

“Repair” means to restore to proper operating conditions as specified by the manufacturers’ recommendations for each type or class of fire alarm or protection equipment.

“Shall” means a mandatory requirement.

“Should” means a recommendation or that which is advised but not required.

“Special hazard fire suppression system” means a fire suppression system that uses an extinguishing agent other than water.

“Standpipe system” means a fire protection system consisting of an arrangement of piping, valves, hose outlets, and allied equipment installed in a building or structure.

“Test” means the act of subjecting a fire detection, alarm, or protection device or system, including monitoring equipment, to any procedure required by applicable standards or manufacturers’ recommendations to determine whether it is properly installed or operates correctly.

“Unit” means the Contractor Certification and Emblems Unit.

“Warranty” means a written guarantee given to a purchaser of fire protection equipment covering a period of one year after the installation of new fire protection equipment.

Amended by R.2006 d.33, effective January 17, 2006.
See: 37 N.J.R. 2921(a), 38 N.J.R. 488(a).

Added definition “Emergency work”; rewrote definitions “Fire protection contractor” and “Fire protection equipment.”

5:74-1.5 Unit identified, duties and functions

(a) The Contractor Certification and Emblems Unit within the Division of Fire Safety shall implement this chapter. The Unit shall consist of such employees of the Department of Community Affairs as may be required for the efficient implementation of this chapter.

(b) The Contractor Certification and Emblems Unit, on behalf of the Commissioner of Community Affairs, shall have the following responsibilities in addition to all others provided in this chapter:

1. The Unit shall develop standards and approve applicants for fire protection equipment business permits and issue permits to qualified applicants;
2. The Unit shall develop standards and approve examinations for fire protection equipment certificate applicants and issue certificates to qualified applicants;
3. The Unit shall administer or approve examinations to be taken by applicants for certification;
4. The Unit shall determine the form and contents of applications for business permits and certifications;
5. The Unit shall issue and renew business permits and certification certificates as may be called for herein when warranted and affix the seal of the Commissioner thereon;

6. The Unit shall adopt a code of ethics for permit holders and persons engaged in the fire protection equipment business, or otherwise engaged in the installation, service, repair, inspection or maintenance of fire protection equipment;

7. The Unit shall take disciplinary action against permit or certificate holders or employees who violates any provision of this chapter;

8. The Unit shall suspend or revoke business permits or certifications provided for herein upon the establishment of good cause;

9. The Unit shall establish fees for permits, permit renewals, certificates, certificate renewals, applications, examinations and other services, within the limits provided in this chapter;

10. The Unit shall refuse to admit a person to an examination or refuse to issue or suspend, revoke or fail to renew a certificate of certification of a certificate holder pursuant to the provisions of this chapter;

11. The Unit shall keep accurate records of all applications for a business permit or certification and any official action thereon and to make such records available for inspection by the public at all reasonable times;

12. The Unit shall maintain and annually publish a record of every business permitted, each person certified, his or her place of business, place of residence, permit or certificate number, and issue and lapse dates;

13. The Unit shall develop standards and requirements for and approve continuing education programs and courses of study for permit and certificate holders and their employees;

14. The Unit shall review advertising by permit and certificate holders;

15. The Unit shall issue penalties on behalf of the Commissioner for violations of any of the provisions of this chapter; and

16. The Unit shall perform such other duties as may be necessary to effectuate the purposes of this chapter.

SUBCHAPTER 2. ADMINISTRATION OF PERMIT AND CERTIFICATION PROGRAM

5:74-2.1 Business permits

(a) No business shall advertise that they are authorized to engage in the fire protection equipment business, or otherwise engage in the installation, service, repair, inspection or maintenance of fire protection equipment, unless the business satisfies the requirements of this chapter.

(b) A permit shall be required for each business that is engaged in the fire protection equipment business, or otherwise engages in the installation, service, repair, inspection or maintenance of fire protection equipment.

1. A permit shall not be required if a business entity's employees performs in-house the services listed in N.J.A.C. 5:74-2.2(a).

(c) An application for a permit to engage in the fire protection equipment business shall be made to the Contractor Certification and Emblems Unit within the Division of Fire Safety in the manner and on the forms as the Division may prescribe.

1. An application to engage in the fire protection equipment business shall include the name of the business, the address of the business, the name of each member, officer or director thereof, the name of the municipality and the location therein by street number or other appropriate description of the principal place of business and the location of each branch office.

2. The Division may require other information of the business firm to determine the professional competence and integrity of the concerned parties.

3. Permit holders shall apply for an amended permit whenever there is a change in qualifier, ownership address or other required information.

(d) An applicant seeking a permit to engage in the fire protection equipment business shall:

1. Be at least 18 years of age;
2. Be of good moral character, and not have been convicted of a crime of the first, second or third degree within 10 years prior to the filing of the application; and
3. Establish their qualifications to perform and supervise various phases of fire protection equipment installation, service, repair, inspection and maintenance as evidenced by successful completion of an examination approved by the Division.

(e) A business permit shall be issued to qualified applicants seeking to engage in the fire protection equipment business for a three-year period, upon payment of a permit fee. Permit renewals shall be issued for a three-year period upon the payment of a renewal fee. A renewal application shall be filed with the Contractor Certification and Emblems Unit at least 45 days prior to expiration of a permit. The renewal date for permits shall be April 30 or October 31 of each year. A permit issued pursuant to this chapter shall not be transferable.

(f) No holder of a business permit qualified under the provisions of this chapter shall engage in the fire protection equipment business unless the permit holder:

1. Maintains at least one business office within this State or files with the Division a statement, duly executed and sworn to before a person authorized by the laws of this State to administer oaths, containing a power of attorney constituting the Division the true and lawful attorney of the permit holder upon whom all original process in an action or legal proceeding against the permit holder may be served and in which the permit holder agrees that the original process that may be served upon the attorney shall be of the same force and validity as if served upon the permit holder and that the authority thereof shall continue in force so long as the permit holder engages in the fire protection equipment business;

2. Clearly marks the outside of each installation and service vehicle to be used in conjunction with the fire protection equipment business with the business name, Division permit number prefaced with "NJDFS Permit", and a 24-hour emergency service telephone number, if required in (f)4 below. Both sides of the vehicle must be marked. The marking of the vehicle must use letters and numbers at least one inch in height and must be in a contrasting color to the vehicle;

3. By January 1, 2007, renders all required tags and inspection forms identical in form and color to that approved by the Division of Fire Safety and preprinted with the company name, business permit number, and an area for a certified individual's certification number.

4. Maintains an emergency service telephone number attended to on a 24-hour basis and responds within one hour to emergencies on a 24-hour basis. This requirement shall be required for contractors who service or repair fire sprinkler, special hazard, fire alarm or kitchen fire suppression systems;

5. Certifies that no employee of the business permit holder shall engage in the installation, service, repair, inspection or maintenance of fire protection equipment unless the permit holder bears full responsibility for the inspection of all work to be performed in compliance with recognized safety standards; and

6. Certifies that the business permit holder shall be liable for any unprofessional conduct of an employee while acting within the scope of his employment, except that the conduct shall not be cause for suspension or revocation of a permit, unless the Division determines that the permit holder had knowledge thereof, or there is shown to have existed a pattern of unprofessional conduct.

(g) If the Division determines that an applicant for a business permit holds a valid license, registration, certification or other authorization from another jurisdiction which requires equal or greater experience and knowledge requirements, the Division may accept the evidence of that license, registration, certification or other authorization as meeting the experience and knowledge requirements of this chapter for a person to engage in the fire protection equipment business.

(h) All business permit holders shall carry commercial general liability insurance, including products and completed operations, in the minimum amount of \$1,000,000 for each coverage. The permit holder shall furnish a general warranty for one year with each system installation.

(i) Any change in more than 50 percent of the ownership of a fire protection equipment business shall require an amended business permit.

(j) An application for an amended business permit shall be submitted within 60 days of a change of ownership or change of company name or location.

(k) Business permits are non-transferable and shall be displayed prominently in the principal work place.

(l) A certificate holder, as prescribed in N.J.A.C. 5:74-1.8, shall not be used to qualify more than one fire protection equipment business.

(m) The Division shall be notified within 30 days if a certificate holder leaves the fire protection equipment business or is replaced.

1. No fire protection equipment business shall be denied the privilege of continuing business as a fire protection contractor in the event of death, illness, or other physical disability of the certificate holder who qualified the fire protection contractor for a business permit under this section, for at least six months following the date of such death, illness or other physical disability; provided that the fire protection contractor operates under such qualified supervision as the Division deems adequate. If, after six months, the fire protection contractor has failed to employ another certificate holder, then the Division shall revoke its fire protection contractor business permit.

(n) Whenever the Division shall find cause to deny an application for a fire protection contractor business permit or to suspend or revoke a fire protection contractor business permit, the Division shall notify the applicant or the holder of the business permit and state the reasons for the denial or suspension, as appropriate.

Amended by R.2006 d.33, effective January 17, 2006.

See: 37 N.J.R. 2921(a), 38 N.J.R. 488(a).

Added (b)1, (c)3 and (f)3; rewrote (f)2; recodified former (f)3-5 as (f)4-6.

5:74-2.2 Certifications required

(a) After June 30, 2003, no fire protection contractor shall engage in the installation, service, repair, inspection or maintenance of fire protection equipment without holding or employing a person who holds a valid certificate of certification issued in accordance with this chapter.

1. Persons holding a license to engage in the fire alarm business pursuant to P.L. 1997, c.305 (N.J.S.A. 45:5A-23 et seq.) by March 1, 2004, or who are electrical contractors

as defined in section 2 of P.L. 1962, c.162 (N.J.S.A. 45:5A-2), are exempt from the requirement of obtaining a certificate of certification under this chapter to engage in the fire alarm business to the extent that such persons are acting within the scope of practice of their profession or occupation.

2. The Division shall not require an in-house employee to obtain a certificate of certification for performing routine maintenance or monthly, weekly, or daily inspection or testing of fire protection equipment provided:

i. The employer has a documented, readily-available procedure in effect governing routine maintenance and monthly, weekly or daily inspections and testing; and

ii. The employer can provide proof the personnel performing the work have been trained on the current Uniform Fire Code provisions governing routine maintenance or monthly, weekly, and daily inspection or testing for the work they may be required to perform.

3. A non-certified person shall not perform any quarterly, annual, or other non-routine, required maintenance.

4. A certificate of certification shall not be required if an in-house employee responds in-house to equipment malfunction or damage that requires immediate attention provided:

i. Certified personnel verify the operation of the equipment within 48 hours after the onset of the emergency;

ii. A log is kept of all emergency work performed including the date and time the work was verified by a certified person and the name, certification number and signature of the verifier;

iii. Trained personnel perform the emergency work; and

iv. A documented, readily-available procedure is in effect.

5. A certificate of certification shall not be required for employees of a nuclear power plant if such employees are qualified through the Institute of Nuclear Power Operations accredited training programs. This exemption does not apply to private contractors performing work within the nuclear power plant.

i. Training records must be kept on each nuclear power plant employee detailing the areas of training that the employee has completed along with a copy of the curriculum.

6. A certificate of certification shall not be required if a person owning and residing in a detached one- or two-family dwelling performs work within his or her residence.

(b) The Division shall issue a certificate to any person who has been employed as a fire protection contractor for a period of not less than five years on or before June 30, 2003, upon application with submission of satisfactory proof and payment of the appropriate fee on or before January 1, 2004. The certificate issued shall be for three years, at which time the certificate shall be renewed pursuant to the requirements established by this chapter. Applications received after January 1, 2004 shall be required to meet the full certification criteria established by this chapter.

(c) The following certified classifications are hereby established:

1. An "All Fire Protection Equipment Contractor" is authorized to install, service, repair, inspect and maintain all fire protection equipment;

2. A "Fire Sprinkler System Contractor" is authorized to install, service, repair, inspect and maintain fire sprinkler systems;

3. A "Special Hazard Fire Suppression System Contractor" is authorized to install, service, repair, inspect and maintain special hazard fire suppression systems and kitchen fire suppression systems;

4. A "Fire Alarm System Contractor" is authorized to install, service, repair, inspect and maintain all fire alarm systems;

5. A "Portable Fire Extinguisher Contractor" is authorized to install, service, repair, inspect and maintain all portable fire extinguishers; and

6. A "Kitchen Fire Suppression System Contractor" is authorized to install, service, repair, inspect and maintain all kitchen fire suppression systems.

(d) A certified fire protection contractor shall perform work only within the scope of the contractor's certification class.

(e) Whenever the Division shall find cause to deny an application for a certificate of certification or to suspend or revoke a certificate, the Division shall notify the application or the holder of the certificate and state the reasons for the denial or suspension, as appropriate.

(f) Any person subject to certification under this chapter shall be exempt from any other State, county or municipal certification, licensing or registration requirements for installing, servicing, repairing, inspecting or maintaining fire protection equipment.

Amended by R.2006 d.33, effective January 17, 2006.

See: 37 N.J.R. 2921(a), 38 N.J.R. 488(a).

Added (a)2 through 6.

5:74-2.3 Requirements for certification

(a) Any candidate for certification or a certificate in any of the fire protection contractor titles pursuant to this chapter

shall submit an application to the Contractor Certification and Emblems Unit in the Division of Fire Safety accompanied by the fee established at N.J.A.C. 5:74-2.10. Certificate holders shall apply for an amended certificate whenever there is a chance in name, ownership address or other required information.

1. A certification application shall include the following:

i. The Social Security or Federal ID number of the applicant;

ii. The date of birth of the applicant;

iii. The name, address, and telephone number of the applicant;

iv. The gender and race of the applicant;

v. A certifying statement regarding the age, moral character and first, second or third degree criminal convictions of the applicant;

vi. The type of certification being applied for;

vii. The application fees; and

viii. A certifying signature of the applicant.

(b) The Contractor Certification and Emblems Unit in the Division of Fire Safety shall determine by examination of the application and review of any supporting documents, including any evidence of experience, training and/or education submitted whether an applicant is qualified for certification or a certificate for which the application has been made. If the application is satisfactory, the Contractor Certification and Emblems Unit in the Division of Fire Safety shall issue a certification or certificate to the applicant upon payment of the required fee. This certification or certificate will show that the person has met the established requirements and is entitled to install, service, repair, inspect and maintain systems associated with the classification being certified in accordance with the provisions of this chapter. The Contractor Certification and Emblems Unit in the Division of Fire Safety may deny or refuse to issue a certification or certificate to an applicant upon proof that there has been any act or omission that would constitute grounds for revocation under this chapter.

1. An applicant certified pursuant to this chapter shall:

i. Be at least 18 years of age;

ii. Be of good moral character; and

iii. Not have been convicted of a crime of the first, second or third degree within 10 years prior to the filing of the application.

(c) Examination requirements shall be administered by the National Institute For Certification In Engineering Technologies (NICET) and the National Association of Fire Equipment Distributors (NAFED) using testing criteria and