

SENATE, No. 548

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Creates State Board of Examiners for Fire Sprinkler Fitters and establishes new qualifications for persons installing fire sprinkler systems.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning installers of automatic fire sprinkler systems
2 and supplementing chapter 14C of Title 45 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. This act shall be known and may be cited as the "State Fire
9 Sprinkler Fitter Licensing Act."

10
11 2. As used in this act:

12 "Apprentice Fire Sprinkler Fitter Permit" means a permit issued
13 to an apprentice fire sprinkler fitter.

14 "Contractor" means a person holding an "All Fire Protection
15 Contractor" certificate under subsection b. of section 4 of P.L.2001,
16 c.289 (C.52:27D-25q.).

17 "Fire sprinkler fitter" means a person, whether self-employed or
18 otherwise, who does work on fire suppression systems.

19 "Journeyman Fire Sprinkler Fitter License" means a license
20 issued pursuant to P.L. , c. (C.) (pending before the Legislature
21 as this bill) to a journeyman fire sprinkler fitter.

22 "Registered Fire Sprinkler Fitter Apprenticeship Program" means
23 a program of apprenticeship training registered with the United
24 States Department of Labor or the State Apprenticeship Council
25 involving at least 8,000 hours of documented practical experience
26 in the installation of fire protection equipment and at least 800
27 hours of classroom, shop or related instruction in the fire protection
28 trade.

29 "State Board" means the State Board of Examiners of Fire
30 Sprinkler Fitters established pursuant to section 4 of
31 P.L. , c. (C.) (pending before the Legislature as this bill).

32 "Work on fire suppression system" means layout, on-site
33 fabrication, testing, inspection, certification, work and practice
34 concerning the construction, installation, alteration, extension,
35 removal, repair, servicing, maintenance or renovation of an
36 automatic or manual system designed to protect occupants,
37 buildings or structures from fire. Such systems include, but are not
38 limited to, water sprinkler, water spray, foam-water spray, carbon
39 dioxide, foam extinguishing, dry chemical, wet chemical,
40 halogenated, and other chemical systems used for fire protection,
41 supply mains, yard hydrants, standpipes and hose connections to
42 sprinkler systems, tank heaters, air lines, and thermal systems used
43 in connection with sprinklers, tanks and pumps dedicated for fire
44 suppression. Such systems also include "fire suppression systems"
45 and "fire suppression equipment," as those terms are defined in
46 section 1 of P.L.2001, c.289 (C.52:27D-25n), however, such
47 systems shall not include standpipes, wet or dry, where such
48 standpipes do not supply sprinkler heads from a fire suppression

1 system. Work on or with "fire alarm systems" or "portable fire
2 extinguishers" as defined in section 1 of P.L.2001, c.289
3 (C.52:27D-25n) shall not be included under this definition.
4

5 3. a. No person shall engage, or cause or direct any other person
6 to engage, in work on fire suppression systems who does not have a
7 valid Journeymen Fire Sprinkler Fitter License or Apprentice Fire
8 Sprinkler Fitter Permit relating to the work performed in accordance
9 with P.L. , c. (C.) (pending before the Legislature as this
10 bill).

11 b. No fire protection contractor shall solicit, by sign, listing or
12 any other form of advertisement, work on a fire suppression system
13 unless the contractor employs duly licensed journeymen fire
14 sprinkler fitters.

15 c. No person shall knowingly or recklessly make a
16 misrepresentation or omission regarding work on a fire suppression
17 system which has been performed or which is to be performed.

18 d. The provisions of P.L. , c. (C.) (pending before the
19 Legislature as this bill) are meant to supplement, and not replace,
20 the provisions of P.L.1983, c.382 (C.52:27D-25a et seq.) and
21 P.L.2001, c.289 (C.52:27D-25n et seq.).

22 e. The provisions of P.L. , c. (C.) (pending before the
23 Legislature as this bill) shall not apply to ordinary maintenance
24 work performed on fire suppression systems, provided such work is
25 performed by a journeyman plumber or journeyman pipefitter who
26 has completed an apprenticeship training program registered with
27 the United States Department of Labor or the State Apprenticeship
28 Council involving at least 8,000 hours of documented practical
29 experience in the installation or maintenance of plumbing or piping
30 systems and at least 800 hours of classroom, shop or related
31 instruction in the plumbing or pipefitting trade.
32

33 4. a. There is created in the Department of Community Affairs a
34 State Board of Examiners of Fire Sprinkler Fitters, consisting of six
35 members who shall be citizens and residents of New Jersey to be
36 appointed by the Governor without regard to political affiliation
37 and, except as to members first appointed, for terms of four years
38 and until the appointment and qualification of their successors. Of
39 the members first appointed, one shall be appointed for the term of
40 one year, two for two years, two for three years, and one for four
41 years.

42 b. Four members shall be journeymen fire sprinkler fitters with
43 at least 10 years experience in the fire sprinkler fitter industry, one
44 shall be a representative of a fire sprinkler fitter contractor, and one
45 shall be a representative of the public having no association with
46 the fire sprinkler fitting industry.

47 c. Members of the State Board shall be subject to removal by the
48 Governor for cause.

1 d. Each member shall receive \$25 for each day of actual service
2 in attending meetings of the State Board at which business is
3 transacted and, in addition, shall be entitled to be reimbursed for his
4 or her necessary traveling expenses; provided, such compensation
5 for any fiscal year shall not exceed \$1,000 per member.

6 e. The State Board shall organize annually by selection from
7 among its members of a chairman, a vice-chairman and a secretary,
8 subject to approval of the Attorney General. These officers shall
9 serve without additional compensation. The chairman, vice-
10 chairman and secretary shall serve in their capacities for a period of
11 one year or until their successors are selected and qualified. The
12 State Board, with the approval of the Attorney General, is
13 authorized to appoint an executive secretary without regards to
14 provisions of Title 11A, Civil Service, of the New Jersey Statutes
15 and such clerical assistants as may be required and within the limits
16 of available appropriations, and to fix their compensation. The
17 State Board is authorized to incur such other necessary expenses,
18 within available appropriations therefor, as may be required to carry
19 out its functions and purpose. All moneys received by the State
20 Board shall be remitted to the State Treasury. All expenditures
21 deemed necessary to carry out the provisions of P.L. , c. (C.)
22 (pending before the Legislature as this bill) shall be paid by the
23 State Treasurer from the license and permit fees and other sources
24 of income of the State Board, within the limits of available
25 appropriations according to law, but in no event shall expenditures
26 exceed the revenues for the State Board during any fiscal year.

27 f. The State Board shall keep a record of all proceedings
28 conducted before it.

29
30 5. The State Board shall have the following powers and duties:

31 a. Issue and renew Journeymen Fire Sprinkler Fitter Licenses
32 and Apprentice Fire Sprinkler Fitter Permits and enforce the
33 provisions of P.L. , c. (C.) (pending before the Legislature
34 as this bill);

35 b. Determine the form and contents of applications for licenses
36 and permits pursuant to P.L. , c. (C.) (pending before the
37 Legislature as this bill);

38 c. Take disciplinary action as provided for in P.L. , c. (C.)
39 (pending before the Legislature as this bill) against a person or
40 entity who violates any of its provisions or any rule or regulation
41 promulgated thereunder;

42 d. Set the amount of fees for licenses and permits, renewals,
43 applications, and other services;

44 e. Issue subpoenas for witnesses and compel their attendance
45 before the State Board and require the production of documents in
46 any matter involving proceedings for the revocation, refusal to issue
47 or suspension of any license or permit issued under P.L. ,
48 c. (C.) (pending before the Legislature as this bill);

- 1 f. Issue subpoenas for witnesses and require the production of
2 documents regarding any issue with the registration procedures set
3 forth in section 9 of P.L. , c. (C.) (pending before the
4 Legislature as this bill);
- 5 g. Perform such other duties as may be necessary to effectuate
6 the purposes of P.L. , c. (C.) (pending before the Legislature
7 as this bill).
8
- 9 6. The following shall be the requirements for a Journeyman
10 Fire Sprinkler Fitter License and an Apprentice Fire Sprinkler Fitter
11 Permit.
- 12 a. Journeyman Fire Sprinkler Fitter License
- 13 (1) To obtain a Journeyman Fire Sprinkler Fitter License, an
14 applicant must pay an application fee of \$150 and either:
- 15 (a) take and pass an examination, approved by the State Board,
16 which determines the applicant's competence to engage in work on
17 fire suppression systems;
- 18 (b) meet the qualifications for reciprocity pursuant to section 7 of
19 P.L. , c. (C.) (pending before the Legislature as this bill); or
20 (c) meet the requirements of section 8 of P.L. , c. (C.)
21 (pending before the Legislature as this bill) during the one-year
22 grace period established by that section and apply for such
23 certification within the time frame specified in that section.
- 24 (2) To take the examination required to obtain a Journeyman Fire
25 Sprinkler Fitter License, an applicant is required to provide the
26 State Board, in addition to any other information required by the
27 board, evidence demonstrating that he or she has successfully
28 completed a Registered Fire Sprinkler Fitter Apprenticeship
29 Program.
- 30 (3) The State Board shall issue a license card to all persons that
31 meet the qualifications for a Journeyman Fire Sprinkler Fitter
32 License. License holders shall carry such a card at all times when
33 performing work on fire suppression systems.
- 34 b. Apprentice Fire Sprinkler Fitter Permit
- 35 (1) To obtain an Apprentice Fire Sprinkler Fitter Permit, an
36 applicant shall pay an application fee of \$75 and either:
- 37 (a) meet the qualifications for reciprocity pursuant to section 7 of
38 P.L. , c. (C.) (pending before the Legislature as this bill);
39 or
- 40 (b) obtain an Apprentice Fire Sprinkler Fitter Permit under
41 paragraph (2) of this subsection.
- 42 (2) The State Board shall issue an Apprentice Fire Sprinkler
43 Fitter Permit to any person who:
- 44 (a) completes an application for an Apprentice Fire Sprinkler
45 Fitter Permit established by the State Board; and
- 46 (b) provides proof of enrollment in a Registered Fire Sprinkler
47 Fitter Apprenticeship Program.
- 48 (3) An Apprentice Fire Sprinkler Fitter Permit issued by the

1 State Board shall be valid only for such time as the holder is
2 enrolled in a Registered Fire Sprinkler Fitter Apprenticeship
3 Program in accordance with P.L. , c. (C.) (pending before
4 the Legislature as this bill).

5 (4) The State Board shall issue permit cards to all persons who
6 meet the qualifications for an Apprentice Fire Sprinkler Fitter
7 Permit. Permit holders shall carry such a card at all times when
8 performing work on fire suppression systems.

9 (5) Nothing in P.L. , c. (C.) (pending before the
10 Legislature as this bill) shall be considered to prohibit an apprentice
11 fire sprinkler fitter who is issued a permit from engaging in work
12 regulated by P.L. , c. (C.) (pending before the Legislature
13 as this bill), provided that the apprentice fire sprinkler fitter is
14 working under the supervision of a licensed journeyman fire
15 sprinkler fitter.

16 c. Any Journeyman Fire Sprinkler Fitter License or Apprentice
17 Fire Sprinkler Fitter Permit issued by the State Board shall be valid
18 for a period of three years from the date it is issued (except as
19 described in subsection b. of section 8 of P.L. , c. (C.)
20 (pending before the Legislature as this bill) and shall thereafter be
21 renewed.

22 d. The State Board shall renew for a period of three years any
23 license or permit under of P.L. , c. (C.) (pending before the
24 Legislature as this bill) upon receiving from the renewal applicant a
25 completed renewal form, as established by the State Board, and the
26 required renewal fee.

27 e. Renewal fees for Journeyman Fire Sprinkler Fitter Licenses
28 shall be \$75 and renewal fees for Apprentice Fire Sprinkler Fitter
29 Permits shall be \$75.

30 f. Any license or permit expiring while the holder thereof is
31 outside the continental limits of the United States in connection
32 with any project undertaken by the Government of the United
33 States, or while on leave in the services of the Armed Forces of the
34 United States, shall be renewed without the holder being required to
35 be re-examined, upon payment of the prescribed fee at any time
36 within four months after the person's return to the United States or
37 discharge from the Armed Forces, whichever is later.

38 g. Licenses and permits issued pursuant to P.L. , c. (C.)
39 (pending before the Legislature as this bill) shall not be assigned or
40 transferred.

41 h. The State Board may periodically increase the license and
42 permit application and renewal fees as it deems appropriate.

43 i. (1) Notwithstanding the requirements of P.L. , c. (C.)
44 (pending before the Legislature as this bill), the State Board may
45 issue Temporary Journeyman Fire Sprinkler Licenses and
46 Temporary Apprentice Fire Sprinkler Permits for periods up to six
47 months if it determines that there is a temporary shortage of persons
48 possessing Journeyman Fire Sprinkler Licenses or Apprentice Fire

1 Sprinkler Permits. To obtain a Temporary Journeyman Fire
2 Sprinkler License or Temporary Apprentice Fire Sprinkler Permit,
3 an applicant shall submit a temporary license or permit application
4 to the State Board, accompanied by a \$25 fee.

5 (2) An applicant for a Temporary Journeyman Fire Sprinkler
6 License shall provide evidence demonstrating that he or she is or
7 has completed an apprenticeship training program registered with
8 the United States Department of Labor or the State Apprenticeship
9 Council involving at least 8,000 hours of documented practical
10 experience in the installation or maintenance of plumbing or piping
11 systems and at least 800 hours of classroom, shop or related
12 instruction in the plumbing or pipefitting trade.

13 (3) An applicant for a Temporary Apprentice Fire Sprinkler
14 Permit shall provide evidence demonstrating that he or she is
15 currently enrolled in an apprenticeship training program registered
16 with the United States Department of Labor or the State
17 Apprenticeship Council involving at least 8,000 hours of
18 documented practical experience in the installation or maintenance
19 of plumbing or piping systems and at least 800 hours of classroom,
20 shop or related instruction in the plumbing or pipefitting trade.

21
22 7. a. If the State Board determines that an applicant for a
23 Journeyman Fire Sprinkler Fitter License or an Apprentice Fire
24 Sprinkler Fitter Permit holds a valid license, registration,
25 certification, permit, or other authorization from another
26 jurisdiction which requires equal or greater experience and
27 knowledge requirements, the State Board may accept the evidence
28 of that license, registration, certification, permit, or other
29 authorization as meeting the experience and knowledge
30 requirements of P.L. , c. (C.) (pending before the Legislature
31 as this bill) for a person to work on fire suppression systems.

32 b. An applicant for reciprocity shall complete a reciprocity
33 application and submit a reciprocity fee of \$50.

34 c. Reciprocity shall be valid for a period of three years from the
35 date it is issued and shall thereafter be renewed. The State Board
36 shall renew the applicant's reciprocity for a period of three years
37 upon the submission of a completed reciprocity renewal form, as
38 established by the State Board, and the required renewal fee of \$25.

39
40 8. a. No person shall be required to possess any certificate or
41 permit mandated by P.L. , c. (C.) (pending before the
42 Legislature as this bill) in the first 180 days from the effective
43 date of P.L. , c. (C.) (pending before the Legislature as
44 this bill). During the period from 181 days after the effective date
45 of P.L. , c. (C.) (pending before the Legislature as this bill)
46 through one year after the effective date, no person shall be required
47 to possess any certificate or permit mandated by P.L. , c. (C.)
48 (pending before the Legislature as this bill) provided that he or she

1 has submitted the necessary certificate or permit application within
2 180 days from the effective date of P.L. , c. (C.) (pending
3 before the Legislature as this bill).

4 b. The State Board shall issue a Journeyman Fire Sprinkler
5 Fitter License without examination to any person who submits an
6 application for a Journeyman Fire Sprinkler Fitter License during
7 the 180 day period after the effective date of P.L. , c. (C.)
8 (pending before the Legislature as this bill), provided the applicant
9 pays the required application fee and submits evidence
10 demonstrating he or she has:

11 (1) performed at least 10,000 hours of documented full time
12 practical experience working on fire suppression systems;

13 (2) performed at least 7 years of documented full time practical
14 experience working on fire suppression systems; documentation
15 may be in the form of pay stubs or fire suppression inspection
16 reports; or

17 (3) has completed successfully a Registered Fire Sprinkler Fitter
18 Apprenticeship Program.

19

20 9. a. The State Board shall keep a register of all applications for
21 a Journeyman Fire Sprinkler Fitter License and an Apprentice Fire
22 Sprinkler Fitter Permit, which register shall show:

23 (1) Name and residence of applicant;

24 (2) Date of application;

25 (3) Principal place of business of applicant;

26 (4) Name and address of employer, if not self-employed;

27 (5) Whether an examination was required;

28 (6) Whether the applicant was accepted or rejected;

29 (7) The number of the license or permit, if issued;

30 (8) The date of the action of the State Board; and

31 (9) Any other information prescribed by the State Board.

32 b. The State Board shall keep a register of all applications by
33 individuals registering as journeyman fire sprinkler fitters and
34 apprentice fire sprinkler fitters enrolled in a Registered Fire
35 Sprinkler Fitter Apprenticeship Program, which register shall
36 include the following information:

37 (1) Name, address, telephone number of the apprentice or
38 journeyman;

39 (2) Date and type of registration application;

40 (3) Name, address and telephone number of contractor
41 employing the apprentice or journeyman;

42 (4) Whether the applicant was accepted or rejected, and in case
43 of rejection the reasons for the action;

44 (5) The registration number, if issued;

45 (6) The date of the action by the State Board; and

46 (7) Any other information the State Board deems necessary.

47 c. The State Board shall maintain and annually publish a record
48 of every Journeyman Fire Sprinkler Fitter License and Apprentice

1 Fire Sprinkler Fitter Permit issued and renewed. The record shall
2 include the person's name, place of business, place of residence,
3 license or permit status, and the date and number of the license or
4 permit. The State Board shall make this information available on a
5 website accessible to the public. The published records shall also
6 include copies of complaints filed against the individual, the results
7 of any investigations into the complaint filed, any final findings
8 made by the State Board, and any sanctions taken.

9
10 10. a. Any person who violates any provision of P.L. ,
11 c. (C.) (pending before the Legislature as this bill) or
12 regulations adopted thereunder shall be fined not less than \$2,500
13 or more than \$5,000 for each violation. Fines imposed under this
14 section may be reduced by the State Board in its discretion upon a
15 showing of good cause.

16 b. Each day that a person works on fire suppression systems
17 without having required license or permit in violation of
18 P.L. , c. (C.) (pending before the Legislature as this bill)
19 shall be a separate violation for which that person shall be liable.
20 Each day that a person, corporation, partnership or other business
21 entity employs a person to perform work on fire suppression
22 systems who does not have a license or permit in violation of
23 P.L. , c. (C.) (pending before the Legislature as this bill)
24 shall be a separate violation for which that person or entity shall be
25 liable.

26 c. The State Board may revoke or suspend a license or permit
27 for any violation of P.L. , c. (C.) (pending before the
28 Legislature as this bill) or regulation adopted thereunder upon a
29 finding of technical incompetence.

30 d. The State Board shall not permit any person who is found in
31 violation of any provision of P.L. , c. (C.) (pending before
32 the Legislature as this bill) to apply for a license or permit for a
33 period of up to one year. This prohibition may be waived by the
34 State Board in its discretion upon a showing of good cause.

35 e. Any person, firm or corporation found to have willfully made
36 a false or fraudulent representation in connection with an
37 application for a license or permit under P.L. , c. (C.)
38 (pending before the Legislature as this bill) shall be required to pay
39 a civil penalty to the State Board of not less than \$1,000 or more
40 than \$3,000 per representation. For purposes of this section, a
41 representation shall be considered "willful" if it is known to be false
42 or made with deliberate ignorance or reckless disregard for its truth
43 or falsity.

44 f. The Department of Community Affairs shall revoke, for a
45 period of up to one year, the fire protection contractor certificate
46 issued pursuant to section 4 of P.L.2001, c.289 (C.52:27D-25q) of
47 any person, corporation, partnership, or other business entity that
48 knowingly or recklessly violates any provision of

1 P.L. , c. (C.) (pending before the Legislature as this bill).

2

3 11. a. A fire protection contractor as defined in section 1 of
4 P.L.2001, c.289 (C.52:27D-25n) shall not discharge, threaten or
5 otherwise discriminate against an employee or former employee
6 regarding compensation, terms, conditions, locations, or any
7 privileges or conditions of employment because the employee or
8 former employee, or a person or organization acting on their behalf:

9 (1) reports or makes a complaint under P.L. , c. (C.)
10 (pending before the Legislature as this bill); or

11 (2) participates in any investigation, hearing or inquiry held by
12 the State Board.

13 b. In the event a fire protection contractor retaliates or
14 discriminates against an employee in violation of this section, the
15 affected employee may file an action in any court of competent
16 jurisdiction and that court shall order reinstatement of or restitution
17 for, or both, the affected employee, as appropriate, with back pay to
18 the date of the violation, and an additional amount in punitive
19 damages equal to three times the amount of back pay, plus
20 reasonable attorney's fees and costs and such other legal or
21 equitable relief as the court deems appropriate.

22

23 12. This act shall take effect immediately.

24

25

26

STATEMENT

27

28 This bill, entitled the "State Fire Sprinkler Fitter Licensing Act,"
29 promotes public safety by requiring persons who install, repair and
30 maintain fire suppression systems to meet established training and
31 qualification standards. Under current law, technicians who work
32 on fire suppression systems, who are known as fire sprinkler fitters,
33 are not required to meet any qualification standards and are not
34 tested or licensed by the State. Although the general contractor for
35 fire suppression installation is regulated, there is no requirement to
36 test the technicians who perform the actual work. The current
37 statute leaves a major gap in the law that could seriously jeopardize
38 public safety. Requiring persons who install, repair and maintain
39 these systems to be tested and licensed provides the best means for
40 ensuring the safe, effective operation of fire suppression systems.

41 The bill will require all persons engaged in the installation,
42 repair and maintenance of fire suppression systems to meet the
43 following qualification and testing standards:

44 * To be eligible for testing, a person must complete a bona fide,
45 government-registered fire sprinkler fitter apprenticeship program,
46 which establishes specified minimum requirements for on-the-job
47 training and classroom and shop instruction (requirements similar to
48 those imposed by other jurisdictions).

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- 1 * Persons who meet these qualification standards will also be
2 required to pass a test administered by the State Board of Examiners
3 of Fire Sprinkler Fitters. A grandfather clause is also included to
4 permit persons with substantial industry experience to become
5 licensed during an initial grace period based on their experience.
- 6 * Individuals who receive licenses will be authorized to perform
7 fire sprinkler fitter work for three years, after which licenses must
8 be renewed. Individuals and companies who perform work in
9 violation of the law are subject to sanctions, including civil
10 penalties.
- 11 * Fees are charged to applicants and license holders (ranging
12 from \$75 to \$150) during the testing and licensing process to offset
13 administrative costs.
- 14 * New State board created: A State Board of Examiners of Fire
15 Sprinkler Fitters is created to administer the new law and oversee
16 qualification and testing standards and licensing process. This
17 board is established in the Department of Community Affairs, the
18 department which administers the fire sprinkler contractor
19 certification law.