

CHAPTER 31A
FIRE ALARM, BURGLAR ALARM AND
LOCKSMITH LICENSEES AND
BUSINESSES

Authority

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 specifically N.J.S.A. 45:5A-38.

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SUBCHAPTER 1. GENERAL PROVISIONS

13:31A-1.1 Purpose and scope

(a) The rules in this chapter implement the provisions of P.L. 1997, c.305, amending and supplementing the provisions of P.L. 1962, c.162, N.J.S.A. 45:5A-1 et seq., The Electrical Contractors Licensing Act, which created the Fire Alarm, Burglar Alarm and Locksmith Advisory Committee under the Board of Examiners of Electrical Contractors pursuant to N.J.S.A. 45:5A-23 et seq.

(b) Except as set forth in (c) below, this chapter shall apply to the following:

1. All applicants seeking licensure to engage in burglar alarm or fire alarm businesses as defined in N.J.A.C. 13:31A-1.2;
2. All applicants seeking licensure to engage in locksmithing services as defined in N.J.A.C. 13:31A-1.2;
3. Licensees engaged in the burglar alarm or fire alarm business or in the provision of locksmithing services in the State of New Jersey;
4. Persons who monitor burglar alarms and/or fire alarms and who, as part of the response to an alarm signal, send an agent to the premises to investigate the alarm signal or to reset the alarm system; and
5. Persons who send agents, in response to an alarm signal, to investigate the alarm signal or to reset the alarm system, after they have been notified by an alarm business or by a company that monitors the alarm, unless such persons are licensed by the State Police pursuant to the Private Detective Act set forth in N.J.S.A. 45:19-8 et seq.

(c) The provisions of this chapter shall not apply to:

1. Telephone utilities and cable television companies regulated by the Board of Public Utilities pursuant to N.J.S.A. 48:5A-1 et seq. and 48:17-8 et seq., and employees of such companies while performing the duties of their employment, as set forth in N.J.S.A. 45:5A-29(a);
2. Electrical contractors licensed by the Board pursuant to N.J.S.A. 45:5A-1 et seq., and their employees while performing the duties of their employment, as set forth in N.J.S.A. 45:5A-29(b);
3. Persons certified to engage in the fire protection contractor business by the Department of Community Affairs, or persons who hold fire protection contractor

business permits issued by the Department of Community Affairs, pursuant to N.J.S.A. 52:27D-25n et seq., P.L. 2001, c.289 and their employees while performing the duties of their employment, as set forth in N.J.S.A. 45:5A-29(c);

4. Employees hired by an alarm business through a recognized trade union on a temporary basis which shall not exceed six months or one project, whichever is greater, as set forth in N.J.S.A. 45:5A-35(d);

5. The following individuals when engaged in the provisions of locksmithing services, as set forth in N.J.S.A. 45:5A-28;

i. A person performing public emergency services for a governmental entity if that person is operating under the direction or control of the governmental entity;

ii. A sales representative who offers a sales demonstration to licensed locksmiths;

iii. An automobile service dealer or lock manufacturer, or their agents or employees, while servicing, installing, repairing or rebuilding locks from a product line utilized by that dealer or lock manufacturer;

iv. A member of a trade union hired to install any mechanical locking device as part of a new building construction or renovation project; and

v. A person using any key duplication machine or key blanks, except for keys marked "do not duplicate," "master key" or any other words or terms which depict restricted duplication of keys;

6. Engineers licensed pursuant to N.J.S.A. 45:8-27 et seq., who engage in the survey, design or preparation of specifications for equipment or for a system, if the survey, design or preparation of the specifications is part of a design for the construction of a new building or premises or a renovation of an existing building or premises, which renovation includes components other than the installation of a burglar alarm, fire alarm or electronic security system. Licensed engineers engaged in the design or preparation of specifications for the equipment or system to be installed that are within the practice of professional engineering as defined in N.J.S.A. 45:8-28(b), shall also be exempt from the provisions of the Act.

7. Architects licensed pursuant to N.J.S.A. 45:3-1 et seq., who engage in the survey, design or preparation of specifications for equipment or for a system, if the survey, design or preparation of the specifications is part of a design for the construction of a new building or premises or a renovation of an existing building or premises, which renovation includes components other than the installation of a burglar alarm, fire alarm or electronic security system; and

8. Persons who monitor burglar alarms and/or fire alarms and whose only response to an alarm signal is to provide notification of the alarm signal to the person designated as the responsible party for the premises or to a third party.

(d) This chapter shall supercede any ordinance, resolution, rule or regulation of any municipality or county relating to the licensure or registration of burglar alarm, fire alarm or locksmith businesses.

(e) Notwithstanding (d) above, pursuant to N.J.S.A. 45:5A-36, this chapter shall not prohibit municipal regulation of door-to-door vendors or salespersons of burglar alarm, fire alarm, or electronic security systems or locksmithing services, nor shall it prohibit municipal consideration of alarm business service proposals in consent proceedings under the Cable Television Act, P.L. 1972, c.186, N.J.S.A. 48:5A-1 et seq.

13:31A-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means P.L. 1997, c.305, which amended and supplemented the Electrical Contractors Licensing Act, P.L. 1962, c.162, N.J.S.A. 45:5A-1 et seq.

"Access control system" means a system that provides access to authorized persons and may record and report which persons entered or exited a facility or areas within a facility, which doors or areas were accessed while persons are within a facility, and the time that such activity occurred. "Access control systems" may include the use of keys, access cards, locks, card readers, biometric identification devices, recorders, printers and control devices. "Access control systems" may be independent systems or may be integrated with other electronic security systems.

"Board" means the Board of Examiners of Electrical Contractors established pursuant to N.J.S.A. 45:5A-3.

"Burglar alarm" means a security system comprised of an interconnected series of alarm devices or components, including systems interconnected with radio frequency signals, which emits an audible, visual or electronic signal indicating an alarm condition and providing a warning of intrusion, which is designed to discourage crime.

"Burglar alarm business" means the installation, servicing or maintenance of burglar alarms or electronic security systems, or the monitoring or responding to alarm signals when provided in conjunction with the installation, servicing or maintenance of burglar alarms or electronic security systems. "Burglar alarm business" shall also include the installation, servicing or maintenance of smoke detection systems in one and/or two family detached, residential dwellings.

i. Where available space for lettering is limited, either by design of the vehicle or by the presence of other legally specified identification markings, making strict compliance with (f)3 above impractical, the size of the lettering shall be as close to three inches high as is possible within the limited space, provided the name is clearly visible and readily identifiable.

(g) Advertisements regarding fees shall be limited to those which contain a fixed or a stated range of fees for specifically described burglar alarm, fire alarm or locksmithing services.

(h) A licensee who advertises a fee or range of fees shall include the following disclosures in any such advertisement:

1. All relevant and material variables and considerations which are ordinarily included in the advertised services so that the fee will be clearly understood by prospective clients. In the absence of such disclosures, the stated fees shall be presumed to include everything ordinarily required for the advertised services;

2. The additional services contemplated and the fee to be charged therefor. In the absence of such disclosures, the licensee shall be prohibited from charging an additional fee for the advertised service; and

3. The period during which the advertised fee will remain in effect. In the absence of such disclosure, the advertisement shall be deemed to be effective for 30 days from the date of its publication.

(i) The advertisement of any specific fee shall not preclude the licensee from decreasing the fee or waiving the fee in individual circumstances.

(j) A licensee shall not offer a professional service which the licensee knows or should know is beyond his or her ability or expertise to perform.

(k) A licensee shall not advertise by using any technique or communication which appears to intimidate, exert undue pressure or unduly influence a prospective client.

(l) An advertisement containing a lay or an expert testimonial shall be based upon the testimonial giver's personal knowledge or experience obtained from a relationship with the licensee or upon the testimonial giver's direct personal knowledge of the subject matter of the testimonial.

(m) Prior to using the testimonial, the licensee shall obtain a signed, notarized statement and release indicating the testimonial giver's willingness to have his or her testimonial used in the advertisement.

(n) A layperson's testimonial shall not attest to any technical matter beyond the layperson's competence to comment upon.

(o) An expert testimonial shall be rendered only by an individual possessing specialized expertise sufficient to allow the rendering of a bona fide statement or opinion.

(p) A licensee shall be able to substantiate any statement of fact appearing in a testimonial.

(q) Where a licensee directly or indirectly provides compensation to a testimonial giver, the fact of such compensation shall be conspicuously disclosed in a legible and readable manner in any advertisement in the following language or its substantial equivalent: **COMPENSATION HAS BEEN PROVIDED FOR THIS TESTIMONIAL.**

(r) A licensee shall retain for a period of three years from the date of initial publication or dissemination, a copy of every advertisement appearing in print or electronic media. The licensee shall indicate on all advertisements in his or her possession the date and place of publication or dissemination.

(s) Documentation relating to the use of testimonials shall be retained for a period of three years from the date of the last use. Documentation shall include:

1. The name, address and telephone number of the testimonial giver;
2. The type and amount or value of compensation; and
3. The notarized statement and release required pursuant to (m) above.

13:31A-1.14 Standards of practice

(a) All licensees engaged in the burglar alarm or fire alarm business or in the provision of locksmithing services shall comply with the following standards of practice:

1. A licensee shall comply with all applicable Federal, State and local laws and codes;
2. A licensee shall determine and document the identity of a client prior to commencing any work. All correspondence, contracts and bills shall be addressed to the client, unless expressly directed otherwise, in writing, by the client;
3. A licensee shall provide a client with a written contract, work order, invoice or its equivalent, for any services provided to the client;
4. Any licensee who performs or supervises the installation, erection, repair or alteration of burglar alarm, fire alarm or locksmithing equipment and systems pursuant to the Act, consistent with the provisions of N.J.A.C. 13:31A-2.8 or 3.7, shall ensure that work so performed conforms to the standards of the New Jersey Uniform Construction Code in effect at the time the work is performed;

5. A licensee who performs or supervises work described in 4 above shall secure a construction permit and inspection of the completed work in conformity with the New Jersey Uniform Construction Code, N.J.S.A. 52:27D-119 et seq., and the Uniform Construction Code, N.J.A.C. 5:23, if applicable;

6. A licensee shall correct any code violation generated by the work performed or supervised by the licensee, within a reasonable amount of time and at no additional charge to a client; and

7. A licensee shall ensure the confidentiality of information obtained from a client and shall not disclose information relating to the provision of burglar alarm, fire alarm or locksmithing services to the client without the consent of the client, unless compelled to disclose such information to a law enforcement agency by statute, regulation or court order.

(b) A licensee who fails to comply with the requirements of (a) above shall be deemed to be engaged in professional misconduct within the meaning of this section and N.J.S.A. 45:1-21, and shall be subject to the penalties set forth in N.J.S.A. 45:1-25.

13:31A-1.15 Prohibited practices

(a) A licensee shall be deemed to have engaged in professional misconduct and shall be subject to the penalties set forth in N.J.S.A. 45:1-21 et seq., for engaging in any of the activities set forth in N.J.S.A. 45:1-21 and any of the following prohibited acts or practices:

1. Acting for his or her client or employer in professional matters otherwise than as a faithful agent or trustee, including demanding any remuneration other than his or her stated recompense for services rendered;

2. Disregarding the safety, health and welfare of the public in the performance of his or her professional duties, including preparing, signing or sealing of plans, surveys or specifications which are not of a safe design and/or not in conformity with accepted standards. If the client or employer insists on such conduct, the licensee shall notify the proper authorities and withdraw from further service on the project;

3. Engaging in any activity which involves the licensee in a conflict of interest. A licensee shall:

i. Inform his or her client or employer of any business connection, interest or circumstances which might be deemed as influencing his or her judgment or the quality of his or her services to the client or employer; and

ii. Not accept compensation or remuneration, financial or otherwise, from more than one interested party for the same service or for services pertaining to the same work, unless there has been full disclosure to and consent by all interested parties;

4. Failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information;

5. Failing to notify the Committee of the suspension or revocation of his or her license in another jurisdiction; or

6. Installing, servicing or maintaining branch circuit wiring. For purposes of this section, "branch circuit" means the circuit conductors between the final overcurrent device protecting the circuit and the outlet(s).

SUBCHAPTER 2. LOCKSMITH LICENSURE

13:31A-2.1 Requirements for locksmith licensure

(a) An applicant seeking licensure as a locksmith 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;

5. Have successfully completed the locksmithing examination set forth in N.J.A.C. 13:31A-2.3; and

6. Have immediately preceding the submission of the application:

i. At least three years of practical hands-on experience in the provision of locksmithing services. 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 as defined in N.J.A.C. 13:31A-1.2, equal to a minimum of 5,040 hours; or

ii. Completed a two-year apprenticeship program in the provision of locksmithing services approved by the Bureau of Apprenticeship and Training of the United States Department of Labor.

13:31A-2.2 Locksmith grandfathering

(a) Notwithstanding the provisions of N.J.A.C. 13:31A-2.1, a license to engage in the provision of locksmithing services shall be granted by the Committee to any applicant who, by September 15, 2004, and upon payment of the prescribed fee set forth in N.J.A.C. 13:31A-1.4, submits to the Committee an application and provides proof that he or she:

1. Has successfully completed a locksmithing apprentice 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. If the locksmith business license holder is engaged in the provision of electronic security system services, maintain an emergency service number attended to on a 24-hour basis and respond appropriately to emergencies on a 24-hour basis. For purposes of this section, "attended to" means that the main business telephone number or another telephone number designated and advertised by the business as an emergency service telephone number is answered on a 24-hour pay per day basis. For purposes of this section "responds appropriately" means that within 24 hours, any person calling to request service shall be provided with the date and time when such service, if necessary, will be rendered; 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:

13:31A-3.2 Burglar alarm or fire alarm examination; reexamination

(a) All applicants for a license to engage in the burglar alarm or fire alarm business shall obtain a passing score on the burglar alarm examination or the fire alarm examination, respectively, pursuant to N.J.A.C. 13:31A-3.1.

(b) An applicant taking the burglar alarm or fire alarm examination for the first time shall be required to 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-3.3 Waiver of examination requirements

(a) Any person who is engaged in the burglar alarm or fire alarm business on March 15, 2004 and who files an application by July 13, 2004, shall not be required to submit evidence of successful completion of the alarm business examination provided in N.J.A.C. 13:31A-3.1, if that person provides evidence of having completed 40 hours of technical training applicable to the field in which the applicant is seeking licensure prior to March 15, 2004. The 40 hours of technical training applicable to the field in which the applicant is seeking licensure 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 32 hours of training in trade-related subjects.

(b) An applicant qualifying for waiver of the burglar alarm or fire alarm 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. 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; and

6. Submit a certification verifying that the applicant has completed 40 hours of technical training as provided in (a) above.

(c) Any person who has been engaged in the burglar alarm or fire alarm business for at least one year prior to March 15, 2004 shall not be required to submit evidence of successful completion of the alarm examination provided for in N.J.A.C. 13:31A-3.1 or the 40 hours of technical training required pursuant to (a) above. 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 practice of the alarm business, in the field in which the applicant is seeking licensure, equal to a minimum of 1,680 hours. An applicant qualifying for a waiver of the alarm examination and the technical training requirement of this section 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. 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; and
6. Submit a certification verifying that the applicant has been engaged in the alarm business for at least one year prior to the effective date of this section.

13:31A-3.4 Application for burglar alarm for fire alarm licensure: individual and business firm

(a) All applications for individuals seeking licensure to engage in the alarm business shall include the following information and materials:

1. The name, date of birth, residence, and present and previous occupations of the applicant;
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 the applicant 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-3.1. 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-3.1;

7. Evidence of having successfully completed the technical training courses set forth in N.J.A.C. 13:31A-3.1; and

8. 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 burglar alarm or the fire alarm examination.

(c) All applications by business firms seeking a burglar alarm or fire alarm 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-3.5; and

4. 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.

(d) If an individual or business firm seeking licensure to engage in the burglar alarm or fire alarm business 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 burglar alarm or fire alarm business 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-3.5 Burglar alarm or fire alarm business license holder requirements

(a) A burglar alarm or fire alarm 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 burglar alarm or fire alarm business in the State;

2. Clearly mark the outside of each installation and service vehicle to be used in conjunction with the burglar alarm or fire alarm business, as set forth in N.J.A.C. 13:31A-1.13, with the name of the burglar alarm or fire alarm business, the name of the owner, lessee or lessor of the vehicle and the name of the municipality in which the owner, lessee or lessor has its principal place of business pursuant to N.J.S.A. 39:4-46. The sign or name plate used to comply with this requirement shall not be less than three inches high;

3. Maintain an emergency service number attended to on a 24-hour basis and respond appropriately to emergencies on a 24-hour basis when engaged in the burglar alarm or fire alarm business. For purposes of this section "attended to" means that the main business telephone number or another telephone number designated and advertised by the business as an emergency service telephone number is answered on a 24-hour per day basis. For purposes of this section "responds appropriately" means that within 24 hours, any person calling to request service shall be provided with the date and time when such service, if necessary, will be rendered; and

4. Retain and maintain during the term of the license general liability insurance in the amount of \$1,000,000, 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.

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 burglar alarm or fire alarm license holders under the Act and the rules of this subchapter.