

VOLUME 49, ISSUE 7  
ISSUE DATE: **APRIL 3, 2017**  
**RULE ADOPTIONS**

**LAW AND PUBLIC SAFETY**  
**DIVISION OF CONSUMER AFFAIRS**  
**BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS**

**Readoption with Amendments: N.J.A.C. 13:31A**

**Adopted Repeals and New Rules: N.J.A.C. 13:31A-1.5, 1.6, and 1.7**

**Adopted New Rules: N.J.A.C. 13:31A-2.10 and 3.10**

**Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee Rules**

**Proposed:** October 17, 2016, at 48 N.J.R. 2092(a).

**Adopted:** February 8, 2017, by the Board of Examiners of Electrical Contractors, James H. Flaherty, Acting Chairman.

**Filed:** March 3, 2017, as R.2017 d.059, **without change**.

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

**Effective Dates:** March 3, 2017, Readoption;  
April 3, 2017, Amendments, New Rules, and Repeals.

**Expiration Date:** March 3, 2024.

**Summary** of Public Comment and Agency Reponse:

The official comment period ended December 16, 2016. The Board of Examiners of Electrical Contractors (Board) and the Fire Alarm, Burglar Alarm and Locksmith Advisory Committee (Committee) received comments from Eric DeGesero, Executive Director, New Jersey Independent Electrical Contractors (IEC).

1. COMMENT: The IEC opposes proposed new N.J.A.C. 13:31A-1.15(a)6i because it believes that inclusion of this language adds confusion since it could be read that those licensed by the Fire Alarm, Burglar Alarm and Locksmith Advisory Committee could install a device above 30 volts to a branch circuit, so long as the branch circuit was installed by a licensed electrical contractor. The commenter states that fire alarm and burglar alarm contractors are prohibited from providing services on anything over 30 volts and there are instances where electrical contractors have reason to believe that work they encounter was performed by fire alarm or burglar alarm contractors on devices in excess of 30 volts. The commenter respectfully requests that the Board delete proposed new N.J.A.C. 13:31A-1.15(a)6i or amend the proposed rule language to include the following sentence at the end: "Under no circumstance can a licensee perform any service on any device in excess of 30 volts."

RESPONSE: The Board and Committee decline to change N.J.A.C. 13:31A-1.15(a)6i as

suggested by the commenter. The Board and Committee note that N.J.S.A. 45:5A-1 et seq., does not establish a voltage limitation for devices that may be installed by a fire alarm or burglar alarm contractor or locksmith. Moreover, the proposed new subparagraph is consistent with N.J.S.A. 45:5A-18(r) because fire alarm and burglar alarm contractors, and locksmiths continue to be prohibited from running branch circuit wiring. The proposed new subparagraph clarifies that, after a New Jersey licensed electrical contractor installs a branch circuit, fire alarm and burglar alarm contractors, and locksmiths are not deemed to engage in professional misconduct when they connect to or disconnect from the branch circuit.

### **Federal Standards Statement**

A Federal standards analysis is not required because the rules in N.J.A.C. 13:31A are governed by N.J.S.A. 45:5A-1 et seq., and, therefore, 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 Committee has voluntarily required licensees and business license holders to comply with applicable Federal laws and regulations. Specifically, 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. Persons employed by licensees to perform unsupervised work must also submit evidence of having completed instruction in the Americans with Disabilities Act code, pursuant to N.J.A.C. 13:31A-2.7 and 3.6. In addition, applicants for 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-1.10, 2.1, and 3.1.

Licensees are required to comply with all applicable Federal laws and regulations when engaging in the burglar alarm or fire alarm business or in the provision of locksmithing services, pursuant to N.J.A.C. 13:31A-1.14, and when supervising the work of their employees, pursuant to N.J.A.C. 13:31A-2.8 and 3.7. The Committee also notes that applicants for locksmith licensure seeking to satisfy the experience requirement set forth at N.J.A.C. 13:31A-2.1 may enroll in an apprenticeship program approved by the Bureau of Apprenticeship and Training of the United States Department of Labor.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:31A.

**Full text** of the adopted amendments and new rules follows:

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 13:31A-1.1 Purpose and scope

(a)-(b) (No change.)

(c) The provisions of this chapter shall not apply to:

1.-4. (No change.)

5. The following individuals when engaged in the provisions of locksmithing services, as set forth in N.J.S.A. 45:5A-28:

i.-iii. (No change.)

iv. A member of a trade union hired to install any mechanical locking device as part of a new building construction or renovation project;

[page=651] 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; and

vi. An alarm business that is licensed pursuant to N.J.S.A. 45:5A-23 et seq., whose activities are performed in combination with the installation, maintenance, moving, repairing, replacing, servicing, or reconfiguration of an alarm system and limited to locks or access control devices that are controlled by an alarm system control device, including the removal of existing hardware;

6.-8. (No change.)

(d)-(e) (No change.)

### 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:

...

"Employee" means any person engaged in the burglar alarm business, fire alarm business, or the provision of locksmithing services who performs installation, servicing or maintenance of burglar alarms or fire alarms, or who performs locksmithing services for the business qualifier, other than an independent contractor, and whose remuneration is reported on Form W-2 to the Internal Revenue Service.

...

### 13:31A-1.4 Fees

(a) The following fees shall be charged by the Committee:

1.-14. (No change.)

15. Temporary courtesy license.....	\$ 40.00
16. Renewal temporary courtesy license.....	\$ 40.00
17. Replacement license/business license fee.....	\$ 25.00

### 13:31A-1.5 Renewal

(a) The Committee shall send a notice of renewal to each licensee, at least 60 days prior to the expiration of the license. The notice of renewal shall explain inactive renewal and advise the licensee of the option to renew as inactive. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew provided that the license is renewed within 60 days from the date the

notice is sent or within 30 days following the date of license expiration, whichever is later.

(b) A licensee shall renew his or her license for a period of three years from the last expiration date. The licensee shall submit a renewal application to the Committee, along with the renewal fee set forth in N.J.A.C. 13:31A-1.4, prior to the date of license expiration.

(c) A licensee may renew his or her license by choosing inactive status. A licensee electing to renew his or her license as inactive shall not engage in the burglar alarm business, the fire alarm business, or the provision of locksmithing services, as applicable, or hold himself or herself out as eligible to engage in the burglar alarm business, the fire alarm business, or the provision of locksmithing services, as applicable, in New Jersey until such time as the license is returned to active status.

(d) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee, and a late fee as set forth in N.J.A.C. 13:31A-1.4. During this 30-day period, the license shall be valid and the licensee shall not be deemed practicing without a license.

(e) A licensee who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended without a hearing.

(f) A licensee who continues to engage in the burglar alarm business, the fire alarm business, or the provision of locksmithing services, as applicable, with a suspended license shall be deemed to be engaging in unauthorized practice and shall be subject to action consistent with N.J.S.A. 45:1-14 et seq., even if no notice of suspension has been provided to the individual.

#### 13:31A-1.6 License reactivation

(a) A licensee who holds an inactive license pursuant to N.J.A.C. 13:31A-1.5(c) may apply to the Committee for reactivation of the inactive license. A licensee seeking reactivation of an inactive license shall submit:

1. A renewal application;
2. A certification of employment listing each job held during the period the license was inactive, which includes the name, address, and telephone number of each employer;
3. The renewal fee for the triennial period for which reactivation is sought as set forth in N.J.A.C. 13:31A-1.4; and
4. Evidence of having completed all continuing education credits that were required to be completed during the triennial period immediately prior to the renewal period for which reactivation is sought, consistent with the requirements set forth in N.J.A.C. 13:31A-1.12.

i. An applicant who holds a valid, current license in good standing issued by another state to engage in the burglar alarm business, the fire alarm business, or the provision of locksmithing services, as applicable, and submits proof of having satisfied that state's continuing education requirements for that license, shall be deemed to have satisfied the

requirements of this paragraph. If the other state does not have any continuing education requirements, the requirements of this paragraph apply.

ii. To the extent that specific courses are required to satisfy the continuing education requirement for, or are required to have been satisfied prior to, the triennial period for which reactivation is sought, the Committee will allow applicants to take the courses within 12 months following reactivation. If the Committee concludes, in accordance with (b) below, that there are practice deficiencies in need of remediation, (b) below applies.

(b) If a Committee review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Committee may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Committee prior to reactivation of the license. If that examination or assessment identifies deficiencies or educational needs, the Committee may require the applicant, as a condition of reactivation of licensure, to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations as the Committee determines is necessary to assure that the applicant practices with reasonable skill and safety. The Committee, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Committee following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Committee shall consider the following non-exhaustive issues:

1. Length of duration license was inactive;
2. Employment history;
3. Professional history;
4. Disciplinary history and any action taken against the applicant's license by any licensing board;
5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to engaging in the burglar alarm business, the fire alarm business, or the provision of locksmithing services or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
6. Pending proceedings against a professional or occupational license or certificate issued to the licensee by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
7. Civil litigation related to engaging in the burglar alarm business, the fire alarm business, or the provision of locksmithing services or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

#### 13:31A-1.7 License reinstatement

(a) A licensee who has had his or her license suspended pursuant to N.J.A.C. 13:31A-1.5(e) may apply to the Committee for reinstatement. A licensee applying for reinstatement shall

submit:

1. A reinstatement application;

[page=652] 2. A certification of employment listing each job held during the period of suspended license, which includes the names, addresses, and telephone number of each employer;

3. The renewal fee for the triennial period for which reinstatement is sought;

4. The past due renewal fee for the triennial period immediately preceding the renewal period for which reinstatement is sought;

5. The reinstatement fee set forth in N.J.A.C. 13:31A-1.4; and

6. Evidence of having completed all continuing education credits that were required to be completed during the triennial period immediately prior to the renewal period for which reinstatement is sought, consistent with the requirements set forth in N.J.A.C. 13:31A-1.12.

i. An applicant who holds a valid, current license in good standing issued by another state to engage in the burglar alarm business, the fire alarm business, or the provision of locksmithing services, as applicable, and submits proof of having satisfied that state's continuing education requirements for that license, shall be deemed to have satisfied the requirements of this paragraph. If the other state does not have any continuing education requirements, the requirements of this paragraph apply.

ii. To the extent that specific courses are required to satisfy the continuing education requirement for, or are required to have been satisfied prior to, the triennial period for which reinstatement is sought, the Committee will allow applicants to take the courses within 12 months following reinstatement. If the Committee concludes, in accordance with (b) below, that there are practice deficiencies in need of remediation, (b) below applies.

(b) If a Committee review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Committee may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Committee prior to reinstatement of the license. If that examination or assessment identifies deficiencies or educational needs, the Committee may require the applicant, as a condition of reinstatement of licensure, to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations as the Committee determines is necessary to assure that the applicant practices with reasonable skill and safety. The Committee, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Committee following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Committee shall consider the following non-exhaustive issues:

1. Length of duration license was suspended;

2. Employment history;
3. Professional history;
4. Disciplinary history and any action taken against the applicant's license by any licensing board;
5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to engaging in the burglar alarm business, the fire alarm business, or the provision of locksmithing services or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
6. Pending proceedings against a professional or occupational license or certificate issued to the licensee by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
7. Civil litigation related to engaging in the burglar alarm business, the fire alarm business, or the provision of locksmithing services or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

#### 13:31A-1.15 Prohibited practices

(a) A licensee shall be deemed to have engaged in professional misconduct and shall be subject to the penalties set forth in N.J.S.A. 45:1-21 et seq., for engaging in any of the activities set forth in N.J.S.A. 45:1-21 and any of the following prohibited acts or practices:

1.-5. (No change.)

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).

i. Nothing in this subsection shall be construed to preclude a licensee from connecting to or disconnecting from a branch circuit that was previously installed by an electrical contractor licensed by the Board pursuant to N.J.S.A. 45:5A-1 et seq.

#### SUBCHAPTER 2. LOCKSMITH LICENSURE

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

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

1.-5. (No change.)

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. "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 provision of locksmithing services; or

ii. (No change.)

7. (No change.)

13:31A-2.5 Application for locksmith licensure: individual and business firm

(a)-(e) (No change.)

(f) A nonresident military spouse as defined in N.J.A.C. 13:31A-2.10(a) may apply for a temporary courtesy license, if he or she satisfies the criteria set forth in N.J.A.C. 13:31A-2.10(b) through (f).

13:31A-2.6 Locksmith business license holder requirements

(a) A locksmith business license holder shall:

1.-2. (No change.)

3. If the locksmith business license holder is engaged in the provision of electronic security system services, maintain an emergency service number attended to on a 24-hour basis and respond appropriately to emergencies on a 24-hour basis. For purposes of this section, "attended to" means that the main business telephone number or another telephone number designated and advertised by the business as an emergency service telephone number is answered on a 24-hour pay per day basis. For purposes of this section "responds appropriately" means that within 24 hours, any person calling to request service shall be provided with the date and time when such service, if necessary, will be rendered; and

4. (No change.)

(b)-(d) (No change.)

13:31A-2.7 Locksmith employees

(a) (No change.)

(b) Any person employed by a licensee to perform locksmithing services while unsupervised shall:

1. Have at least three years of practical hands-on experience in the provision of locksmith services as defined in N.J.A.C. 13:31A-1.2. "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 provision of locksmithing services; and

2. (No change.)



13: 31A-2.10 Temporary courtesy locksmith license

(a) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

"Another jurisdiction" means the District of Columbia, a territory of the United States, or a state other than New Jersey.

"Nonresident military spouse" means a person who is not domiciled in this State who is the spouse of an active duty member of the Armed Forces in the United States, where the active duty service member is a resident of New Jersey for one of the following reasons:

[page=653] 1. He or she has been temporarily transferred to this State in the course of his or her military service;

2. He or she is legally domiciled in this State; or

3. He or she has moved to this State on a permanent change-of-station basis.

(b) An individual who is licensed, registered, or certified in another jurisdiction may apply to obtain a temporary courtesy locksmith license pursuant to P.L. 2013, c. 264, if he or she:

1. Meets the definition of nonresident military spouse set forth in (a) above;

2. Holds a license, registration, or certificate in good standing in a jurisdiction that has licensure, registration, or certification requirements equivalent to New Jersey's requirements for locksmith licensure;

3. Has been engaged in the active provision of locksmithing services for at least two of the five years immediately preceding the date of application for the temporary courtesy license, for which purpose relevant full-time experience in the discharge of official duties in the Armed Forces of the United States or an agency of the Federal government shall be credited in the counting of years of service.

i. The Committee may require a nonresident military spouse who has not been engaged in the provision of locksmithing services in another jurisdiction during the two years immediately preceding the application to undergo additional training, testing, mentoring, monitoring, or education should the Committee deem it necessary to assure that the applicant practices with reasonable skill and safety. In making its determination whether the applicant must undergo additional training, testing, monitoring, or education, the Committee shall consider the following factors including, but not limited to:

(1) Employment history;

(2) Professional history;

(3) Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the provision of locksmithing services or other professional or

occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

(4) Civil litigation related to the provision of locksmithing services or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;

4. Has not committed an act in another jurisdiction that would have constituted grounds for the denial, suspension, or revocation of his or her license in New Jersey, has not been disciplined, or is not the subject of an investigation of an unresolved complaint or a review procedure or disciplinary proceeding conducted by or is pending before a professional or occupational licensing or credentialing entity in another jurisdiction;

5. Has satisfied any continuing education requirements in the jurisdiction meeting the requirements of (b)2 above, where he or she holds a current license, registration, or certificate to provide locksmithing services, and at the discretion of the Committee, completes such continuing education hours or credits as may be required by the Committee within the time frame the Committee may establish.

i. In making its determination whether the applicant must complete additional continuing education hours or credits, the Committee shall consider the following factors including, but not limited to:

(1) Employment history;

(2) Professional history;

(3) Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the provision of locksmithing services or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

(4) Civil litigation related to the provision of locksmithing services or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;

6. 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, 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; and

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

(c) An applicant for a temporary courtesy locksmith license shall submit, or arrange to submit, to the Committee:

1. A completed application form, provided by the Committee;
2. A non-refundable application fee and temporary courtesy license fee as set forth in N.J.A.C. 13:31A-1.4;
3. Written or electronic verification of status of licensure, registration, or certification from a jurisdiction in which the applicant is currently licensed, registered, or certified. The verification shall either be forwarded directly to the Committee from the applicable state board, if written, or if electronic, be issued by the applicable state board. The applicant shall also provide a list of all jurisdictions in which the applicant is currently or has ever been licensed, registered, or certified;
4. Proof that the applicant was engaged in the provision of locksmithing services in another jurisdiction, including any time spent discharging official duties in the Armed Forces or for an agency of the Federal government, for at least two of the last five years immediately preceding the date of application; and
5. A completed Criminal History Certification of Authorization Form.

(d) A temporary courtesy license shall be valid for one year.

(e) An individual who holds a temporary courtesy license may apply to the Committee for an extension of the license for an additional year by submitting a renewal application to the Committee and paying a renewal fee as set forth in N.J.A.C. 13:31A-1.4.

(f) A nonresident military spouse who holds a temporary courtesy license pursuant to this section shall be entitled to the same rights and be subject to the same obligations as provided by the Committee for New Jersey residents, except that revocation or suspension of a nonresident military spouse's license, registration, or certificate in the nonresident military spouse's state of residence or any jurisdiction in which the nonresident military spouse held licensure, registration, or certification shall automatically cause the same revocation or suspension of the person's temporary courtesy license in New Jersey, if that revocation or suspension was on the basis of a charge or commission of a criminal offense, competency, or harmful or inappropriate behavior.

### SUBCHAPTER 3. BURGLAR ALARM OR FIRE ALARM LICENSURE

#### 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. (No change.)

ii. Proof of having earned a bachelors degree in electrical engineering and having completed one year of practical hands-on experience, as defined in (a)7i above, which shall include a minimum of 1,680 hours. The applicant shall submit a copy of his or her diploma and a certification by an employer verifying the applicant's one year of practical hands-on experience. The applicant shall submit proof of successfully completing, 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, 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; or

iii. Proof of having completed a minimum of one-year course in the study of trade-related electronics at a technical school and having completed three years of practical hands-on experience, as defined in (a)7i above, which shall include a minimum of 5,040 hours. The applicant shall submit a copy of his or her diploma or certificate of completion and a certification by an employer(s) verifying the [page=654] applicant's three years of practical hands-on experience. The applicant shall submit proof of successfully completing, 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, 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-3.4 Application for burglar alarm or fire alarm licensure: individual and business firm

(a)-(e) (No change.)

(f) A nonresident military spouse as defined in N.J.A.C. 13:31A-3.10(a) may apply for a temporary courtesy license to engage in the alarm business if he or she satisfies the criteria set forth in N.J.A.C. 13:31A-3.10(b) through (f).

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

(a)-(b) (No change.)

13:31A-3.10 Temporary courtesy burglar alarm or fire alarm license

(a) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

"Another jurisdiction" means the District of Columbia, a territory of the United States, or a state other than New Jersey.

"Nonresident military spouse" means a person who is not domiciled in this State who is the spouse of an active duty member of the Armed Forces in the United States, where the

active duty service member is a resident of New Jersey for one of the following reasons:

1. He or she has been temporarily transferred to this State in the course of his or her military service;
2. He or she is legally domiciled in this State; or
3. He or she has moved to this State on a permanent change-of-station basis.

(b) An individual who is licensed, registered, or certified in another jurisdiction may apply to obtain a temporary courtesy burglar alarm and/or fire alarm license, as applicable, pursuant to P.L. 2013, c. 264, if he or she:

1. Meets the definition of nonresident military spouse set forth in (a) above;
2. Holds a license, registration, or certificate in good standing in a jurisdiction that has licensure, registration, or certification requirements equivalent to New Jersey's requirements for burglar alarm or fire alarm licensure, as applicable;
3. Has been actively engaged in the burglar alarm or fire alarm business, as applicable, for at least two of the five years immediately preceding the date of application for the temporary courtesy license, for which purpose relevant full-time experience in the discharge of official duties in the Armed Forces of the United States or an agency of the Federal government shall be credited in the counting of years of service.

i. The Committee may require a nonresident military spouse who has not been engaged in the burglar alarm or fire alarm business, as applicable, in another jurisdiction during the two years immediately preceding the application to undergo additional training, testing, mentoring, monitoring, or education should the Committee deem it necessary to assure that the applicant practices with reasonable skill and safety. In making its determination whether the applicant must undergo additional training, testing, monitoring, or education, the Committee shall consider the following factors including, but not limited to:

- (1) Employment history;
- (2) Professional history;
- (3) Actions affecting the applicant's privileges taken by any institution, organization, or employer related to being engaged in the burglar alarm or fire alarm business or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
- (4) Civil litigation related to being engaged in the burglar alarm or fire alarm business or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;

4. Has not committed an act in another jurisdiction that would have constituted grounds for the denial, suspension, or revocation of his or her license in New Jersey, has not been disciplined, or is not the subject of an investigation of an unresolved complaint or a review

procedure or disciplinary proceeding conducted by or is pending before a professional or occupational licensing or credentialing entity in another jurisdiction;

5. Has satisfied any continuing education requirements in the jurisdiction meeting the requirements of (b)2 above, where he or she holds a current license, registration, or certificate to engage in the burglar alarm or fire alarm business, as applicable, and at the discretion of the Committee, completes such continuing education hours or credits as may be required by the Committee within the time frame the Committee may establish.

i. In making its determination whether the applicant must complete additional continuing education hours or credits, the Committee shall consider the following factors including, but not limited to:

(1) Employment history;

(2) Professional history;

(3) Actions affecting the applicant's privileges taken by any institution, organization, or employer related to being engaged in the burglar alarm or fire alarm business or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

(4) Civil litigation related to being engaged in the burglar alarm or fire alarm business or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;

6. 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, 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; and

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

(c) An applicant for a temporary courtesy burglar alarm and/or fire alarm license, as applicable, shall submit, or arrange to submit, to the Committee:

1. A completed application form, provided by the Committee;

2. A non-refundable application fee and temporary courtesy license fee as set forth in N.J.A.C. 13:31A-1.4;

3. Written or electronic verification of status of licensure, registration, or certification from a jurisdiction in which the applicant is currently licensed, registered, or certified. The verification shall either be forwarded directly to the Committee from the applicable state board, if written, or if electronic, be issued by the applicable state board. The applicant shall also provide a list of all jurisdictions in which the applicant is currently or has ever been

licensed, registered, or certified;

4. Proof that the applicant was engaged in the burglar alarm or fire alarm business, as applicable, in another jurisdiction, including any time spent discharging official duties in the Armed Forces or for an agency of the Federal government, for at least two of the last five years immediately preceding the date of application; and

5. A completed Criminal History Certification of Authorization Form.

(d) A temporary courtesy license shall be valid for one year.

(e) An individual who holds a temporary courtesy license may apply to the Committee for an extension of the license for an additional year by submitting a renewal application to the Committee and paying a renewal fee as set forth in N.J.A.C. 13:31A-1.4.

(f) A nonresident military spouse who holds a temporary courtesy license pursuant to this section shall be entitled to the same rights and be subject to the same obligations as provided by the Committee for New Jersey residents, except that revocation or suspension of a nonresident military spouse's license, registration, or certificate in the nonresident military spouse's state of residence or any jurisdiction in which the nonresident military spouse held licensure, registration, or certification [page=655] shall automatically cause the same revocation or suspension of the person's temporary courtesy license in New Jersey if that revocation or suspension was on the basis of a charge or commission of a criminal offense, competency, or harmful or inappropriate behavior.