

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.