
12 certificate of registration. Each application shall include information  
13 prescribed by the commissioner to enforce the provisions of this act.  
14 Upon receipt of the application, the commissioner shall forthwith issue  
15 to the owner of the life hazard use or high-rise structure a certificate  
16 of registration, which certificate of registration shall be posted by the  
17 owner of the structure in a conspicuous location therein. The  
18 certificate of registration shall be in such form as may be prescribed by  
19 the commissioner.

20 b. Within 90 days of the effective date of this act, and thereafter as  
21 required by subsection c. of this section, the owner of each life hazard  
22 use or high-rise structure shall appoint an agent for the purpose of  
23 receiving service of process and orders or notices issued by the  
24 commissioner pursuant to this act. Each agent shall be either a  
25 resident of this State or a corporation licensed to do business in this  
26 State.

27 c. If the ownership of a life hazard use or high-rise structure is  
28 transferred, whether by sale, assignment, gift, intestate succession,  
29 testate devolution, reorganization, receivership, foreclosure or  
30 execution process, the new owner shall file with the commissioner,  
31 within 30 days of the transfer, an application for a certificate of  
32 registration pursuant to subsection a. of this section and appoint an

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

**Matter underlined thus is new matter.**

1 agent for the service of process pursuant to subsection b. of this  
2 section.

3 d. If an owner of a life hazard use or high-rise structure has not  
4 fulfilled the requirements of this section, the commissioner shall notify  
5 the owner in writing that he is in violation of this section and shall  
6 order that registration be accomplished within 30 days. The notice and  
7 order shall include an accurate restatement of the subsection of this  
8 section with which the owner has not complied. If the owner has not  
9 complied with the order of the commissioner within 30 days of the  
10 date on which it was mailed, the commissioner shall order him to pay  
11 not less than \$200.00 and not more than \$1,000.00 for each  
12 registration. The commissioner may issue a certificate to the clerk of  
13 the Superior Court that the owner is indebted for the payment of the  
14 penalty and the clerk shall immediately enter upon his record of  
15 docketed judgments the name of the owner and of the department, a  
16 designation of the statute under which the penalty is imposed, the  
17 amount of the penalty certified and the date the certification was made.  
18 The making of the entry shall have the same effect as the entry of the  
19 docketed judgment in the office of the clerk but without prejudice to  
20 the owner's right of appeal.

21 e. [On] Except as provided in subsection h. of this section, on or  
22 before July 1[, next following the effective date of this act, and  
23 annually thereafter,]in each year the owner of each life hazard use and  
24 of each high-rise structure in the State shall pay to the department an  
25 annual fee in an amount which the commissioner shall establish by  
26 regulation and which shall allow the department to recover the cost to  
27 it and to local enforcing agencies of administering this act.

28 Annual fees received from owners of life hazard uses and high-rise  
29 structure inspected by a local enforcing agency shall be divided  
30 between the local enforcing agency and the department in accordance  
31 with a percentage formula which the commissioner shall establish by  
32 regulation and which shall allow the department to recover the cost to  
33 it of administering this act in municipalities having local enforcement.

34 With the approval of the department, local enforcement agencies  
35 may collect the annual fee and remit to the department only that  
36 percentage of the annual fee which the commissioner shall have  
37 established by regulation as constituting the department's share of the  
38 fee.

39 f. All moneys which the commissioner shall receive in the form of  
40 fees and for penalties for failure to register shall be appropriated to the  
41 department to pay the cost of enforcing this act.

42 g. The owner of a life hazard use not exempted from payment of  
43 fees under subsection h. of this section or high-rise structure shall pay  
44 the annual fee within 30 days of the day on which it is demanded by  
45 the department or the local enforcing agency. If he fails to do so, the  
46 department may issue a certificate to the clerk of the Superior Court

1 that the owner is indebted to the department for the payment of the  
2 annual fee and the clerk shall immediately enter upon his record of  
3 docketed judgments and the name of the owner and of the department,  
4 a designation of the statute under which the fee is assessed, the  
5 amount of the fee certified and the date the certification was made.  
6 The making of the entry shall have the same effect as the entry of a  
7 docketed judgment in the office of the clerk, but without prejudice to  
8 the owner's right of appeal.

9 h. No fee established pursuant to this section for inspection and  
10 enforcement under P.L.1983, c.383 (C.52:27D-192 et seq.) or for any  
11 permit required under the code promulgated pursuant to section 7 of  
12 P.L.1983, c.383 (C.52:27D-198) shall be charged in relation to any life  
13 hazard facility owned, maintained and operated by a religious society,  
14 congregation, church, sect or denomination incorporated under Title  
15 16 of the Revised Statutes or under N.J.S.15A:1-4 or N.J.S.15A:1-5  
16 for the purpose of furthering and sustaining the religious, ethical or  
17 doctrinal aims thereof, including without limitation any place of  
18 assembly, whether or not used exclusively for religious services, and  
19 any school or child care facility, whether or not enrollment therein is  
20 restricted to persons or families adhering to or professing the doctrines  
21 or tenets of the society, congregation, church, sect or denomination  
22 owning, maintaining and operating such facility. Nothing in this  
23 subsection shall be construed as exempting, except as to payment of  
24 fees, any facility from compliance with the code promulgated pursuant  
25 to section 7 of P.L.1983, c.383 (C.52:27D-198) or from inspection  
26 thereunder and enforcement thereof by the appropriate enforcing  
27 agency, or from penalty for failure of compliance pursuant to  
28 subsection d. of this section.

29 (cf: P.L.1983, c.383, s.10)

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31 2. This act shall take effect immediately.

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34 STATEMENT

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36 This bill would exempt churches and other religious organizations  
37 from the payment of fees charged under the Uniform Fire Code for  
38 inspection of certain facilities that the code classifies as "life hazard  
39 uses", including schools and day care facilities. It would not exempt  
40 them from compliance with the physical requirements for fire safety  
41 that the code imposes upon such facilities.

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45 Exempts nonprofit religious corporations from payment of fees for fire  
46 safety inspections of certain facilities.