

VOLUME 45, ISSUE 24  
ISSUE DATE: DECEMBER 16, 2013  
**RULE ADOPTIONS**

**LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS  
FIRE ALARM, BURGLAR ALARM AND LOCKSMITH ADVISORY COMMITTEE**

**Adopted Repeal and New Rule: N.J.A.C. 13:31A-1.12**

**Adopted Amendments: N.J.A.C. 13:31A-2.1 and 3.1**

**Adopted New Rule: N.J.A.C. 13:31A-1.16**

**Continuing Education Requirements; Change in Business Qualifier; Requirements for Locksmith Licensure; Requirements for Burglar Alarm or Fire Alarm Licensure**

Proposed: August 6, 2012, at 44 N.J.R. 2029(a).

Adopted: April 3, 2013, by the Board of Examiners of Electrical Contractors, Joseph P. Schooley, Chairperson.

Filed: August 2, 2013, as R.2013 d.142, **without change**.

Authority: N.J.S.A. 45:5A-24 and 45:5A-38.

[page=2604] Effective Date: December 16, 2013.

Expiration Date: September 10, 2016.

**Summary** of Public Comments and Agency Responses follows:

The official comment period ended October 5, 2012. The Board of Examiners of Electrical Contractors (Board) received 18 comments from the following individuals:

1. Gerard Duffy, Spectrum Cable & Alarm Systems, Inc.
2. Joseph Parisi, President, New Jersey Burglar & Fire Alarm Association
3. Dave Potash, OSA Systems
4. Joe Russotto, National Sales Manager, eDistsecurity
5. Stuart Rosenberg, President, Philadelphia Detection Systems
6. Greg Kimball, Protective Services Group, Inc.
7. Mark Ruggiero, President, Command Security Systems, Inc.
8. Rich Trevelise, Past President, New Jersey Burglar and Fire Alarm Association, President, Reliable Safety Systems, Inc.

9. Glenn Anderson, Lynco Alarms, LLC
10. Thomas Ware, President, Ace Security, Inc.
11. Joseph F. Cioffi, President, Bergen Protective Systems, Inc.
12. Joseph F. Cioffi, III, Vice President, Bergen Protective Systems, Inc.
13. Barry Gulino, Owner/Operations Manager, CWR Security Systems
14. Michael Gulino, Service Manager, CWR Security System
15. Paul Catania, Fin Security LLC
16. Robert Johnson, Johnson Protective Services
17. Ira Hosid, President, I.R.A. Security Systems, Inc.
18. David Kahl, President, A.C. Daughtry, Inc.

1. COMMENT: Many of the commenters support the reduction in the number of continuing education credits required to renew licensure.

RESPONSE: The Board thanks the commenters for their support.

2. COMMENT: N.J.A.C. 13:31A-1.12(b) requires licensees to complete two credits of continuing education in five topics: Barrier Free Subcode; New Jersey Uniform Construction Code; American with Disabilities Act Code; industrial safety; and laws and rules governing the provision of burglar alarm, fire alarm, and locksmithing services. Several of the commenters contend that requiring two credits in each of these topics is excessive as the subject matter of these topics does not change very much. Many of the commenters recommend that N.J.A.C. 13:31A-1.12(b), 2.1(a)7, and 3.1(a)7i be amended so that licensees would be required to complete only one credit of continuing education in each of the required topics. The commenters recommend that the five hours that would not be completed in the required topics should be devoted to courses relevant to the scope of practice of the license held by a licensee.

RESPONSE: The Board disagrees that the information in these five topics does not change very much. In addition, the Committee believes it is important for licensees to refresh their knowledge in these topics even if there have been no changes over the past triennial renewal period. The Committee will not amend N.J.A.C. 13:31A-1.12, 2.1, and 3.1 as the commenters recommend.

3. COMMENT: Some of the commenters contend that other boards or committees, and Federal agencies, approve courses that are relevant to the provision of burglar alarm, fire alarm, or locksmithing services. The commenters recommend that N.J.A.C. 13:31A-1.12 be amended so that any course that is trade-related, or required by law, and is approved by other boards or committees, or by a Federal agency, satisfy continuing education requirements.

RESPONSE: The Board is not convinced that other boards, committees, or Federal agencies follow the same standards as the Committee in reviewing continuing education courses. In order to ensure that licensees are completing continuing education that is relevant to the provision of burglar alarm, fire alarm, or locksmithing services, the Committee must review continuing education courses and will not amend the rules as the commenters recommend.

4. COMMENT: N.J.A.C. 13:31A-1.12(f)1 states that any sponsor who is certified by the International Association of Continuing Education and Training (IACET) will be pre-approved by the Committee and will not have to submit the required information to the Committee, monitor course attendance, or pay approval fees. Two commenters contend that trade associations should be provided the same pre-approval for their continuing education offerings. One of the commenters contends that trade associations understand the issues that need to be addressed in continuing education courses and fees for Committee approval use up funds that would be used to organize continuing education courses.

RESPONSE: The Committee pre-approves courses that are certified by IACET because the Committee has confidence that such courses have met standards in obtaining the certification which are comparable to the Committee's standards. Trade association courses do not always meet such standards and the Committee does not believe that trade association continuing education courses should be pre-approved. The Committee does not believe that the \$ 100.00 continuing education program sponsor fee presents an unduly burdensome economic impact on entities that offer continuing education courses.

5. COMMENT: Several commenters contend that an individual who holds a fire alarm business qualifier registration with the Department of Community Affairs completes continuing education that is comparable to that required of those who hold fire alarm licenses. The commenters recommend that N.J.A.C. 13:31A-1.12 be amended so that a person who holds such registration would not be required to complete the 14 continuing education credits relevant to the scope of practice of a fire alarm license.

RESPONSE: The Board has reviewed the continuing education requirements for fire alarm business qualifiers and has determined that those requirements are not substantially similar to the requirements of N.J.A.C. 13:31A-1.12. The Board will not amend its rules as the commenters recommend.

6. COMMENT: Several commenters contend that Committee members should not be permitted to receive any compensation for providing continuing education courses. This prohibition should extend for three years from the time a Committee member leaves his or her position on the Committee. One of the commenters contends that, if Committee members are allowed to teach classes, any person who is denied approval for a continuing education class could argue that the

Committee denied admission to the class in order to prevent competition.

RESPONSE: The Board believes that discouraging its members from providing continuing education courses by prohibiting compensation for teaching would harm licensees by decreasing the pool of qualified individuals available to teach. Committee members are appointed to protect the health, safety, and welfare of the public and are expected to decide issues that come before the Committee, such as approval of continuing education courses, divorced from any personal pecuniary interest.

7. COMMENT: N.J.A.C. 13:31A-1.16(a) permits a business to continue to operate for six months if its business qualifier leaves the firm or cannot act as the business qualifier due to death, illness, or other condition. N.J.A.C. 13:31A-1.16(d) permits a business to apply to the Committee for permission to continue operating for an additional six months. A commenter recommends that N.J.A.C. 13:31A-1.16(d) be amended to clarify that a business cannot operate without a business qualifier for more than one year.

RESPONSE: It is not necessary to amend N.J.A.C. 13:31A-1.16(d) as the commenters recommend. N.J.A.C. 13:31A-1.6(e) sets forth that, after the initial six months and an additional six month extension period, a business cannot operate without a licensee who will assume the duties of a business qualifier.

8. COMMENT: One commenter contends that raising the continuing education requirement from 14 to 19 hours will provide a benefit to licensees.

RESPONSE: The Board believes that the continuing education requirements of N.J.A.C. 13:31A-1.12 provide for an educational experience that protects the health, safety, and welfare of consumers who receive services from licensees. It is not necessary to increase the continuing education requirements as the commenter recommends.

### **Federal Standards Statement**

A Federal standards analysis is not required because the adopted amendments and new rules are governed by N.J.S.A. 45:5A-1 et seq., and are not subject to any Federal standards or requirements. Although the rules in N.J.A.C. 13:31A are not subject to any Federal requirements or standards, where deemed appropriate, the Board has voluntarily required [page=2605] licensees and business license holders to comply with applicable Federal laws and regulations. Specifically, adopted new rule N.J.A.C. 13:31A-1.12 requires all burglar alarm, fire alarm, and locksmith licensees to take two credits of continuing education per triennial renewal period in a course that covers the Americans with Disabilities Act Code, set forth at 36 CFR 1191. In addition, applicants for initial licensure as burglar alarm or fire alarm installers and locksmiths

are required to complete two hours of training in the Americans with Disabilities Act Code, pursuant to N.J.A.C. 13:31A-2.1 and 3.1.

**Full text** of the adoption follows:

## SUBCHAPTER 1. GENERAL PROVISIONS

### 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:

1. Two credits in the Barrier Free Subcode, N.J.A.C. 5:23-7;
2. Two credits in the New Jersey Uniform Construction Code, N.J.A.C. 5:23, exclusive of the Barrier Free Subcode;
3. Two credits in the Americans with Disabilities Act Code, 36 CFR 1191;
4. Two credits in industrial safety; and
5. Two credits in New Jersey law and rules governing the provision of burglar alarm, fire alarm, and locksmithing services.

(c) In addition to the 10 continuing education credits set forth in (b) above, each licensee shall complete the following, as appropriate:

1. If a licensee holds one Committee-issued license, he or she shall complete 14 credits in courses relevant to the scope of practice of the license held, for a total of 24 credits. If a licensee holds a burglar alarm license, three of the 14 credits shall be in courses that concern smoke detection systems.
2. If a licensee holds two Committee-issued licenses, he or she shall complete 14 credits for each license held, in courses relevant to the scope of practice for each license, for a total of 38 credits. If a licensee holds a burglar alarm license, three of the 14 credits for that license shall be in courses that concern smoke detection systems.

3. If a licensee holds three Committee-issued licenses, he or she shall complete 14 credits for each license held, in courses relevant to the scope of practice for each license, for a total of 52 credits. Three of the 14 credits for the burglar alarm license shall be in courses that concern smoke detection systems.

(d) A licensee may obtain continuing education credits from the following activities, provided the subject matter is relevant to the scope of practice of the Committee-issued license held by the licensee:

1. Successful completion of continuing education courses or programs approved by the Committee following sponsor submission as provided in (f) below. The Committee shall maintain a list of all programs, courses, and lectures approved by the Committee following sponsor submission and shall furnish this information to licensees upon request;

2. Participation in instructional activities, such as developing curriculum for a new program or course and/or teaching a new program or course. "New" means that the licensee has never taught or developed curriculum for that course or program in any educational setting, except that:

i. A licensee shall receive continuing education credit for teaching Committee-approved continuing education courses on the Barrier Free Subcode, the New Jersey Uniform Construction Code, the Americans with Disabilities Act Code, industrial safety, and New Jersey law and rules, irrespective of whether the licensee has previously taught the course; and

ii. A licensee who teaches such a course shall be deemed to have satisfied the continuing education credit requirements set forth in (b) above regarding Barrier Free Subcode, New Jersey Uniform Construction Code, Americans with Disabilities Act Code, industrial safety, or New Jersey law and rules, as applicable to the course taught, for the triennial licensing period during which the course was taught;

3. Authorship of a textbook or manual provided the textbook or manual, as published, is at least 7,500 words in length; and

4. Authorship of a published article provided the article, as published, is at least 250 words in length.

(e) Credit for continuing education shall be granted as follows:

1. Attendance at continuing education programs and courses: one credit for each hour of attendance at an approved program or course. Credit shall not be granted for programs or courses

that are less than one-instructional-hour long. Credit shall not be granted for more than eight instructional hours obtained in one day. Completion of an entire program or course or segment of program or course instruction shall be required in order to receive any continuing education credit. A licensee may obtain no more than 10 credits in each triennial registration period, for each Committee-issued license, for completing Committee-approved correspondence, self study, televised, videotaped, teleconference, or internet courses;

2. Participation in instructional activities: one credit per hour of program or course instruction to a maximum of 12 credits per triennial registration period for each Committee-issued license;

3. Authorship of a textbook or manual: five credits per textbook or manual, to a maximum of 10 credits per triennial registration period for each Committee-issued license; and

4. Authorship of a published article: two credits per published article, to a maximum of six credits per triennial registration period for each Committee-issued license;

(f) All sponsors of continuing education programs or courses seeking Committee-approval of a course or program shall:

1. Obtain Committee approval prior to representing that any course, seminar, or program fulfills the requirements of this section. All sponsors seeking approval who have received certification from the International Association for Continuing Education and Training (IACET) shall be pre-approved by the Committee for courses related to the provision of fire alarm, burglar alarm, or locksmithing services and shall not be required to comply with the requirements of (f)2 and 6 below, except that such sponsors shall be required to submit a detailed description of course content and hours of instruction for each course, seminar, or program offered;

2. Submit the following for each course or program offered, for evaluation by the Committee, at least 60 days prior to the date the course or program is scheduled to be offered:

i. A detailed description of course content and the hours of instruction; and

ii. The curriculum vitae of each lecturer, including specific background that qualifies the individual as a lecturer of repute in the area of instruction;

3. Monitor the attendance at each approved course and furnish, to each enrollee, a verification of attendance, which shall include at least the following information:

i. Title, date, and location of program or course offering;

ii. Name and license number of attendee;

iii. Number of hours attended;

iv. Name and signature of officer or responsible party; and

v. The Committee-assigned instructor number;

4. Maintain course attendance documentation for a period of six years following course presentation;

5. Solicit program or course evaluations from both the participants and the instructors; and

6. Submit a fee pursuant to N.J.A.C. 13:31A-1.4 for each submission of course or program offering(s) for which Committee approval is sought.

(g) A sponsor of a course or program offering that has been previously approved by the Committee shall reapply to the Committee for approval of the course or program only if there are any changes to the course content, hours of instruction, or course lecturer. The sponsor shall resubmit to the Committee the documentation and continuing education sponsor fee set forth in (f)2 and 6 above, respectively. If there are no changes in course content, hours of instruction, or course lecturer for a previously approved course, or program, the sponsor shall not be required to reapply to the Committee for approval prior to offering the course or program in subsequent renewal periods.

[page=2606] (h) The Committee may perform audits on randomly selected licensees to determine compliance with the continuing education requirements of this section. A licensee shall maintain the following documentation for a period of six years after completion of the credits and shall submit such documentation to the Committee upon request:

1. For attendance at programs or courses approved by the Committee: a certificate of completion from the sponsor;

2. For publication of a manual, textbook, or article: the published item, including the date of publication; and

3. For developing curriculum or teaching a course or program: documentation, including a copy of the curriculum, location, date and time of course, duration of course by hour, and letter from the sponsor confirming that the licensee developed or taught the course or program.



(i) The Committee may waive the continuing education requirements of this section on an individual basis for reasons of hardship, such as severe illness, disability, or military service.

1. A licensee seeking a waiver of the continuing education requirements shall apply to the Committee in writing at least 90 days prior to license renewal and set forth in specific detail the reasons for requesting the waiver. The licensee shall provide the Committee with such supplemental materials as will support the request for waiver.

2. A waiver of continuing education requirements granted pursuant to this subsection shall only be effective for the triennial period in which such waiver is granted. If the condition(s) which necessitated the waiver persists into the next triennial period, a licensee shall apply to the Committee for the renewal of such waiver for the new triennial period.

(j) The Committee may direct or order a licensee to complete continuing education credits as a disciplinary or remedial measure or in order to correct a deficiency in the licensee's continuing education requirements. Any continuing education credits completed by the licensee in compliance with an order or directive from the Committee may not be used to satisfy the continuing education requirements of this section.

(k) A licensee who obtains more than the required number of continuing education credits in any triennial registration period may carry over up to a total of eight credits, irrespective of the number of Committee-issued licenses held, into a succeeding triennial registration period.

(l) Upon triennial license renewal, a licensee shall attest that he or she has satisfied the continuing education requirements of this section. Falsification of any information submitted on the renewal application may require an appearance before the Committee and may result in penalties and/or suspension of the license pursuant to N.J.S.A. 45:1-21 et seq.

#### 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.

#### 13:31A-2.1 Requirements for locksmith licensure

(a) An applicant seeking licensure as a locksmith shall:

1.-6. (No change.)

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.

#### 13:31A-3.1 Requirements for burglar alarm or fire alarm licensure

(a) All applicants seeking licensure to engage in the burglar alarm or fire alarm business shall:

1.-6. (No change.)

7. Have immediately preceding the submission of the application, at least four years of experience in burglar alarm or fire alarm business, which shall be satisfied by one of the following:

i. Proof that the applicant has completed at least four years of practical hands-on experience, which shall include a minimum of 6,720 hours, working with tools in the installation, alteration, or repair of wiring for fire alarms, burglar alarms, and/or electronic security systems and proof that the applicant has completed 80 hours of technical courses applicable to the field in which the applicant is seeking licensure. The 80 hours of technical courses shall include 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, two hours of training in New Jersey law and rules governing the provision of burglar alarm, fire alarm, and locksmithing services, and 70 hours of training in trade-related subjects. "Practical hands-on experience" shall not include time spent supervising, engaging in the practice of engineering, estimating, and performing other managerial tasks relevant to the alarm business. The applicant shall submit a certification by an employer verifying the applicant's practical hands-on experience;

ii.-iii. (No change.)