

CHAPTER 74**STANDARD FOR THE CERTIFICATION OF FIRE PROTECTION EQUIPMENT CONTRACTORS****Authority**

N.J.S.A. 52:27D-198, 219, 25d, 25k, 25gg and 24hh, and 52:27B-139.12.

Source and Effective Date

R.2005 d.225, effective June 14, 2005.
See: 36 N.J.R. 3652(a), 37 N.J.R. 2674(a).

Chapter Expiration Date

Chapter 74, Standard for the Certification of Fire Protection Equipment Contractors, expires on June 14, 2010.

Chapter Historical Note

Chapter 74, Standard for the Certification of Fire Protection Equipment Contractors, was adopted as new rules by R.2003 d.228, effective June 2, 2003. See: 35 N.J.R. 56(a), 35 N.J.R. 2495(a).

Chapter 74, Standard for the Certification of Fire Protection Equipment Contractors, was readopted as R.2005 d.225, effective June 14, 2005. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS**5:74-1.1 Heading; division into subchapters**

(a) The rules contained in this chapter shall be known as the "Standard for the Certification of Fire Protection Equipment Contractors" and are referred to herein as the Standard.

(b) The Standard is divided into two subchapters:

1. Subchapter 1 is headed "General Provisions" and may be cited throughout the Standard as N.J.A.C. 5:74-1, and when referred to in subchapter 1 of this chapter, may be referred to as this subchapter.

2. Subchapter 2 is headed "Administration of Permit and Certification Program" and may be cited throughout the Standard as N.J.A.C. 5:74-2, and when referred to in subchapter 2 of this chapter, may be referred to as this subchapter.

5:74-1.2 Authority

The Commissioner of Community Affairs promulgates this Standard pursuant to N.J.S.A. 52:27D-25gg.

5:74-1.3 Scope and purpose

(a) This Standard controls all matters relating to the training and certification of businesses and contractors who engage in, or are to be engaged in, the installation, service, repair, inspection or maintenance of fire protection equipment.

(b) This Standard has been adopted to ensure public safety and welfare. In order for fire protection equipment installations and inspections to be conducted adequately and effectively, members of the technical trades must have sufficient knowledge and competence. This can be achieved through the creation of training and certification requirements.

5:74-1.4 Definitions

The following terms shall have the meanings indicated except where the context clearly requires otherwise.

"Business entity" means a proprietor, corporation, partnership or company operating as a fire protection contractor.

"Carbon dioxide fire protection system" means a special hazard fire suppression system that uses carbon dioxide as its extinguishing agent.

"Certificate of certification" means a certificate issued by the Commissioner that authorizes a person to engage in the fire protection equipment business to the degree indicated on the certificate.

"Certificate holder" means a person who is certified to engage in the fire protection equipment business.

"Clean agent fire suppression system" means a special hazard fire suppression system that uses an extinguishing agent that will not damage the contents of the hazard.

"Commissioner" means the Commissioner of Community Affairs.

“Director” means the Director of the Division of Fire Safety in the Department of Community Affairs.

“Division” means the Division of Fire Safety in the Department of Community Affairs.

“Engineered fire suppression system” means a fire suppression system which is designed individually to suit a particular purpose or hazard. Such a system requires individual calculation and design to determine the flow rates, nozzle pressures, pipe size, area or volume to be protected by each nozzle, quantities of extinguishing agent and the number and types of nozzles and their placement in a specific system.

“Fire alarm system” means a system which provides a warning alarm signaling the presence of fire conditions and may be capable of initiating an action to suppress a fire condition.

“Fire protection contractor” or “contractor” means a person or business entity that offers to undertake or represents itself as being able to undertake, or does undertake the installation, service, sale, repair, inspection or maintenance of fire protection equipment.

“Fire protection contractor business permit” means a permit issued by the Commissioner to a business entity to operate as a fire protection contractor.

“Fire protection equipment” includes yard hydrant systems, fire pumps, private fire service mains, control valves, water storage tanks, fire alarm systems, fire sprinkler systems, standpipe systems, clean agent fire suppression systems, special hazard fire suppression systems, carbon dioxide fire protection systems, foam fire protection systems, kitchen fire suppression systems, portable fire extinguishers, or any other equipment designed to detect, suppress or extinguish a fire.

“Fire protection subcode official” means a qualified person appointed by the appropriate appointing authority or the Commissioner pursuant to the authority of the “State Uniform Construction Code Act,” P.L. 1975, c.217 (N.J.S.A. 52:27D-119 et seq.).

“Fire sprinkler system” means an automatic fire suppression system that includes an automatic water sprinkler system or a standpipe system and related system components, including detection.

“Fire suppression system” means an engineered or pre-engineered system that suppresses a fire using an extinguishing agent distributed through fixed piping and nozzles that are activated either manually or automatically. The system may include containers, nozzles, controls, automatic detection, manual releases, equipment shut downs and alarms. In such systems, an extinguishing agent is discharged through fixed pipes and nozzles into or over a potential fire hazard.

“Foam fire protection system” means a special hazard fire suppression system that uses foam as its extinguishing agent.

“Kitchen fire suppression system” means a pre-engineered system which is designed specifically to protect the hood, duct, and cooking appliances of a kitchen. The system, which may include containers, nozzles, controls, automatic detection, manual release, cooking appliance shut-down equipment, and alarms will have an extinguishing agent discharged through fixed pipes and nozzles over and into the fire hazard area.

“Maintenance” means the function of keeping equipment in such a condition that it will perform as it originally was designed to do.

“NAFED” means the National Association of Fire Equipment Distributors, Inc., 104 South Michigan Avenue, Chicago, Illinois 60611.

“NFPA” means the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269.

“NICET” means the National Institute for Certification in Engineering Technologies, 1420 King Street, Alexandria, Virginia 22314.

“Portable fire extinguisher” means a portable device, carried or on wheels and operated by hand, containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing fire.

“Plan” means to lay out, detail, draw, calculate, devise, or arrange an assembly of fire alarm or detection devices, equipment, and appurtenances, including monitoring equipment, in accordance with the provisions adopted by the Uniform Construction Code, N.J.A.C. 5:23.

“Pre-engineered system” means a fire suppression system having predetermined flow rates, nozzle pressures, detection and quantities of extinguishing agent. Such a system has the specific pipe size, maximum and minimum pipe lengths, flexible hose specifications, number of fittings and types of nozzles prescribed by a testing laboratory. The hazards protected by such a system are specifically limited as to type and size by a testing laboratory based upon actual fire tests. Limitations on hazards which can be protected by such a system are contained in the manufacturer’s installation manual which is referenced as part of the listing.

“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.

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.

(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.

(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, and 24-hour emergency service telephone number, if required in (f)3 below. Both sides of the vehicle must be marked. The marking of the vehicle must use letters and numbers at least three inches in height and must be in a contrasting color to the vehicle;

3. 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;

4. 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

5. 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.

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.

(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.

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. 5:74-1.12.

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 procedures adopted in this chapter. Minimum passing test scores shall conform to NICET and NAFED standards. Retesting of work elements shall follow NICET and NAFED requirements and guidelines. All NICET and NAFED examination fees, certification fees, renewal fees, and program delivery fees are solely those of NICET and NAFED, and are authorized by this chapter to be collected separate from the fees established by this chapter. The Contractor Certification and Emblems Unit within the Division of Fire Safety may administer examinations on behalf of NICET and NAFED.

(d) The following certification requirements are hereby established for the fire protection contractor classifications:

1. An All Fire Protection Equipment Contractor shall have a valid Level II certification issued by NICET in the following areas: Fire Alarm Systems, Inspection and Testing of Water-based Systems, and Special Hazards Suppression Systems, and successfully pass the following Sprinkler Layout work elements: 11003, 11004, 11005, 13001, 13005, 13008, 13010, 13011, 13012, 13013, 13018, 13020, 13021, 13023, 13026, 14013, 14015, 16001 and 16009. Additionally, an All Fire Protection Equipment Contractor shall successfully pass the "Portable Fire Extinguisher Technician" and "Restaurant Fire Suppression System" examinations administered by NAFED.

2. A Fire Sprinkler System Contractor shall have a valid Level II certification issued by NICET in the following areas: Inspection and Testing of Water-based Systems, and successfully pass the following Sprinkler Layout work elements: 11003, 11004, 11005, 13001, 13005, 13008, 13010, 13011, 13012, 13013, 13018, 13020, 13021, 13023, 13026, 14013, 14015, 16001 and 16009.

3. A Special Hazard Fire Suppression System Contractor shall hold a valid Level II certification issued by NICET in the following area: Special Hazards Suppression Systems.

4. A Fire Alarm System Contractor shall have a valid Level II certification issued by NICET in the following area: Fire Alarm Systems.

5. A Portable Fire Extinguisher Contractor shall successfully pass the "Portable Fire Extinguisher Technician Examination" administered by NAFED.

6. A Kitchen Fire Suppression System Contractor shall successfully pass the "Restaurant Fire Suppression System Examination" administered by NAFED.

5:74-2.4 Renewal of certifications

(a) Every three years, the Contractor Certification and Emblems Unit shall renew for three years any certification already issued upon submission of an application, payment of the required fee, and verification that the applicant has met such continuing education requirements as may be established by this chapter. The expiration date of the certification shall be April 30 or October 31 of each year. Certifications with multiple certificates shall have the same expiration date for all certificates.

(b) Recertification is achieved by accumulating a prescribed number of continuing professional development points as developed and adopted by NICET, specifically Operational Policy #30, 2001 Revision, (Continuing Professional Development). Total points required for recertification are:

1. All Fire Protection Equipment Contractor—90 continuing professional development points;
2. Fire Sprinkler System Contractor—90 continuing professional development points;
3. Special Hazard Fire Suppression System Contractor—90 continuing professional development points;
4. Fire Alarm System Contractor—90 continuing professional development points;
5. Portable Fire Extinguisher Contractor—90 continuing professional development points; and
6. Kitchen Fire Suppression System Contractor—90 continuing professional development points.

(c) Where the certificate holder has obtained NICET certification, as required by this chapter, he or she shall submit a renewal application to NICET, meet the requirements of NICET Operational Policy #30, 2001 Revision, to obtain renewal of issued certifications, and pay the required fee as may be established by NICET.

(d) Where the certificate holder has obtained NAFED certification, as required by this chapter, documentation shall be sent to NICET who shall review and award continuing professional development points to Portable Fire Extinguisher and Kitchen Fire Suppression System Contractors.

(e) Where the certificate holder has obtained certification, as required by this chapter, using the experience provision provided herein, documentation shall be sent to NICET who shall review and award continuing professional development points in accordance with (b) above.

(f) Once the certificate holder has been recertified by NICET, or has been determined by NICET to meet the required continuing professional development points, a renewal application may be submitted to the Contractor Certification and Emblems Unit to renew certificates issued pursuant to this chapter.

(g) The Division shall accept the renewal of NICET certifications, and other official correspondence from NICET, as meeting the continuing education requirements of this chapter.

(h) The renewal of NICET certifications, and evaluation of continuing professional development criteria, shall directly reflect the type and specialty of certifications issued pursuant to this chapter.

5:74-2.5 Replacement of certificate

The Division shall issue, upon application, a duplicate certificate of any type and specialty upon a finding that the certification has been issued and the applicant is entitled to such certification to replace the one which has been lost, destroyed, or mutilated. Payment of a fee as specified in N.J.A.C. 5:74-2.10 shall be required.

5:74-2.6 Refusal to admit person to examination; suspension, revocation of certificate; grounds; penalties; reinstatement

(a) The Division may refuse to admit a person to examination or may refuse to issue or may suspend or revoke any certificate of certification issued by the Division upon proof that the applicant or holder of such certificate:

1. Has obtained a certificate or authorization to sit for an examination, as the case may be, through fraud, deception or misrepresentation;
2. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;

3. Has engaged in gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of any person;

4. Has engaged in repeated acts of negligence, malpractice or incompetence;

5. Has engaged in professional or occupational misconduct as may be determined by the Commissioner;

6. Has been convicted of, or engaged in acts constituting, any crime or offense involving moral turpitude or relating adversely to the activity regulated by the Commissioner. For the purpose of this paragraph, a judgment of conviction or a plea of guilty, non vult, nolo contendere or any other such disposition of alleged criminal activity shall be deemed a conviction;

7. Has had his authority to engage in the activity regulated by the Commissioner revoked or suspended by any other state, agency or authority for reasons consistent with this section;

8. Has violated or failed to comply with the provisions of any act or regulation administered by the Commissioner;

9. Is incapable, for medical or any other good cause, of discharging the functions of a certificate holder in a manner consistent with the public's health, safety and welfare;

10. Has repeatedly failed to submit completed applications, or parts of, or documentation submitted in conjunction with, such applications, required to be filed with the Department of Environmental Protection;

11. Has violated any provision of P.L. 1983, c.320 (N.J.S.A. 17:33A-1 et seq.) or any insurance fraud prevention law or act of another jurisdiction or has been adjudicated, in civil or administrative proceedings, of a violation of that act or has been subject to a final order, entered in civil or administrative proceedings, that imposed civil penalties under this act against the applicant or holder;

12. Is presently engaged in drug or alcohol use that is likely to impair the ability to install, service, repair, inspect or maintain fire protection equipment with reasonable skill and safety. For purposes of this paragraph, "presently" means at this time or any time within the previous 365 days;

13. Has permitted an unlicensed person or entity to perform an act for which a license, permit or certificate of registration or certification is required by the Commissioner, or aided and abetted an unlicensed person or entity in performing such an act; or

14. Has advertised fraudulently in any manner.

(b) The Contractor Certification and Emblems Unit, on behalf of the Commissioner of Community Affairs, may impose penalties of up to \$5,000 per violation, per day, for any violations of this chapter.

(c) After revocation of a certification upon any of the grounds set forth in this chapter, the Division shall not renew or reinstate such certification; however, a person may file a new application for a certification or certificate with the Division. When it can be shown all loss caused by the act or omission for which the certification or certificate was revoked has been fully satisfied, the applicant has been legally rehabilitated and all conditions imposed by the decision of revocation have been complied with, the Division shall issue a new certification or certificate, provided that the applicant meets all other qualifications necessary for certification and pays the appropriate fee.

5:74-2.7 Dispute settlement hearing

(a) Any person aggrieved by any action, notice, ruling or order of the Commissioner, with respect to this chapter, shall have the right to a dispute settlement hearing, in accordance with the Administrative Procedure Act, P.L. 1968, c.410 (N.J.S.A. 52:14B-1 et seq.), and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The aggrieved party shall submit a written request to the Commissioner for a hearing within 15 days of the action, notice, ruling or order. The request shall be made to the Hearing Coordinator, Department of Community Affairs, PO Box 802, Trenton, NJ 08625-0802. All hearing requests shall include:

1. The date of the action that is the subject of the appeal;
2. The name and status of the person submitting the appeal;
3. The specific violations or other action claimed to be in error; and
4. A concise statement of the basis for the appeal.

5:74-2.8 Arbitration, review by Department on disputed work

(a) Any person who has contracted with a fire protection contractor for the installation, service, repair, inspection or maintenance of fire protection equipment who is not satisfied with the work done by the contractor shall notify the contractor of the problems and shall allow a reasonable time for the repair of such problems. If the repairs are not made within a reasonable time, or are unsatisfactory to the person, that person may file a request for the Commissioner to designate an arbitrator, who shall hear the matter in accordance with the rules of procedure of the American Arbitration Association.

(b) Where both parties do not agree to submit to the arbitration, the Division shall thoroughly review the matter and shall make a decision as to the merits of the claim and issue an order directing appropriate relief if warranted. If, within 30 calendar days of the Division's decision, either party files a written notice requesting an administrative hearing, the Commissioner shall provide for an administrative hearing in accordance with the Administrative Procedure Act, P.L. 1968, c.410 (N.J.S.A. 52:14B-1 et seq.), and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, with a final decision to be issued by the Commissioner. In the alternative, a claimant may seek a remedy directly in court without regard to dispute settlement procedures made available in accordance with this chapter.

(c) If, in the opinion of the Commissioner, fire protection equipment may be rendered inoperable for an extended period of time, the Commissioner may order the owner or contractor to restore the equipment to service in accordance with the Uniform Fire Code, N.J.A.C. 5:70.

(d) The rights, remedies and procedures accorded by the provisions of this section are in addition to, and cumulative of, any other right, remedy and procedure accorded by the common law or statutes of this State, and nothing contained herein shall be construed to deny, abrogate or impair any such common law or statutory right, remedy or procedure.

5:74-2.9 Exemption, certain

Notwithstanding the provisions of this chapter, the Division will exempt from the requirements of this chapter any person engaged in the installation of fire protection equipment in dormitories pursuant to P.L. 2000, c.56 (N.J.S.A. 52:27D-198.7 et seq.). The exemption shall apply only for work performed pursuant to P.L. 2000, c.56 (N.J.S.A. 52:27D-198.7 et seq.) and only for such time as is necessary to complete work performed pursuant to that Act.

5:74-2.10 Fees

(a) No application for a permit or certification shall be acted upon unless the application is accompanied by a fee as follows:

1. The initial application fee for a business permit shall be \$250.00.
2. The initial application fee for a certificate of certification shall be \$75.00.
3. The three-year renewal application fee for a business permit shall be \$250.00.
4. The three-year renewal application fee for a certificate of certification shall be \$75.00.

(b) A late application fee shall be assessed upon any business permit or certificate holder whose application is received by the Contractor Certification and Emblems Unit past the lapse date of the permit or certificate. The late application fee shall be assessed in addition to all other fees. The late application fee must be paid at the time of renewal of the business permit or certificate. The late application fee is established at twice the renewal fee.

(c) Issuance of a duplicate business permit or certificate is authorized by this chapter and shall require a fee of \$25.00 for each permit or certificate printed.