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RULE PROPOSALS

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

41 N.J.R. 1940(a)

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

[Click here to view Interested Persons Statement](#)

Fire Alarm, Burglar Alarm and Locksmith Licensees and Businesses

Authorized By: Lawrence DeMarzo, Deputy Director, Division of Consumer Affairs, Board of Examiners of Electrical Contractors.

Authority: *N.J.S.A. 45:5A-23* et seq., specifically 45:5A-38.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2009-128.

Submit comments by July 3, 2009 to:
Lawrence DeMarzo, Deputy Director, Division of Consumer Affairs
Board of Examiners of Electrical Contractors
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The agency proposal follows:

Summary

The Board of Examiners of Electrical Contractors (the Board), in consultation with the Fire Alarm, Burglar Alarm

and Locksmith Advisory Committee (the Committee), is proposing to readopt *N.J.A.C. 13:31A* with amendments.

These rules are scheduled to expire on March 15, 2009, pursuant to Executive Order No. 66 (1978). Because this notice of readoption has been filed prior to March 15, 2009, the expiration date of the rules in Chapter 31A are extended by 180 days, to September 11, 2009, pursuant to N.J.S.A. 52:14B-5.1c.

In compliance with the Executive Order, the Committee undertook a thorough review of the existing provisions of *N.J.A.C. 13:31A* in order to delete unnecessary or unreasonable rules and to clarify existing provisions. The Committee believes that the rules proposed for readoption, as amended, are necessary, reasonable, understandable and responsive to the purposes for which they were promulgated.

The following is a summary of the existing rules of Chapter 31A which the Committee proposes to readopt with amendments.

Subchapter 1 sets forth rules of general applicability. *N.J.A.C. 13:31A-1.1*, which identifies the purpose and scope of the rules, is proposed to be readopted without change. *N.J.A.C. 13:31A-1.2* contains definitions of relevant terms and phrases used throughout the chapter. The definition of "closed circuit television" or "CCTV" is currently defined to mean a video security system that may include video cameras, monitors, switches, camera enclosures and controls. The Committee is proposing to amend the definition to also include Internet Protocol, or IP, cameras. The remaining definitions in *N.J.A.C. 13:31A-1.2* are proposed to be readopted without change. *N.J.A.C. 13:31A-1.3*, which identifies the location of the Committee's office and provides the Committee's mailing address, is proposed to be readopted without change. *N.J.A.C. 13:31A-1.4* sets forth the schedule of fees that will be charged to applicants for licensure and to burglar alarm, fire alarm and locksmith licensees and business firms, as well as the fees to be charged for continuing education sponsor approval and employee identification cards. The Committee is proposing to amend the fee schedule to include a \$ 25.00 fee for verification of licensure. This fee is consistent with the fees charged for verification of licensure by other professional and occupational boards within the Division of Consumer Affairs. All other fees currently set forth in *N.J.A.C. 13:31A-1.4* are proposed to be readopted without change.

N.J.A.C. 13:31A-1.5 sets forth requirements for license renewal and the election of inactive status. The Committee is proposing an amendment to subsection (a) of the rule, which requires the Committee to send a notice of renewal to all licensees at least 60 days prior to the date of license expiration, to clarify when a licensee may be fined for continuing to practice if the Committee fails to send out the renewal applications in a timely manner. *N.J.A.C. 13:31A-1.6* permits licensees to change from inactive to active status, upon payment of the renewal fee and submission of evidence that the licensee has completed continuing education credits required for each renewal period the licensee was inactive. The Committee is proposing to amend *N.J.A.C. 13:31A-1.6* to provide that a licensee electing to return to active status shall be required to complete only the continuing education credits required for the current renewal period, consistent with the provisions of *N.J.S.A. 45:1-7.3*. The credits must be obtained within three years prior to the date of application.

N.J.A.C. 13:31A-1.7, which establishes requirements for the reinstatement of a license that has been suspended for failure to renew and *N.J.A.C. 13:31A-1.8*, which requires a licensee to notify the Committee in writing of any change of address, are proposed to be readopted without change. The Committee is also proposing that *N.J.A.C. 13:31A-1.9*, which sets forth the grounds upon which the Committee may deny an applicant admittance to a license examination, or may deny, refuse to renew, temporarily suspend or revoke a license or issue a civil penalty, be readopted without change.

The Committee is proposing various amendments to *N.J.A.C. 13:31A-1.10*, which concerns licensure by reciprocity. Initially, the Committee notes that it is proposing to change the heading of the rule to "Qualifications for licensure for applicants licensed in other states." The Committee believes that the proposed heading more accurately reflects the provisions of *N.J.S.A. 45:5A-37* of the Electrical Contractors' Licensing Act than does the current heading of "Reciprocity." Currently, *N.J.A.C. 13:31A-1.10(a)1* provides that any person with a valid fire alarm, burglar alarm or locksmith license from another jurisdiction may be issued a license in New Jersey provided the experience and

knowledge requirements of the other jurisdiction are equal to or greater than the requirements established by the Committee. *N.J.A.C. 13:31A-1.10(a)2* and 3 provide that an applicant must also satisfy all other licensure requirements imposed by the Committee pursuant to *N.J.A.C. 13:31A-2.5(a)*, for locksmith licensure or *N.J.A.C. 13:31A-3.4(a)*, for alarm licensure and requires applicants' prior state registrations or licenses to be current, active and in good standing. The Committee is proposing to delete paragraph (a)2 and amend paragraph (a)3. Paragraph (a)3 is proposed to be recodified as paragraph (a)2 and amended to provide that an applicant must submit an application for licensure by reciprocity to the Committee. Additional requirements are being proposed at new paragraphs (a)3 through 6. The Committee is proposing a new set of requirements for these applicants. The proposed amendments require an applicant to submit a verification from all states in which he or she holds an alarm or locksmith license, as applicable. The verification must establish that the applicant's licenses are in good standing. The proposed amendments also require applicants to successfully complete the burglar alarm, fire alarm or locksmith examination, as applicable. The Committee is proposing these amendments in order to eliminate any confusion that may exist with respect to whether applicants who are licensed in another state must take the licensing examination in New Jersey.

N.J.S.A. 45:5A-37 of the Electrical Contractors Licensing Act provides that the Committee may accept evidence of other state licensure as meeting the "experience and knowledge requirements of this act." *N.J.A.C. 13:31A-2.1(a)* and *3.1(a)* establish experience, knowledge and examination requirements for initial licensure. The Committee does not permit, as evidenced by the reference to *N.J.A.C. 13:31A-2.1(a)* and *3.1(a)* in *N.J.A.C. 13:31A-1.10*, applicants licensed in other states to become licensed in New Jersey without examination. The Committee believes that passing the New Jersey licensing examination is required in order to ensure competency to practice in New Jersey. Similarly, although evidence of licensure in another state may be used by an applicant to satisfy the Committee's experience and knowledge [page=1941] requirements, the Committee believes that such applicants should still be required to take a limited amount of training in New Jersey-specific topics that will be covered in the licensing examination in order to ensure competency. The Committee notes that initial licensure requirements for alarm installers require applicants to complete 80 hours of technical training. Eight of the required 80 hours are in New Jersey-specific subjects that are included in the licensing examination. The Committee believes that public safety dictates that applicants applying for licensure under *N.J.A.C. 13:31A-1.10* who will be relying upon licensure from another state to satisfy the education and training requirements of the rule be required to complete these eight hours of instruction. As such, the Committee is proposing a further amendment to *N.J.A.C. 13:31A-1.10* to require an applicant to have completed, within three years immediately preceding the date of application, two hours of training in the Barrier Free Subcode, two hours of training in the New Jersey Uniform Construction Code, two hours of training in the Americans with Disabilities Act Code and two hours of training in industrial safety.

The Committee is also proposing to amend *N.J.A.C. 13:31A-1.10* to require applicants to submit their fingerprints for a criminal history records check, consistent with the requirements of *N.J.S.A. 45:5A-26*. Existing subsection (b) of *N.J.A.C. 13:31A-1.10* is proposed to be readopted without change.

The Committee is proposing to readopt *N.J.A.C. 13:31A-1.11*, which sets forth requirements for obtaining a waiver or release from the express requirements of the rules in Chapter 31A, without change. *N.J.A.C. 13:31A-1.12* sets forth continuing education requirements for licensees. The Committee is proposing a clarifying amendment to *N.J.A.C. 13:31A-1.12(b)*, which currently provides, in part, that the holder of multiple individual licenses issued by the Committee must complete 36 credits for each license they hold, but may use up to 12 credits earned for one license toward satisfaction of the 36 credits required for the other Committee-issued licenses. The proposed amendment clarifies that the 12 credits may be used toward satisfaction of the 36 credits required for both the licensee's second and third license, as applicable. The Committee is also proposing amendments to the requirements in subsection (c), which currently provide that a licensee must complete at least one continuing education credit per triennial registration period in the Barrier Free Subcode, the New Jersey Uniform Construction Code and the Americans with Disabilities Act Code. The proposed amendments to subsection (c) require licensees to take two continuing education credits in each of these subjects, as well as two continuing education credits in industrial safety, per triennial renewal period. The Committee believes that the additional subject and increased hours of instruction in these areas are necessary to help ensure public

safety. The Committee notes that the current number of total credits required for license renewal remains unchanged. The Committee is proposing other amendments to subsection (c) for clarification purposes.

N.J.A.C. 13:31A-1.12(d) details permissible sources of a licensee's continuing education credits. Paragraph (d)2 permits a licensee to obtain credit for participation in instructional activities, such as developing program curriculum or teaching a course, provided the licensee has never taught or developed a curriculum for that course or program before. The Committee is proposing an amendment to paragraph (d)2, which provides that a licensee shall receive continuing education credit for teaching Committee-approved courses related to the Barrier Free Subcode, the New Jersey Uniform Construction Code, the Americans with Disabilities Act Code, and industrial safety, irrespective of whether the licensee has previously taught the same course. Because all licensees are required to take these courses once in each renewal period, irrespective of whether there have been any changes in the courses, the Committee believes that fairness dictates that licensees who teach these courses should be permitted to claim credit for their teaching activities despite the fact that they have taught the course in a previous renewal period. In addition, the proposed amendment to paragraph (d)2 provides that a licensee who teaches such a course shall be deemed to have satisfied the continuing education credit requirements in Barrier Free Subcode, New Jersey Uniform Construction Code, Americans with Disabilities Act Code or industrial safety, as applicable to the course taught, for that triennial renewal period.

N.J.A.C. 13:31A-1.12(h) establishes requirements for continuing education course sponsors. Paragraph (h)1 requires sponsors to submit certain documentation to obtain Committee approval for a course or program, except that sponsors who have received certification from the International Association for Continuing Education and Training (IACET) are not required to comply with the documentation requirement. The Committee is proposing to amend paragraph (h)1 to provide that IACET-certified sponsors must submit a detailed description of course content and hours of instruction for each course offered, in order to ensure that the Committee has relevant information with respect to what courses are available to its licensees.

N.J.A.C. 13:31A-1.13, which sets forth the requirements and the manner in which licensees must identify themselves while advertising their professional services, is proposed to be amended to clarify, in subsection (e), that the license numbers referenced in the rule are the business license numbers, not the license number assigned to individual alarm and locksmith licensees. The Committee is proposing that *N.J.A.C. 13:31A-1.14*, which sets forth standards of practice for burglar alarm, fire alarm and locksmithing licensees and businesses and *N.J.A.C. 13:31A-1.15*, which delineates prohibited acts and practices, be readopted without change.

Subchapter 2 sets forth the rules applicable to the licensing and regulation of locksmiths and locksmith businesses. *N.J.A.C. 13:31A-2.1* sets forth the requirements for applicants seeking initial licensure as locksmiths. The Committee is proposing to amend *N.J.A.C. 13:31A-2.1* to require that all applicants for initial licensure as locksmiths have completed two hours of training in the Barrier Free Subcode, two hours of training in the New Jersey Uniform Construction Code, two hours of training in the Americans with Disabilities Act Code and two hours of training in industrial safety. Such training must have been completed within the three years immediately preceding the date of application. Such training is currently required of applicants for initial licensure as alarm installers. As noted above, the Committee is also proposing that this training be required of all applicants for licensure who are licensed in another jurisdiction. The Committee believes that training in these topics is necessary to help ensure the health, safety and welfare of New Jersey consumers.

N.J.A.C. 13:31A-2.2, which is currently reserved, *N.J.A.C. 13:31A-2.3*, which concerns the locksmith examination, *N.J.A.C. 13:31A-2.4*, which is reserved, *N.J.A.C. 13:31A-2.5*, which establishes application requirements for individuals and business firms seeking initial locksmith licensure and *N.J.A.C. 13:31A-2.6*, which sets forth the obligations of the business license holder, are proposed to be readopted without change.

N.J.A.C. 13:31A-2.7 establishes requirements for locksmith employees. Subsection (b) establishes requirements for employees who are permitted to perform certain activities without supervision. The Committee is proposing an amendment to the subsection in order to more accurately reflect the nature of such services. The proposed amendment

clarifies that such employees are permitted to perform "locksmithing services while unsupervised." In addition, the Committee is proposing to amend subsection (c) of the rule. The provisions in subsection (c) are applicable to those employees who perform locksmithing services while unsupervised and who were identified as an employee on their employer's licensure application submitted by July 13, 2004. Employees designated as such by the July 13, 2004 deadline, were given until the first renewal of their Committee-issued employee identification card to satisfy the competency requirements in the rule. The Committee is proposing to delete the reference to the "first renewal of the employee's identification card" and replace it with the actual renewal date of such cards, January 31, 2011. As proposed to be amended, employees employed to perform locksmithing services while unsupervised under subsection (b) shall not be required to satisfy the competency requirements set forth in the rule until January 31, 2011.

N.J.A.C. 13:31A-2.8 sets forth general supervision requirements for locksmith employees. Subsection (c) of the rule currently requires employees to be supervised by the business qualifier, a licensee or a supervising employee who has satisfied the requirements in *N.J.A.C. 13:31A-2.7*. The Committee is proposing to amend the subsection to clarify that "supervising employee" refers to an employee who is permitted to perform locksmithing services while unsupervised.

[page=1942] *N.J.A.C. 13:31A-2.9*, which provides that all licensed locksmiths, employees and other persons engaged in the provision of locksmithing services must display a Committee-issued identification card while performing their work, is proposed to be readopted without change.

Subchapter 3 sets forth the rules applicable to the licensing and regulation of individuals and business entities engaged in the burglar alarm and/or fire alarm business. The Committee is proposing that *N.J.A.C. 13:31A-3.1*, which sets forth the requirements for applicants seeking initial licensure as burglar alarm and fire alarm installers, *N.J.A.C. 13:31A-3.2*, which sets forth requirements concerning the burglar alarm or fire alarm examination, *N.J.A.C. 13:31A-3.3*, which is currently reserved, *N.J.A.C. 13:31A-3.4*, which sets forth application requirements for individuals and business firms seeking licensure to engage in the alarm business and *N.J.A.C. 13:31A-3.5*, which sets forth the obligations of alarm business license holders, be readopted without change.

N.J.A.C. 13:31A-3.6, which establishes requirements for alarm business employees is proposed to be amended consistent with the proposed amendments to *N.J.A.C. 13:31A-2.7* and *2.8* discussed above. The proposed amendments to *N.J.A.C. 13:31A-3.6(b)* clarify that the designated employees are permitted to perform installation, servicing or maintenance of burglar alarms or fire alarms "while unsupervised." The proposed amendments to *N.J.A.C. 13:31A-3.6(c)* provide that alarm business employees who perform installation, servicing or maintenance of burglar alarms or fire alarms while unsupervised pursuant to subsection (b) shall not be required to satisfy the competency requirements set forth in the rule until January 31, 2011.

N.J.A.C. 13:31A-3.7 sets forth general supervision requirements for alarm business employees. Subsection (c) of the rule currently requires employees to be supervised by the business qualifier, a licensee or a supervising employee who has satisfied the requirements in *N.J.A.C. 13:31A-3.6*. Consistent with the proposed amendments to *N.J.A.C. 13:31A-2.8* discussed above, the Committee is proposing to amend the subsection to clarify that "supervising employee" refers to an employee who is permitted to perform installation, servicing or maintenance of burglar alarms or fire alarms while unsupervised. *N.J.A.C. 13:31A-3.8*, which provides that all burglar alarm and fire alarm licensees and their employees must display a Committee-issued identification card while performing their work, is proposed to be readopted without change.

The Committee has provided a 60-day comment period for this notice of proposal, therefore, this notice is excepted from the rulemaking calendar requirement pursuant to *N.J.A.C. 1:30-3.3(a)5*.

Social Impact

The Committee believes that the rules proposed for readoption with amendments will have a positive impact upon members of the regulated community and will help to protect the health, safety and welfare of the citizens of New

Jersey by identifying those individuals who are qualified and legally authorized to provide burglar alarm, fire alarm and locksmithing services. These rules establish the requisite standards of licensure in the State and positively affect the regulated community by clarifying the varied aspects of the alarm and locksmithing businesses for the benefit of all burglar alarm and fire alarm installers and locksmiths and the business firms that provide such services.

The proposed readoption of the rules in *N.J.A.C. 13:31A* with amendments continues the accepted practice standards for burglar alarm, fire alarm and locksmith licenses and alarm and locksmithing businesses established by the Committee, and by so doing, provides licensees and applicants for licensure with a clear and comprehensive set of rules to guide them in their professional work. Applicants for licensure will benefit by having a set of rules, which govern the manner in which they may qualify for licensure. The Committee also believes that licensees will benefit from the rules proposed for readoption as a result of the uniform standards that will be applied throughout the burglar alarm, fire alarm and locksmithing fields.

The Committee believes that the rules proposed for readoption with amendments will have a positive impact upon the general public by continuing to safeguard the public health and safety by ensuring the maintenance of appropriate practice standards, which will enable licensees to provide the highest quality service.

Economic Impact

The Committee anticipates that the rules proposed for readoption with amendments will not impose any new significant costs upon applicants for licensure, licensees or consumers. The rules proposed for readoption of the existing rules will continue the economic impact that the rules have had on such persons for the past five years.

The proposed readoption of *N.J.A.C. 13:31A-1.4* will continue to have an economic impact upon applicants for licensure and licensees to the extent that they will be required to remit the fees set forth in the rule. In addition, the proposed amendment to *N.J.A.C. 13:31A-1.4(a)*, concerning the verification of licensure fee, will have an economic impact upon licensees who now will be required to pay the \$ 25.00 fee for this Committee service. The proposed readoption with amendments of the license renewal requirements set forth in *N.J.A.C. 13:31A-1.5* may continue to have an economic impact upon licensees to the extent that licensees who fail to comply with the renewal requirements set forth in the rule will be required to remit a late fee. The proposed readoption of *N.J.A.C. 13:31A-1.6, 1.7* and *1.8* may also have an economic impact upon licensees to the extent that licensees incur costs associated with submitting the required documentation and/or fees associated with change of name, address or license status or in applying for reinstatement from a suspended license.

The proposed readoption with amendments of *N.J.A.C. 13:31A-1.10* may have an economic impact upon applicants for licensure who are licensed in another state. Such applicants may incur costs associated with submitting the required documentation, including license verifications and in taking the required training courses and the applicable licensing examination. In addition, such applicants may incur costs associated with submitting their fingerprints for the required criminal history records check.

The proposed readoption with amendments of the continuing education requirements set forth in *N.J.A.C. 13:31A-1.12* may continue to have an economic impact upon licensees to the extent that licensees must obtain 36 credits of continuing education in each triennial renewal period. Licensees may also incur costs associated with maintaining continuing education documentation for the six years required under the rule. The Committee does not believe that the proposed amendment to *N.J.A.C. 13:31A-1.12* increasing the amount of credits licensees must take in certain subjects will have an economic impact upon licensees because the overall number of continuing education credits required for triennial license renewal remains unchanged. The proposed readoption of *N.J.A.C. 13:31A-1.13* with amendments may have an economic impact upon licensees to the extent that all advertisements must comply with the requirements set forth in the rule, including the requirement that licensees retain copies of printed advertisements for at least three years from the date of initial publication.

The proposed readoption of *N.J.A.C. 13:31A-2.1, 2.3, 3.1 and 3.2* may continue to have an economic impact upon applicants for licensure as locksmiths or alarm installers to the extent that applicants may incur costs associated with obtaining the required education and training, passing their respective licensing examinations and in submitting the required documentation to substantiate satisfaction of these requirements. The proposed readoption of *N.J.A.C. 13:31A-2.5 and 3.4* may continue to have an economic impact upon individuals and business firms applying for licensure to the extent that they may incur costs associated with submitting certain documentation to the Committee, including submitting to a criminal history records check.

The proposed readoption of *N.J.A.C. 13:31A-2.6 and 3.5* may continue to have an economic impact upon locksmith and alarm business license holders to the extent that they may incur costs associated with maintaining a business office in the State and in complying with the general liability insurance and surety bond requirements set forth in the rules. The proposed readoption of *N.J.A.C. 13:31A-2.7 and 3.6* with amendments may continue to have an economic impact upon employees of licensees to the extent that they may incur costs associated with satisfying the competency requirements set forth in the rules.

The Committee believes that any economic impact that may be borne by applicants for licensure and licensees as a result of the rules proposed for readoption with amendments is outweighed by the need to protect the [page=1943] health, safety and welfare of consumers seeking burglar alarm, fire alarm and locksmith services in the State.

Federal Standards Statement

A Federal standards analysis is not required because the rules in *N.J.A.C. 13:31A* are governed by *N.J.S.A. 45:5A-1* et seq., and, therefore, are not subject to any Federal standards or requirements. Although the rules in *N.J.A.C. 13:31A* are not subject to any Federal requirements or standards, where deemed appropriate, the Committee has voluntarily required licensees and business license holders to comply with applicable Federal laws and regulations. Specifically, *N.J.A.C. 13:31A-1.12*, as proposed to be amended, requires all burglar alarm, fire alarm and locksmith licensees to take two credits of continuing education per triennial renewal period in a course that covers the Americans with Disabilities Act Code, set forth at 36 CFR 1191. Persons employed by licensees to perform unsupervised work must also submit evidence of having completed instruction in the Americans with Disabilities Act Code, pursuant to *N.J.A.C. 13:31A-2.7* and *3.6*. In addition, applicants for licensure as burglar alarm or fire alarm installers and locksmiths are required to complete two hours of training in the Americans with Disabilities Act Code, pursuant to *N.J.A.C. 13:31A-1.10* and *2.1*, as proposed to be amended and *N.J.A.C. 13:31A-3.1*.

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

Jobs Impact

The Committee does not anticipate that the rules proposed for readoption with amendments will result in an increase or decrease in the number of jobs in the State.

Agriculture Industry Impact

The Committee does not anticipate that the rules proposed for readoption with amendments will have any impact on the agriculture industry in the State.

Regulatory Flexibility Analysis

Currently, the Committee has approximately 3,800 licensed burglar alarm and fire alarm installers and locksmiths and 350 licensed alarm and locksmithing businesses. If Committee licensees are considered "small businesses," within the meaning of the Regulatory Flexibility Act, *N.J.S.A. 52:14B-16* et seq., then the following analysis applies.

The rules proposed for readoption with amendments will impose various reporting, recordkeeping and compliance requirements upon members of the regulated community. All licensees must comply with the requirements for license renewal set forth in *N.J.A.C. 13:31A-1.5*. *N.J.A.C. 13:31A-1.6*, *1.7* and *1.8* also impose compliance requirements upon licensees with respect to how a licensee changes his or her license status, reinstates a suspended license and changes an address on file with the Committee. *N.J.A.C. 13:31A-1.9* imposes compliance requirements upon licensees and applicants for licensure to the extent that conduct set forth in the rule may result in the suspension, revocation or refusal to issue or renew a license. *N.J.A.C. 13:31A-1.10* requires applicants licensed in other states who seek a New Jersey license to submit appropriate documentation and to take the licensing examination prior to being granted a license in New Jersey. Proposed amendments to *N.J.A.C. 13:31A-1.10* also require such applicants to complete eight hours of training in the courses set forth in the rule within three years immediately preceding the date of application, and to undergo a criminal history records check. *N.J.A.C. 13:31A-1.11* requires applicants requesting a waiver of any of the Committee's rules to submit the request in writing.

N.J.A.C. 13:31A-1.12 requires burglar alarm, fire alarm and locksmith licensees to complete 36 hours of continuing education during each triennial registration period. Licensees must keep documentation relating to the completion of such credits for six years. *N.J.A.C. 13:31A-1.13* imposes requirements upon licensees with respect to the advertising of their professional services, including the requirement that licensees retain copies of printed advertisements for at least three years from the date of initial publication.

N.J.A.C. 13:31A-1.14 and *1.15* impose compliance requirements upon licensees to the extent that the rules require licensees to adhere to specified standards of practice and prohibit them from engaging in certain activities.

The rules in Subchapters 2 and 3 impose various compliance requirements upon applicants for licensure, licensees and business license holders engaged in the provision of locksmithing services or in the alarm business. *N.J.A.C. 13:31A-2.1* and *3.1* require applicants seeking licensure as locksmiths or alarm installers to be at least 18 years of age and of good moral character, to not have been convicted of certain crimes and to have completed certain minimum technical training. Applicants must also hold a high school diploma or equivalency certificate, pass the licensing examination and have experience in the locksmith, burglar alarm or fire alarm business.

N.J.A.C. 13:31A-2.3 and *3.2* require all applicants for licensure to obtain a passing score on the locksmith and alarm examinations. *N.J.A.C. 13:31A-2.5* and *3.4* require all individual and business firm applicants for a locksmith or alarm license to submit applications, which contain certain minimum information. An applicant for an individual license must submit a photograph, his or her fingerprints, a copy of his or her high school diploma or equivalency certificate and an affidavit from his or her previous employer. A business firm must submit the fingerprints of the business qualifier and each member, officer or director of the firm and evidence of general liability insurance or a surety bond.

N.J.A.C. 13:31A-2.6 and *3.5* require locksmith and alarm business license holders to maintain at least one business office within the State or file with the Committee a power of attorney constituting the Committee as the agent of the business. The business license holder must mark the outside of each installation and service vehicle to be used in conjunction with the business with certain information set out in the rule. The business license holder must also retain, and maintain during the term of the license, general liability insurance in the amount of \$ 500,000 for a locksmithing business and \$ 1,000,000 for an alarm business and insurance coverage or a surety bond in favor of the State of New Jersey in the sum of \$ 10,000. Business license holders must also maintain an emergency service number attended to on a 24-hour basis. A business license holder is required to notify the Committee in writing within 30 days of employing a person and must provide a photograph of the employee, the employee's fingerprints and evidence of the employee's practical experience and professional competence if the employee is to work without direct supervision.

N.J.A.C. 13:31A-2.7 and *3.6* require employees of locksmith and alarm businesses to be of good moral character and to have specified experience and training if they are to perform work while unsupervised. *N.J.A.C. 13:31A-2.8* and *3.7* require the business qualifier for a locksmith or alarm businesses, respectively, to provide appropriate supervision for the business firm's employees. Proposed amendments to *N.J.A.C. 13:31A-2.7* and *3.6* require individuals identified as employees on their employer's licensure application submitted by July 13, 2004, to satisfy the competency requirements in the respective rules by January 31, 2011.

N.J.A.C. 13:31A-2.9 and *3.8* require all locksmith and alarm licensees, as well as all employees of a business firm engaging in the locksmithing or alarm business, to carry an identification card while performing their work. The card must include the name, photograph, date of birth and signature of the person to whom it was issued and the business name, business address and license number of the business license holder. The card must be renewed every three years. No additional professional services will be needed to comply with the rules proposed for readoption with amendments. The costs that may be incurred in complying with the rules proposed for readoption with amendments are discussed in the Economic Impact statement above. The Committee believes that the rules proposed for readoption and the proposed amendments should be uniformly applied to all licensees in order to ensure the health, safety and welfare of the general public in the provision of burglar alarm, fire alarm and locksmithing services and, therefore, no differing compliance [page=1944] requirements for any licensees are provided based upon the size of the business.

Smart Growth Impact

The Committee does not believe that the rules proposed for readoption with amendments will have any impact upon the achievement of smart growth or upon the implementation of the State Development and Redevelopment Plan.

Housing Affordability Impact Statement

The rules proposed for readoption with amendments will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the regulation would evoke a change in the average costs associated with housing because the rules proposed for readoption with amendments concern the provision of fire alarm, burglar alarm and locksmith services.

Smart Growth Development Impact Statement

The rules proposed for readoption with amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the regulation would evoke a change in housing production in Planning Areas 1 or 2 or within designated centers under the State Development and Redevelopment Plan in New Jersey because the rules proposed for readoption with amendments concern the provision of fire alarm, burglar alarm and locksmith services.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at *N.J.A.C. 13:31A*.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

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:

...

"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.

...

13:31A-1.4 Fees

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

1.-13. (No change.)

14. Verification of licensure fee \$ 25.00

13:31A-1.5 License renewal; inactive status

(a) The Committee shall send a notice of renewal to all licensees at least 60 days prior to the date of license expiration. If the notice to renew is not sent at least 60 days prior to the license expiration date, no monetary penalties or fines shall apply to a licensee for [failure to renew] **any unlicensed practice during the period following licensure expiration, not to exceed the number of days short of 60 before the renewals were issued.**

(b)-(e) (No change.)

13:31A-1.6 Change of license status: inactive to active

A licensee, upon application to the Committee, may change from inactive to active status upon payment of the renewal fee set forth in *N.J.A.C. 13:31A-1.4*, and upon submission of a certification verifying the completion of the continuing education requirements set forth in *N.J.A.C. 13:31A-1.12* for [each] **the current** renewal period [the licensee was inactive] **within three years prior to the date of application.**

13:31A-1.10 [Reciprocity] **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. (No change.)

[2. All prior State registrations, certifications or licenses are current, active, and in good standing; and]

[3.] **2.** The applicant submits an application for licensure by reciprocity to the Committee; [which contains information and materials which establish that the applicant satisfies the requirements of *N.J.A.C. 13:31A-2.5(a)* or *3.4(a)*, whichever is applicable.]

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

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

(b) (No change.)

13:31A-1.12 Continuing education requirements

(a) (No change.)

(b) Each applicant for triennial license renewal shall complete during the preceding triennial period, except as provided in (b)1 below, a minimum of 36 credits of continuing education. Applicants who hold multiple licenses issued by the Committee shall complete 36 credits of continuing education for each license held, except as provided in (b)3 below.

1.-2. (No change.)

3. The holder of multiple licenses issued by the Committee may apply a maximum of 12 credits obtained in satisfaction of the 36 credits required for one license pursuant to this section toward satisfaction of the 36 continuing education credits required for his or her [other] **second and third** Committee-issued license(s), **if applicable**.

4. (No change.)

(c) A licensee shall complete a minimum of [one] **two** continuing education credits [per triennial registration period] in the Barrier Free Subcode, *N.J.A.C. 5:23-7*, [one] **two** continuing education credits in the New Jersey Uniform Construction Code, *N.J.A.C. 5:23*, exclusive of the Barrier Free Subcode, [and one] **two** continuing education credits in the Americans with Disabilities Act Code, 36 [C.F.R. §] **CFR 1191 and two continuing education credits in industrial safety per triennial registration period**. A licensee seeking renewal of a burglar alarm license shall complete a minimum of three credits of continuing education **per triennial registration period** in smoke detection systems. A licensee may take a maximum of 12 credits **per triennial registration period** in continuing education courses related to business and/or law. A licensee shall obtain the balance of continuing education credits in trade-related subjects.

(d) A licensee may obtain continuing education credits from the following:

1. (No change.)

2. Participation in instructional activities, such as developing curriculum for a new program or course and/or teaching a new program or course, provided the program or course is related to the provision of burglar alarm, fire alarm or locksmithing services in the State of New Jersey. "New" means that the licensee has never taught or developed curriculum for that course or program in any educational setting, **except as provided below**.

i. A licensee shall receive continuing education credit for teaching Committee-approved continuing education courses related to the [page=1945] Barrier Free Subcode, the New Jersey Uniform Construction Code, the Americans with Disabilities Act Code and industrial safety, pursuant to (c) above, irrespective of whether the

licensee has previously taught the course.

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

3.-4. (No change.)

(e)-(g) (No change.)

(h) All sponsors of continuing education programs or courses shall:

1. Obtain Committee approval, in each triennial period, prior to representing that any course, seminar or program fulfills the requirements of this section. All sponsors who have received certification from the International Association for Continuing Education and Training (IACET) shall be pre-approved by the Committee for trade-related subjects and shall not be required to comply with the requirements of (h)2 and 5 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.-5. (No change.)

(i) (No change.)

13:31A-1.13 Advertising

(a)-(d) (No change.)

(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. (No change.)

2. The words "Burglar Alarm [license number] **Business License Number**" or "Burglar Alarm **Business Lic. #,**" "Fire Alarm [license number] **Business License Number**" or "Fire Alarm **Business Lic. #[,]**" or "Locksmith [license number] **Business License Number**" or "Locksmith **Business Lic. #,**" **or any combination thereof,** as applicable; and

3. (No change.)

(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. (No change.)

2. The words "Burglar Alarm [license number] **Business License Number**" or "Burglar Alarm **Business Lic. #,**" "Fire Alarm [license number] **Business License Number**" or "Fire Alarm **Business Lic. #[,]**" or "Locksmith [license number] **Business License Number**" or "Locksmith **Business Lic. #[,]**" **or any combination thereof,** as applicable, along with the relevant number; and

3. (No change.)

(g)-(s) (No change.)

13:31A-2.1 Requirements for locksmith licensure

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

1.-4. (No change.)

5. Have successfully completed the locksmithing examination set forth in *N.J.A.C. 13:31A-2.3*; [and]

6. Have immediately preceding the submission of the application:

i. (No change.)

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 and two hours of training in industrial safety.

13:31A-2.7 Locksmith employees

(a) (No change.)

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

1.-2. (No change.)

(c) A person employed [to perform locksmithing services] by [an applicant for licensure who files an application by July 13, 2004 and who is identified as an employee on the application,] **a locksmithing business who performs locksmithing services while unsupervised** shall not be required to satisfy the competency requirements of (b) above until [the first renewal of the employee's identification card] **January 31, 2011**.

13:31A-2.8 Supervision of locksmith employees

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

(c) Every 10 employees who are performing locksmithing services at either one job site or who are performing such work at several jobs at different sites simultaneously shall be supervised, pursuant to (d) below, by the business qualifier, a licensee[,], or a supervising employee [who has satisfied the requirements of] **who is permitted to perform locksmithing services while unsupervised pursuant to *N.J.A.C. 13:31A-2.7(b)***.

(d)-(f) (No change.)

SUBCHAPTER 3. BURGLAR ALARM OR FIRE ALARM LICENSURE

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

(a) (No change.)

(b) Any person employed by a licensee to perform [the unsupervised] installation, servicing or maintenance of a burglar alarm or fire alarm **while unsupervised** shall:

1.-2. (No change.)

(c) A person employed [to perform] **by a burglar alarm or fire alarm business who performs** installation, servicing or maintenance of burglar alarms or fire alarms [by an applicant for licensure who files an application by July 13, 2004 and who is identified as an employee on the application,] **while unsupervised** shall not be required to satisfy the competency requirements of (b) above[, until the first renewal of the employee's identification card] **until January 31, 2011.**

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

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

(c) Every 10 employees who are performing burglar alarm or fire alarm services at either one job site or who are performing such work at several jobs at different sites simultaneously shall be supervised, pursuant to (d) below, by the business qualifier, a licensee[,], or a supervising employee [who has satisfied the requirements of] **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)-(f) (No change.)