

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

N.J.S.A. 45:5A-23 et seq., specifically 45:5A-38.

Source and Effective Date

R.2009 d.300, effective September 10, 2009.
See: 41 N.J.R. 1940(a), 41 N.J.R. 3810(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 31A, Fire Alarm, Burglar Alarm and Locksmith Licensees and Businesses, expires on September 10, 2016. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 31A, Fire Alarm, Burglar Alarm and Locksmith Licensees and Businesses, was adopted as R.2004 d.112, effective March 15, 2004. See: 35 N.J.R. 2815(a), 36 N.J.R. 1376(a).

Chapter 31A, Fire Alarm, Burglar Alarm and Locksmith Licensees and Businesses, was readopted as R.2009 d.300, effective September 10, 2009. See: Source and Effective Date. See, also, section annotations.

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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.

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).

13:31A-1.16 Change in business qualifier

(a) If the business qualifier for a burglar alarm, fire alarm, or locksmithing business is terminated or resigns, or is rendered incapable of fulfilling his or her professional duties due to death, illness, or other condition, the business firm may continue to operate for six months from the date of the business qualifier's death, incapacity, termination, or resignation provided that:

1. The business firm immediately notifies the Committee in writing of the business qualifier's change in status with the firm and the name of a new licensee, a supervising employee, or other person with substantially equivalent experience who shall assume the responsibilities of the business qualifier during the six-month period; and

2. The burglar alarm, fire alarm, or locksmithing business complies with all the provisions of the Act and the rules set forth in this chapter.

(b) A business qualifier who is terminated, resigns, or is rendered incapable of fulfilling his or her professional duties shall immediately notify the Committee in writing of the change in his or her status.

(c) During the six-month period authorized under (a) above, a burglar alarm, fire alarm, or locksmithing business may complete work in progress and may contract for new work provided that all such work is performed or supervised by the person whose name is provided to the Committee pursuant to (a)1 above.

(d) Upon application by the business firm prior to the expiration of the six-month period authorized under (a) above, the Committee may, for good cause shown, permit the burglar alarm, fire alarm, or locksmithing business to operate under the supervision of the person whose name is provided to the Committee pursuant to (a)1 above for an additional six-month period.

(e) By the end of either the initial six-month period or the additional six-month extension period, the burglar alarm, fire alarm, or locksmithing business shall either cease operation or shall provide the Committee with the name of the licensee who will assume the duties of the business qualifier for the business firm.

New Rule, R.2013 d.142, effective December 16, 2013.
See: 44 N.J.R. 2029(a), 45 N.J.R. 2603(b).

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;

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; and

7. Have three years immediately preceding the submission of the application successfully completed 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, two hours of training in industrial safety, and two hours of training in New Jersey law and rules governing the provision of burglar alarm, fire alarm, and locksmithing services.

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

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

In (a)5, deleted "and" from the end; in (a)6ii, substituted "; and" for a period at the end; and added (a)7.

Amended by R.2013 d.142, effective December 16, 2013.

See: 44 N.J.R. 2029(a), 45 N.J.R. 2603(b).

In (a)7, substituted a comma for "and" following "1191", and inserted ", and two hours of training in New Jersey law and rules governing the provision of burglar alarm, fire alarm, and locksmithing services".

13:31A-2.2 (Reserved)

Repealed by R.2007 d.73, effective March 5, 2007.

See: 38 N.J.R. 3736(a), 39 N.J.R. 784(a).

Section was "Locksmith grandfathering".

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 (Reserved)

Repealed by R.2007 d.73, effective March 5, 2007.

See: 38 N.J.R. 3736(a), 39 N.J.R. 784(a).

Section was "Waiver of examination requirements".

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;

(b) A burglar alarm or fire alarm 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 burglar alarm or fire alarm business license holder who employs a person in connection with a burglar alarm or fire alarm business shall notify the Committee, in writing, within 30 days of such employment and shall provide the Committee with the following information and materials:

1. A two-inch by two-inch passport-size photograph of the employee;
2. A list of all criminal offenses of which the employee has been convicted, including the date and place of each conviction and the name under which the employee was convicted, if other than the name on the written notification provided to the Committee;
3. The employee fingerprints provided in such manner as directed by the Division;
4. Evidence of practical experience and professional competence as set forth in N.J.A.C. 13:31A-3.6, if the work of the employee is not directly supervised; and
5. A certified check or money order payable to the Committee in the amount of the employee listing 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. The employer shall bear the cost of the records check.

(d) If the Committee determines that the evidence of practical experience and professional competency provided pursuant to (c)4 above fails to satisfy the requirements of N.J.A.C. 13:31A-3.6, the Committee shall advise the licensee of the employee's unfitness to engage in the burglar alarm or fire alarm business.

13:31A-3.6 Burglar alarm or fire alarm employees

(a) Any person employed by a burglar alarm or fire alarm business licensee to install, service or maintain a burglar alarm or fire alarm, shall be of good moral character.

(b) Any person employed by a licensee to perform installation, servicing or maintenance of a burglar alarm or fire alarm while unsupervised shall:

1. Have at least three years of practical experience, as defined in N.J.A.C. 13:31A-3.1; and
2. Have successfully completed 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 two hours of training in the Barrier Free Subcode, two hours of training in the Ameri-

cans 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 relevant to the field, or shall have successfully passed a competency examination administered by the Committee.

(c) A person employed by a burglar alarm or fire alarm business who performs installation, servicing or maintenance of burglar alarms or fire alarms while unsupervised shall not be required to satisfy the competency requirements of (b) above until January 31, 2011.

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

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

In the introductory paragraph of (b), deleted "the unsupervised" following "perform" and inserted "while unsupervised"; and in (c), substituted "by a burglar alarm or fire alarm business who performs" for "to perform", "while unsupervised" for "by an applicant for licensure who files an application by July 13, 2004 and who is identified as an employee on the application," and "until January 31, 2011" for "until the first renewal of the employee's identification card".

13:31A-3.7 Supervision of burglar alarm or fire alarm business employees

(a) The business qualifier shall assume full responsibility for the inspection and supervision of all burglar alarm or fire alarm services performed by the business firm in compliance with all applicable, Federal, State and local laws and codes.

(b) The business qualifier shall:

1. Supervise the provision of burglar alarm or fire alarm services to ensure that such work is performed in compliance with all applicable Federal, State and local laws and codes;
2. Personally inspect the work of employees pursuant to (d) and (e) below;
3. Ensure that employees are afforded the degree of personal on-site supervision commensurate with their level of competence and the complexity of the work to be performed pursuant to (d) and (e) below; and
4. Be present, on a regular and continuous basis, at the principal office of the business firm, where the business license holder maintains a New Jersey office, or at work sites of burglar alarm or fire alarm work performed in New Jersey, where the business license holder does not maintain a New Jersey office pursuant to N.J.A.C. 13:31A-3.5(a).

(c) Every 10 employees who are performing burglar alarm or fire alarm services at either one job site or who are performing such work at several jobs at different sites simultaneously shall be supervised, pursuant to (d) below, by the business qualifier, a licensee or a supervising employee who is permitted to perform installation, servicing or maintenance of burglar alarm or fire alarms while unsupervised pursuant to N.J.A.C. 13:31A-3.6(b).

(d) The business qualifier, a licensee or a supervising employee shall indirectly supervise an employee performing

any of the functions listed in (d)1 through 6 below, and shall ensure that the work has been completed. For purposes of this section, “indirect supervision” means that the business qualifier, the licensee or the supervising employee shall be reachable either in person or by electronic means to provide consultation to the employee. Indirect supervision shall be required for the following functions:

1. The inspection and testing of burglar alarm, fire alarm or electronic security systems;
2. The repair or replacement of any component of a burglar alarm, fire alarm or electronic security system with an identical component;
3. The cleaning and calibration of burglar alarm, fire alarm or electronic security systems or any component thereof;
4. Any work performed by an employee who is certified by the product manufacturer to perform work on a particular product;
5. The installation of rough wiring that is subject to inspection by the licensee; and
6. The survey of a premises, the design and preparation of specifications, and the demonstration of burglar alarm, fire alarm or electronic security systems.

(e) If an employee is performing any burglar alarm, fire alarm or electronic security system work, other than the work specified in (d) above, the business qualifier, the licensee or the supervising employee shall directly supervise the employee and shall ensure a final inspection of the work upon completion. For purposes of this section, “direct supervision” means that the business qualifier, licensee or supervising employee shall provide constant on-site supervision of the employee.

(f) A business qualifier who violates any provision of this section shall be deemed to have engaged in professional misconduct within the meaning of N.J.A.C. 13:31A-1.14 and N.J.S.A. 45:1-21(e) and shall be subject to the provisions of N.J.S.A. 45:1-21.

Amended by R.2009 d.300, effective October 5, 2009.
See: 41 N.J.R. 1940(a), 41 N.J.R. 3810(a).

In (c), deleted a comma following “licensee”, and substituted “who is permitted to perform installation, servicing or maintenance of burglar alarm or fire alarms while unsupervised pursuant to” for “who has satisfied the requirements of”.

13:31A-3.8 Identification cards

(a) While engaged in the provision of burglar alarm or fire alarm services, all burglar alarm or fire alarm business licensees, employees or other persons shall display an identification card issued by the Committee which shall contain the following information:

1. The name, date of birth, photograph and signature of the person to whom the identification card has been issued;
2. The business name, business address and business license number of the business license holder, and if the cardholder is a licensee, his or her license number; and
3. The expiration date of the card.

(b) All identification cards shall be issued for a three-year period. All identification cards issued to licensees shall be renewed on a triennial basis which corresponds to the triennial renewal of licenses issued by the Committee pursuant to payment of the fee set forth in N.J.A.C. 13:31A-1.4.

(c) A licensee shall present the identification card issued by the Committee to all appropriate Federal, State or local agencies in order to obtain applications for permits and inspections, if required, for all work performed by the burglar alarm or fire alarm business.

(d) All employees or other persons holding identification cards shall apply for the renewal of the identification card at least 45 days prior to the expiration date of the card and shall pay the fee set forth in N.J.A.C. 13:31A-1.4 for renewal of employee listing. Any employer who permits an employee to work without a valid identification card shall be deemed to have engaged in professional misconduct within the meaning of N.J.A.C. 13:31A-1.14 and N.J.S.A. 45:1-21(e) and shall be subject to the provisions of N.J.S.A. 45:1-21.

(e) All identification card holders shall advise the Committee of any changes to the information contained on the identification card and shall apply to the Committee for an updated identification card within five days of the occurrence of any change. The updated identification card shall be issued for the unexpired term of the original identification card.

(f) Identification cards shall not be transferable. Upon termination of employment identification cards shall be immediately returned to the Committee. Upon change in employment identification cards shall be returned to the Committee and an application for a new identification card shall be made to the Committee.

(g) A photocopy of an application for an identification card shall serve as temporary identification for an applicant and shall be displayed by the applicant until the issuance of the identification card. The photocopy of the application shall be clearly marked with the word “COPY.” The temporary identification shall be valid for no longer than 60 days from the date of application for the identification card and the applicant shall work under direct supervision until the identification card is issued by the Committee.