

[Second Reprint]

ASSEMBLY, No. 5179

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED FEBRUARY 13, 2023

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SYNOPSIS

“Fire Life Safety Damper and Smoke Control System Inspection Verification Act”; Requires routine maintenance and periodic testing of smoke dampers, fire dampers, and smoke control systems in certain buildings by qualified personnel.

CURRENT VERSION OF TEXT

As amended on November 30, 2023 by the General Assembly pursuant to the Governor's recommendations.

(Sponsorship Updated As Of: 12/7/2023)

1 AN ACT concerning the testing of fire dampers, smoke dampers,
2 and smoke control systems in certain buildings and
3 supplementing P.L.1983, c.383 (C.52:27D-192 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. P.L. , c. (C.) (pending before the Legislature as this
9 bill), shall be known and may be cited as the “Fire Life Safety
10 Damper and Smoke Control System Inspection Verification Act.”
11

12 2. The Legislature finds and declares that:

13 a. Studies have shown that most fire deaths are not caused by
14 burns but instead by smoke inhalation. In addition to being toxic,
15 smoke obstructs light and limits visibility, which in turn increases
16 the time it takes a building’s occupants to get to safety.

17 b. In the event of a fire, smoke control systems can help a
18 building’s occupants avoid smoke when evacuating a building.

19 c. Faulty and inoperable fire dampers, smoke dampers, and
20 smoke control systems are likely to exist without periodic
21 inspection and testing as required by law and applicable industry
22 codes and standards. A 2021 University of Maryland study entitled
23 the “Reliability of Fire Dampers, Smoke Dampers and Smoke
24 Control Systems” found a majority of fire life safety dampers
25 inspected, in over 1,100 buildings, needed repair or replacement.

26 d. Without periodic testing as required by applicable industry
27 codes and standards, faulty and inoperable smoke control systems
28 and fire life safety dampers are likely to exist in New Jersey
29 buildings.

30 e. The failure of building owners to properly perform periodic
31 inspection and testing of fire dampers, smoke dampers, and smoke
32 control systems is detrimental to the health, safety, and welfare of
33 the people of New Jersey and the dwellings and businesses thereof,
34 and visitors thereto.

35 f. New Jersey does not currently ²[enforce the requirement
36 that smoke control systems and fire life safety dampers be subject
37 to a routine maintenance and periodic testing program, nor establish
38 any] have² minimum standards for ²[inspectors] contractors²
39 performing ²[such]² maintenance and physical periodic testing ²of
40 smoke control systems and fire dampers, smoke dampers, and
41 combination fire and smoke dampers².
42

43 ²[3.As used in P.L. , c. (C.) (pending before the
44 Legislature as this bill):

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASL committee amendments adopted March 20, 2023.

²Assembly amendments adopted in accordance with Governor's
recommendations November 30, 2023.

1 “Approved skill training program” or “program” means a Class
2 A apprenticeship training program that is registered with, and
3 approved by, the United States Department of Labor or a State
4 apprenticeship agency, involving at least 8,000 hours of
5 documented practical experience in the installation, maintenance,
6 and servicing of HVAC systems and providing both apprenticeship
7 training and training to upgrade skills of journey persons in the
8 skills of the HVAC industry, including those relating to fire safety
9 equipment.

10 “Combination fire and smoke damper” means a device that meets
11 both the fire damper and smoke damper requirements.

12 “Dedicated smoke control system” means a smoke control
13 system and components that are installed for the sole purpose of
14 providing smoke control and that upon activation of the systems
15 operate specifically to perform the smoke control function.

16 “Department” means the Department of Community Affairs.

17 "Enforcing agency" means the department, a municipal or county
18 department or agency, or a fire district which has been authorized
19 by municipal ordinance to enforce the "Uniform Fire Safety Act,"
20 P.L.1983, c.383 (C.52:27D-192 et seq.).

21 "Fire damper" means a device installed in an air distribution
22 system, designed to close automatically upon detection of heat, to
23 interrupt migratory airflow and to restrict the passage of flame; and
24 includes devices installed in air conditioning systems to close
25 automatically upon detection of heat, to interrupt migratory airflow,
26 and to restrict the passage of flames. A fire damper shall also
27 include a combination fire and smoke damper system.

28 “Fire life safety damper” means fire dampers, smoke dampers,
29 and combination fire and smoke dampers.

30 “Fire life safety damper testing” means testing and inspection
31 activities, including all physical and visual testing of fire life safety
32 dampers necessary to ensure the proper functioning, as required by
33 the Uniform Fire Safety Code, and the standards adopted pursuant
34 to the Uniform Fire Safety Code concerning fire doors and other
35 protective openings under NFPA 80, smoke door assemblies and
36 other opening protectives under NFPA 105, smoke control systems
37 under NFPA 92, and applicable engineering specifications.

38 “HVAC” means heating, ventilation, and air conditioning.

39 “ICB” means International Certification Board.

40 “IEC” means the International Electrotechnical Commission

41 ¹“IFC” means the most recent “International Fire Code – New
42 Jersey Edition,” published by the International Code Council. ¹

43 “ISO” means International Organization for Standardization.

44 “Non-dedicated smoke control system” means a smoke control
45 system that shares components with some other system, such as the
46 building HVAC system, which changes its mode of operation to
47 achieve the smoke-control objective.

48 “NFPA” means National Fire Protection Association.

1 “Smoke control system” means an engineered system that
2 includes all methods that can be used singly or in combination to
3 modify smoke movement, including engineered systems that use
4 mechanical fans to produce pressure differences across smoke
5 barriers to inhibit smoke movement.

6 “Smoke control system testing” means testing and inspection
7 activities, including all physical and visual testing of smoke control
8 systems necessary to ensure the proper functioning, as required by
9 the Uniform Fire Safety Code, and the standards adopted pursuant
10 to the Uniform Fire Safety Code concerning fire doors and other
11 protective openings under NFPA 80, smoke door assemblies and
12 other opening protectives under NFPA 105, smoke control systems
13 under NFPA 92, and applicable engineering specifications.

14 “Smoke damper” means a device within an air distribution
15 system to control the movement of smoke, and includes devices
16 installed in air conditioning systems to control the movement of
17 smoke. A smoke damper shall also include a combination smoke
18 and fire damper system.

19 “TAB” means testing, adjusting, and balancing of an HVAC
20 system.

21 “TABB” means Testing, Adjusting and Balancing Bureau of the
22 International Certification Board.

23 “Uniform Fire Safety Code” means the code promulgated
24 pursuant to P.L.1983, c.383 (C.52:27D-192 et seq.).²

25

26 ²[4.] ^{3.2} a. An owner of a building ¹[], other than a single-
27 family, two-family, or attached single-family structure used
28 exclusively for dwelling purposes,¹ shall be responsible for
29 ensuring that fire dampers, smoke dampers, and combination fire
30 and smoke dampers ²[required to be]² installed in a building
31 ²[pursuant to the State Uniform Construction Code adopted
32 pursuant to the "State Uniform Construction Code Act," P.L.1975,
33 c.217 (C.52:27D-119 et seq.),]² are inspected and tested as required
34 by the applicable standards adopted pursuant to the Uniform Fire
35 ²[Safety]² Code. ¹This subsection shall not apply to a single-
36 family, two-family, or attached single-family structure used
37 exclusively for dwelling purposes.¹ ²[Fire dampers, smoke
38 dampers, and combination fire and smoke dampers shall be
39 periodically inspected and tested no less than once after the first
40 year of installation and once every four years thereafter, except for
41 hospitals. Fire dampers, smoke dampers, and combination fire and
42 smoke dampers in hospitals shall be periodically inspected and
43 tested no less than once after the first year of installation and once
44 every six years thereafter. The periodic testing of fire dampers,
45 smoke dampers, and combination fire and smoke dampers shall
46 include the visual inspection method in accordance with NFPA 80
47 concerning fire doors and other protective openings, and NFPA 105

1 concerning smoke door assemblies and other opening protectives.
 2 The remote inspection method, as defined in NFPA 80 concerning
 3 fire doors and other protective openings, and NFPA 105 concerning
 4 smoke door assemblies and other opening protectives, shall not be
 5 used in place of visual inspection for the periodic testing required
 6 pursuant to this subsection. All fire and smoke dampers shall be
 7 tested, per the aforementioned schedule, regardless of location.】²

8 b. ¹【In】 For all¹ buildings ¹with a ²【new】² smoke control
 9 system ²【installed after the effective date of P.L. , c. (C.)
 10 (pending before the Legislature as this bill)】^{2, 1} other than single-
 11 family, two-family, and attached single-family structures used
 12 exclusively for dwelling purposes, a building owner shall subject
 13 ¹【a】 ¹the¹ ²【newly installed】² smoke control system to smoke
 14 control system testing ²【. Dedicated smoke control systems shall
 15 be tested at least semiannually. Non-dedicated smoke control
 16 systems shall be tested at least annually. Testing of smoke control
 17 systems shall include tests to determine airflow quantities and
 18 pressure differences are code compliant, including at the following
 19 locations: (1) across smoke barrier openings; (2) at the air makeup
 20 supplies; and (3) at smoke exhaust equipment.

21 c. The Commissioner of Community Affairs shall, pursuant to
 22 the "Administrative Procedure Act," P.L.1968, c.410 (C.52: 14B-1
 23 et seq.), adopt such rules and regulations as may be necessary to
 24 implement P.L. , c. (C.) (pending before the Legislature as
 25 this bill), including establishing routine maintenance and
 26 operational testing schedules. The rules and regulations of the
 27 commissioner shall permit inspections required pursuant to
 28 P.L. , c. (C.) (pending before the Legislature as this bill) to
 29 be conducted as a part of inspections required pursuant to the
 30 "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et
 31 seq.), or other required inspections】 as required by the applicable
 32 standards adopted pursuant to the Uniform Fire Code².

33
 34 ²【5.】^{4.2} The owner of a building subject to the provisions of
 35 P.L. , c. (C.) (pending before the Legislature as this bill)
 36 shall adhere to the routine maintenance and periodic testing
 37 schedule for the building, to commence immediately after the
 38 smoke dampers, fire dampers, combination fire and smoke dampers
 39 and smoke control systems have passed the applicable tests. ²【A】
 40 The Commissioner of Community Affairs shall, pursuant to the
 41 authority under the "Uniform Fire Safety Act," P.L.1983, c.383
 42 (C.52:27D-192 et seq.), promulgate rules and regulations to require
 43 a² building owner ²【shall】 to² establish a written schedule for
 44 routine maintenance and periodic testing pursuant to the testing
 45 schedule required pursuant to ²【section 4 of P.L. , c. (C.)
 46 (pending before the Legislature as this bill)】 the applicable
 47 standards adopted pursuant to the "Uniform Fire Code."²

1 ²[6.a. A contractor that provides smoke damper, fire damper,
2 and combination fire and smoke damper testing services shall hold
3 an ICB Fire and Smoke Damper Contractor certification or
4 equivalent certification from an organization that has been
5 accredited under the ISO/IEC 17024 Personnel Certification
6 standard in HVAC Fire Life Safety Damper inspections ¹], or an
7 equivalent accreditation authorized by a rule or regulation of the
8 department¹. A contractor that provides smoke control systems
9 testing services shall hold an ICB Smoke Control System
10 Contractor certification or equivalent certifications from an
11 organization that has been accredited under the ISO/IEC 17024
12 Personnel Certification standard in HVAC Smoke Control System
13 inspections ¹], or an equivalent accreditation authorized by a rule or
14 regulation of the department¹.

15 b. A person performing smoke dampers, fire dampers, and
16 combination fire and smoke dampers testing services shall:

17 (1) be employed by an enforcing agency or by a contractor
18 certified in accordance with subsection a. of this section;

19 (2) have successfully completed an approved skill training
20 program, as defined in section 3 of P.L. , c. (C.) (pending
21 before the Legislature as this bill), or be enrolled in an approved
22 skill training program and be working under the supervision of a
23 person having completed such a program; and

24 (3) hold a certification from the ICB as a Fire and Smoke
25 Damper Technician or an equivalent certification from an
26 organization that has been accredited under the ISO/IEC 17024
27 Personnel Certification standard in HVAC Life Safety Damper
28 inspections or Smoke Control System inspections ¹], or an
29 equivalent accreditation authorized by a rule or regulation of the
30 department¹. Smoke Control Systems technicians shall also be a
31 ¹[certified¹] TAB technician ¹certified¹ by ¹[an industry
32 recognized certifying agency] the Associated Air Balance Council,
33 the National Environmental Balancing Bureau, or TABB¹.

34 c. A person performing smoke control system testing services
35 shall:

36 (1) be employed by an enforcing agency or by a contractor
37 certified in accordance with subsection a. of this section;

38 (2) have successfully completed an approved skill training
39 program, as defined in section 3 of P.L. , c. (C.) (pending
40 before the Legislature as this bill), or be enrolled in an approved
41 skill training program and be working under the supervision of a
42 person having completed such a program;

43 (3) hold a certification from the ICB as a Smoke Control
44 Systems Technician or an equivalent certification from an
45 organization that has been accredited under the ISO/IEC 17024
46 Personnel Certification standard in HVAC Smoke Control System

1 inspections ¹], or an equivalent accreditation authorized by a rule or
2 regulation of the department ¹]; and

3 (4) be a certified TAB technician by the Associated Air Balance
4 Council, the National Environmental Balancing Bureau, or
5 TABB.]²

6
7 ²[7.] 5. The Commissioner of Community Affairs shall,
8 pursuant to the authority under the "Uniform Fire Safety Act,"
9 P.L.1983, c.383 (C.52:27D-192 et seq.), promulgate rules and
10 regulations to require the following:

11 a. If the smoke dampers, fire dampers, combination fire and
12 smoke dampers, and smoke control systems pass the applicable
13 inspections and tests, the person performing the inspection or test
14 shall execute a compliance certification ²[which shall verify the
15 compliance and provide:

16 (1) the name of the individual conducting the inspection or test
17 and that person's employer;

18 (2) the name of the building owner and address of the property;

19 (3) the location of all smoke dampers, fire dampers,
20 combination fire and smoke dampers, and smoke control systems
21 inspected or tested; and

22 (4) the date of the inspection or test.

23 The building owner shall maintain a copy of the compliance
24 certification on the building property and make the certification
25 available for inspection upon request.]²

26 b. In the event an inspection or test reveals deficiencies in
27 smoke dampers, fire dampers, combination fire and smoke dampers,
28 or smoke control systems, the person who conducted the inspection
29 or test shall prepare a deficiency report for the building owner
30 identifying the nature of the deficiency and reasons for non-
31 compliance ²and any other information deemed necessary by the
32 department². ²[The deficiency report shall also contain:

33 (1) the name of the individuals conducting the inspection or test
34 and that person's employer;

35 (2) the name of the building owner and address of the property;

36 (3) the location of all fire dampers, smoke dampers,
37 combination fire and smoke dampers, and smoke control systems
38 inspected or tested; and

39 (4) the date of the inspection or test.

40 The building owner shall, without delay, take the necessary steps
41 to ensure the defective equipment is replaced or repaired and that
42 compliance with the applicable inspection and testing requirements
43 has been achieved. A building that does not achieve compliance
44 within 30 days shall be deemed in violation of this section.

45 c. The building owner shall post a notice of verification of the
46 testing and inspection of fire dampers, smoke dampers, combination
47 fire and smoke dampers, and smoke control systems in the outside

1 lobby window of the building or other area clearly visible to the
2 public. The verification shall state the address of the building and
3 the date of the last fire damper inspection, smoke damper
4 inspection, and smoke control system inspection, and the date that
5 each inspection expires, as follows:

6

7 VERIFICATION OF FIRE SAFETY BUILDING INSPECTION

8

9 Building Address:

10 _____

11

12 Date of Last Inspection of Fire Dampers, Smoke Dampers, and
13 Combination Fire and Smoke Dampers:

14 _____

15

16 Pass: Yes / No. Date of Expiration of Inspection:

17 _____

18 Name of Inspector: _____

19

20 Date of Last Inspection of Smoke Control Systems:

21 _____

22

23 Pass: Yes / No. Date of Expiration of Inspection:

24 _____

25

26 Name of Inspector: _____

27

28 d. A written record of smoke control system testing and
29 maintenance shall be maintained on the premises. The written
30 record shall include the date of the maintenance, identification of
31 the servicing personnel, and notification of any unsatisfactory
32 condition and the corrective action taken, including parts
33 replaced.]²

33

34 ²[8.a. Building owners shall submit copies of all valid operation
35 certificates to the department showing they are in compliance with
36 the testing requirements of P.L. , c. (C.) (pending before
37 the Legislature as this bill) within 30 days of obtaining the
38 certificate. The department shall commence enforcement actions,
39 pursuant to section 9 of P.L. , c. (C.) (pending before the
40 Legislature as this bill), for any instance of non-compliance and
41 review compliance when conducting investigations of buildings for
42 other reasons.

43 b. When the department or local enforcing agency acting
44 pursuant to department regulations conducts the annual fire
45 inspection of any building that is subject to P.L. , c. (C.)
46 (pending before the Legislature as this bill), it shall inspect the
47 building owner's certificate of operation for smoke dampers, fire
48 dampers, combination fire and smoke dampers, and smoke control

1 system to ensure it complies with the requirements of section 7 of
2 P.L. , c. (C.) (pending before the Legislature as this bill)
3 and commence enforcement actions if the department or local
4 enforcing agency finds any violations. A local enforcing agency
5 that discovers a building owner's non-compliance shall report this
6 non-compliance to the department.]²

7
8 ²[9.a. A person who violates any provision of
9 P.L. , c. (C.) (pending before the Legislature as this bill)
10 or the technical codes or regulations adopted thereunder, or who
11 shall erect, construct, install, remove, alter or repair a structure,
12 mechanical equipment or system in violation of the approved
13 construction documents or directive of the code official or of a
14 permit or certificate issued under the provisions of
15 P.L. , c. (C.) (pending before the Legislature as this bill),
16 or the technical codes shall be fined an amount to be determined by
17 the Commissioner of Community Affairs pursuant to the authority
18 pursuant to section 2 of P.L.1991, c.489 (C.52:27D-198.5). A fine
19 imposed pursuant to this section shall be at least \$150 for each
20 offense. Each day of non-compliance shall constitute a separate
21 violation for which a separate fine shall be assessed.

22 b. The Commissioner of Community Affairs or the enforcing
23 agency, as applicable, may collect the penalty established pursuant
24 to subsection a. of this section following issuance of an
25 administrative penalty order. If the administrative penalty order has
26 not been satisfied by the 30th day after its issuance, the penalty may
27 be sued for, and recovered by and in the name of the commissioner
28 or the enforcing agency, as the case may be, in a civil action by a
29 summary proceeding under "The Penalty Enforcement Law of
30 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in the Superior Court
31 or municipal court.]²

32
33 ²6. Section 1 of P.L.2001, c.289 (C.52:27D-25n) is amended to
34 read as follows:

35 1. As used in sections 1 through 19 of **[this act]** P.L.2001,
36 c.289 (C.52:27D-25n et seq.):

37 "Business entity" means a proprietor, corporation, partnership or
38 company operating as a fire protection contractor.

39 "Carbon dioxide fire protection system" means a special hazard
40 fire suppression system that uses carbon dioxide as its extinguishing
41 agent.

42 "Certificate of certification" means a certificate issued by the
43 commissioner that authorizes a person to engage in the fire
44 protection equipment business to the degree indicated on the
45 certificate.

46 "Certificate holder" means a person who is certified to engage in
47 the fire protection equipment business.

1 "Clean agent fire suppression system" means a special hazard
2 fire suppression system that uses an extinguishing agent that will
3 not damage the contents of the hazard.

4 "Combination fire and smoke damper" means a device that meets
5 both the fire damper and smoke damper requirements.

6 "Commissioner" means the Commissioner of Community
7 Affairs.

8 "Committee" means the Fire Protection Equipment Advisory
9 Committee created by section 2 of this act.

10 "Dedicated smoke control system" means a smoke control
11 system and components that are installed for the sole purpose of
12 providing smoke control and that upon activation of the systems
13 operate specifically to perform the smoke control function.

14 "Director" means the Director of the Division of Fire Safety in
15 the Department of Community Affairs.

16 "Division" means the Division of Fire Safety in the Department
17 of Community Affairs.

18 "Engineered fire suppression system" means a fire suppression
19 system which is designed individually to suit a particular purpose or
20 hazard. Such a system requires individual calculation and design to
21 determine the flow rates, nozzle pressures, pipe size, area or volume
22 to be protected by each nozzle, quantities of extinguishing agent
23 and the number and types of nozzles and their placement in a
24 specific system.

25 "Fire alarm system" means a system which provides a warning
26 alarm signaling the presence of fire conditions and may be capable
27 of initiating an action to suppress a fire condition.

28 "Fire damper" means a device installed in ducts and air transfer
29 openings designed to close automatically upon detection of heat and
30 resist the passage of flame. Fire dampers are classified for use in
31 either static systems that will automatically shut down in the event
32 of a fire, or in a dynamic systems that continue to operate during a
33 fire. A dynamic fire damper is tested and rated for closure under
34 elevated temperature airflow.

35 "Fire protection equipment" includes fire alarm systems, fire
36 sprinkler systems, standpipe systems, clean agent fire suppression
37 systems, special hazard fire suppression systems, carbon dioxide
38 fire protection systems, foam fire protection systems, kitchen fire
39 suppression systems, portable fire extinguishers or any other
40 equipment designed to detect, suppress or extinguish a fire.

41 "Fire protection subcode official" means a qualified person
42 appointed by the appropriate appointing authority or the
43 commissioner pursuant to the authority of the "State Uniform
44 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

45 "Fire protection contractor" or "contractor" means a person or
46 business entity that offers to undertake or represents itself as being
47 able to undertake, or does undertake the installation, service, sale,
48 repair, inspection or maintenance of fire protection equipment.

1 "Fire protection contractor business permit" means a permit
2 issued by the commissioner to a business entity to operate as a fire
3 protection contractor.

4 "Fire sprinkler system" means an automatic fire suppression
5 system that includes an automatic water sprinkler system or a
6 standpipe system and related system components, including
7 detection.

8 "Fire suppression system" means an engineered or pre-
9 engineered system that suppresses a fire using an extinguishing
10 agent distributed through fixed piping and nozzles that are activated
11 either manually or automatically. The system may include
12 containers, nozzles, controls, automatic detection, manual releases,
13 equipment shut downs and alarms. In such systems, an
14 extinguishing agent is discharged through fixed pipes and nozzles
15 into or over a potential fire hazard.

16 "Foam fire protection system" means a special hazard fire
17 suppression system that uses foam as its extinguishing agent.

18 "Kitchen fire suppression system" means a pre-engineered
19 system which is designed specifically to protect the hood, duct, and
20 cooking appliances of a kitchen. The system, which may include
21 containers, nozzles, controls, automatic detection, manual release,
22 cooking appliance shutdown equipment, and alarms will have an
23 extinguishing agent discharged through fixed pipes and nozzles
24 over and into the fire hazard area.

25 **["Certificate of certification" means a certificate issued by the**
26 **commissioner that authorizes a person to engage in the fire**
27 **protection equipment business to the degree indicated on the**
28 **certificate.**

29 "Certificate holder" means a person who is certified to engage in
30 the fire protection equipment business. **】**

31 "Maintenance" means the function of keeping equipment in such
32 a condition that it will perform as it originally was designed to do.

33 "Portable fire extinguisher" means a portable device, carried or
34 on wheels and operated by hand, containing an extinguishing agent
35 that can be expelled under pressure for the purpose of suppressing
36 or extinguishing fire.

37 "Pre-engineered system" means a fire suppression system having
38 predetermined flow rates, nozzle pressures, detection and quantities
39 of extinguishing agent. Such a system has the specific pipe size,
40 maximum and minimum pipe lengths, flexible hose specifications,
41 number of fittings and types of nozzles prescribed by a testing
42 laboratory. The hazards protected by such a system are specifically
43 limited as to type and size by a testing laboratory based upon actual
44 fire tests. Limitations on hazards which can be protected by such a
45 system are contained in the manufacturer's installation manual
46 which is referenced as a part of the listing.

47 "Smoke control system" means an engineered system that
48 includes all methods that can be used singly or in combination to

1 modify smoke movement, including engineered systems that use
2 mechanical fans to produce pressure differences across smoke
3 barriers to inhibit smoke movement.

4 "Smoke damper" means a device installed in ducts and air
5 transfer openings designed to resist the passage of smoke. The
6 device is installed to operate automatically, controlled by a smoke
7 detection system, and where required, is capable of being positioned
8 from a fire command center.

9 "Special hazard fire suppression system" means a fire
10 suppression system that uses an extinguishing agent other than
11 water.

12 "Standpipe system" means a fire protection system consisting of
13 an arrangement of piping, valves, hose outlets, and allied equipment
14 installed in a building or structure.

15 "Warranty" means a written guarantee given to a purchaser of
16 fire protection equipment covering a period of one year after the
17 installation of new fire protection equipment.²

18 (cf: P.L.2001, c.289, s.1)

19

20 ^{27.} ²Section 4 of P.L.2001, c.289 (C.52:27D-25q) is amended to
21 read as follows:

22 4. a. After the effective date of **【this act】** P.L.2001, c.289, no
23 fire protection contractor shall engage in the installation, service,
24 repair, inspection or maintenance of fire protection equipment
25 without holding or employing a person who holds a valid certificate
26 of certification issued in accordance with **【this act】** P.L.2001, c.289
27 (C.52:27D-25n et seq.), except that the commissioner shall determine
28 by rules and regulations the date after which no contractor may engage
29 in the installation, service, repair, inspection or maintenance of fire
30 dampers, combination fire and smoke dampers, or smoke control
31 systems without holding or employing a person who holds a valid
32 certificate of certification issued in accordance with P.L. c.
33 (C.) (pending before the Legislature as this bill). A fire
34 protection contractor who is not a certificate holder shall be
35 required to obtain a fire protection contractor business permit from
36 the commissioner, which shall be issued for three years upon
37 payment of an appropriate fee set by the commissioner and proof
38 that the fire protection contractor employs a certificate holder.
39 Notwithstanding the provisions of this section, persons holding a
40 license to engage in the fire alarm business pursuant to P.L.1997,
41 c.305 (C.45:5A-23 et seq.), or who are electrical contractors as
42 defined in section 2 of P.L.1962, c.162 (C.45:5A-2), are exempt
43 from the requirement of obtaining a certificate of certification under
44 this act to engage in the fire alarm business pursuant to this act to
45 the extent that such persons are acting within the scope of practice
46 of their profession or occupation.

47 The certificate required by this section shall define by class the
48 type of work in which a fire protection contractor may engage.

1 Notwithstanding any provision of **[this act]** P.L.2001, c.289, the
2 commissioner shall issue a certificate to any person who has been
3 employed as a fire protection contractor for a period of not less than
4 five years on or before the effective date of this act, upon
5 application with submission of satisfactory proof and payment by
6 that person of the appropriate certification fee within 180 days
7 following the effective date of this act.

8 b. The following certified classifications are hereby
9 established:

10 (1) An "All Fire Protection Equipment Contractor" is authorized
11 to install, service, repair, inspect and maintain all fire protection
12 equipment listed in paragraphs (2) through (6) of this subsection.

13 (2) A "Fire Sprinkler System Contractor" is authorized to install,
14 service, repair, inspect and maintain fire sprinkler systems.

15 (3) A "Special Hazard Fire Suppression System Contractor" is
16 authorized to install, service, repair, inspect and maintain special
17 hazard fire suppression systems and kitchen fire suppression
18 systems.

19 (4) A "Fire Alarm System Contractor" is authorized to install,
20 service, repair, inspect and maintain all fire alarm systems.

21 (5) A "Portable Fire Extinguisher Contractor" is authorized to
22 install, service, repair, inspect and maintain all portable fire
23 extinguishers.

24 (6) A "Kitchen Fire Suppression System Contractor" is
25 authorized to install, service, repair, inspect and maintain all
26 kitchen fire suppression systems.

27 (7) A "Smoke Damper, Fire Damper, and Combination Fire and
28 Smoke Damper Contractor" is authorized to install, service, repair,
29 inspect and maintain all smoke dampers, fire dampers, and
30 combination fire and smoke dampers. In addition to any other
31 requirements adopted by the commissioner, a Smoke Damper, Fire
32 Damper, and Combination Fire and Smoke Damper Contractor shall
33 participate in an approved apprenticeship or skill training program
34 that is registered with, and approved by, the United States
35 Department of Labor or a State apprenticeship agency, as defined
36 by the commissioner in rules or regulations, unless the
37 commissioner determines by rule or regulation that requiring
38 participation in such a program would be substantially detrimental
39 to ensuring that a sufficient number of contractors are certified to
40 conduct the work within the scope of the contractor's certification
41 class statewide, and shall hold a certification from an organization
42 that has been accredited under or meets the criteria required by the
43 International Organization for Standardization/International
44 Electrotechnical Commission 17024 Personnel Certification
45 standard, or such substantially similar certification as determined by
46 the commissioner in rules or regulations. Notwithstanding the
47 provisions of this section, the commissioner may exempt by
48 regulation persons with related licenses or credentials from the

1 requirement of obtaining a certificate of certification as a Smoke
2 Damper, Fire Damper, and Combination Fire and Smoke Damper
3 Contractor to engage in the initial installation of smoke dampers,
4 fire dampers, and combination fire and smoke dampers to the extent
5 that such persons are acting within the scope of practice of their
6 profession or occupation.

7 (8) A "Smoke Control System Contractor" is authorized to
8 install, service, repair, inspect and maintain all smoke control
9 systems. In addition to any other requirements adopted by the
10 commissioner, a Smoke Control System Contractor shall participate
11 in an approved apprenticeship or skill training program that is
12 registered with, and approved by, the United States Department of
13 Labor or a State apprenticeship agency, as defined by the
14 commissioner in rules or regulations, unless the commissioner
15 determines by rule or regulation that requiring participation in such
16 a program would be substantially detrimental to ensuring that a
17 sufficient number of contractors are certified to conduct the work
18 within the scope of the contractor's certification class statewide, and
19 shall hold a certification from an organization that has been
20 accredited under or meets the criteria required by the International
21 Organization for Standardization/International Electrotechnical
22 Commission 17024 Personnel Certification standard, or such
23 substantially similar certification as determined by the
24 commissioner in rules or regulations. Notwithstanding the
25 provisions of this section, the commissioner may exempt by
26 regulation persons with related licenses or credentials from the
27 requirement of obtaining a certificate of certification as a Smoke
28 Control System Contractor to engage in the initial installation of
29 smoke control systems to the extent that such persons are acting
30 within the scope of practice of their profession or occupation.

31 c. A certified fire protection contractor shall perform work
32 only within the scope of the contractor's certification class.

33 d. Any change in more than 50% of the ownership of a fire
34 protection contractor shall require an amended certificate of
35 certification. An application for an amended certificate of
36 certification shall be submitted within 60 days of a change of
37 ownership or change of company name or location. Certificates of
38 certification are non-transferable and shall be displayed
39 prominently in the principal work place. A certificate holder shall
40 not be used to qualify more than one fire protection contractor. The
41 commissioner shall be notified within 30 days if a certificate holder
42 leaves the fire protection contractor or is replaced. Notwithstanding
43 subsection a. of this section, no fire protection contractor shall be
44 denied the privilege of continuing business as a fire protection
45 contractor in the event of death, illness, or other physical disability
46 of the certificate holder who qualified the fire protection contractor
47 for a business permit under this section, for at least six months
48 following the date of such death, illness or other physical disability;

1 provided that the fire protection contractor operates under such
2 qualified supervision as the commissioner deems adequate. If, after
3 six months, the fire protection contractor has failed to employ
4 another certificate holder, then the commissioner shall revoke its
5 fire protection contractor business permit.

6 e. Whenever the commissioner shall find cause to deny an
7 application for a certificate of certification or to suspend or revoke a
8 certificate, he shall notify the applicant or the holder of the
9 certificate and state the reasons for the denial or suspension, as
10 appropriate.

11 f. Whenever the commissioner shall find cause to deny an
12 application for a fire protection contractor business permit or to
13 suspend or revoke a fire protection contractor business permit, he
14 shall notify the applicant or the holder of the business permit and
15 state the reasons for the denial or suspension, as appropriate.

16 g. Any person subject to certification under **【this act】**
17 paragraphs (1) through (6) of subsection b. of this section shall be
18 exempt from any other State, county or municipal certification,
19 licensing or registration requirements for installing, servicing,
20 repairing, inspecting or maintaining fire protection equipment.²

21 (cf: P.L.2001, c.289, s.4)

22

23 ²**【10.】 8.**² This act shall take effect ²**【upon the adoption of the**
24 rules and regulations required pursuant to subsection c. of section 4
25 of P.L. , c. (C.) (pending before the Legislature as this bill)
26 establishing routine maintenance and operational testing schedules,
27 **or】** immediately, but its provisions shall remain inoperative until² one
28 year after enactment, **【whichever comes first】** except that the
29 Commissioner of Community Affairs may take any anticipatory steps
30 necessary to effectuate the provisions of this bill.