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NEW JERSEY ADMINISTRATIVE CODE
TITLE 13
LAW AND PUBLIC SAFETY
CHAPTER 31A
FIRE ALARM, BURGLAR ALARM, AND
LOCKSMITH ADVISORY COMMITTEE

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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;
 - 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) 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.

"Business firm" means a partnership, corporation or other business entity engaged in the burglar alarm business, fire alarm business, or the provision of locksmithing services.

"Business license" means the authorization to provide fire alarm, burglar alarm, electronic security system or locksmithing services.

"Business qualifier" means a licensee who has satisfied the experience requirements set forth in N.J.A.C. 13:31A-2.1 or 3.1, who authorizes the holder of a business license to provide fire alarm, burglar alarm, electronic security system or locksmithing services.

"Commissioning" means to perform a system verification in order to test the system for service readiness.

"Committee" means the Fire Alarm, Burglar Alarm and Locksmith Advisory Committee established pursuant to N.J.S.A. 45:5A-23.

"Closed circuit television" or "CCTV" means a video security system that may include video cameras, IP (Internet Protocol) cameras, monitors, switches, camera enclosures, controls and other related devices. "Closed circuit television" may be an independent system or may be integrated with other electronic security systems.

"Division" means the New Jersey Division of Consumer Affairs in the Department of Law and Public Safety.

"Electronic security system" means a security system comprised of an interconnected series of devices or components, including systems with audio and video signals or other electronic systems, which emits or transmits an audible, visual or electronic signal warning of intrusion and provides notification of authorized entry or exit, which is designed to discourage crime.

"Electronic security systems" include access control systems, CCTV systems, intercom systems and other electronic monitoring devices.

"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.

"Fire 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 which provides a warning of the presence of smoke or fire. "Fire alarm" does not include an energy management system whose primary purpose is telecommunications with energy control, the monitoring of the interior environment being an incidental feature thereto.

"Fire alarm business" means the installation, servicing or maintenance of fire alarms or electronic security systems, or the monitoring or responding to alarm signals when provided in conjunction with fire alarms or electronic security systems in any facility.

"Installation" means the survey of a premises, the design and preparation of the specifications for the equipment or system to be installed pursuant to a survey, the installation of the equipment or system, or the demonstration of the equipment or system after the installation is completed.

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

"Licensed locksmith" means a person who is licensed pursuant to N.J.S.A. 45:5A-27 and the provisions of this chapter.

"Licensee" means a person licensed to engage in the burglar alarm business, the fire alarm business, or the provision of locksmithing services pursuant to N.J.S.A. 45:5A-27 and the provisions of this chapter.

"Locksmithing services" means the modification, recombination, repair or installation of mechanical locking devices and electronic security systems for any type of compensation and includes repairing, rebuilding, recoding, servicing, adjusting, installing, manipulating or bypassing of a mechanical or electronic locking device, for controlled access or egress to premises, vehicles, safes, vaults, safe doors, lock boxes, automatic teller machines, or other devices for safeguarding areas where access is meant to be limited. Locksmithing services also means operating a mechanical or electronic locking device, safe or vault by means other than those intended by the manufacturer of such locking devices, safes or vaults, and consulting and providing technical advice regarding selection of hardware and locking systems of mechanical or electronic locking devices and electronic security systems. "Locksmithing services" does not include the installation of a prefabricated lock set and door knob into a door of a resident.

"Person" means a person, firm, corporation or other legal entity.

"Smoke detection system" means an electronic system consisting of a control unit (which may be a component of a combination fire/burglar control panel), smoke detector(s), heat detector(s), if required, audible appliance(s) and battery back-up, as utilized in one and/or two family detached, residential dwellings.

"Verification" means the testing of a system with sufficient thoroughness so as to ascertain that every primary and secondary operation coincides with each appropriate initiating device or zone's activation ensuring correct system operation.

13:31A-1.3 OFFICE OF THE COMMITTEE

The office of the Committee shall be maintained at 124 Halsey Street, Newark, New Jersey. The mailing address of the Committee is PO Box 45042, Newark, New Jersey. The telephone number of the Committee is (973) 504-6245.

13-31A-1.4 FEES

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

- 1) Initial application fee \$150.00
- 2) Application fee for second and/or third license issued by the Committee .. \$100.00
- 3) Initial license fee
 - i) If paid during the first year of the triennial renewal period \$120.00
 - ii) If paid during the second year of the triennial renewal period..... \$80.00
 - iii) If paid during the third year of the triennial renewal period \$40.00
- 4) Initial Business license fee
 - i) If paid during the first year of the triennial renewal period \$75.00
 - ii) If paid during the second year of the triennial renewal period..... \$50.00
 - iii) If paid during the third year of the triennial renewal period \$25.00
- 5) Triennial license renewal fee \$120.00
- 6) Triennial business license renewal fee..... \$75.00
- 7) Inactive renewal fee..... (to be established by rule by the Director)

- 8) Late renewal fee (within 30 days of renewal date) \$50.00
- 9) Reinstatement fee (more than 30 days after renewal date) \$100.00
- 10) Employee listing fee..... \$75.00
- 11) Employee listing renewal fee \$50.00
- 12) Reciprocity license fee..... \$120.00
- 13) Continuing education program sponsor fee..... \$100.00
- 14) Verification of licensure fee..... \$25.00
- 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;
 - 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-1.8 CHANGE OF ADDRESS; SERVICE OF PROCESS

- a) A licensee shall notify the Committee in writing of any change of address from that registered with the Committee and shown on the most recently issued license. Such notice shall be sent to the Committee by certified mail, return receipt requested, not later than 30 days following the change of address. Failure to notify the Committee of any change of address may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h).
- b) Service of an administrative complaint or other Committee-initiated action at a licensee's address which is on file with the Committee shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceedings.

- c) A licensee shall, within 30 days of receiving notice of disciplinary action taken against the licensee in any state, territory or jurisdiction, report to the Committee in writing of such notification and provide a copy of the notification and the underlying documentation of the disciplinary action.

13:31A-1.9 SUSPENSION, REVOCATION OR REFUSAL TO ISSUE OR RENEW LICENSE

- a) The Committee may, pursuant to the provisions of N.J.S.A. 45:1-14 et seq., the Act and this chapter, deny admittance to the fire alarm, burglar alarm or locksmith licensing examinations, deny, refuse to renew, suspend or revoke a license or issue a civil penalty under this section, upon proof that an applicant or licensee:
- 1) Has obtained a license through fraud, deception or misrepresentation;
 - 2) Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;
 - 3) Has engaged in gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of any person;
 - 4) Has engaged in repeated acts of negligence, malpractice or incompetence;
 - 5) Has engaged in professional misconduct as outlined in N.J.A.C. 13:31A-1.15;
 - 6) Has been convicted of, or engaged in acts constituting, any crime in the first, second or third degree, or any crime relating adversely to the burglar alarm or fire alarm business or the provision of locksmithing services within 10 years prior to the filing of the application;
 - 7) Has been convicted of the fourth degree offense of engaging in the unlicensed practice of electrical contracting;
 - 8) Has had the authority to engage in the burglar alarm or fire alarm business or the provision of locksmithing services revoked or suspended by any other state, agency or authority for reasons consistent with this subsection;
 - 9) Has had an application to engage in the installation or maintenance of fire protection equipment denied by the Department of Community Affairs, pursuant to N.J.S.A. 52:27D-25n et seq.;

- 10) Has violated or failed to comply with the provisions of any law or regulation administered by the Committee;
 - 11) Is incapable, for medical or other good cause, of discharging the functions of a licensee in a manner consistent with the public health, safety and welfare;
 - 12) 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 of another jurisdiction, or has been adjudicated, in civil or administrative proceedings, of violating N.J.S.A. 17:33A-1 et seq., or has been subject to a final order, entered in civil or administrative proceedings, that imposes civil penalties under that act against the applicant or the licensee;
 - 13) Is presently engaged in drug or alcohol use that is likely to impair the ability to engage in the burglar alarm or fire alarm business or the provision of 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;
 - 14) Has permitted an unlicensed person or entity to perform an act for which a license is required by the Committee or the Board, or aided and abetted an unlicensed person or entity in performing such an act; or
 - 15) Advertised fraudulently in any manner.
- b) In addition to the consequences listed in (a) above, the Committee may impose additional or alternative penalties pursuant to N.J.S.A. 45:1-14 et seq. for violations of any provision of the Act and this subchapter.
 - c) In addition to the express consequences of (a) and (b) above, the Committee may enforce consequences arising from actions taken by other statutory authorities.
 - d) The denial, refusal to issue or renew, suspension or revocation of a license, and/or the issuance of a civil penalty under this section may be ordered by a decision of a majority of the Committee after notice and an opportunity to be heard in accordance with the Administrative Procedure Act, N.J.S.A 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.
 - e) An application may be made to the Committee for reinstatement of a revoked license if the revocation has been in effect for at least one year. The reinstatement shall be granted upon an affirmative vote by a majority of the Committee.

13:31A-1.10 QUALIFICATIONS FOR LICENSURE FOR APPLICANTS LICENSED IN OTHER STATES

- a) Any person with a valid registration, certification or license to engage in the burglar alarm or fire alarm business or the provision of locksmithing services issued by another state or possession of the United States or the District of Columbia may, upon the submission of a Committee-provided application and the payment of the fee set forth in N.J.A.C. 13:31A-1.4, be issued a license to engage in the burglar alarm or fire alarm business or the provision of locksmithing services in the State, whichever is applicable, provided that:
- 1) The experience and knowledge requirements in such other jurisdictions are equal or greater to those required by New Jersey at the time of application, as set forth in N.J.A.C. 13:31A-2.1 or 3.1;
 - 2) The applicant submits an application for licensure by reciprocity to the Committee;
 - 3) The applicant submits verification from all states in which he or she holds a registration, certification or license to engage in the burglar alarm or fire alarm business or in the provision of locksmithing services, whichever is applicable, establishing that such registrations, certifications or licenses are in good standing;
 - 4) The applicant successfully completes the burglar alarm, fire alarm or locksmith examination, whichever is applicable, as set forth in N.J.A.C. 13:31A-2.3 or 3.2;
 - 5) The applicant successfully 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; and 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
 - 6) The applicant submits his or her fingerprints for the purpose of permitting a criminal history records check.
- b) Notwithstanding (a) above, an applicant for licensure by reciprocity may be denied a license to engage in the burglar alarm or fire alarm business or the provision of locksmithing services in the State pursuant to the provisions of N.J.A.C. 13:31A-1.9.

13:31A-1.11 WAIVER

Any applicant for licensure or any licensee engaged in the burglar alarm business, the fire alarm business, or the provision of locksmithing services desiring a waiver or release from the express requirements of any provision of this chapter may make such request, in writing, to the Committee. The applicant or licensee shall describe the conditions or reasons for the proposed waiver, including the reference of the specific rule which necessitates the proposal. A waiver shall be granted only by the Committee, in writing, for good cause and then only when the waiver does not contravene the purposes of the Act.

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.
- 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-1.13 ADVERTISING

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

"Advertisement" means an attempt, directly or indirectly, by publication, dissemination, or circulation in print, electronic or other media, to induce any person or entity to purchase or

enter into an agreement to purchase burglar alarm, fire alarm or locksmithing services or goods related thereto.

"Electronic media" means radio, television, telephone, internet, and other electronic means of communication.

"Print media" means business cards, newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, flyers, billboards, signs, direct mail, match covers and other items disseminated by means of the printed word.

"Range of fees" means a statement of fees containing an upper and lower limit on the fees charged for services or goods offered by a licensee under this subchapter.

- b) A licensee shall be able to substantiate the truthfulness of any material, objective assertion or representation set forth in an advertisement.
- c) A licensee who is a principal, partner or officer of a firm or entity identified in an advertisement for the provision of burglar alarm, fire alarm or locksmithing services, goods or devices shall be responsible for the form and content of any advertisement disseminated by or on behalf of a person employed by the firm.
- d) A licensee shall ensure that an advertisement does not misrepresent, suppress, omit or conceal a material fact. Omission, suppression or concealment of a material fact includes directly or indirectly obscuring a material fact under circumstances where the licensee knows or should know that the omission is improper or prohibits a prospective client from making a full and informed judgment on the basis of the information set forth in the advertisement.
- e) A licensee shall include the following in all advertisements and professional representations, other than an office entry sign, including advertisements in a classified directory, business cards and professional stationery:
 - 1) The name and license number of the licensee;
 - 2) The words "Burglar Alarm Business License Number" or "Burglar Alarm Business Lic. #," "Fire Alarm Business License Number" or "Fire Alarm Business Lic. #" or "Locksmith Business License Number" or "Locksmith Business Lic. #," or any combination thereof, as applicable; and
 - 3) The street address and telephone number of the business office.

- f) All commercial vehicles used in the burglar alarm business, the fire alarm business, or the provision of locksmithing services shall be marked on both sides with the following information:
- 1) The business name of the licensee in lettering at least three inches in height;
 - 2) The words "Burglar Alarm Business License Number" or "Burglar Alarm Business Lic. #," "Fire Alarm Business License Number" or "Fire Alarm Business Lic. #" or "Locksmith Business License Number" or "Locksmith Business Lic. #" or any combination thereof, as applicable, along with the relevant number; and
 - 3) The name of the municipality from which the licensee practices or where the licensee has a principal office, in lettering at least three inches in height.
 - i) Where available space for lettering is limited, either by design of the vehicle or by the presence of other legally specified identification markings, making strict compliance with (f)3 above impractical, the size of the lettering shall be as close to three inches high as is possible within the limited space, provided the name is clearly visible and readily identifiable.
- g) Advertisements regarding fees shall be limited to those which contain a fixed or a stated range of fees for specifically described burglar alarm, fire alarm or locksmithing services.
- h) A licensee who advertises a fee or range of fees shall include the following disclosures in any such advertisement:
- 1) All relevant and material variables and considerations which are ordinarily included in the advertised services so that the fee will be clearly understood by prospective clients. In the absence of such disclosures, the stated fees shall be presumed to include everything ordinarily required for the advertised services;
 - 2) The additional services contemplated and the fee to be charged therefor. In the absence of such disclosures, the licensee shall be prohibited from charging an additional fee for the advertised service; and
 - 3) The period during which the advertised fee will remain in effect. In the absence of such disclosure, the advertisement shall be deemed to be effective for 30 days from the date of its publication.
- i) The advertisement of any specific fee shall not preclude the licensee from decreasing the fee or waiving the fee in individual circumstances.

- j) A licensee shall not offer a professional service which the licensee knows or should know is beyond his or her ability or expertise to perform.
- 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.
- l) An advertisement containing a lay or an expert testimonial shall be based upon the testimonial giver's personal knowledge or experience obtained from a relationship with the licensee or upon the testimonial giver's direct personal knowledge of the subject matter of the testimonial.
- m) Prior to using the testimonial, the licensee shall obtain a signed, notarized statement and release indicating the testimonial giver's willingness to have his or her testimonial used in the advertisement.
- n) A layperson's testimonial shall not attest to any technical matter beyond the layperson's competence to comment upon.
- o) An expert testimonial shall be rendered only by an individual possessing specialized expertise sufficient to allow the rendering of a bona fide statement or opinion.
- p) A licensee shall be able to substantiate any statement of fact appearing in a testimonial.
- q) Where a licensee directly or indirectly provides compensation to a testimonial giver, the fact of such compensation shall be conspicuously disclosed in a legible and readable manner in any advertisement in the following language or its substantial equivalent: **COMPENSATION HAS BEEN PROVIDED FOR THIS TESTIMONIAL.**
- r) A licensee shall retain for a period of three years from the date of initial publication or dissemination, a copy of every advertisement appearing in print or electronic media. The licensee shall indicate on all advertisements in his or her possession the date and place of publication or dissemination.
- s) Documentation relating to the use of testimonials shall be retained for a period of three years from the date of the last use. Documentation shall include:
 - 1) The name, address and telephone number of the testimonial giver;
 - 2) The type and amount or value of compensation; and

- 3) The notarized statement and release required pursuant to (m) above.

13:31A-1.14 STANDARDS OF PRACTICE

- a) All licensees engaged in the burglar alarm or fire alarm business or in the provision of locksmithing services shall comply with the following standards of practice:
 - 1) A licensee shall comply with all applicable Federal, State and local laws and codes;
 - 2) A licensee shall determine and document the identity of a client prior to commencing any work. All correspondence, contracts and bills shall be addressed to the client, unless expressly directed otherwise, in writing, by the client;
 - 3) A licensee shall provide a client with a written contract, work order, invoice or its equivalent, for any services provided to the client;
 - 4) Any licensee who performs or supervises the installation, erection, repair or alteration of burglar alarm, fire alarm or locksmithing equipment and systems pursuant to the Act, consistent with the provisions of N.J.A.C. 13:31A-2.8 or 3.7, 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;
 - 5) A licensee who performs or supervises work described in 4 above shall secure a construction permit and inspection of the completed work in conformity with the New Jersey Uniform Construction Code, N.J.S.A. 52:27D-119 et seq., and the Uniform Construction Code, N.J.A.C. 5:23, if applicable;
 - 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 a client; and
 - 7) A licensee shall ensure the confidentiality of information obtained from a client and shall not disclose information relating to the provision of burglar alarm, fire alarm or locksmithing services to the client without the consent of the client, unless compelled to disclose such information to a law enforcement agency by statute, regulation or court order.
- b) A licensee who fails to comply with the requirements of (a) above shall be deemed to be engaged in professional misconduct within the meaning of this section and N.J.S.A. 45:1-21, and shall be subject to the penalties set forth in N.J.S.A. 45:1-25.

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) Acting for his or her client or employer in professional matters otherwise than as a faithful agent or trustee, including demanding any remuneration other than his or her stated recompense for services rendered;
 - 2) Disregarding the safety, health and welfare of the public in the performance of his or her professional duties, including preparing, signing or sealing of plans, surveys or specifications which are not of a safe design and/or not in conformity with accepted standards. If the client or employer insists on such conduct, the licensee shall notify the proper authorities and withdraw from further service on the project;
 - 3) Engaging in any activity which involves the licensee in a conflict of interest. A licensee shall:
 - i) Inform his or her client or employer of any business connection, interest or circumstances which might be deemed as influencing his or her judgment or the quality of his or her services to the client or employer; and
 - ii) Not accept compensation or remuneration, financial or otherwise, from more than one interested party for the same service or for services pertaining to the same work, unless there has been full disclosure to and consent by all interested parties;
 - 4) Failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information;
 - 5) Failing to notify the Committee of the suspension or revocation of his or her license in another jurisdiction; or
 - 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.

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.

**SUBCHAPTER 2.
LOCKSMITH LICENSURE**

13:31A-2.1 REQUIREMENTS FOR LOCKSMITH LICENSURE

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

- 1) Be at least 18 years of age;
- 2) Be of good moral character pursuant to N.J.S.A. 45:5A-27;
- 3) Not have been convicted of a crime of the first, second or third degree within 10 years prior to the filing of the application for licensure;
- 4) Hold a high school diploma or equivalency certificate;
- 5) Have successfully completed the locksmithing examination set forth in N.J.A.C. 13:31A-2.3;
- 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) Completed a two-year apprenticeship program in the provision of locksmithing services approved by the Bureau of Apprenticeship and Training of the United States Department of Labor; and
- 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-2.2 (RESERVED)

13:31A-2.3 LOCKSMITH EXAMINATION; RE-EXAMINATION

- a) All applicants for a license to provide locksmithing services shall obtain a passing score on the locksmith examination.

- b) An applicant taking the locksmithing examination for the first time shall 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:
 - 1) An applicant shall retake the failed section(s) of the examination within 24 months of the date of the first examination.
 - 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 reexamination; and
 - 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 CREDIT TOWARDS LOCKSMITH LICENSURE FOR EDUCATION, TRAINING, AND EXPERIENCE RECEIVED WHILE SERVING AS A MEMBER OF THE ARMED FORCES

- a) An applicant who has served in the Armed Forces of the United States (Armed Forces) and who does not meet all of the training, education, and experience requirements for locksmith licensure under N.J.A.C. 13:31A-2.1 may apply to the Committee for recognition of the applicant's training, education, or experience received while serving as a member of the Armed Forces, which the Committee shall consider together with any training, education, and experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for locksmith licensure.
- b) The Committee shall issue a locksmith license to the applicant, if the applicant presents evidence to the Committee that:
 - 1) The applicant has been honorably discharged from active military service;
 - 2) The relevant training, experience, and education the applicant has received in the military, together with any training, education, and experience obtained outside of the military is substantially equivalent in scope and character to the training, experience, and education required for licensure under N.J.A.C. 13:31A-2.1.
 - i) An applicant seeking credit for military training and experience shall submit to the Committee the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586 or a successor form, as amended and supplemented.
 - ii) An applicant seeking credit for education courses completed while in the military shall submit to the Committee, a Joint Services Transcript of his or her education for a

determination that the education courses completed is substantially equivalent in level, scope, and intent to the coursework requirements under N.J.A.C. 13:31A-2.1. For the purpose of determining substantial equivalence of the applicant's military education, the Committee shall consider only those courses relevant to the provision of locksmithing services that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and

- 3) The applicant complies with all other requirements for locksmith licensure, including, but not limited to, successful completion of the locksmith examination as set forth in N.J.A.C. 13:31A-2.3.
- c) It is the applicant's responsibility to provide timely and complete evidence of the education, training, and experience gained in the military for review and consideration in accordance with the requirements of this subchapter.
- d) If the applicant's military training, education, or experience, or a portion thereof, is deemed not to be substantially equivalent to that required for locksmith licensure, the Committee shall credit whatever portion of the military training, education, or experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:31A-2.1 for the issuance of the locksmith license.
- e) Satisfactory evidence of such education, training, or experience will be assessed on a-case-by-case basis.

13:31A-2.5 APPLICATION FOR LOCKSMITH LICENSURE: INDIVIDUAL AND BUSINESS FIRM

- a) All applications by individuals seeking a locksmith license shall include the following information and materials:
 - 1) The name, date of birth, and principal business address of the applicant, or if the applicant is an employee, the principal business address of the employer;
 - 2) Two, two-inch by two-inch passport-size photographs of the applicant;
 - 3) A list of all criminal offenses of which the applicant has been convicted, including the date and place of each conviction and the name under which he or she was convicted, if other than the name on the application;
 - 4) The applicant's fingerprints provided in such manner as directed by the Division:

- 5) A copy of the applicant's high school diploma or equivalency certificate, or if a copy cannot be provided, a certification from the applicant verifying that he or she holds a high school diploma or equivalency certificate;
 - 6) An affidavit from the applicant's previous employer verifying that the applicant has satisfied the experience requirements set forth in N.J.A.C. 13:31A-2.1. If an applicant cannot obtain an affidavit from his or her previous employer, the applicant may submit copies of the applicant's W2 form to verify the experience requirements set forth in N.J.A.C. 13:31A-2.1; and
 - 7) A certified check or money order payable to the Committee in the amount of the application fee set forth in N.J.A.C. 13:31A-1.4. Payment for the criminal history records check shall be in the amount and by the means set forth in the application.
- b) Upon review of the materials in (a) above, the Committee shall advise the applicant that he or she is eligible to take the locksmith examination.
- c) All applications by business firms seeking a locksmith business license shall include the following information and materials:
- 1) The name, date of birth, residence, present and previous occupations of the business qualifier and each member, officer or director of the business firm, the address of the principal place of business of the firm and the location of all branch offices, if applicable;
 - 2) The fingerprints of all persons provided pursuant to (c)1 above, provided in such manner as directed by the Division;
 - 3) Evidence of general liability insurance and insurance coverage or a surety bond as provided in N.J.A.C. 13:31A-2.6; and
 - 4) A certified check or money order in the amount of the application fee set forth in N.J.A.C. 13:31A-1.4.
- d) If an individual or business firm seeking licensure to engage in the provision of locksmithing services files with the Committee fingerprints of a person other than those specified in the application, the application shall be denied and the applicant shall be guilty of a fourth degree crime.
- e) If an individual or business firm seeking licensure to engage in the provision of locksmithing services falsifies any information contained in the application as required pursuant to (a) and

(c) above, the applicant shall be denied a license pursuant to the provisions of N.J.A.C. 13:31A-1.9.

- 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) Maintain at least one business office within the State or file with the Committee a statement, duly executed and sworn to before a person authorized by the laws of New Jersey to administer oaths, containing a power of attorney constituting the Committee as the true and lawful attorney of the licensee upon whom all original process in an action or legal proceedings against the licensee may be served and in which the licensee agrees that the original process that may be served upon the Committee shall be of the same force and validity as if served upon the licensee and that the authority thereof shall continue in force so long as the licensee engages in the practice of locksmithing in the State;
- 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-1.13;
- 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) Retain and maintain during the term of the license general liability insurance in the amount of \$500,000, and insurance coverage or a surety bond in favor of the State of New Jersey in the sum of \$10,000, executed by a surety company authorized to transact business in the State of New Jersey which is approved by the Department of Banking and Insurance, and which is conditioned on the faithful performance of the provisions of the Act and the rules of this subchapter.

- i) An action may be maintained on the bond required by (a)4 above by any person injured, aggrieved or damaged through the failure of the obligor to perform the duties prescribed for locksmith license holders under the provisions of the Act and the rules of this subchapter.
- b) A locksmith business license holder shall be responsible for any unlawful or unprofessional conduct by an employee in the course of his or her employment. Such conduct shall be cause for suspension or revocation of the employer's license if it is established that the licensee had knowledge of the unlawful or unprofessional conduct, or that there existed a pattern of unlawful or unprofessional conduct.
- c) A locksmith business license holder who employs a person in connection with the provision of locksmithing services shall notify the Committee, in writing, within 30 days of such employment and shall provide the Committee with:
 - 1) A two-inch by two-inch passport-size photograph of the employee;
 - 2) A list of all criminal offenses of which the employee has been convicted, including the date and place of each conviction and the name under which the employee was convicted, if other than the name on the written notification provided to the Committee;
 - 3) The employee's fingerprints provided in such manner as directed by the Division;
 - 4) Evidence of practical experience and professional competence as set forth in N.J.A.C. 13:31A-2.7, if the work of the employee is not directly supervised; and
 - 5) A certified check or money order payable to the Committee in the amount of the employee listing fee set forth in N.J.A.C. 13:31A-1.4. Payment for the criminal history records check shall be in the amount and by the means set forth in the application. The employer shall bear the cost of the records check.
- d) If the Committee determines that the evidence of practical experience and professional competency provided pursuant to (c)4 above fails to satisfy the requirements of N.J.A.C. 13:31A-2.7, the Committee shall advise the licensee of the employee's unfitness to engage in the provision of locksmithing services.

13:31A-2.7 LOCKSMITH EMPLOYEES

- a) Any person employed by a locksmith licensee to perform locksmithing services shall be of good moral character.

- 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) Have successfully completed a total of four hours of training in the Barrier Free Subcode, N.J.A.C. 5:23-7, the New Jersey Uniform Construction Code, N.J.A.C. 5:23, exclusive of the Barrier Free Subcode, and the Americans with Disabilities Act Code, 36 C.F.R. § 1191, 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 (ALOA), or have obtained a Certified Institutional Locksmith rating by the Institutional Locksmiths' Association (ILA).

13:31A-2.8 SUPERVISION OF LOCKSMITH EMPLOYEES

- 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.
- b) The business qualifier shall:
- 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;
 - 2) Personally inspect the work of employees pursuant to (d) and (e) below;
 - 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; and
 - 4) Be present, on a regular and continuous basis, at the principal office of the business firm, where the business license holder maintains a New Jersey office, or at work sites of locksmithing services performed in New Jersey, where the business license holder does not maintain a New Jersey office pursuant to N.J.A.C. 13:31A-2.6(a).
- 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 is permitted to perform locksmithing services while unsupervised pursuant to N.J.A.C. 13:31A-2.7(b).

- d) The business qualifier, a licensee or a supervising employee shall indirectly supervise an employee performing the functions listed in (d)1 through 5 below, and shall ensure that the work has been completed. For purposes of this section, "indirect supervision" means that the business qualifier, the licensee or the supervising employee shall be reachable either in person or by electronic means to provide consultation to the employee. Indirect supervision shall be required for the following functions:
- 1) Opening existing locks;
 - 2) Making keys for existing locks;
 - 3) Repairing or recombining existing locks;
 - 4) Installing mechanical security hardware on doors that are not designated as emergency exits; and
 - 5) Performing the survey of a premises, the design and preparation of specifications, and the demonstration of electronic security systems.
- e) If an employee is performing any locksmithing services, 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, the licensee or the supervising employee shall provide constant on-site supervision of the employee.
- f) A business qualifier who violates any provision of this section shall be deemed to have engaged in professional misconduct within the meaning of N.J.A.C. 13:31A-1.14 and N.J.S.A. 45:1-21(e) and shall be subject to the provisions of N.J.S.A. 45:1-21.

13:31A-2.9 IDENTIFICATION CARDS

- a) While engaged in the provision of locksmithing services, all licensed locksmiths, employees or other persons shall display an identification card issued by the Committee which shall contain the following information:
- 1) The name, photograph, date of birth and signature of the person to whom the identification card has been issued;

- 2) The business name, business address and business license number of the business license holder, and if the cardholder is a licensee, his or her license number; and
 - 3) The expiration date of the card.
- b) All identification cards shall be issued for a three-year period. All identification cards issued to licensees shall be renewed on a triennial basis which corresponds to the triennial renewal of licenses issued by the Committee, subject to the payment of the fee set forth in N.J.A.C. 13:31A-1.4.
 - c) A licensee shall present the identification card issued by the Committee to all appropriate Federal, State or local agencies in order to obtain applications for permits and inspections, if required, for all work performed by the business firm.
 - d) All employees or other persons holding identification cards shall apply for renewal of the identification card at least 45 days prior to the expiration date of the card and shall pay the fee set forth in N.J.A.C. 13:31A-1.4 for renewal of employee listing. Any employer who permits an employee to work without a valid identification card shall be deemed to have engaged in professional misconduct within the meaning of N.J.A.C. 13:31A-1.14 and N.J.S.A. 45:1-21(e) and shall be subject to the provisions of N.J.S.A. 45:1-21.
 - e) All identification card holders shall advise the Committee of any changes to the information contained on the identification card and shall apply to the Committee for an updated identification card within five days of the occurrence of any change. The updated identification card shall be issued for the unexpired term of the original identification card.
 - f) Identification cards shall not be transferable. Upon termination of employment, identification cards shall be immediately returned to the Committee. Upon change in employment, identification cards shall be returned to the Committee and application for a new identification card shall be made to the Committee.
 - g) A photocopy of an application for an identification card shall serve as temporary identification for an applicant and shall be displayed by the applicant until the issuance of the identification card. The photocopy of the application shall be clearly marked with the word "COPY." The temporary identification shall be valid for no longer than 60 days from the date of application for the identification card and the applicant shall work under direct supervision until the identification card is issued by the Committee.

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:

- 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, mentoring, 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) Be at least 18 years of age;
 - 2) Be of good moral character pursuant to N.J.S.A. 45:5A-27;
 - 3) Not have been convicted of a crime of the first, second or third degree with 10 years prior to the filing of the application for licensure;
 - 4) Not have been convicted of the fourth degree offense of engaging in the unlicensed practice of electrical contracting;
 - 5) Hold a high school diploma or equivalency certificate;
 - 6) Have successfully completed the burglar alarm or fire alarm examination, as applicable to the field in which the applicant is seeking licensure, set forth in N.J.A.C. 13:31A-3.2; and
 - 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) 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 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-3.2 BURGLAR ALARM OR FIRE ALARM EXAMINATION; REEXAMINATION

- a) All applicants for a license to engage in the burglar alarm or fire alarm business shall obtain a passing score on the burglar alarm examination or the fire alarm examination, respectively, pursuant to N.J.A.C. 13:31A-3.1.

- 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:
- 1) An applicant shall retake the failed section(s) of the examination within 24 months of the date of the first examination;
 - 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 reexamination; and
 - 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 (RESERVED)

13:31A-3.4 APPLICATION OR BURGLAR ALARM FOR FIRE ALARM LICENSURE: INDIVIDUAL AND BUSINESS FIRM

- a) All applications for individuals seeking licensure to engage in the alarm business shall include the following information and materials:
- 1) The name, date of birth, residence, and present and previous occupations of the applicant;
 - 2) Two, two-inch by two-inch passport-size photographs of the applicant;
 - 3) A list of all criminal offenses of which the applicant has been convicted, including the date and place of each conviction and the name under which the applicant was convicted, if other than the name on the application;
 - 4) The applicant's fingerprints provided in such manner as directed by the Division;
 - 5) A copy of the applicant's high school diploma or equivalency certificate, or if a copy cannot be provided, a certification from the applicant verifying that he or she holds a high school diploma or equivalency certificate;
 - 6) An affidavit from the applicant's previous employer verifying that the applicant has satisfied the experience requirements set forth in N.J.A.C. 13:31A-3.1. If an applicant cannot obtain an affidavit from his or her previous employer, the applicant may submit

- copies of the applicant's W2 form to verify the experience requirements set forth in N.J.A.C. 13:31A-3.1;
- 7) Evidence of having successfully completed the technical training courses set forth in N.J.A.C. 13:31A-3.1; and
 - 8) A certified check or money order payable to the Committee in the amount of the application fee set forth in N.J.A.C. 13:31A-1.4. Payment for the criminal history records check shall be in the amount and by the means set forth in the application.
- b) Upon review of the materials in (a) above, the Committee shall advise the applicant that he or she is eligible to take the burglar alarm or the fire alarm examination.
 - c) All applications by business firms seeking a burglar alarm or fire alarm business license shall include the following information and materials:
 - 1) The name, date of birth, residence, present and previous occupations of the business qualifier and each member, officer or director of the business firm, the address of the principal place of business of the firm and the location of all branch offices, if applicable;
 - 2) The fingerprints of all persons provided pursuant to (c)1 above, provided in such manner as directed by the Division;
 - 3) Evidence of general liability insurance and insurance coverage or a surety bond as provided in N.J.A.C. 13:31A-3.5; and
 - 4) A certified check or money order payable to the Committee in the amount of the application fee set forth in N.J.A.C. 13:31A-1.4.
 - d) If an individual or business firm seeking licensure to engage in the burglar alarm or fire alarm business files with the Committee fingerprints of a person other than those specified in the application, the application shall be denied and the applicant shall be guilty of a fourth degree crime.
 - e) If an individual or business firm seeking licensure to engage in the burglar alarm or fire alarm business falsifies any information contained in the application as required pursuant to (a) and (c) above, the applicant shall be denied a license pursuant to the provisions of N.J.A.C. 13:31A-1.9.

- 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-3.5 BURGLAR ALARM OR FIRE ALARM BUSINESS LICENSE HOLDER REQUIREMENTS

- a) A burglar alarm or fire alarm business license holder shall:
- 1) Maintain at least one business office within the State or file with the Committee a statement, duly executed and sworn to before a person authorized by the laws of New Jersey to administer oaths, containing a power of attorney constituting the Committee as the true and lawful attorney of the licensee upon whom all original process in an action or legal proceedings against the licensee may be served and in which the licensee agrees that the original process that may be served upon the Committee shall be of the same force and validity as if served upon the licensee and that the authority thereof shall continue in force so long as the licensee engages in the burglar alarm or fire alarm business in the State;
 - 2) Clearly mark the outside of each installation and service vehicle to be used in conjunction with the burglar alarm or fire alarm business, as set forth in N.J.A.C. 13:31A-1.13, with the name of the burglar alarm or fire alarm business, the name of the owner, lessee or lessor of the vehicle and the name of the municipality in which the owner, lessee or lessor has its principal place of business pursuant to N.J.S.A. 39:4-46. The sign or name plate used to comply with this requirement shall not be less than three inches high;
 - 3) 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 burglar alarm or fire 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 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) Retain and maintain during the term of the license general liability insurance in the amount of \$1,000,000, and insurance coverage or a surety bond in favor of the State of New Jersey in the sum of \$10,000, executed by a surety company authorized to transact business in the State of New Jersey which is approved by the Department of Banking and Insurance, and which is conditioned on the faithful performance of the provisions of the Act.

- i) An action may be maintained on the bond required by (a)4 above by any person injured, aggrieved or damaged through the failure of the obligor to perform the duties prescribed for burglar alarm or fire alarm license holders under the Act and the rules of this subchapter.
- b) A burglar alarm or fire alarm business license holder shall be responsible for any unlawful or unprofessional conduct by an employee in the course of his or her employment. Such conduct shall be cause for suspension or revocation of the employer's license if it is established that the licensee had knowledge of the unlawful or unprofessional conduct, or that there existed a pattern of unlawful or unprofessional conduct.
- c) A burglar alarm or fire alarm business license holder who employs a person in connection with a burglar alarm or fire alarm business shall notify the Committee, in writing, within 30 days of such employment and shall provide the Committee with the following information and materials:
 - 1) A two-inch by two-inch passport-size photograph of the employee;
 - 2) A list of all criminal offenses of which the employee has been convicted, including the date and place of each conviction and the name under which the employee was convicted, if other than the name on the written notification provided to the Committee;
 - 3) The employee fingerprints provided in such manner as directed by the Division;
 - 4) Evidence of practical experience and professional competence as set forth in N.J.A.C. 13:31A-3.6, if the work of the employee is not directly supervised; and
 - 5) A certified check or money order payable to the Committee in the amount of the employee listing fee set forth in N.J.A.C. 13:31A-1.4. Payment for the criminal history records check shall be in the amount and by the means set forth in the application. The employer shall bear the cost of the records check.
- d) If the Committee determines that the evidence of practical experience and professional competency provided pursuant to (c)4 above fails to satisfy the requirements of N.J.A.C. 13:31A-3.6, the Committee shall advise the licensee of the employee's unfitness to engage in the burglar alarm or fire alarm business.

13:31A-3.6 BURGLAR ALARM OR FIRE ALARM EMPLOYEES

- a) Any person employed by a burglar alarm or fire alarm business licensee to install, service or maintain a burglar alarm or fire alarm, shall be of good moral character.

- b) Any person employed by a licensee to perform installation, servicing or maintenance of a burglar alarm or fire alarm while unsupervised shall:
 - 1) Have at least three years of practical experience, as defined in N.J.A.C. 13:31A-3.1; and
 - 2) Have 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 two hours of training in the Barrier Free Subcode, two hours of training in the Americans with Disabilities Act Code, 36 C.F.R. § 1191, two hours of training in industrial 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 OR FIRE ALARM BUSINESS EMPLOYEES

- a) The business qualifier shall assume full responsibility for the inspection and supervision of all burglar alarm or fire alarm services performed by the business firm in compliance with all applicable, Federal, State and local laws and codes.
- b) The business qualifier shall:
 - 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;
 - 2) Personally inspect the work of employees pursuant to (d) and (e) below;
 - 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; and
 - 4) Be present, on a regular and continuous basis, at the principal office of the business firm, where the business license holder maintains a New Jersey office, or at work sites of burglar alarm or fire alarm work performed in New Jersey, where the business license holder does not maintain a New Jersey office pursuant to N.J.A.C. 13:31A-3.5(a).
- 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 is permitted to perform installation, servicing or maintenance of burglar alarm or fire alarms while unsupervised pursuant to N.J.A.C. 13:31A-3.6(b).

- d) The business qualifier, a licensee or a supervising employee shall indirectly supervise an employee performing any of the functions listed in (d)1 through 6 below, and shall ensure that the work has been completed. For purposes of this section, "indirect supervision" means that the business qualifier, the licensee or the supervising employee shall be reachable either in person or by electronic means to provide consultation to the employee. Indirect supervision shall be required for the following functions:
- 1) The inspection and testing of 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 premises, the design and preparation of specifications, and the demonstration of burglar alarm, fire alarm or electronic security systems.
- 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.
- f) A business qualifier who violates any provision of this section shall be deemed to have engaged in professional misconduct within the meaning of N.J.A.C. 13:31A-1.14 and N.J.S.A. 45:1-21(e) and shall be subject to the provisions of N.J.S.A. 45:1-21.

13:31A-3.8 IDENTIFICATION CARDS

- a) While engaged in the provision of burglar alarm or fire alarm services, all burglar alarm or fire alarm business licensees, employees or other persons shall display an identification card issued by the Committee which shall contain the following information:

- 1) The name, date of birth, photograph and signature of the person to whom the identification card has been issued;
 - 2) The business name, business address and business license number of the business license holder, and if the cardholder is a licensee, his or her license number; and
 - 3) The expiration date of the card.
- b) All identification cards shall be issued for a three-year period. All identification cards issued to licensees shall be renewed on a triennial basis which corresponds to the triennial renewal of licenses issued by the Committee pursuant to payment of the fee set forth in N.J.A.C. 13:31A-1.4.
- c) A licensee shall present the identification card issued by the Committee to all appropriate Federal, State or local agencies in order to obtain applications for permits and inspections, if required, for all work performed by the burglar alarm or fire alarm business.
- d) All employees or other persons holding identification cards shall apply for the renewal of the identification card at least 45 days prior to the expiration date of the card and shall pay the fee set forth in N.J.A.C. 13:31A-1.4 for renewal of employee listing. Any employer who permits an employee to work without a valid identification card shall be deemed to have engaged in professional misconduct within the meaning of N.J.A.C. 13:31A-1.14 and N.J.S.A. 45:1-21(e) and shall be subject to the provisions of N.J.S.A. 45:1-21.
- e) All identification card holders shall advise the Committee of any changes to the information contained on the identification card and shall apply to the Committee for an updated identification card within five days of the occurrence of any change. The updated identification card shall be issued for the unexpired term of the original identification card.
- f) Identification cards shall not be transferable. Upon termination of employment identification cards shall be immediately returned to the Committee. Upon change in employment identification cards shall be returned to the Committee and an application for a new identification card shall be made to the Committee.
- g) A photocopy of an application for an identification card shall serve as temporary identification for an applicant and shall be displayed by the applicant until the issuance of the identification card. The photocopy of the application shall be clearly marked with the word "COPY." The temporary identification shall be valid for no longer than 60 days from the date of application for the identification card and the applicant shall work under direct supervision until the identification card is issued by the Committee.

13:31A-3.9 CREDIT TOWARDS BURGLAR ALARM OR FIRE ALARM LICENSURE FOR EDUCATION, TRAINING, AND EXPERIENCE RECEIVED WHILE SERVING AS A MEMBER OF THE ARMED FORCES

- a) An applicant who has served in the Armed Forces of the United States (Armed Forces) and who does not meet all of the training, education, and experience requirements for licensure under N.J.A.C. 13:31A-3.1 may apply to the Committee for recognition of the applicant's training, education, or experience received while serving as a member of the Armed Forces, which the Committee shall consider together with any training, education, and experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for licensure.

- b) The Committee shall issue a burglar alarm or fire alarm license, as applicable, to the applicant if the applicant presents evidence to the Committee that:
 - 1) The applicant has been honorably discharged from active military service;

 - 2) The relevant training, experience, and education the applicant has received in the military, together with any training, education, and experience obtained outside the military, is substantially equivalent in scope and character to the training, experience, and education required for licensure under N.J.A.C. 13:31A-3.1.
 - i) An applicant seeking credit for military training and experience shall submit to the Committee the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586 or a successor form, as amended and supplemented.

 - ii) An applicant seeking credit for education courses completed while in the military who has not completed the required technical courses described in N.J.A.C. 13:31A-3.1, earned a bachelor's degree in electrical engineering, or completed a one-year course in the study of trade-related electronics at a technical school, shall submit to the Committee a Joint Services Transcript of his or her education for a determination that the education courses completed while in the military, are substantially equivalent in level, scope, and intent to the educational course requirements under N.J.A.C. 13:31A-3.1. For the purpose of determining substantial equivalence of the applicant's military education, the Committee shall consider only those courses relevant to engaging in the burglar alarm or fire alarm business, as applicable to the field in which the applicant is seeking licensure, that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and

 - iii) The applicant complies with all other requirements for licensure, including successful completion of the burglar alarm or fire alarm examination, as applicable to the field in which the applicant is seeking licensure, as set forth in N.J.A.C. 13:31A-3.2.

- c) It is the applicant's responsibility to provide timely and complete evidence of the education, training, and/or experience gained in the military for review and consideration in accordance with the requirements of this subchapter.
- d) If the applicant's military training, education, or experience, or a portion thereof, is deemed not to be substantially equivalent to that required for licensure, the Committee shall credit whatever portion of the military training, education, or experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:31A-3.1 for the issuance of the burglar alarm or fire alarm license, as applicable.
- e) Satisfactory evidence of such education, training, or experience will be assessed on a case-by-case basis.

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 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.