

engaged in the burglar alarm or fire alarm business or in the provision of locksmithing services during the period the license was suspended in this State;

2. A certification by the applicant stating that he or she has engaged in the burglar alarm or fire alarm business, or in the provision of locksmithing services, in a state or jurisdiction which does not require certification or licensure, during the period the license was suspended in this State; or

3. A certification stating that the applicant has not engaged in the burglar alarm or fire alarm business or in the provision of locksmithing services in this or any other jurisdiction during the period the license was suspended in this State.

(b) An individual who has engaged in the burglar alarm or fire alarm business or in the provision of locksmithing services in the manner described in (a)1 or 2 above shall submit written verification, on a form provided by the Committee, from all of the applicant’s employers. The verification shall document dates of employment from the date the New Jersey license was suspended to the date of application for reinstatement, and the name, address and telephone number of each employer.

(c) An individual whose license has been automatically suspended for a period of between two and five years shall complete the continuing education requirements, as set forth in N.J.A.C. 13:31A-1.12, for each renewal period the license was suspended.

(d) An individual whose license has been automatically suspended for a period of five or more years shall take the examination required for initial licensure, set forth in N.J.A.C. 13:31A-2.3 or 3.2.

(e) Prior to reinstatement, an applicant shall pay a reinstatement fee and all past delinquent triennial renewal fees pursuant to N.J.A.C. 13:31A-1.4.

**13:31A-1.8 Change of address; service of process**

(a) A licensee shall notify the Committee in writing of any change of address from that registered with the Committee and shown on the most recently issued license. Such notice shall be sent to the Committee by certified mail, return receipt requested, not later than 30 days following the change of address. Failure to notify the Committee of any change of address may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h).

(b) Service of an administrative complaint or other Committee-initiated action at a licensee’s address which is on file with the Committee shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceedings.

(c) A licensee shall, within 30 days of receiving notice of disciplinary action taken against the licensee in any state,

territory or jurisdiction, report to the Committee in writing of such notification and provide a copy of the notification and the underlying documentation of the disciplinary action.

**13:31A-1.9 Suspension, revocation or refusal to issue or renew license**

(a) The Committee may, pursuant to the provisions of N.J.S.A. 45:1-14 et seq., the Act and this chapter, deny admittance to the fire alarm, burglar alarm or locksmith licensing examinations, deny, refuse to renew, suspend or revoke a license or issue a civil penalty under this section, upon proof that an applicant or licensee:

1. Has obtained a license 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 misconduct as outlined in N.J.A.C. 13:31A-1.15;
6. Has been convicted of, or engaged in acts constituting, any crime in the first, second or third degree, or any crime relating adversely to the burglar alarm or fire alarm business or the provision of locksmithing services within 10 years prior to the filing of the application;
7. Has been convicted of the fourth degree offense of engaging in the unlicensed practice of electrical contracting;
8. Has had the authority to engage in the burglar alarm or fire alarm business or the provision of locksmithing services revoked or suspended by any other state, agency or authority for reasons consistent with this subsection;
9. Has had an application to engage in the installation or maintenance of fire protection equipment denied by the Department of Community Affairs, pursuant to N.J.S.A. 52:27D-25n et seq.;
10. Has violated or failed to comply with the provisions of any law or regulation administered by the Committee;
11. Is incapable, for medical or other good cause, of discharging the functions of a licensee in a manner consistent with the public health, safety and welfare;
12. Has violated any provisions of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq., or any insurance fraud prevention act of another jurisdiction, or has been adjudicated, in civil or administrative proceedings, of violating N.J.S.A. 17:33A-1 et seq., or has

been subject to a final order, entered in civil or administrative proceedings, that imposes civil penalties under that act against the applicant or the licensee;

13. Is presently engaged in drug or alcohol use that is likely to impair the ability to engage in the burglar alarm or fire alarm business or the provision of locksmithing services with reasonable skill and safety. For purposes of this subsection, the term "presently" means at this time or any time within the previous 365 days;

14. Has permitted an unlicensed person or entity to perform an act for which a license is required by the Committee or the Board, or aided and abetted an unlicensed person or entity in performing such an act; or

15. Advertised fraudulently in any manner.

(b) In addition to the consequences listed in (a) above, the Committee may impose additional or alternative penalties pursuant to N.J.S.A. 45:1-14 et seq. for violations of any provision of the Act and this subchapter.

(c) In addition to the express consequences of (a) and (b) above, the Committee may enforce consequences arising from actions taken by other statutory authorities.

(d) The denial, refusal to issue or renew, suspension or revocation of a license, and/or the issuance of a civil penalty under this section may be ordered by a decision of a majority of the Committee after notice and an opportunity to be heard in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(e) An application may be made to the Committee for reinstatement of a revoked license if the revocation has been in effect for at least one year. The reinstatement shall be granted upon an affirmative vote by a majority of the Committee.

#### **13:31A-1.10 Qualifications for licensure for applicants licensed in other states**

(a) Any person with a valid registration, certification or license to engage in the burglar alarm or fire alarm business or the provision of locksmithing services issued by another state or possession of the United States or the District of Columbia may, upon the submission of a Committee-provided application and the payment of the fee set forth in N.J.A.C. 13:31A-1.4, be issued a license to engage in the burglar alarm or fire alarm business or the provision of locksmithing services in the State, whichever is applicable, provided that:

1. The experience and knowledge requirements in such other jurisdictions are equal or greater to those required by New Jersey at the time of application, as set forth in N.J.A.C. 13:31A-2.1 or 3.1;

2. The applicant submits an application for licensure by reciprocity to the Committee;

3. The applicant submits verification from all states in which he or she holds a registration, certification or license to engage in the burglar alarm or fire alarm business or in the provision of locksmithing services, whichever is applicable, establishing that such registrations, certifications or licenses are in good standing;

4. The applicant successfully completes the burglar alarm, fire alarm or locksmith examination, whichever is applicable, as set forth in N.J.A.C. 13:31A-2.3 or 3.2;

5. The applicant successfully completes, within three years immediately preceding the date of application, 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 CFR 1191, and two hours of training in industrial safety; and

6. The applicant submits his or her fingerprints for the purpose of permitting a criminal history records check.

(b) Notwithstanding (a) above, an applicant for licensure by reciprocity may be denied a license to engage in the burglar alarm or fire alarm business or the provision of locksmithing services in the State pursuant to the provisions of N.J.A.C. 13:31A-1.9.

Amended by R.2009 d.300, effective October 5, 2009.

See: 41 N.J.R. 1940(a), 41 N.J.R. 3810(a).

Section was "Reciprocity". In the introductory paragraph of (a), deleted a comma following "certification"; deleted former (a)2; recodified former (a)3 as (a)2; in (a)2, substituted a semicolon for "which contains information and materials which establish that the applicant satisfies the requirements of N.J.A.C. 13:31A-2.5(a) or 3.4(a), whichever is applicable."; and added new (a)3 through (a)6.

#### **13:31A-1.11 Waiver**

Any applicant for licensure or any licensee engaged in the burglar alarm business, the fire alarm business, or the provision of locksmithing services desiring a waiver or release from the express requirements of any provision of this chapter may make such request, in writing, to the Committee. The applicant or licensee shall describe the conditions or reasons for the proposed waiver, including the reference of the specific rule which necessitates the proposal. A waiver shall be granted only by the Committee, in writing, for good cause and then only when the waiver does not contravene the purposes of the Act.

#### **13:31A-1.12 Continuing education requirements**

(a) A licensee shall satisfy the continuing education requirements in (b) and (c) below in each triennial registration period, except that a licensee shall not be required to complete any continuing education for the triennial registration period in which he or she is initially licensed.

(b) Each licensee shall obtain 10 continuing education credits in each triennial registration period in the following: