

**FIRE ALARM BURGLAR ALARM AND LOCKSMITH
ADVISORY COMMITTEE
Minutes of August 15, 2000
Public Session**

The notice of this meeting was prepared in the Office of the Board and mailed to the Secretary of State, the Star Ledger, the Trenton Times and the Courier Post.

CALL TO ORDER

The meeting of the Fire Alarm, Burglar Alarm and Locksmith Advisory Committee was called to order by Chairman Robert Shoremount at 9:40 a.m. in the Somerset Room, Sixth Floor, 124 Halsey Street, Newark, New Jersey. All parties were duly noted and all pertinent material has been provided.

ROLL CALL

Committee Members Present:

Richard Aicher
Martin Arnold
Edward Bagniewski
Robert Boyer
Frank Cavallaro
Keith Eaves
Arthur Fucetola
William Hartung
Charles Okun
Leo Selb, Vice Chairman
Robert Shoremount, Chairman
Barry Starer

Others Present:

Anthony Miragliotta, Deputy Director
Barbara A. Cook, Executive Director
Maryann Sheehan, Regulatory Analyst
George DeLuca, Administrative Analyst
Sally Barletta, Senior Clerk Transcriber
Shirley Passow, Deputy Attorney General

Committee member Richard Rible was unable to attend.

Joseph Cantalupo, representative for the Board of Examiners of Electrical Contractors, was also unable to attend.

Members of the Public:

William L. Young
Bruce C. Sumner

GENERAL ANNOUNCEMENTS

Committee members were requested to notify staff in advance if they are unable to attend scheduled meetings.

APPROVAL OF MINUTES

Motion was made by Robert Boyer, seconded by Martin Arnold and passed by a vote of nine (9) for and two (2) abstentions to approve the Public Session minutes of July 18, 2000.

REVIEW OF CORRESPONDENCE RECEIVED BY THE ADVISORY COMMITTEE

The Committee reviewed Executive Director Cook's letter to Mr. Shoremount inviting him and members of the Committee to attend the Open Session of the Board of Electrical Contractor's meeting on Wednesday, September 6, 2000, at 9:00 A.M., in the Somerset room. The purpose of the meeting will be to discuss Mr. Shoremount's memorandum regarding a proposal to increase the current 30 Volt limit.

REVIEW OF DRAFT RULES

**The Committee made the following determinations upon review of the draft rules:
(new items, revisions and corrections are printed in bold type)**

SUBCHAPTER 1. GENERAL PROVISIONS

13:31A-1.2 *Definitions*

"Closed Circuit Television" or "CCTV"- A video security system that may include video cameras, monitors, switchers, camera enclosures, controls and other related devices.

"Intercom system" - An audio security communication system containing control circuitry that may include a feature designed to selectively release electronically secured doors.

13:31A-1.7 *Suspension, revocation or refusal to issue or renew license*

13:31A-1.7(a) The Committee may, pursuant to the provisions of N.J.S.A. 45:14 et seq, the Act and this chapter, deny admittance to the fire alarm, burglar alarm or locksmithing licensing examinations, deny, refuse to renew, temporarily suspend or revoke a license or issue a civil penalty under this section, upon proof that an applicant or licensee:

13:31A-1.7(a)3 Has engaged in gross negligence, gross malpractice or gross incompetence **which damaged or endangered the life, safety or property of any person;**

13:31A-1.7(a)10 - **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 or another jurisdiction, or has been adjudicated, in civil or administrative proceedings, of violating N.J.S.A. 17:33-1 et seq., or has been subject to a final order, entered in civil or administrative proceedings, that impose civil penalties under the act or against the applicant or licensee;**

13:31A-1.7(a)11 - **Is presently engaged in drug or alcohol use that is likely to impair the ability to engage in the provision of burglar alarm, fire alarm or 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;**

13:31A-1.7(a)12 - **Has permitted an unlicensed person or entity to perform an act for which a license is required by the Committee, or aided and abetted an unlicensed person or entity in performing such an act; and**

13:31A-1.7(a)13 - **Advertised fraudulently in any manner.**

13:31A-1.11 *Advertising*

13:31A-1.11(f) all commercial vehicles used in the burglar alarm business, fire alarm business, or the provision of locksmithing services shall be marked on both sides with the following information:

13:31A-1.11(f)1 The **business** name of the licensee in lettering at least **three inches** in height;

13:31A-1.11(k) A licensee shall not advertise **by using** any technique or communication which appears to intimidate, exert undue pressure or unduly influence a prospective client.

13:31A-1.12 *Standards of Practice*

13:31A-1.12(a)4 Any person who performs or supervises the installation, erection, repair or alteration of **burglar alarm, fire alarm or locksmithing equipment and systems pursuant to P.L. 1997, c. 305, which amended and supplanted the Electrical Contractors Licensing Act, P.L. 1962, c. 162, N.J.S.A. 45:5A-1 et seq.**, consistent with the provisions of N.J.A.C. 13:31A_____ (prohibited practices) shall ensure that work so performed conforms to the standards of the **New Jersey Uniform Construction Code** in effect at the time the work is performed;

13:31A-1.12(a)5 A licensee who performs or supervises work described in four (4) above shall secure a **construction permit and inspection** of the completed work in conformity with the State Uniform Construction Code, N.J.S.A. 45:27D-119 et seq., and the Uniform Construction Code, N.J.A.C. 5:23, **if applicable.**

13:31A-1.12(a)6 A licensee shall correct any code violation **generated by the work performed or supervised by the licensee**, within a reasonable amount of time and at no additional charge to the client;

13:31A-1.13 *Prohibited practices*

13:31A-1.13(a)5 **Failing to notify the Committee of the suspension or revocation of his or her license in another jurisdiction; and**

13:31A-1.13(a)6 **Performing any work on a burglar alarm, fire alarm or electronic security system with a potential of 30 volts or more of electricity. A licensee who performs installation, servicing or maintenance of a burglar alarm, fire alarm or electronic security system, or any component thereof, which has a potential of more than 30 volts of electricity shall obtain a license to perform such activity from the Board of Examiners of Electrical Contractors as set forth in N.J.A.C. 13:31-1.2.** Although preliminarily accepted as drafted by the Regulatory staff, this provision remains open.

SUBCHAPTER 2. LOCKSMITH LICENSURE

13:31A-2.3 *Locksmith Examination, reexamination*

13:31A-2.3(b) **An applicant taking the locksmithing examination for the first time shall be required to 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:**

13:31A-2.3(b)1 **An applicant shall retake the failed section(s) of the examination within 24 months of the date of the first examination;**

13:31A-2.3(b)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 the reexamination;**

13:31A-2.3(b)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 *Waiver of examination requirements*

13:31A-2.4(b) **An applicant qualifying for waiver of the locksmithing examination pursuant to (a) above shall:**

13:31A-2.4(b)5 **Submit a certification verifying that the applicant has completed **eight hours of training in basic electronics and four hours of training in the barrier free subcode, the New Jersey Uniform Construction Code, exclusive of the barrier free subcode, and Americans with Disabilities Act code updates. An applicant must also certify that he or she has obtained a minimum of 24 hours technical training in any of the following trade related subjects:****

- i. Vehicle lock service
- ii. Cylinder servicing of interchangeable cores, high security cylinders and pin and wafer tumbler cylinders;

13:31A-2.6 Locksmith business holder requirements

13:31A-2.6(a)2 Clearly mark the outside of each installation and service vehicle to be used in conjunction with the locksmithing service, **as set forth in N.J.A.C. 13:31A-1.11;**

13:31A-2.6(a)3 for purposes of this section "responds appropriately" means that **any** person calling to request service shall be provided, within 24 hours, with the date and time such service, **if necessary**, will be rendered . . . Motion was made by Robert Boyer and seconded by Barry Starer to replace "will be rendered" with "may be rendered". The motion was unanimously defeated.

13:31A-2.6(a)4i Motion was made by Richard Aicher, seconded by Keith Eaves and passed unanimously to revise the rule to read as follows:

The financial protections afforded by the bond required by four above shall be provided to **any person injured, aggrieved or damaged through the failure of the obligor to perform the duties prescribed under provisions of P.L. 1997, c. 305, which amended and supplanted N.J.S.A. 45:5A-1, the Electrical Contractors Licensing Act**

13:31A-2.7 Locksmith employees

13:31A-2.7(a) Any person employed by a locksmith licensee to **perform locksmithing services** shall be of good moral character pursuant to N.J.S.A. 45:1-21.

13:31A-2.7(a)2 Have successfully completed **four hours of training in the barrier free subcode, the New Jersey Uniform Construction Code, exclusive of the barrier free subcode, and Americans with Disabilities Act, four hours of training in basic electronics and four hours of training in trade related subjects, or** have successfully passed a competency examination administered by the Committee, or have obtained a Certified **Registered** Locksmith rating by the Associated Locksmiths of America.

13:31A-2.8 Supervision of locksmith employees

13:31A-2.8(a) The business qualifier shall assume full responsibility for the inspection and supervision of all locksmithing services performed by the business firm, **and shall ensure compliance with all applicable federal, state and local laws and codes.**

13:31A-2.8(b) The business qualifier shall:

13:31A-2.8(b)1 Supervise the provision of locksmithing services to ensure that such work is performed in compliance **with all applicable federal, state and local laws and codes;**

13:31A-2.8 (b)2 Personally inspect the work of employees pursuant to (d) and (e) below;

13:31A-2.8(b)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;

13:31A-2.8(c) Every 10 employees who are performing locksmithing 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 has satisfied the requirements of N.J.A.C. 13:31A-2.7(b).**

13:31A-2.8(d) **If an employee is opening, making keys for, repairing or recombining, existing locks, or is installing mechanical security hardware on doors that are not designated as emergency exits, or is performing the survey of a premise, the design and preparation of specifications, and the demonstration of installed mechanical security hardware or electronic security systems, the business**

qualifier, the licensee or the supervising employee shall indirectly supervise the employee and shall ensure that the work has been completed. For purposes of this section, "indirect supervision" means that the business qualifier, licensee or supervising employee shall be reachable either in person or by electronic means to provide consultation to the employee.

13:31A-2.8(e) If an employee is performing any locksmithing services, other than the work specified in (d) above, the business qualifier, the licensee or 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.

SUBCHAPTER 3. BURGLAR ALARM AND FIRE ALARM LICENSURE

13:31A-3.1 *Requirements for burglar alarm and fire alarm licensure*

13:31A-3.1(a)6i Proof that the applicant has completed at least four years of practical hands-on experience, which shall include a minimum of 6720 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 barrier free subcode, two hours of training in the New Jersey Uniform Construction Code, exclusive of the barrier free subcode, two hours of training in the Americans with Disabilities Act code, two hours of training in industrial safety, and 72 hours of training in trade related subjects. . .**

13:31A-3.2 *Burglar alarm or fire alarm examination; reexamination*

13:31A-3.2(b) An applicant taking the burglar alarm or fire alarm examination for the first time shall be required to 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:

13:31A-3.2(b)1 An applicant shall retake the failed section(s) of the examination within 24 months of the date of the first examination;

13:31A-3.2(b)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 the reexamination;

13:31A-3.2(b)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-3.3 *Waiver of Examination Requirements*

13:31A-3.3(a) Any person who is engaged in the burglar alarm or fire alarm business on the effective date of this section and who files an application within 120 days following the effective date of this section, shall not be required to submit evidence of successful completion of the alarm business examination provided in N.J.A.C. 13:31A_____, if that person provides evidence of having completed 40 hours of technical training prior to the effective date of this section. **The 40 hours of technical training applicable to the field in which the applicant is seeking licensure shall include two hours of training in barrier free subcode, two hours of training in the New Jersey Uniform Construction Code, exclusive of the barrier free subcode, two hours of training in industrial safety, two hours of training in the Americans with Disabilities Act code, and 32 hours of training in trade related subjects.**

13:31A-3.3(b) An applicant qualifying for waiver of the burglar alarm or fire alarm examination pursuant to (a) above shall:

13:31A-3.3(b)5 Submit a certification verifying that the applicant has completed 40 hours of technical training as provided in (a) above.

13:31A-3.5 Burglar alarm or fire alarm business holder requirements

13:31A-3.5(a)3 Maintain an emergency service number attended to on a 24-hour basis and respond appropriately to emergencies when engaged in the burglar or fire alarm business . . .

For purposes of this section "responds appropriately" means that any person calling to request service shall be provided, **within 24 hours**, with the date and time when such service, if necessary, will be rendered . . .

13:31A-3.5(a)4i The financial protections afforded by the bond required by 4 above shall be provided to **any person injured, aggrieved or damaged through the failure of the obligor to perform the duties prescribed under provisions of P.L. 1997, c. 305, which amended and supplanted N.J.S.A. 45:5A-1, the Electrical Contractors Licensing Act**

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

13:31A-3.6(b) any person employed by a licensee to perform unsupervised installation, servicing or maintenance of a burglar alarm or fire alarm shall:

13:31A-3.6(b)2 Have successfully completed **two hours of training in barrier free subcode, two hours of training in the New Jersey Uniform Construction Code, exclusive of the two hours of training in the barrier free subcode, two hours of training in the Americans with Disabilities Act code, two hours of training in 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.

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

13:31A-3.7(a) The business qualifier shall assume full responsibility for the inspection and supervision of all burglar alarm or fire alarm services performed by a business firm in compliance with **all applicable federal, State and local laws and codes**;

13:31A-3.7(b) The business qualifier shall:

13:31A-3.7(b)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**;

13:31A-3.7(b)2 Personally inspect the work of employees pursuant to (d) and (e) below;

13:31A-3.7(b)3 Ensure that employees are afforded the degree of personal on-site supervision commensurate with their level of competence and complexity of the work performed pursuant to (d) and (e) below;

13:31A-3.7(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 has satisfied the requirements of N.J.A.C. 13:31A-3.6(b)**.

13:31A-3.7(d) The qualifying licensee, a licensee or a supervising employee shall indirectly supervise an employee performing **functions one through six below and shall ensure the work has been completed**:

1. The inspection and testing of the 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 premise, the design and preparation of specifications, and the

demonstration of burglar alarm, fire alarm or electronic security systems. For purposes of this section, "indirect supervision" means that the business qualifier, licensee or supervising employee shall be reachable either in person or by electronic means to provide consultation to the employee;

13:31A-3.7(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.

PUBLIC COMMENTS

William Young, a member of the Associated Locksmiths of America, questioned whether an individual who operates in another state will be grandfathered or qualified for waiver of the licensing examination to perform locksmithing services in New Jersey. Chairman Shoremount advised Mr. Young that both issues have been considered during rule making but that the Committee cannot respond on the issue since the rules and regulations have not been promulgated.

Bruce Sumner, a member of the Associated Locksmiths of America and the International Association of Investigative Locksmiths, questioned whether an instructor may receive continuing education credits for teaching a class either in New Jersey or out-of-state. Chairman Shoremount responded that allowing continuing education credits for licensees who are instructors has been considered during rule making but that the Committee cannot respond on the issue since the rules and regulations have not been promulgated.

ADJOURNMENT

Having no further business, motion was made by Leo Selb, seconded by Charles Okun and passed unanimously to close the Public Session at 2:30 p.m. and proceed into Executive Session.

Respectfully Submitted,

Barbara A. Cook
Executive Director