

1. Has successfully completed a locksmithing apprenticeship program which has been approved by the Bureau of Apprenticeship and Training of the United States Department of Labor; or

2. Has been engaged full-time in the provision of locksmithing services as defined in N.J.A.C. 13:31A-1.2 for at least three years immediately prior to the date the application for a locksmithing license is filed. For purposes of this section, three years means a 36-month period, with at least 20 working days per month, during which the applicant has been engaged in the full-time provision of locksmithing services, equal to a minimum of 5,040 hours.

### 13:31A-2.3 Locksmith examination; re-examination

(a) All applicants for a license to provide locksmithing services shall obtain a passing score on the locksmith examination.

(b) An applicant taking the locksmithing examination for the first time shall take all sections of the examination. An applicant who fails to receive a passing score on any section(s) of the examination shall retake the failed section(s) as provided below:

1. An applicant shall retake the failed section(s) of the examination within 24 months of the date of the first examination.

2. If an applicant fails to obtain a passing score on the remaining section(s) during the second examination, the applicant shall not be eligible to retake the remaining section(s) of the examination for six months following the date of reexamination; and

3. If the applicant fails to obtain a passing score on the remaining section(s) during the third examination, the applicant shall forfeit all passing scores received on any section(s) and shall be required to retake all sections of the examination.

### 13:31A-2.4 Waiver of examination requirements

(a) Any person who has been engaged in the provision of locksmithing services for at least one year prior to March 15, 2004 and who files an application by July 13, 2004 shall not be required to take the locksmith examination set forth in N.J.A.C. 13:31A-2.3. For purposes of this section, one year means a 12-month period, with at least 20 working days per month, during which the applicant has been engaged in the full-time provision of locksmithing services, equal to a minimum of 1,680 hours.

(b) An applicant qualifying for waiver of the locksmithing examination pursuant to (a) above shall:

1. Be at least 18 years of age;
2. Be of good moral character pursuant to N.J.S.A. 45:5A-27;
3. Not have been convicted of a crime of the first, second or third degree within 10 years prior to the filing of the application for licensure;

4. Hold a high school diploma or equivalency certificate; and

5. Submit a certification verifying that the applicant has completed eight hours of training in basic electronics and four hours of training in the Barrier Free Subcode, N.J.A.C. 5:23-7, the New Jersey Uniform Construction Code, N.J.A.C. 5:23, exclusive of the Barrier Free Subcode, and the Americans with Disabilities Act Code, 36 C.F.R. § 1191. An applicant shall also certify that he or she has obtained a minimum of 24 hours of technical training in any of the following trade-related subjects:

- i. Vehicle lock service;
- ii. Cylinder servicing of interchangeable cores, high security cylinders and pin and wafer tumbler cylinders;
- iii. Exit hardware and door closers;
- iv. Lock set functions and installations;
- v. Lock opening techniques;
- vi. Lock codes and code cutting equipment;
- vii. Master keying; or
- viii. Safe combination locks; and

6. Submit a certification verifying that the applicant has been engaged in the provision of locksmithing services for at least one year prior to the effective date of this section.

### 13:31A-2.5 Application for locksmith licensure: individual and business firm

(a) All applications by individuals seeking a locksmith license shall include the following information and materials:

1. The name, date of birth, and principal business address of the applicant, or if the applicant is an employee, the principal business address of the employer;
2. Two, two-inch by two-inch passport-size photographs of the applicant;
3. A list of all criminal offenses of which the applicant has been convicted, including the date and place of each conviction and the name under which he or she was convicted, if other than the name on the application;
4. The applicant's fingerprints provided in such manner as directed by the Division;
5. A copy of the applicant's high school diploma or equivalency certificate, or if a copy cannot be provided, a certification from the applicant verifying that he or she holds a high school diploma or equivalency certificate;
6. An affidavit from the applicant's previous employer verifying that the applicant has satisfied the experience requirements set forth in N.J.A.C. 13:31A-2.1. If an applicant cannot obtain an affidavit from his or her previous employer, the applicant may submit copies of the applicant's W2 form to verify the experience requirements set forth in N.J.A.C. 13:31A-2.1; and

7. A certified check or money order payable to the Committee in the amount of the application fee set forth in N.J.A.C. 13:31A-1.4. Payment for the criminal history records check shall be in the amount and by the means set forth in the application.

(b) Upon review of the materials in (a) above, the Committee shall advise the applicant that he or she is eligible to take the locksmith examination.

(c) All applications by business firms seeking a locksmith business license shall include the following information and materials:

1. The name, date of birth, residence, present and previous occupations of the business qualifier and each member, officer or director of the business firm, the address of the principal place of business of the firm and the location of all branch offices, if applicable;

2. The fingerprints of all persons provided pursuant to (c)1 above, provided in such manner as directed by the Division;

3. Evidence of general liability insurance and insurance coverage or a surety bond as provided in N.J.A.C. 13:31A-2.6; and

4. A certified check or money order in the amount of the application fee set forth in N.J.A.C. 13:31A-1.4.

(d) If an individual or business firm seeking licensure to engage in the provision of locksmithing services files with the Committee fingerprints of a person other than those specified in the application, the application shall be denied and the applicant shall be guilty of a fourth degree crime.

(e) If an individual or business firm seeking licensure to engage in the provision of locksmithing services falsifies any information contained in the application as required pursuant to (a) and (c) above, the applicant shall be denied a license pursuant to the provisions of N.J.A.C. 13:31A-1.9.

### **13:31A-2.6 Locksmith business license holder requirements**

(a) A locksmith business license holder shall:

1. Maintain at least one business office within the State or file with the Committee a statement, duly executed and sworn to before a person authorized by the laws of New Jersey to administer oaths, containing a power of attorney constituting the Committee as the true and lawful attorney of the licensee upon whom all original process in an action or legal proceedings against the licensee may be served and in which the licensee agrees that the original process that may be served upon the Committee shall be of the same force and validity as if served upon the licensee and that the authority thereof shall continue in force so long as the licensee engages in the practice of locksmithing in the State;

2. Clearly mark the outside of each installation and service vehicle to be used in conjunction with the locksmithing service, as set forth in N.J.A.C. 13:31A-1.13;

3. (Reserved); and

4. Retain and maintain during the term of the license general liability insurance in the amount of \$500,000, and insurance coverage or a surety bond in favor of the State of New Jersey in the sum of \$10,000, executed by a surety company authorized to transact business in the State of New Jersey which is approved by the Department of Banking and Insurance, and which is conditioned on the faithful performance of the provisions of the Act and the rules of this subchapter.

i. An action may be maintained on the bond required by (a)4 above by any person injured, aggrieved or damaged through the failure of the obligor to perform the duties prescribed for locksmith license holders under the provisions of the Act and the rules of this subchapter.

(b) A locksmith business license holder shall be responsible for any unlawful or unprofessional conduct by an employee in the course of his or her employment. Such conduct shall be cause for suspension or revocation of the employer's license if it is established that the licensee had knowledge of the unlawful or unprofessional conduct, or that there existed a pattern of unlawful or unprofessional conduct.

(c) A locksmith business license holder who employs a person in connection with the provision of locksmithing services shall notify the Committee, in writing, within 30 days of such employment and shall provide the Committee with:

1. A two-inch by two-inch passport-size photograph of the employee;

2. A list of all criminal offenses of which the employee has been convicted, including the date and place of each conviction and the name under which the employee was convicted, if other than the name on the written notification provided to the Committee;

3. The employee's fingerprints provided in such manner as directed by the Division;

4. Evidence of practical experience and professional competence as set forth in N.J.A.C. 13:31A-2.7, if the work of the employee is not directly supervised; and

5. A certified check or money order payable to the Committee in the amount of the employee listing fee set forth in N.J.A.C. 13:31A-1.4. Payment for the criminal history records check shall be in the amount and by the means set forth in the application. The employer shall bear the cost of the records check.

(d) If the Committee determines that the evidence of practical experience and professional competency provided pursuant to (c)4 above fails to satisfy the requirements of N.J.A.C. 13:31A-2.7, the Committee shall advise the licensee of the employee's unfitness to engage in the provision of locksmithing services.

### 13:31A-2.7 Locksmith employees

(a) Any person employed by a locksmith licensee to perform locksmithing services shall be of good moral character.

(b) Any person employed by a licensee to perform unsupervised locksmithing services shall:

1. Have at least three years of practical hands-on experience in the provision of locksmith services as defined in N.J.A.C. 13:31A-1.2; and
2. Have successfully completed a total of four hours of training in the Barrier Free Subcode, N.J.A.C. 5:23-7, the New Jersey Uniform Construction Code, N.J.A.C. 5:23, exclusive of the Barrier Free Subcode, and the Americans with Disabilities Act Code, 36 C.F.R. § 1191, four hours of training in basic electronics and four hours of training in trade-related subjects, or have successfully passed a competency examination administered by the Committee, or have obtained a Certified Registered Locksmith rating by the Associated Locksmiths of America (ALOA).

(c) A person employed to perform locksmithing services by an applicant for licensure who files an application by July 13, 2004 and who is identified as an employee on the application, shall not be required to satisfy the competency requirements of (b) above until the first renewal of the employee's identification card.

### 13:31A-2.8 Supervision of locksmith employees

(a) The business qualifier shall assume full responsibility for the inspection and supervision of all locksmithing services performed by the business firm, and shall ensure compliance with all applicable Federal, State and local laws and codes.

(b) The business qualifier shall:

1. Supervise the provision of locksmithing services to ensure that such work is performed in compliance with all applicable Federal, State and local laws and codes;
2. Personally inspect the work of employees pursuant to (d) and (e) below;
3. Ensure that employees are afforded the degree of personal on-site supervision commensurate with their level of competence and the complexity of the work to be performed pursuant to (d) and (e) below; and
4. Be present, on a regular and continuous basis, at the principal office of the business firm, where the busi-

ness license holder maintains a New Jersey office, or at work sites of locksmithing services performed in New Jersey, where the business license holder does not maintain a New Jersey office pursuant to N.J.A.C. 13:31A-2.6(a).

(c) Every 10 employees who are performing locksmithing services at either one job site or who are performing such work at several jobs at different sites simultaneously shall be supervised, pursuant to (d) below, by the business qualifier, a licensee, or a supervising employee who has satisfied the requirements of N.J.A.C. 13:31A-2.7(b).

(d) The business qualifier, a licensee or a supervising employee shall indirectly supervise an employee performing the functions listed in (d)1 through 5 below, and shall ensure that the work has been completed. For purposes of this section, "indirect supervision" means that the business qualifier, the licensee or the supervising employee shall be reachable either in person or by electronic means to provide consultation to the employee. Indirect supervision shall be required for the following functions:

1. Opening existing locks;
2. Making keys for existing locks;
3. Repairing or recombining existing locks;
4. Installing mechanical security hardware on doors that are not designated as emergency exits; and
5. Performing the survey of a premises, the design and preparation of specifications, and the demonstration of electronic security systems.

(e) If an employee is performing any locksmithing services, other than the work specified in (d) above, the business qualifier, the licensee or the supervising employee shall directly supervise the employee and shall ensure a final inspection of the work upon completion. For purposes of this section, "direct supervision" means that the business qualifier, the licensee or the supervising employee shall provide constant on-site supervision of the employee.

(f) A business qualifier who violates any provision of this section shall be deemed to have engaged in professional misconduct within the meaning of N.J.A.C. 13:31A-1.14 and N.J.S.A. 45:1-21(e) and shall be subject to the provisions of N.J.S.A. 45:1-21.

### 13:31A-2.9 Identification cards

(a) While engaged in the provision of locksmithing services, all licensed locksmiths, employees or other persons shall display an identification card issued by the Committee which shall contain the following information:

1. The name, photograph, date of birth and signature of the person to whom the identification card has been issued;
2. The business name, business address and business license number of the business license holder, and if the cardholder is a licensee, his or her license number; and

3. The expiration date of the card.

(b) All identification cards shall be issued for a three-year period. All identification cards issued to licensees shall be renewed on a triennial basis which corresponds to the triennial renewal of licenses issued by the Committee, subject to the payment of the fee set forth in N.J.A.C. 13:31A-1.4.

(c) A licensee shall present the identification card issued by the Committee to all appropriate Federal, State or local agencies in order to obtain applications for permits and inspections, if required, for all work performed by the business firm.

(d) All employees or other persons holding identification cards shall apply for renewal of the identification card at least 45 days prior to the expiration date of the card and shall pay the fee set forth in N.J.A.C. 13:31A-1.4 for renewal of employee listing. Any employer who permits an employee to work without a valid identification card shall be deemed to have engaged in professional misconduct within the meaning of N.J.A.C. 13:31A-1.14 and N.J.S.A. 45:1-21(e) and shall be subject to the provisions of N.J.S.A. 45:1-21.

(e) All identification card holders shall advise the Committee of any changes to the information contained on the identification card and shall apply to the Committee for an updated identification card within five days of the occurrence of any change. The updated identification card shall be issued for the unexpired term of the original identification card.

(f) Identification cards shall not be transferable. Upon termination of employment, identification cards shall be immediately returned to the Committee. Upon change in employment, identification cards shall be returned to the Committee and application for a new identification card shall be made to the Committee.

(g) A photocopy of an application for an identification card shall serve as temporary identification for an applicant and shall be displayed by the applicant until the issuance of the identification card. The photocopy of the application shall be clearly marked with the word "COPY." The temporary identification shall be valid for no longer than 60 days from the date of application for the identification card and the applicant shall work under direct supervision until the identification card is issued by the Committee.

### SUBCHAPTER 3. BURGLAR ALARM OR FIRE ALARM LICENSURE

#### 13:31A-3.1 Requirements for burglar alarm or fire alarm licensure

(a) All applicants seeking licensure to engage in the burglar alarm or fire alarm business shall:

1. Be at least 18 years of age;
2. Be of good moral character pursuant to N.J.S.A. 45:5A-27;
3. Not have been convicted of a crime of the first, second or third degree with 10 years prior to the filing of the application for licensure;
4. Not have been convicted of the fourth degree offense of engaging in the unlicensed practice of electrical contracting;
5. Hold a high school diploma or equivalency certificate;
6. Have successfully completed the burglar alarm or fire alarm examination, as applicable to the field in which the applicant is seeking licensure, set forth in N.J.A.C. 13:31A-3.2; and
7. Have immediately preceding the submission of the application, at least four years of experience in burglar alarm or fire alarm business, which shall be satisfied by one of the following:

i. Proof that the applicant has completed at least four years of practical hands-on experience, which shall include a minimum of 6,720 hours, working with tools in the installation, alteration, or repair of wiring for fire alarms, burglar alarms, and/or electronic security systems and proof that the applicant has completed 80 hours of technical courses applicable to the field in which the applicant is seeking licensure. The 80 hours of technical courses shall include two hours of training in the Barrier Free Subcode, N.J.A.C. 5:23-7, two hours of training in the New Jersey Uniform Construction Code, N.J.A.C. 5:23, exclusive of the Barrier Free Subcode, two hours of training in the Americans with Disabilities Act Code, 36 C.F.R. § 1191, two hours of training in industrial safety, and 72 hours of training in trade-related subjects. "Practical hands-on experience" shall not include time spent supervising, engaging in the practice of engineering, estimating and performing other managerial tasks relevant to the alarm business. The applicant shall submit a certification by an employer verifying the applicant's practical hands-on experience;

ii. Proof of having earned a bachelors degree in electrical engineering and having completed one year of practical hands-on experience, as defined in (a)7i above, which shall include a minimum of 1,680 hours. The applicant shall submit a copy of his or her diploma and a certification by an employer verifying the applicant's one year of practical hands-on experience; or

iii. Proof of having completed a minimum of one-year course in the study of trade-related electronics at a technical school and having completed three years of practical hands-on experience, as defined in (a)7i above, which shall include a minimum of 5,040 hours. The applicant shall submit a copy of his or her diploma or certificate of completion and a certification by an employer(s) verifying the applicant's three years of practical hands-on experience.