Sponsored by:
Assemblyman ANTHONY S. VERRELLI
District 15 (Hunterdon and Mercer)
Assemblywoman CAROL A. MURPHY
District 7 (Burlington)
Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)
Senator NILSA I. CRUZ-PEREZ
District 5 (Camden and Gloucester)
Senator SHIRLEY K. TURNER
District 15 (Hunterdon and Mercer)

Co-Sponsored by:
Assemblywomen McKnight, Speight, Mosquera, Senator Pou,
Assemblywomen Reynolds-Jackson and Carter

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

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

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

2. The Legislature finds and declares that:
   a. Studies have shown that most fire deaths are not caused by burns but instead by smoke inhalation. In addition to being toxic, smoke obstructs light and limits visibility, which in turn increases the time it takes a building’s occupants to get to safety.
   b. In the event of a fire, smoke control systems can help a building’s occupants avoid smoke when evacuating a building.
   c. Faulty and inoperable fire dampers, smoke dampers, and smoke control systems are likely to exist without periodic inspection and testing as required by law and applicable industry codes and standards. A 2021 University of Maryland study entitled the “Reliability of Fire Dampers, Smoke Dampers and Smoke Control Systems” found a majority of fire life safety dampers inspected, in over 1,100 buildings, needed repair or replacement.
   d. Without periodic testing as required by applicable industry codes and standards, faulty and inoperable smoke control systems and fire life safety dampers are likely to exist in New Jersey buildings.
   e. The failure of building owners to properly perform periodic inspection and testing of fire dampers, smoke dampers, and smoke control systems is detrimental to the health, safety, and welfare of the people of New Jersey and the dwellings and businesses thereof, and visitors thereto.
   f. New Jersey does not currently [enforce the requirement that smoke control systems and fire life safety dampers be subject to a routine maintenance and periodic testing program, nor establish any] have minimum standards for [inspectors] contractors performing [such] maintenance and physical periodic testing of smoke control systems and fire dampers, smoke dampers, and combination fire and smoke dampers.

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

“Combination fire and smoke damper” means a device that meets 9 both the fire damper and smoke damper requirements.

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

“Department” means the Department of Community Affairs.

"Enforcing agency” means the department, a municipal or county 13 department or agency, or a fire district which has been authorized 14 by municipal ordinance to enforce the "Uniform Fire Safety Act,” 15 P.L.1983, c.383 (C.52:27D-192 et seq.).

"Fire damper” means a device installed in an air distribution 16 system, designed to close automatically upon detection of heat, to 17 interrupt migratory airflow and to restrict the passage of flame; and 18 includes devices installed in air conditioning systems to close 19 automatically upon detection of heat, to interrupt migratory airflow, 20 and to restrict the passage of flames. A fire damper shall also 21 include a combination fire and smoke damper system.

“Fire life safety damper” means fire dampers, smoke dampers, 22 and combination fire and smoke dampers.

“Fire life safety damper testing” means testing and inspection 23 activities, including all physical and visual testing of fire life safety 24 dampers necessary to ensure the proper functioning, as required by 25 the Uniform Fire Safety Code, and the standards adopted pursuant 26 to the Uniform Fire Safety Code concerning fire doors and other 27 protective openings under NFPA 80, smoke door assemblies and 28 other opening protectives under NFPA 105, smoke control systems 29 under NFPA 92, and applicable engineering specifications.

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

“ICB” means International Certification Board.

“IEC” means the International Electrotechnical Commission


“ISO” means International Organization for Standardization.

“Non-dedicated smoke control system” means a smoke control 37 system that shares components with some other system, such as the 38 building HVAC system, which changes its mode of operation to 39 achieve the smoke-control objective.

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

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

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

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

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


2.4.3.3. a. An owner of a building other than a single-family, two-family, or attached single-family structure used exclusively for dwelling purposes shall be responsible for ensuring that fire dampers, smoke dampers, and combination fire and smoke dampers installed in a building pursuant to the State Uniform Construction Code adopted pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), are inspected and tested as required by the applicable standards adopted pursuant to the Uniform Fire Safety Code. This subsection shall not apply to a single-family, two-family, or attached single-family structure used exclusively for dwelling purposes. Fire dampers, smoke dampers, and combination fire and smoke dampers in hospitals shall be periodically inspected and tested no less than once after the first year of installation and once every four years thereafter, except for hospitals. Fire dampers, smoke dampers, and combination fire and smoke dampers in hospitals shall be periodically inspected and tested no less than once every six years thereafter. The periodic testing of fire dampers, smoke dampers, and combination fire and smoke dampers shall include the visual inspection method in accordance with NFPA 80 concerning fire doors and other protective openings, and NFPA 105.
concerning smoke door assemblies and other opening protectives. The remote inspection method, as defined in NFPA 80 concerning fire doors and other protective openings, and NFPA 105 concerning smoke door assemblies and other opening protectives, shall not be used in place of visual inspection for the periodic testing required pursuant to this subsection. All fire and smoke dampers shall be tested, per the aforementioned schedule, regardless of location.\[5\]

b. [In] For all\[^1\] buildings \[^{\text{with a}}\] \[^{\text{new}}\] smoke control system \[^{\text{installed after the effective date of P.L. , c. (C. )}}\] (pending before the Legislature as this bill)\[^{\text{other than single-family, two-family, and attached single-family structures used exclusively for dwelling purposes, a building owner shall subject \[^{\text{a new}}\] smoke control system to smoke control system testing \[^{\text{.}}\]. Dedicated smoke control systems shall be tested at least semiannually. Non-dedicated smoke control systems shall be tested at least annually. Testing of smoke control systems shall include tests to determine airflow quantities and pressure differences are code compliant, including at the following locations: (1) across smoke barrier openings; (2) at the air makeup supplies; and (3) at smoke exhaust equipment.

c. The Commissioner of Community Affairs shall, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), adopt such rules and regulations as may be necessary to implement P.L. , c. (C. ) (pending before the Legislature as this bill), including establishing routine maintenance and operational testing schedules. The rules and regulations of the commissioner shall permit inspections required pursuant to P.L. , c. (C. ) (pending before the Legislature as this bill) to be conducted as a part of inspections required pursuant to the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.), or other required inspections as required by the applicable standards adopted pursuant to the Uniform Fire Code.\[^{\text{2}}\]

\[^{\text{2}}\][5.\]\[^{\text{4}}\]\[^{\text{2}}\] The owner of a building subject to the provisions of P.L. , c. (C. ) (pending before the Legislature as this bill) shall adhere to the routine maintenance and periodic testing schedule for the building, to commence immediately after the smoke dampers, fire dampers, combination fire and smoke dampers and smoke control systems have passed the applicable tests. \[^{\text{2}}\][A] The Commissioner of Community Affairs shall, pursuant to the authority under the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.), promulgate rules and regulations to require a\[^{\text{3}}\] building owner \[^{\text{shall}}\] to establish a written schedule for routine maintenance and periodic testing pursuant to the testing schedule required pursuant to \[^{\text{section 4 of P.L. , c. (C. )}}\] (pending before the Legislature as this bill) the applicable standards adopted pursuant to the "Uniform Fire Code." \[^{\text{2}}\]
a. A contractor that provides smoke damper, fire damper, and combination fire and smoke damper testing services shall hold an ICB Fire and Smoke Damper Contractor certification or equivalent certification from an organization that has been accredited under the ISO/IEC 17024 Personnel Certification standard in HVAC Fire Life Safety Damper inspections, or an equivalent accreditation authorized by a rule or regulation of the department. A contractor that provides smoke control systems testing services shall hold an ICB Smoke Control System Contractor certification or equivalent certifications from an organization that has been accredited under the ISO/IEC 17024 Personnel Certification standard in HVAC Smoke Control System inspections, or an equivalent accreditation authorized by a rule or regulation of the department.

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

1. be employed by an enforcing agency or by a contractor certified in accordance with subsection a. of this section;
2. have successfully completed an approved skill training program, as defined in section 3 of P.L. , c. (C. ) (pending before the Legislature as this bill), or be enrolled in an approved skill training program and be working under the supervision of a person having completed such a program; and
3. hold a certification from the ICB as a Fire and Smoke Damper Technician or an equivalent certification from an organization that has been accredited under the ISO/IEC 17024 Personnel Certification standard in HVAC Life Safety Damper inspections or Smoke Control System inspections, or an equivalent accreditation authorized by a rule or regulation of the department. Smoke Control Systems technicians shall also be a TAB technician certified by an industry recognized certifying agency, the Associated Air Balance Council, the National Environmental Balancing Bureau, or TABB.

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

1. be employed by an enforcing agency or by a contractor certified in accordance with subsection a. of this section;
2. have successfully completed an approved skill training program, as defined in section 3 of P.L. , c. (C. ) (pending before the Legislature as this bill), or be enrolled in an approved skill training program and be working under the supervision of a person having completed such a program;
3. hold a certification from the ICB as a Smoke Control Systems Technician or an equivalent certification from an organization that has been accredited under the ISO/IEC 17024 Personnel Certification standard in HVAC Smoke Control System inspections, or an equivalent accreditation authorized by a rule or regulation of the department.
inspections of, or an equivalent accreditation authorized by a rule or regulation of the department; and

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

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

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

(1) the name of the individual conducting the inspection or test and that person’s employer;
(2) the name of the building owner and address of the property;
(3) the location of all smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control systems inspected or tested; and
(4) the date of the inspection or test.

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

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

(1) the name of the individuals conducting the inspection or test and that person’s employer;
(2) the name of the building owner and address of the property;
(3) the location of all fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems inspected or tested; and
(4) the date of the inspection or test.

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

c. The building owner shall post a notice of verification of the testing and inspection of fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems in the outside
lobby window of the building or other area clearly visible to the public. The verification shall state the address of the building and the date of the last fire damper inspection, smoke damper inspection, and smoke control system inspection, and the date that each inspection expires, as follows:

VERIFICATION OF FIRE SAFETY BUILDING INSPECTION

Building Address: ________________________________

Date of Last Inspection of Fire Dampers, Smoke Dampers, and Combination Fire and Smoke Dampers: ________________________________

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

Name of Inspector: _______________________________________

Date of Last Inspection of Smoke Control Systems: ________________

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

Name of Inspector: _______________________________________

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

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

b. When the department or local enforcing agency acting pursuant to department regulations conducts the annual fire inspection of any building that is subject to P.L. , c. (C. ) (pending before the Legislature as this bill), it shall inspect the building owner’s certificate of operation for smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control
system to ensure it complies with the requirements of section 7 of P.L., c. (pending before the Legislature as this bill) and commence enforcement actions if the department or local enforcing agency finds any violations. A local enforcing agency that discovers a building owner’s non-compliance shall report this non-compliance to the department.\[2\]

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

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

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

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

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

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

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

"Certificate holder" means a person who is certified to engage in the fire protection equipment business.
"Clean agent fire suppression system" means a special hazard fire suppression system that uses an extinguishing agent that will not damage the contents of the hazard.

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

"Commissioner" means the Commissioner of Community Affairs.

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

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

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

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

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

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

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

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

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

"Fire protection contractor" or "contractor" means a person or business entity that offers to undertake or represents itself as being able to undertake, or does undertake the installation, service, sale, repair, inspection or maintenance of fire protection equipment.
"Fire protection contractor business permit" means a permit issued by the commissioner to a business entity to operate as a fire protection contractor.

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

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

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

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

[“Certificate of certification” means a certificate issued by the commissioner that authorizes a person to engage in the fire protection equipment business to the degree indicated on the certificate.

“Certificate holder” means a person who is certified to engage in the fire protection equipment business.]"Maintenance" means the function of keeping equipment in such a condition that it will perform as it originally was designed to do.

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

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

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

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

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

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

"Warranty" means a written guarantee given to a purchaser of fire protection equipment covering a period of one year after the installation of new fire protection equipment.\(^2\)

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

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

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

The certificate required by this section shall define by class the type of work in which a fire protection contractor may engage.
Notwithstanding any provision of this act P.L.2001, c.289, the commissioner shall issue a certificate to any person who has been employed as a fire protection contractor for a period of not less than five years on or before the effective date of this act, upon application with submission of satisfactory proof and payment by that person of the appropriate certification fee within 180 days following the effective date of this act.

b. The following certified classifications are hereby established:

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

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

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

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

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

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

(7) A "Smoke Damper, Fire Damper, and Combination Fire and Smoke Damper Contractor" is authorized to install, service, repair, inspect and maintain all smoke dampers, fire dampers, and combination fire and smoke dampers. In addition to any other requirements adopted by the commissioner, a Smoke Damper, Fire Damper, and Combination Fire and Smoke Damper Contractor shall participate in an approved apprenticeship or skill training program that is registered with, and approved by, the United States Department of Labor or a State apprenticeship agency, as defined by the commissioner in rules or regulations, unless the commissioner determines by rule or regulation that requiring participation in such a program would be substantially detrimental to ensuring that a sufficient number of contractors are certified to conduct the work within the scope of the contractor's certification class statewide, and shall hold a certification from an organization that has been accredited under or meets the criteria required by the International Organization for Standardization/International Electrotechnical Commission 17024 Personnel Certification standard, or such substantially similar certification as determined by the commissioner in rules or regulations. Notwithstanding the provisions of this section, the commissioner may exempt by regulation persons with related licenses or credentials from the
requirement of obtaining a certificate of certification as a Smoke
Damper, Fire Damper, and Combination Fire and Smoke Damper
Contractor to engage in the initial installation of smoke dampers,
fire dampers, and combination fire and smoke dampers to the extent
that such persons are acting within the scope of practice of their
profession or occupation.

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

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

d. Any change in more than 50% of the ownership of a fire
protection contractor shall require an amended certificate of
certification. An application for an amended certificate of
certification shall be submitted within 60 days of a change of
ownership or change of company name or location. Certificates of
certification are non-transferable and shall be displayed
prominently in the principal work place. A certificate holder shall
not be used to qualify more than one fire protection contractor. The
commissioner shall be notified within 30 days if a certificate holder
leaves the fire protection contractor or is replaced. Notwithstanding
subsection a. of this section, no fire protection contractor shall be
denied the privilege of continuing business as a fire protection
contractor in the event of death, illness, or other physical disability
of the certificate holder who qualified the fire protection contractor
for a business permit under this section, for at least six months
following the date of such death, illness or other physical disability;
provided that the fire protection contractor operates under such qualified supervision as the commissioner deems adequate. If, after six months, the fire protection contractor has failed to employ another certificate holder, then the commissioner shall revoke its fire protection contractor business permit.

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

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

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

(2f: P.L.2001, c.289, s.4)

This act shall take effect upon the adoption of the rules and regulations required pursuant to subsection c. of section 4 of P.L. , c. (C. ) (pending before the Legislature as this bill) establishing routine maintenance and operational testing schedules, or immediately, but its provisions shall remain inoperative until one year after enactment, whichever comes first except that the Commissioner of Community Affairs may take any anticipatory steps necessary to effectuate the provisions of this bill.

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