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RULE ADOPTION
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS
FIRE ALARM, BURGLAR ALARM AND LOCKSMITH ADVISORY COMMITTEE
LOCKSMITH BUSINESS LICENSE HOLDER REQUIREMENTS

Adopted Amendment: N.J.A.C. 13:31A-2.6

Proposed: July 7, 2003 at 35 N.J.R. 2815(a).

Adopted: February 4, 2004 by the Board of Examiners of Electrical Contractors, Robert A. McCullough, Acting Chairperson.

Filed: July 6, 2004 as R.2004 d.303, with technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:5A-23 et seq. (P.L. 1997, c.305), specifically N.J.S.A. 45:5A-38.

Effective Date: August 2, 2004.

Expiration Date: March 15, 2009.

In light of the foregoing, when proposing new N.J.A.C. 13:31A-2.6(a)3, the Committee sought to clarify the meaning of N.J.S.A. 45:5A-32(a)3 by expressly stating that the requirement in the Act concerning the maintenance of a 24-hour emergency service number is applicable to those locksmith business license holders who offer electronic security system services. The Committee notes, however, that in proposing the new paragraph, the statutory reference to "when engaged in the alarm business" was inadvertently left in the section. The clarification that the rule applies to locksmith business license holders engaged in the provision of electronic security system services, however, obviated the need to include the reference to "when engaged in the alarm business." The Committee, therefore, is amending N.J.A.C. 13:31A-2.6(a)3, on adoption, to delete the reference to "when engaged in the alarm business" as the language is now superfluous.

In addition to the Legislative intent of the Act discussed above, the Committee believes that sound public policy dictates that locksmith business license holders who choose to provide electronic security system services should be required to provide consumers with an emergency service number. The Committee disagrees with the commenters' assertion that the requirement is not necessary for locksmith business license holders because of the type of services locksmiths offer. Under the Act and the new rules in N.J.A.C. 13:31A, electronic security system services may be offered by burglar alarm and fire alarm licensees, and by locksmith licensees. The Committee believes that a consumer who chooses to obtain electronic security system services from a locksmith licensee is just as deserving of the protections afforded by a 24-hour emergency service number as is the consumer who chooses to obtain the same type of services from a burglar alarm or fire alarm installer. Moreover, the Committee believes that any costs that may be imposed upon locksmith business license holders because of the requirement to maintain a 24-hour service number are outweighed by the protection afforded New Jersey consumers in having such a number available in case of an emergency.

Federal Standards Statement

A Federal standards analysis is not required because adopted N.J.A.C. 13:31A- 2.6(c)3 is governed by N.J.S.A. 45:5A-1 et seq., and is not subject to any Federal standards or requirements.

Full text of the adoption follows :

<< NJ ADC 13:31A-2.6 >>

13:31A-2.6 Locksmith business license holder requirements

(a) A locksmith business license holder shall:

1.-2. (No change.)

3. <<-(Reserved)->>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 <<-when engaged in the alarm business->>. 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.)