

CHAPTER 31A

**FIRE ALARM, BURGLAR ALARM AND
LOCKSMITH LICENSEES AND
BUSINESSES**

Authority

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

Source and Effective Date

R.2009 d.300, effective September 10, 2009.
See: 41 N.J.R. 1940(a), 41 N.J.R. 3810(a).

Chapter Expiration Date

Chapter 31A, Fire Alarm, Burglar Alarm and Locksmith Licensees and Businesses, expires on September 10, 2014.

Chapter Historical Note

Chapter 31A, Fire Alarm, Burglar Alarm and Locksmith Licensees and Businesses, was adopted as R.2004 d.112, effective March 15, 2004. See: 35 N.J.R. 2815(a), 36 N.J.R. 1376(a).

Chapter 31A, Fire Alarm, Burglar Alarm and Locksmith Licensees and Businesses, was readopted as R.2009 d.300, effective September 10, 2009. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

13:31A-1.1 Purpose and scope

(a) The rules in this chapter implement the provisions of P.L. 1997, c.305, amending and supplementing the provisions of P.L. 1962, c.162, N.J.S.A. 45:5A-1 et seq., The Electrical Contractors Licensing Act, which created the Fire Alarm, Burglar Alarm and Locksmith Advisory Committee under the Board of Examiners of Electrical Contractors pursuant to N.J.S.A. 45:5A-23 et seq.

(b) Except as set forth in (c) below, this chapter shall apply to the following:

1. All applicants seeking licensure to engage in burglar alarm or fire alarm businesses as defined in N.J.A.C. 13:31A-1.2;
2. All applicants seeking licensure to engage in locksmithing services as defined in N.J.A.C. 13:31A-1.2;
3. Licensees engaged in the burglar alarm or fire alarm business or in the provision of locksmithing services in the State of New Jersey;
4. Persons who monitor burglar alarms and/or fire alarms and who, as part of the response to an alarm signal, send an agent to the premises to investigate the alarm signal or to reset the alarm system; and
5. Persons who send agents, in response to an alarm signal, to investigate the alarm signal or to reset the alarm system, after they have been notified by an alarm business or by a company that monitors the alarm, unless such persons are licensed by the State Police pursuant to the Private Detective Act set forth in N.J.S.A. 45:19-8 et seq.

(c) The provisions of this chapter shall not apply to:

1. Telephone utilities and cable television companies regulated by the Board of Public Utilities pursuant to N.J.S.A. 48:5A-1 et seq. and 48:17-8 et seq., and employees of such companies while performing the duties of their employment, as set forth in N.J.S.A. 45:5A-29(a);
2. Electrical contractors licensed by the Board pursuant to N.J.S.A. 45:5A-1 et seq., and their employees while performing the duties of their employment, as set forth in N.J.S.A. 45:5A-29(b);

3. Persons certified to engage in the fire protection contractor business by the Department of Community Affairs, or persons who hold fire protection contractor business permits issued by the Department of Community Affairs, pursuant to N.J.S.A. 52:27D-25n et seq., P.L. 2001, c.289 and their employees while performing the duties of their employment, as set forth in N.J.S.A. 45:5A-29(c);

4. Employees hired by an alarm business through a recognized trade union on a temporary basis which shall not exceed six months or one project, whichever is greater, as set forth in N.J.S.A. 45:5A-35(d);

5. The following individuals when engaged in the provisions of locksmithing services, as set forth in N.J.S.A. 45:5A-28;

i. A person performing public emergency services for a governmental entity if that person is operating under the direction or control of the governmental entity;

ii. A sales representative who offers a sales demonstration to licensed locksmiths;

iii. An automobile service dealer or lock manufacturer, or their agents or employees, while servicing, installing, repairing or rebuilding locks from a product line utilized by that dealer or lock manufacturer;

iv. A member of a trade union hired to install any mechanical locking device as part of a new building construction or renovation project; and

v. A person using any key duplication machine or key blanks, except for keys marked "do not duplicate," "master key" or any other words or terms which depict restricted duplication of keys;

6. Engineers licensed pursuant to N.J.S.A. 45:8-27 et seq., who engage in the survey, design or preparation of specifications for equipment or for a system, if the survey, design or preparation of the specifications is part of a design for the construction of a new building or premises or a renovation of an existing building or premises, which renovation includes components other than the installation of a burglar alarm, fire alarm or electronic security system. Licensed engineers engaged in the design or preparation of specifications for the equipment or system to be installed that are within the practice of professional engineering as defined in N.J.S.A. 45:8-28(b), shall also be exempt from the provisions of the Act.

7. Architects licensed pursuant to N.J.S.A. 45:3-1 et seq., who engage in the survey, design or preparation of specifications for equipment or for a system, if the survey, design or preparation of the specifications is part of a design for the construction of a new building or premises or a renovation of an existing building or premises, which renovation includes components other than the installation of a burglar alarm, fire alarm or electronic security system; and

8. Persons who monitor burglar alarms and/or fire alarms and whose only response to an alarm signal is to provide notification of the alarm signal to the person designated as the responsible party for the premises or to a third party.

(d) This chapter shall supercede any ordinance, resolution, rule or regulation of any municipality or county relating to the licensure or registration of burglar alarm, fire alarm or locksmith businesses.

(e) Notwithstanding (d) above, pursuant to N.J.S.A. 45:5A-36, this chapter shall not prohibit municipal regulation of door-to-door vendors or salespersons of burglar alarm, fire alarm, or electronic security systems or locksmithing services, nor shall it prohibit municipal consideration of alarm business service proposals in consent proceedings under the Cable Television Act, P.L. 1972, c.186, N.J.S.A. 48:5A-1 et seq.

13:31A-1.2 Definitions

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

"Act" means P.L. 1997, c.305, which amended and supplemented the Electrical Contractors Licensing Act, P.L. 1962, c.162, N.J.S.A. 45:5A-1 et seq.

"Access control system" means a system that provides access to authorized persons and may record and report which persons entered or exited a facility or areas within a facility, which doors or areas were accessed while persons are within a facility, and the time that such activity occurred. "Access control systems" may include the use of keys, access cards, locks, card readers, biometric identification devices, recorders, printers and control devices. "Access control systems" may be independent systems or may be integrated with other electronic security systems.

"Board" means the Board of Examiners of Electrical Contractors established pursuant to N.J.S.A. 45:5A-3.

"Burglar alarm" means a security system comprised of an interconnected series of alarm devices or components, including systems interconnected with radio frequency signals, which emits an audible, visual or electronic signal indicating an alarm condition and providing a warning of intrusion, which is designed to discourage crime.

"Burglar alarm business" means the installation, servicing or maintenance of burglar alarms or electronic security systems, or the monitoring or responding to alarm signals when provided in conjunction with the installation, servicing or maintenance of burglar alarms or electronic security systems. "Burglar alarm business" shall also include the installation, servicing or maintenance of smoke detection systems in one and/or two family detached, residential dwellings.

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

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

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

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

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

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

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

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

“Employee” means any person engaged in the burglar alarm business, fire alarm business, or the provision of locksmithing services who performs installation, servicing or maintenance of burglar alarms or fire alarms, or who performs locksmithing services for the business qualifier, other than an independent contractor.

“Fire alarm” means a security system comprised of an interconnected series of alarm devices or components, including systems interconnected with radio frequency signals, which emits an audible, visual or electronic signal indicating an alarm condition and which provides a warning of the presence of smoke or fire. “Fire alarm” does not include an energy management system whose primary purpose is telecommunications with energy control, the monitoring of the interior environment being an incidental feature thereto.

“Fire alarm business” means the installation, servicing or maintenance of fire alarms or electronic security systems, or

the monitoring or responding to alarm signals when provided in conjunction with fire alarms or electronic security systems in any facility.

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

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

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

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

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

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

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

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

Amended by R.2009 d.300, effective October 5, 2009.

See: 41 N.J.R. 1940(a), 41 N.J.R. 3810(a).

In definition “Closed circuit television” or “CCTV”, inserted “IP (Internet Protocol) cameras,” and deleted a comma following “controls”.

13:31A-1.3 Office of the Committee

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

13:31A-1.4 Fees

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

1. Initial application fee	\$150.00
2. Application fee for second and/or third license issued by the Committee	\$100.00
3. Initial license fee	
i. If paid during the first year of the triennial renewal period.....	\$120.00
ii. If paid during the second year of the triennial renewal period.....	\$80.00
iii. If paid during the third year of the triennial renewal period.....	\$40.00
4. Initial Business license fee	
i. If paid during the first year of the triennial renewal period.....	\$75.00
ii. If paid during the second year of the triennial renewal period.....	\$50.00
iii. If paid during the third year of the triennial renewal period.....	\$25.00
5. Triennial license renewal fee	\$120.00
6. Triennial business license renewal fee.....	\$75.00
7. Inactive renewal fee.....(to be established by rule by the Director)	
8. Late renewal fee (within 30 days of renewal date).....	\$50.00
9. Reinstatement fee (more than 30 days after renewal date).....	\$100.00
10. Employee listing fee	\$75.00
11. Employee listing renewal fee.....	\$50.00
12. Reciprocity license fee.....	\$120.00
13. Continuing education program sponsor fee	\$100.00
14. Verification of licensure fee.....	\$25.00

Amended by R.2007 d.377, effective December 17, 2007.
See: 39 N.J.R. 2196(a), 39 N.J.R. 5348(b).

Deleted former (a)4; recodified former (a)5 and (a)6 as (a)4 and (a)5; in (a)4, deleted "(less than 100 employees)"; deleted former (a)7; recodified former (a)8 through (a)15 as (a)6 through (a)13; and in (a)6, deleted "(less than 100 employees)".

Amended by R.2008 d.231, effective August 4, 2008.
See: 39 N.J.R. 5178(a), 40 N.J.R. 4598(b).

In (a)8, substituted "\$50.00" for "(to be established by rule by the Director)"; and in (a)9, substituted "\$100.00" for "(to be established by rule by the Director)".

Amended by R.2009 d.300, effective October 5, 2009.
See: 41 N.J.R. 1940(a), 41 N.J.R. 3810(a).

Added (a)14.

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 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) All licensees shall be issued by the Committee for a three-year period. A licensee who seeks renewal of the license shall submit a license renewal application and the license renewal fee set forth in N.J.A.C. 13:31A-1.4 prior to the expiration of the current license.

(c) Renewal applications shall provide the applicant with the option of either active or inactive status. A licensee electing inactive status shall pay the inactive licensee fee set forth in N.J.A.C. 13:31A-1.4 and shall not engage in the burglar alarm business, the fire alarm business, or the provision of locksmithing services.

(d) If the licensee does not renew his or her license prior to its expiration date, the licensee may renew it within 30 days of its expiration by submitting a renewal application, a license renewal fee and a late fee, as set forth in N.J.A.C. 13:31A-1.4.

(e) A license that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended license shall be deemed to be engaged in unlicensed practice.

Amended by R.2009 d.300, effective October 5, 2009.
See: 41 N.J.R. 1940(a), 41 N.J.R. 3810(a).

In (a), substituted "any unlicensed practice during the period following licensure expiration, not to exceed the number of days short of 60 before the renewals were issued" for "failure to renew".

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 the current renewal period within three years prior to the date of application.

Amended by R.2009 d.300, effective October 5, 2009.
See: 41 N.J.R. 1940(a), 41 N.J.R. 3810(a).

Substituted "the current" for "each" and "within three years prior to the date of application" for "the licensee was inactive".

13:31A-1.7 Reinstatement of suspended license

(a) An individual whose license has been automatically suspended for nonpayment of a triennial license renewal fee shall be reinstated by the Committee, provided the applicant otherwise qualifies for licensure pursuant to N.J.A.C. 13:31A-2.1 or 3.1, and submits a completed reinstatement application and one of the following to the Committee:

1. A certification or licensure in good standing from any other state or jurisdiction in which the applicant has

engaged in the burglar alarm or fire alarm business or in the provision of locksmithing services during the period the license was suspended in this State;

2. A certification by the applicant stating that he or she has engaged in the burglar alarm or fire alarm business, or in the provision of locksmithing services, in a state or jurisdiction which does not require certification or licensure, during the period the license was suspended in this State; or

3. A certification stating that the applicant has not engaged in the burglar alarm or fire alarm business or in the provision of locksmithing services in this or any other jurisdiction during the period the license was suspended in this State.

(b) An individual who has engaged in the burglar alarm or fire alarm business or in the provision of locksmithing services in the manner described in (a)1 or 2 above shall submit written verification, on a form provided by the Committee, from all of the applicant's employers. The verification shall document dates of employment from the date the New Jersey license was suspended to the date of application for reinstatement, and the name, address and telephone number of each employer.

(c) An individual whose license has been automatically suspended for a period of between two and five years shall complete the continuing education requirements, as set forth in N.J.A.C. 13:31A-1.12, for each renewal period the license was suspended.

(d) An individual whose license has been automatically suspended for a period of five or more years shall take the examination required for initial licensure, set forth in N.J.A.C. 13:31A-2.3 or 3.2.

(e) Prior to reinstatement, an applicant shall pay a reinstatement fee and all past delinquent triennial renewal fees pursuant to N.J.A.C. 13:31A-1.4.

13:31A-1.8 Change of address; service of process

(a) A licensee shall notify the Committee in writing of any change of address from that registered with the Committee and shown on the most recently issued license. Such notice shall be sent to the Committee by certified mail, return receipt requested, not later than 30 days following the change of address. Failure to notify the Committee of any change of address may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h).

(b) Service of an administrative complaint or other Committee-initiated action at a licensee's address which is on file with the Committee shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceedings.

(c) A licensee shall, within 30 days of receiving notice of disciplinary action taken against the licensee in any state,

territory or jurisdiction, report to the Committee in writing of such notification and provide a copy of the notification and the underlying documentation of the disciplinary action.

13:31A-1.9 Suspension, revocation or refusal to issue or renew license

(a) The Committee may, pursuant to the provisions of N.J.S.A. 45:1-14 et seq., the Act and this chapter, deny admittance to the fire alarm, burglar alarm or locksmith licensing examinations, deny, refuse to renew, suspend or revoke a license or issue a civil penalty under this section, upon proof that an applicant or licensee:

1. Has obtained a license through fraud, deception or misrepresentation;

2. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;

3. Has engaged in gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of any person;

4. Has engaged in repeated acts of negligence, malpractice or incompetence;

5. Has engaged in professional misconduct as outlined in N.J.A.C. 13:31A-1.15;

6. Has been convicted of, or engaged in acts constituting, any crime in the first, second or third degree, or any crime relating adversely to the burglar alarm or fire alarm business or the provision of locksmithing services within 10 years prior to the filing of the application;

7. Has been convicted of the fourth degree offense of engaging in the unlicensed practice of electrical contracting;

8. Has had the authority to engage in the burglar alarm or fire alarm business or the provision of locksmithing services revoked or suspended by any other state, agency or authority for reasons consistent with this subsection;

9. Has had an application to engage in the installation or maintenance of fire protection equipment denied by the Department of Community Affairs, pursuant to N.J.S.A. 52:27D-25n et seq.;

10. Has violated or failed to comply with the provisions of any law or regulation administered by the Committee;

11. Is incapable, for medical or other good cause, of discharging the functions of a licensee in a manner consistent with the public health, safety and welfare;

12. Has violated any provisions of the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq., or any insurance fraud prevention act of another jurisdiction, or has been adjudicated, in civil or administrative proceedings, of violating N.J.S.A. 17:33A-1 et seq., or has

been subject to a final order, entered in civil or administrative proceedings, that imposes civil penalties under that act against the applicant or the licensee;

13. Is presently engaged in drug or alcohol use that is likely to impair the ability to engage in the burglar alarm or fire alarm business or the provision of locksmithing services with reasonable skill and safety. For purposes of this subsection, the term "presently" means at this time or any time within the previous 365 days;

14. Has permitted an unlicensed person or entity to perform an act for which a license is required by the Committee or the Board, or aided and abetted an unlicensed person or entity in performing such an act; or

15. Advertised fraudulently in any manner.

(b) In addition to the consequences listed in (a) above, the Committee may impose additional or alternative penalties pursuant to N.J.S.A. 45:1-14 et seq. for violations of any provision of the Act and this subchapter.

(c) In addition to the express consequences of (a) and (b) above, the Committee may enforce consequences arising from actions taken by other statutory authorities.

(d) The denial, refusal to issue or renew, suspension or revocation of a license, and/or the issuance of a civil penalty under this section may be ordered by a decision of a majority of the Committee after notice and an opportunity to be heard in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(e) An application may be made to the Committee for reinstatement of a revoked license if the revocation has been in effect for at least one year. The reinstatement shall be granted upon an affirmative vote by a majority of the Committee.

13:31A-1.10 Qualifications for licensure for applicants licensed in other states

(a) Any person with a valid registration, certification or license to engage in the burglar alarm or fire alarm business or the provision of locksmithing services issued by another state or possession of the United States or the District of Columbia may, upon the submission of a Committee-provided application and the payment of the fee set forth in N.J.A.C. 13:31A-1.4, be issued a license to engage in the burglar alarm or fire alarm business or the provision of locksmithing services in the State, whichever is applicable, provided that:

1. The experience and knowledge requirements in such other jurisdictions are equal or greater to those required by New Jersey at the time of application, as set forth in N.J.A.C. 13:31A-2.1 or 3.1;

2. The applicant submits an application for licensure by reciprocity to the Committee;

3. The applicant submits verification from all states in which he or she holds a registration, certification or license to engage in the burglar alarm or fire alarm business or in the provision of locksmithing services, whichever is applicable, establishing that such registrations, certifications or licenses are in good standing;

4. The applicant successfully completes the burglar alarm, fire alarm or locksmith examination, whichever is applicable, as set forth in N.J.A.C. 13:31A-2.3 or 3.2;

5. The applicant successfully completes, within three years immediately preceding the date of application, two hours of training in the Barrier Free Subcode, N.J.A.C. 5:23-7, two hours of training in the New Jersey Uniform Construction Code, N.J.A.C. 5:23, exclusive of the Barrier Free Subcode, two hours of training in the Americans with Disabilities Act Code, 36 CFR 1191, and two hours of training in industrial safety; and

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

(b) Notwithstanding (a) above, an applicant for licensure by reciprocity may be denied a license to engage in the burglar alarm or fire alarm business or the provision of locksmithing services in the State pursuant to the provisions of N.J.A.C. 13:31A-1.9.

Amended by R.2009 d.300, effective October 5, 2009.
See: 41 N.J.R. 1940(a), 41 N.J.R. 3810(a).

Section was "Reciprocity". In the introductory paragraph of (a), deleted a comma following "certification"; deleted former (a)2; recodified former (a)3 as (a)2; in (a)2, substituted a semicolon for "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."; and added new (a)3 through (a)6.

13:31A-1.11 Waiver

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

13:31A-1.12 Continuing education requirements

(a) Upon triennial license renewal, a licensee shall attest that he or she has completed courses of continuing education of the types and number of credits specified in (b), (c), (d) and (e) below. Falsification of any information submitted on the renewal application may require an appearance before the Committee and may result in penalties and/or suspension of the license pursuant to N.J.S.A. 45:1-21 et seq.

(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. Applicants shall not be required to complete continuing education requirements for the triennial registration period in which they initially received licensure.

2. A licensee who completes more than the minimum continuing education credits set forth above in any triennial registration period may carry no more than eight of the additional credits into a succeeding triennial period.

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 second and third Committee-issued license(s), if applicable.

4. Any continuing education credits completed by the licensee in compliance with an order or directive from the Board as set forth in (i) below may not be used to satisfy the minimum continuing education requirements as set forth in this section.

(c) A licensee shall complete a minimum of two continuing education credits in the Barrier Free Subcode, N.J.A.C. 5:23-7, two continuing education credits in the New Jersey Uniform Construction Code, N.J.A.C. 5:23, exclusive of the Barrier Free Subcode, two continuing education credits in the Americans with Disabilities Act Code, 36 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. Successful completion of continuing education courses or programs approved by the Committee pursuant to (h) below. The Committee shall approve only such continuing education courses and programs as are available and advertised on a reasonable nondiscriminatory basis to all persons providing burglar alarm, fire alarm or locksmithing services in the State and are related to the provision of such services in the State of New Jersey. The Committee shall maintain a list of all approved programs, courses and lectures at the Committee office and shall furnish this information to licensees upon request.

2. Participation in instructional activities, such as developing curriculum for a new program or course and/or teaching a new program or course, 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 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. Authorship of a textbook or manual directly related to the provision of burglar alarm, fire alarm or locksmithing services in the State of New Jersey, provided the textbook or manual, as published, is at least 7,500 words in length; and

4. Authorship of a published article related to the provision of burglar alarm, fire alarm or locksmithing services in the State of New Jersey, provided the article, as published, is at least 250 words in length.

(e) Credit for continuing education shall be granted as follows for each triennial registration period:

1. Attendance at continuing education programs and courses approved by the Committee: one credit for each hour of attendance at an approved program or course. Credit shall not be granted for programs or courses that are less than one instructional hour long. Credit shall not be granted for more than eight instructional hours obtained in one day. Completion of an entire program or course or segment of program or course instruction shall be required in order to receive any continuing education credit;

2. Participation in instructional activities: one credit per hour of program or course instruction to a maximum of 15 credits per triennial registration period;

3. Authorship of a textbook or manual: five continuing education credits per textbook or manual, to a maximum of 10 credits per triennial registration period; and

4. Authorship of a published article: two continuing education credits per published article, to a maximum of eight credits per triennial registration period.

(f) The Committee shall perform audits on randomly selected licensees to determine compliance with continuing education requirements. A licensee shall maintain the following documentation for a period of six years after completion of the credits and shall submit such documentation to the Committee upon request:

1. For attendance at programs or courses approved by the Committee: a certificate of completion from the sponsor;
2. For publication of a manual, textbook, or article: the published item, including the date of publication; and
3. For developing curriculum or teaching a course or program: documentation, including a copy of the curriculum, location, date and time of course, duration of course by hour, and letter from the sponsor confirming that the licensee developed or taught the course or program.

(g) The Board may waive the continuing education requirements of this section on an individual basis for reasons of hardship, such as severe illness, disability, or military service.

1. A licensee seeking a waiver of the continuing education requirements shall apply to the Committee in writing at least 90 days prior to license renewal and set forth in specific detail the reasons for requesting the waiver. The licensee shall provide the Committee with such supplemental materials as will support the request for waiver.
2. A waiver of continuing education requirements granted pursuant to this subsection shall only be effective for the triennial period in which such waiver is granted. If the condition(s) which necessitated the waiver persists into the next triennial period, a licensee shall apply to the Committee for the renewal of such waiver for the new triennial period.

(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. Submit the following for each course or program offered, for evaluation by the Committee:
 - i. Detailed description of course content and the hours of instruction; and

- ii. Curriculum vitae of each lecturer, including specific background which qualifies the individual as a lecturer of repute in the area of instruction;

3. Monitor the attendance at each approved course and furnish to each enrollee a verification of attendance, which shall include at least the following information:

- i. Title, date and location of program or course offering;
- ii. Name and license number of attendee;
- iii. Number of hours attended; and
- iv. Name and signature of officer or responsible party;

4. Solicit program or course evaluations from both participants and the instructors; and

5. Submit a fee pursuant to N.J.A.C. 13:31A-1.4 for each submission of course or program offering(s) for which Committee approval is sought.

(i) The Committee may direct or order a licensee to complete additional continuing education credits:

1. As part of a disciplinary or remedial measure in addition to the required 36 hours of continuing education credit; or
2. To correct a deficiency in the licensee's continuing education requirements.

Amended by R.2009 d.300, effective October 5, 2009.
See: 41 N.J.R. 1940(a), 41 N.J.R. 3810(a).

In (b)3, substituted "second and third" for "other" and inserted ", if applicable"; rewrote (c); in the introductory paragraph of (d)2, inserted a comma following "activities" and inserted ", except as provided below"; added (d)2i and (d)2ii; and in (h)1, inserted ", 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".

13:31A-1.13 Advertising

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

"Advertisement" means an attempt, directly or indirectly, by publication, dissemination, or circulation in print, electronic or other media, to induce any person or entity to purchase or enter into an agreement to purchase burglar alarm, fire alarm or locksmithing services or goods related thereto.

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

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

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

(b) A licensee shall be able to substantiate the truthfulness of any material, objective assertion or representation set forth in an advertisement.

(c) A licensee who is a principal, partner or officer of a firm or entity identified in an advertisement for the provision of burglar alarm, fire alarm or locksmithing services, goods or devices shall be responsible for the form and content of any advertisement disseminated by or on behalf of a person employed by the firm.

(d) A licensee shall ensure that an advertisement does not misrepresent, suppress, omit or conceal a material fact. Omission, suppression or concealment of a material fact includes directly or indirectly obscuring a material fact under circumstances where the licensee knows or should know that the omission is improper or prohibits a prospective client from making a full and informed judgment on the basis of the information set forth in the advertisement.

(e) A licensee shall include the following in all advertisements and professional representations, other than an office entry sign, including advertisements in a classified directory, business cards and professional stationery:

1. The name and license number of the licensee;

2. The words “Burglar Alarm Business License Number” or “Burglar Alarm Business Lic. #,” “Fire Alarm Business License Number” or “Fire Alarm Business Lic. #” or “Locksmith Business License Number” or “Locksmith Business Lic. #,” or any combination thereof, as applicable; and

3. The street address and telephone number of the business office.

(f) All commercial vehicles used in the burglar alarm business, the fire alarm business, or the provision of locksmithing services shall be marked on both sides with the following information:

1. The business name of the licensee in lettering at least three inches in height;

2. The words “Burglar Alarm Business License Number” or “Burglar Alarm Business Lic. #,” “Fire Alarm Business License Number” or “Fire Alarm Business Lic. #” or “Locksmith Business License Number” or “Locksmith Business Lic. #” or any combination thereof, as applicable, along with the relevant number; and

3. The name of the municipality from which the licensee practices or where the licensee has a principal office, in lettering at least three inches in height.

i. Where available space for lettering is limited, either by design of the vehicle or by the presence of

other legally specified identification markings, making strict compliance with (f)3 above impractical, the size of the lettering shall be as close to three inches high as is possible within the limited space, provided the name is clearly visible and readily identifiable.

(g) Advertisements regarding fees shall be limited to those which contain a fixed or a stated range of fees for specifically described burglar alarm, fire alarm or locksmithing services.

(h) A licensee who advertises a fee or range of fees shall include the following disclosures in any such advertisement:

1. All relevant and material variables and considerations which are ordinarily included in the advertised services so that the fee will be clearly understood by prospective clients. In the absence of such disclosures, the stated fees shall be presumed to include everything ordinarily required for the advertised services;

2. The additional services contemplated and the fee to be charged therefor. In the absence of such disclosures, the licensee shall be prohibited from charging an additional fee for the advertised service; and

3. The period during which the advertised fee will remain in effect. In the absence of such disclosure, the advertisement shall be deemed to be effective for 30 days from the date of its publication.

(i) The advertisement of any specific fee shall not preclude the licensee from decreasing the fee or waiving the fee in individual circumstances.

(j) A licensee shall not offer a professional service which the licensee knows or should know is beyond his or her ability or expertise to perform.

(k) A licensee shall not advertise by using any technique or communication which appears to intimidate, exert undue pressure or unduly influence a prospective client.

(l) An advertisement containing a lay or an expert testimonial shall be based upon the testimonial giver’s personal knowledge or experience obtained from a relationship with the licensee or upon the testimonial giver’s direct personal knowledge of the subject matter of the testimonial.

(m) Prior to using the testimonial, the licensee shall obtain a signed, notarized statement and release indicating the testimonial giver’s willingness to have his or her testimonial used in the advertisement.

(n) A layperson’s testimonial shall not attest to any technical matter beyond the layperson’s competence to comment upon.

(o) An expert testimonial shall be rendered only by an individual possessing specialized expertise sufficient to allow the rendering of a bona fide statement or opinion.

(p) A licensee shall be able to substantiate any statement of fact appearing in a testimonial.

(q) Where a licensee directly or indirectly provides compensation to a testimonial giver, the fact of such compensation shall be conspicuously disclosed in a legible and readable manner in any advertisement in the following language or its substantial equivalent: COMPENSATION HAS BEEN PROVIDED FOR THIS TESTIMONIAL.

(r) A licensee shall retain for a period of three years from the date of initial publication or dissemination, a copy of every advertisement appearing in print or electronic media. The licensee shall indicate on all advertisements in his or her possession the date and place of publication or dissemination.

(s) Documentation relating to the use of testimonials shall be retained for a period of three years from the date of the last use. Documentation shall include:

1. The name, address and telephone number of the testimonial giver;
2. The type and amount or value of compensation; and
3. The notarized statement and release required pursuant to (m) above.

Amended by R.2009 d.300, effective October 5, 2009.
See: 41 N.J.R. 1940(a), 41 N.J.R. 3810(a).

In (e)2 and (f)2, substituted "Business License Number" for "license number" throughout, and "Business Lic." for "Lic." throughout, deleted a comma following the second occurrence of "#", and inserted "or any combination thereof,"; and in (f)2, deleted a comma following the third occurrence of "#".

13:31A-1.14 Standards of practice

(a) All licensees engaged in the burglar alarm or fire alarm business or in the provision of locksmithing services shall comply with the following standards of practice:

1. A licensee shall comply with all applicable Federal, State and local laws and codes;
2. A licensee shall determine and document the identity of a client prior to commencing any work. All correspondence, contracts and bills shall be addressed to the client, unless expressly directed otherwise, in writing, by the client;
3. A licensee shall provide a client with a written contract, work order, invoice or its equivalent, for any services provided to the client;
4. Any licensee who performs or supervises the installation, erection, repair or alteration of burglar alarm, fire alarm or locksmithing equipment and systems pursuant to the Act, consistent with the provisions of N.J.A.C. 13:31A-2.8 or 3.7, shall ensure that work so performed conforms to the standards of the New Jersey Uniform Construction Code in effect at the time the work is performed;

5. A licensee who performs or supervises work described in 4 above shall secure a construction permit and inspection of the completed work in conformity with the New Jersey Uniform Construction Code, N.J.S.A. 52:27D-119 et seq., and the Uniform Construction Code, N.J.A.C. 5:23, if applicable;

6. A licensee shall correct any code violation generated by the work performed or supervised by the licensee, within a reasonable amount of time and at no additional charge to a client; and

7. A licensee shall ensure the confidentiality of information obtained from a client and shall not disclose information relating to the provision of burglar alarm, fire alarm or locksmithing services to the client without the consent of the client, unless compelled to disclose such information to a law enforcement agency by statute, regulation or court order.

(b) A licensee who fails to comply with the requirements of (a) above shall be deemed to be engaged in professional misconduct within the meaning of this section and N.J.S.A. 45:1-21, and shall be subject to the penalties set forth in N.J.S.A. 45:1-25.

13:31A-1.15 Prohibited practices

(a) A licensee shall be deemed to have engaged in professional misconduct and shall be subject to the penalties set forth in N.J.S.A. 45:1-21 et seq., for engaging in any of the activities set forth in N.J.S.A. 45:1-21 and any of the following prohibited acts or practices:

1. Acting for his or her client or employer in professional matters otherwise than as a faithful agent or trustee, including demanding any remuneration other than his or her stated recompense for services rendered;

2. Disregarding the safety, health and welfare of the public in the performance of his or her professional duties, including preparing, signing or sealing of plans, surveys or specifications which are not of a safe design and/or not in conformity with accepted standards. If the client or employer insists on such conduct, the licensee shall notify the proper authorities and withdraw from further service on the project;

3. Engaging in any activity which involves the licensee in a conflict of interest. A licensee shall:

- i. Inform his or her client or employer of any business connection, interest or circumstances which might be deemed as influencing his or her judgment or the quality of his or her services to the client or employer; and
- ii. Not accept compensation or remuneration, financial or otherwise, from more than one interested party for the same service or for services pertaining to the

same work, unless there has been full disclosure to and consent by all interested parties;

4. Failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information;

5. Failing to notify the Committee of the suspension or revocation of his or her license in another jurisdiction; or

6. Installing, servicing or maintaining branch circuit wiring. For purposes of this section, "branch circuit" means the circuit conductors between the final overcurrent device protecting the circuit and the outlet(s).

period, with at least 20 working days per month, during which the applicant has been engaged in the full-time provision of locksmithing services as defined in N.J.A.C. 13:31A-1.2, equal to a minimum of 5,040 hours; or

ii. Completed a two-year apprenticeship program in the provision of locksmithing services approved by the Bureau of Apprenticeship and Training of the United States Department of Labor; and

7. Have three years immediately preceding the submission of the application successfully completed two hours of training in the Barrier Free Subcode, N.J.A.C. 5:23-7, two hours of training in the New Jersey Uniform Construction Code, N.J.A.C. 5:23, exclusive of the Barrier Free Subcode, two hours of training in the Americans with Disabilities Act Code, 36 CFR 1191 and two hours of training in industrial safety.

SUBCHAPTER 2. LOCKSMITH LICENSURE

13:31A-2.1 Requirements for locksmith licensure

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

1. Be at least 18 years of age;
2. Be of good moral character pursuant to N.J.S.A. 45:5A-27;
3. Not have been convicted of a crime of the first, second or third degree within 10 years prior to the filing of the application for licensure;
4. Hold a high school diploma or equivalency certificate;
5. Have successfully completed the locksmithing examination set forth in N.J.A.C. 13:31A-2.3;
6. Have immediately preceding the submission of the application:
 - i. At least three years of practical hands-on experience in the provision of locksmithing services. For purposes of this section, three years means a 36-month

Amended by R.2009 d.300, effective October 5, 2009.
See: 41 N.J.R. 1940(a), 41 N.J.R. 3810(a).

In (a)5, deleted "and" from the end; in (a)6ii, substituted "; and" for a period at the end; and added (a)7.

13:31A-2.2 (Reserved)

Repealed by R.2007 d.73, effective March 5, 2007.
See: 38 N.J.R. 3736(a), 39 N.J.R. 784(a).

Section was "Locksmith grandfathering".

13:31A-2.3 Locksmith examination; re-examination

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

(b) An applicant taking the locksmithing examination for the first time shall take all sections of the examination. An applicant who fails to receive a passing score on any section(s) of the examination shall retake the failed section(s) as provided below:

1. An applicant shall retake the failed section(s) of the examination within 24 months of the date of the first examination.

2. If an applicant fails to obtain a passing score on the remaining section(s) during the second examination, the applicant shall not be eligible to retake the remaining section(s) of the examination for six months following the date of reexamination; and

3. If the applicant fails to obtain a passing score on the remaining section(s) during the third examination, the applicant shall forfeit all passing scores received on any section(s) and shall be required to retake all sections of the examination.

13:31A-2.4 (Reserved)

Repealed by R.2007 d.73, effective March 5, 2007.

See: 38 N.J.R. 3736(a), 39 N.J.R. 784(a).

Section was "Waiver of examination requirements".

13:31A-2.5 Application for locksmith licensure: individual and business firm

(a) All applications by individuals seeking a locksmith license shall include the following information and materials:

1. The name, date of birth, and principal business address of the applicant, or if the applicant is an employee, the principal business address of the employer;

2. Two, two-inch by two-inch passport-size photographs of the applicant;

3. A list of all criminal offenses of which the applicant has been convicted, including the date and place of each conviction and the name under which he or she was convicted, if other than the name on the application;

4. The applicant's fingerprints provided in such manner as directed by the Division;

5. A copy of the applicant's high school diploma or equivalency certificate, or if a copy cannot be provided, a certification from the applicant verifying that he or she holds a high school diploma or equivalency certificate;

6. An affidavit from the applicant's previous employer verifying that the applicant has satisfied the experience requirements set forth in N.J.A.C. 13:31A-2.1. If an applicant cannot obtain an affidavit from his or her previous employer, the applicant may submit copies of the applicant's W2 form to verify the experience requirements set forth in N.J.A.C. 13:31A-2.1; and

7. A certified check or money order payable to the Committee in the amount of the application fee set forth in N.J.A.C. 13:31A-1.4. Payment for the criminal history records check shall be in the amount and by the means set forth in the application.

(b) Upon review of the materials in (a) above, the Committee shall advise the applicant that he or she is eligible to take the locksmith examination.

(c) All applications by business firms seeking a locksmith business license shall include the following information and materials:

1. The name, date of birth, residence, present and previous occupations of the business qualifier and each member, officer or director of the business firm, the address of the principal place of business of the firm and the location of all branch offices, if applicable;

2. The fingerprints of all persons provided pursuant to (c)1 above, provided in such manner as directed by the Division;

3. Evidence of general liability insurance and insurance coverage or a surety bond as provided in N.J.A.C. 13:31A-2.6; and

4. A certified check or money order in the amount of the application fee set forth in N.J.A.C. 13:31A-1.4.

(d) If an individual or business firm seeking licensure to engage in the provision of locksmithing services files with the Committee fingerprints of a person other than those specified in the application, the application shall be denied and the applicant shall be guilty of a fourth degree crime.

(e) If an individual or business firm seeking licensure to engage in the provision of locksmithing services falsifies any information contained in the application as required pursuant to (a) and (c) above, the applicant shall be denied a license pursuant to the provisions of N.J.A.C. 13:31A-1.9.

13:31A-2.6 Locksmith business license holder requirements

(a) A locksmith business license holder shall:

1. Maintain at least one business office within the State or file with the Committee a statement, duly executed and sworn to before a person authorized by the laws of New Jersey to administer oaths, containing a power of attorney constituting the Committee as the true and lawful attorney of the licensee upon whom all original process in an action or legal proceedings against the licensee may be served and in which the licensee agrees that the original process that may be served upon the Committee shall be of the same force and validity as if served upon the licensee and that the authority thereof shall continue in force so long as the licensee engages in the practice of locksmithing in the State;

2. Clearly mark the outside of each installation and service vehicle to be used in conjunction with the locksmithing service, as set forth in N.J.A.C. 13:31A-1.13;

3. If the locksmith business license holder is engaged in the provision of electronic security system services,

maintain an emergency service number attended to on a 24-hour basis and response appropriately to emergencies on a 24-hour basis. For purposes of this section, "attended to" means that the main business telephone number or another telephone number designated and advertised by the business as an emergency service telephone number is answered on a 24-hour pay per day basis. For purposes of this section "responds appropriately" means that within 24 hours, any person calling to request service shall be provided with the date and time when such service, if necessary, will be rendered; and

4. Retain and maintain during the term of the license general liability insurance in the amount of \$500,000, and insurance coverage or a surety bond in favor of the State of New Jersey in the sum of \$10,000, executed by a surety company authorized to transact business in the State of New Jersey which is approved by the Department of Banking and Insurance, and which is conditioned on the faithful performance of the provisions of the Act and the rules of this subchapter.

i. An action may be maintained on the bond required by (a)4 above by any person injured, aggrieved or damaged through the failure of the obligor to perform the duties prescribed for locksmith license holders under the provisions of the Act and the rules of this subchapter.

(b) A locksmith business license holder shall be responsible for any unlawful or unprofessional conduct by an employee in the course of his or her employment. Such conduct shall be cause for suspension or revocation of the employer's license if it is established that the licensee had knowledge of the unlawful or unprofessional conduct, or that there existed a pattern of unlawful or unprofessional conduct.

(c) A locksmith business license holder who employs a person in connection with the provision of locksmithing services shall notify the Committee, in writing, within 30 days of such employment and shall provide the Committee with:

1. A two-inch by two-inch passport-size photograph of the employee;

2. A list of all criminal offenses of which the employee has been convicted, including the date and place of each conviction and the name under which the employee was convicted, if other than the name on the written notification provided to the Committee;

3. The employee's fingerprints provided in such manner as directed by the Division;

4. Evidence of practical experience and professional competence as set forth in N.J.A.C. 13:31A-2.7, if the work of the employee is not directly supervised; and

5. A certified check or money order payable to the Committee in the amount of the employee listing fee set forth in N.J.A.C. 13:31A-1.4. Payment for the criminal history records check shall be in the amount and by the means set forth in the application. The employer shall bear the cost of the records check.

(d) If the Committee determines that the evidence of practical experience and professional competency provided pursuant to (c)4 above fails to satisfy the requirements of N.J.A.C. 13:31A-2.7, the Committee shall advise the licensee of the employee's unfitness to engage in the provision of locksmithing services.

Amended by R.2004 d.303, effective August 2, 2004.
See: 35 N.J.R. 2815(a), 36 N.J.R. 3556(a).

In (a), rewrote 3.

13:31A-2.7 Locksmith employees

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

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

1. Have at least three years of practical hands-on experience in the provision of locksmith services as defined in N.J.A.C. 13:31A-1.2; and

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

(c) A person employed by a locksmithing business who performs locksmithing services while unsupervised shall not be required to satisfy the competency requirements of (b) above until January 31, 2011.

Amended by R.2005 d.436, effective December 19, 2005.

See: 37 N.J.R. 1416(a), 37 N.J.R. 5046(a).

In (b)2, added " or have obtained a Certified Institutional Locksmith rating by the Institutional Locksmiths' Association (ILA)."

Amended by R.2009 d.300, effective October 5, 2009.

See: 41 N.J.R. 1940(a), 41 N.J.R. 3810(a).

In the introductory paragraph of (b), deleted "unsupervised" preceding "locksmithing" and inserted "while unsupervised"; and in (c), deleted "to perform locksmithing services" following "employed", and substituted "a locksmithing business who performs locksmithing services while unsupervised" for "an applicant for licensure who files an application by July 13, 2004 and who is identified as an employee on the application," and "January 31, 2011" for "the first renewal of the employee's identification card".

13:31A-2.8 Supervision of locksmith employees

(a) The business qualifier shall assume full responsibility for the inspection and supervision of all locksmithing services performed by the business firm, and shall ensure compliance with all applicable Federal, State and local laws and codes.

(b) The business qualifier shall:

1. Supervise the provision of locksmithing services to ensure that such work is performed in compliance with all applicable Federal, State and local laws and codes;

2. Personally inspect the work of employees pursuant to (d) and (e) below;

3. Ensure that employees are afforded the degree of personal on-site supervision commensurate with their level of competence and the complexity of the work to be performed pursuant to (d) and (e) below; and

4. Be present, on a regular and continuous basis, at the principal office of the business firm, where the business license holder maintains a New Jersey office, or at work sites of locksmithing services performed in New Jersey, where the business license holder does not maintain a New Jersey office pursuant to N.J.A.C. 13:31A-2.6(a).

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

(d) The business qualifier, a licensee or a supervising employee shall indirectly supervise an employee performing the functions listed in (d)1 through 5 below, and shall ensure that the work has been completed. For purposes of this section, "indirect supervision" means that the business qualifier, the licensee or the supervising employee shall be reachable either in person or by electronic means to provide consultation to the employee. Indirect supervision shall be required for the following functions:

1. Opening existing locks;

2. Making keys for existing locks;

3. Repairing or recombining existing locks;
4. Installing mechanical security hardware on doors that are not designated as emergency exits; and
5. Performing the survey of a premises, the design and preparation of specifications, and the demonstration of electronic security systems.

(e) If an employee is performing any locksmithing services, other than the work specified in (d) above, the business qualifier, the licensee or the supervising employee shall directly supervise the employee and shall ensure a final inspection of the work upon completion. For purposes of this section, "direct supervision" means that the business qualifier, the licensee or the supervising employee shall provide constant on-site supervision of the employee.

(f) A business qualifier who violates any provision of this section shall be deemed to have engaged in professional misconduct within the meaning of N.J.A.C. 13:31A-1.14 and N.J.S.A. 45:1-21(e) and shall be subject to the provisions of N.J.S.A. 45:1-21.

Amended by R.2009 d.300, effective October 5, 2009.
See: 41 N.J.R. 1940(a), 41 N.J.R. 3810(a).

In (c), deleted a comma following "licensee" and substituted "who is permitted to perform locksmithing services while unsupervised pursuant to" for "who has satisfied the requirements of".

13:31A-2.9 Identification cards

(a) While engaged in the provision of locksmithing services, all licensed locksmiths, employees or other persons shall display an identification card issued by the Committee which shall contain the following information:

1. The name, photograph, date of birth and signature of the person to whom the identification card has been issued;
2. The business name, business address and business license number of the business license holder, and if the cardholder is a licensee, his or her license number; and
3. The expiration date of the card.

(b) All identification cards shall be issued for a three-year period. All identification cards issued to licensees shall be renewed on a triennial basis which corresponds to the triennial renewal of licenses issued by the Committee, subject to the payment of the fee set forth in N.J.A.C. 13:31A-1.4.

(c) A licensee shall present the identification card issued by the Committee to all appropriate Federal, State or local agencies in order to obtain applications for permits and inspections, if required, for all work performed by the business firm.

(d) All employees or other persons holding identification cards shall apply for renewal of the identification card at least 45 days prior to the expiration date of the card and shall pay the fee set forth in N.J.A.C. 13:31A-1.4 for renewal of

employee listing. Any employer who permits an employee to work without a valid identification card shall be deemed to have engaged in professional misconduct within the meaning of N.J.A.C. 13:31A-1.14 and N.J.S.A. 45:1-21(e) and shall be subject to the provisions of N.J.S.A. 45:1-21.

(e) All identification card holders shall advise the Committee of any changes to the information contained on the identification card and shall apply to the Committee for an updated identification card within five days of the occurrence of any change. The updated identification card shall be issued for the unexpired term of the original identification card.

(f) Identification cards shall not be transferable. Upon termination of employment, identification cards shall be immediately returned to the Committee. Upon change in employment, identification cards shall be returned to the Committee and application for a new identification card shall be made to the Committee.

(g) A photocopy of an application for an identification card shall serve as temporary identification for an applicant and shall be displayed by the applicant until the issuance of the identification card. The photocopy of the application shall be clearly marked with the word "COPY." The temporary identification shall be valid for no longer than 60 days from the date of application for the identification card and the applicant shall work under direct supervision until the identification card is issued by the Committee.

SUBCHAPTER 3. BURGLAR ALARM OR FIRE ALARM LICENSURE

13:31A-3.1 Requirements for burglar alarm or fire alarm licensure

(a) All applicants seeking licensure to engage in the burglar alarm or fire alarm business shall:

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

7. Have immediately preceding the submission of the application, at least four years of experience in burglar alarm or fire alarm business, which shall be satisfied by one of the following:

i. Proof that the applicant has completed at least four years of practical hands-on experience, which shall include a minimum of 6,720 hours, working with tools in the installation, alteration, or repair of wiring for fire alarms, burglar alarms, and/or electronic security systems and proof that the applicant has completed 80 hours of technical courses applicable to the field in which the applicant is seeking licensure. The 80 hours of technical courses shall include two hours of training in the Barrier Free Subcode, N.J.A.C. 5:23-7, two hours of training in the New Jersey Uniform Construction Code, N.J.A.C. 5:23, exclusive of the Barrier Free Subcode, two hours of training in the Americans with Disabilities Act Code, 36 C.F.R. § 1191, two hours of training in industrial safety, and 72 hours of training in trade-related subjects. "Practical hands-on experience" shall not include time spent supervising, engaging in the

practice of engineering, estimating and performing other managerial tasks relevant to the alarm business. The applicant shall submit a certification by an employer verifying the applicant's practical hands-on experience;

ii. Proof of having earned a bachelors degree in electrical engineering and having completed one year of practical hands-on experience, as defined in (a)7i above, which shall include a minimum of 1,680 hours. The applicant shall submit a copy of his or her diploma and a certification by an employer verifying the applicant's one year of practical hands-on experience; or

iii. Proof of having completed a minimum of one-year course in the study of trade-related electronics at a technical school and having completed three years of practical hands-on experience, as defined in (a)7i above, which shall include a minimum of 5,040 hours. The applicant shall submit a copy of his or her diploma or certificate of completion and a certification by an employer(s) verifying the applicant's three years of practical hands-on experience.

13:31A-3.2 Burglar alarm or fire alarm examination; reexamination

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

(b) An applicant taking the burglar alarm or fire alarm examination for the first time shall be required to take all sections of the examination. An applicant who fails to receive a passing score on any section(s) of the examination shall retake the failed section(s) as provided below:

1. An applicant shall retake the failed section(s) of the examination within 24 months of the date of the first examination;

2. If an applicant fails to obtain a passing score on the remaining section(s) during the second examination, the applicant shall not be eligible to retake the remaining section(s) of the examination for six months following the date of reexamination; and

3. If the applicant fails to obtain a passing score on the remaining section(s) during the third examination, the applicant shall forfeit all passing scores received on any section(s) and shall be required to retake all sections of the examination.

13:31A-3.3 (Reserved)

Repealed by R.2007 d.73, effective March 5, 2007.
See: 38 N.J.R. 3736(a), 39 N.J.R. 784(a).

Section was "Waiver of examination requirements".

13:31A-3.4 Application for burglar alarm for fire alarm licensure: individual and business firm

(a) All applications for individuals seeking licensure to engage in the alarm business shall include the following information and materials:

1. The name, date of birth, residence, and present and previous occupations of the applicant;

2. Two, two-inch by two-inch passport-size photographs of the applicant;

3. A list of all criminal offenses of which the applicant has been convicted, including the date and place of each conviction and the name under which the applicant was convicted, if other than the name on the application;

4. The applicant's fingerprints provided in such manner as directed by the Division;

5. A copy of the applicant's high school diploma or equivalency certificate, or if a copy cannot be provided, a certification from the applicant verifying that he or she holds a high school diploma or equivalency certificate;

6. An affidavit from the applicant's previous employer verifying that the applicant has satisfied the experience requirements set forth in N.J.A.C. 13:31A-3.1. If an applicant cannot obtain an affidavit from his or her previous employer, the applicant may submit copies of the applicant's W2 form to verify the experience requirements set forth in N.J.A.C. 13:31A-3.1;

7. Evidence of having successfully completed the technical training courses set forth in N.J.A.C. 13:31A-3.1; and

8. A certified check or money order payable to the Committee in the amount of the application fee set forth in N.J.A.C. 13:31A-1.4. Payment for the criminal history records check shall be in the amount and by the means set forth in the application.

(b) Upon review of the materials in (a) above, the Committee shall advise the applicant that he or she is eligible to take the burglar alarm or the fire alarm examination.

(c) All applications by business firms seeking a burglar alarm or fire alarm business license shall include the following information and materials:

1. The name, date of birth, residence, present and previous occupations of the business qualifier and each member, officer or director of the business firm, the address of the principal place of business of the firm and the location of all branch offices, if applicable;

2. The fingerprints of all persons provided pursuant to (c)1 above, provided in such manner as directed by the Division;

3. Evidence of general liability insurance and insurance coverage or a surety bond as provided in N.J.A.C. 13:31A-3.5; and

4. A certified check or money order payable to the Committee in the amount of the application fee set forth in N.J.A.C. 13:31A-1.4.

(d) If an individual or business firm seeking licensure to engage in the burglar alarm or fire alarm business files with the Committee fingerprints of a person other than those specified in the application, the application shall be denied and the applicant shall be guilty of a fourth degree crime.

(e) If an individual or business firm seeking licensure to engage in the burglar alarm or fire alarm business falsifies any information contained in the application as required pursuant to (a) and (c) above, the applicant shall be denied a license pursuant to the provisions of N.J.A.C. 13:31A-1.9.

13:31A-3.5 Burglar alarm or fire alarm business license holder requirements

(a) A burglar alarm or fire alarm business license holder shall:

1. Maintain at least one business office within the State or file with the Committee a statement, duly executed and sworn to before a person authorized by the laws of New Jersey to administer oaths, containing a power of attorney constituting the Committee as the true and lawful attorney of the licensee upon whom all original process in an action or legal proceedings against the licensee may be served and in which the licensee agrees that the original process that may be served upon the Committee shall be of the same force and validity as if served upon the licensee and that the authority thereof shall continue in force so long as the licensee engages in the burglar alarm or fire alarm business in the State;

2. Clearly mark the outside of each installation and service vehicle to be used in conjunction with the burglar alarm or fire alarm business, as set forth in N.J.A.C. 13:31A-1.13, with the name of the burglar alarm or fire alarm business, the name of the owner, lessee or lessor of the vehicle and the name of the municipality in which the owner, lessee or lessor has its principal place of business pursuant to N.J.S.A. 39:4-46. The sign or name plate used to comply with this requirement shall not be less than three inches high;

3. Maintain an emergency service number attended to on a 24-hour basis and respond appropriately to emergen-

cies on a 24-hour basis when engaged in the burglar alarm or fire alarm business. For purposes of this section "attended to" means that the main business telephone number or another telephone number designated and advertised by the business as an emergency service telephone number is answered on a 24-hour per day basis. For purposes of this section "responds appropriately" means that within 24 hours, any person calling to request service shall be provided with the date and time when such service, if necessary, will be rendered; and

4. Retain and maintain during the term of the license general liability insurance in the amount of \$1,000,000, and insurance coverage or a surety bond in favor of the State of New Jersey in the sum of \$10,000, executed by a surety company authorized to transact business in the State of New Jersey which is approved by the Department of Banking and Insurance, and which is conditioned on the faithful performance of the provisions of the Act.

i. An action may be maintained on the bond required by (a)4 above by any person injured, aggrieved or damaged through the failure of the obligor to perform the duties prescribed for burglar alarm or fire alarm license holders under the Act and the rules of this subchapter.

(b) A burglar alarm or fire alarm business license holder shall be responsible for any unlawful or unprofessional conduct by an employee in the course of his or her employment. Such conduct shall be cause for suspension or revocation of the employer's license if it is established that the licensee had knowledge of the unlawful or unprofessional conduct, or that there existed a pattern of unlawful or unprofessional conduct.

(c) A burglar alarm or fire alarm business license holder who employs a person in connection with a burglar alarm or fire alarm business shall notify the Committee, in writing, within 30 days of such employment and shall provide the Committee with the following information and materials:

1. A two-inch by two-inch passport-size photograph of the employee;
2. A list of all criminal offenses of which the employee has been convicted, including the date and place of each conviction and the name under which the employee was convicted, if other than the name on the written notification provided to the Committee;
3. The employee fingerprints provided in such manner as directed by the Division;
4. Evidence of practical experience and professional competence as set forth in N.J.A.C. 13:31A-3.6, if the work of the employee is not directly supervised; and
5. A certified check or money order payable to the Committee in the amount of the employee listing fee set forth in N.J.A.C. 13:31A-1.4. Payment for the criminal history records check shall be in the amount and by the means set forth in the application. The employer shall bear the cost of the records check.

(d) If the Committee determines that the evidence of practical experience and professional competency provided pursuant to (c)4 above fails to satisfy the requirements of N.J.A.C. 13:31A-3.6, the Committee shall advise the licensee of the employee's unfitness to engage in the burglar alarm or fire alarm business.

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

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

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

1. Have at least three years of practical experience, as defined in N.J.A.C. 13:31A-3.1; and
2. Have successfully completed two hours of training in the Barrier Free Subcode, N.J.A.C. 5:23-7, two hours of training in the New Jersey Uniform Construction Code, N.J.A.C. 5:23, exclusive of the two hours of training in the Barrier Free Subcode, two hours of training in the Ameri-

cans with Disabilities Act Code, 36 C.F.R. § 1191, two hours of training in industrial safety, and 32 hours of training in trade-related subjects relevant to the field, or shall have successfully passed a competency examination administered by the Committee.

(c) A person employed by a burglar alarm or fire alarm business who performs installation, servicing or maintenance of burglar alarms or fire alarms while unsupervised shall not be required to satisfy the competency requirements of (b) above until January 31, 2011.

Amended by R.2009 d.300, effective October 5, 2009.
See: 41 N.J.R. 1940(a), 41 N.J.R. 3810(a).

In the introductory paragraph of (b), deleted "the unsupervised" following "perform" and inserted "while unsupervised"; and in (c), substituted "by a burglar alarm or fire alarm business who performs" for "to perform", "while unsupervised" for "by an applicant for licensure who files an application by July 13, 2004 and who is identified as an employee on the application," and "until January 31, 2011" for " , until the first renewal of the employee's identification card".

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

(a) The business qualifier shall assume full responsibility for the inspection and supervision of all burglar alarm or fire alarm services performed by the business firm in compliance with all applicable, Federal, State and local laws and codes.

(b) The business qualifier shall:

1. Supervise the provision of burglar alarm or fire alarm services to ensure that such work is performed in compliance with all applicable Federal, State and local laws and codes;
2. Personally inspect the work of employees pursuant to (d) and (e) below;
3. Ensure that employees are afforded the degree of personal on-site supervision commensurate with their level of competence and the complexity of the work to be performed pursuant to (d) and (e) below; and

4. Be present, on a regular and continuous basis, at the principal office of the business firm, where the business license holder maintains a New Jersey office, or at work sites of burglar alarm or fire alarm work performed in New Jersey, where the business license holder does not maintain a New Jersey office pursuant to N.J.A.C. 13:31A-3.5(a).

(c) Every 10 employees who are performing burglar alarm or fire alarm services at either one job site or who are performing such work at several jobs at different sites simultaneously shall be supervised, pursuant to (d) below, by the business qualifier, a licensee or a supervising employee who is permitted to perform installation, servicing or maintenance of burglar alarm or fire alarms while unsupervised pursuant to N.J.A.C. 13:31A-3.6(b).

(d) The business qualifier, a licensee or a supervising employee shall indirectly supervise an employee performing

any of the functions listed in (d) through 6 below, and shall ensure that the work has been completed. For purposes of this section, "indirect supervision" means that the business qualifier, the licensee or the supervising employee shall be reachable either in person or by electronic means to provide consultation to the employee. Indirect supervision shall be required for the following functions:

1. The inspection and testing of burglar alarm, fire alarm or electronic security systems;
2. The repair or replacement of any component of a burglar alarm, fire alarm or electronic security system with an identical component;
3. The cleaning and calibration of burglar alarm, fire alarm or electronic security systems or any component thereof;
4. Any work performed by an employee who is certified by the product manufacturer to perform work on a particular product;
5. The installation of rough wiring that is subject to inspection by the licensee; and
6. The survey of a premises, the design and preparation of specifications, and the demonstration of burglar alarm, fire alarm or electronic security systems.

(e) If an employee is performing any burglar alarm, fire alarm or electronic security system work, other than the work specified in (d) above, the business qualifier, the licensee or the supervising employee shall directly supervise the employee and shall ensure a final inspection of the work upon completion. For purposes of this section, "direct supervision" means that the business qualifier, licensee or supervising employee shall provide constant on-site supervision of the employee.

(f) A business qualifier who violates any provision of this section shall be deemed to have engaged in professional misconduct within the meaning of N.J.A.C. 13:31A-1.14 and N.J.S.A. 45:1-21(e) and shall be subject to the provisions of N.J.S.A. 45:1-21.

Amended by R.2009 d.300, effective October 5, 2009.

Sec. 41 N.J.R. 1940(a), 41 N.J.R. 3810(a).

In (c), deleted a comma following "licensee", and substituted "who is permitted to perform installation, servicing or maintenance of burglar alarm or fire alarms while unsupervised pursuant to" for "who has satisfied the requirements of".

13:31A-3.8 Identification cards

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

1. The name, date of birth, photograph and signature of the person to whom the identification card has been issued;
2. The business name, business address and business license number of the business license holder, and if the cardholder is a licensee, his or her license number; and
3. The expiration date of the card.

(b) All identification cards shall be issued for a three-year period. All identification cards issued to licensees shall be renewed on a triennial basis which corresponds to the triennial renewal of licenses issued by the Committee pursuant to payment of the fee set forth in N.J.A.C. 13:31A-1.4.

(c) A licensee shall present the identification card issued by the Committee to all appropriate Federal, State or local agencies in order to obtain applications for permits and inspections, if required, for all work performed by the burglar alarm or fire alarm business.

(d) All employees or other persons holding identification cards shall apply for the renewal of the identification card at least 45 days prior to the expiration date of the card and shall pay the fee set forth in N.J.A.C. 13:31A-1.4 for renewal of employee listing. Any employer who permits an employee to work without a valid identification card shall be deemed to have engaged in professional misconduct within the meaning of N.J.A.C. 13:31A-1.14 and N.J.S.A. 45:1-21(e) and shall be subject to the provisions of N.J.S.A. 45:1-21.

(e) All identification card holders shall advise the Committee of any changes to the information contained on the identification card and shall apply to the Committee for an updated identification card within five days of the occurrence of any change. The updated identification card shall be issued for the unexpired term of the original identification card.

(f) Identification cards shall not be transferable. Upon termination of employment identification cards shall be immediately returned to the Committee. Upon change in employment identification cards shall be returned to the Committee and an application for a new identification card shall be made to the Committee.

(g) A photocopy of an application for an identification card shall serve as temporary identification for an applicant and shall be displayed by the applicant until the issuance of the identification card. The photocopy of the application shall be clearly marked with the word "COPY." The temporary identification shall be valid for no longer than 60 days from the date of application for the identification card and the applicant shall work under direct supervision until the identification card is issued by the Committee.