

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.

Amended by R.2009 d.27, effective January 20, 2009.
See: 40 N.J.R. 5100(a), 41 N.J.R. 401(a).

Added (b)2.

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 change 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

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.

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

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

In introductory paragraph (a), changed citation 5:74-1.12 to 5:74-2.10 and added the last sentence.

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,