

**SENATE, No. 474**

**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2006 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 P.L. ,  
31 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.

- 1 (3) An Apprentice Fire Sprinkler Fitter Permit issued by the  
2 State Board shall be valid only for such time as the holder is  
3 enrolled in a Registered Fire Sprinkler Fitter Apprenticeship  
4 Program in accordance with P.L. , c. (C. ) (pending before  
5 the Legislature as this bill).
- 6 (4) The State Board shall issue permit cards to all persons who  
7 meet the qualifications for an Apprentice Fire Sprinkler Fitter  
8 Permit. Permit holders shall carry such a card at all times when  
9 performing work on fire suppression systems.
- 10 (5) Nothing in P.L. , c. (C. ) (pending before the  
11 Legislature as this bill) shall be considered to prohibit an apprentice  
12 fire sprinkler fitter who is issued a permit from engaging in work  
13 regulated by P.L. , c. (C. ) (pending before the Legislature  
14 as this bill), provided that the apprentice fire sprinkler fitter is  
15 working under the supervision of a licensed journeyman fire  
16 sprinkler fitter.
- 17 c. Any Journeyman Fire Sprinkler Fitter License or Apprentice  
18 Fire Sprinkler Fitter Permit issued by the State Board shall be valid  
19 for a period of three years from the date it is issued (except as  
20 described in subsection b. of section 8 of P.L. , c. (C. )  
21 (pending before the Legislature as this bill) and shall thereafter be  
22 renewed.
- 23 d. The State Board shall renew for a period of three years any  
24 license or permit under of P.L. , c. (C. ) (pending before the  
25 Legislature as this bill) upon receiving from the renewal applicant a  
26 completed renewal form, as established by the State Board, and the  
27 required renewal fee.
- 28 e. Renewal fees for Journeyman Fire Sprinkler Fitter Licenses  
29 shall be \$75 and renewal fees for Apprentice Fire Sprinkler Fitter  
30 Permits shall be \$75.
- 31 f. Any license or permit expiring while the holder thereof is  
32 outside the continental limits of the United States in connection  
33 with any project undertaken by the Government of the United  
34 States, or while on leave in the services of the Armed Forces of the  
35 United States, shall be renewed without the holder being required to  
36 be re-examined, upon payment of the prescribed fee at any time  
37 within four months after the person's return to the United States or  
38 discharge from the Armed Forces, whichever is later.
- 39 g. Licenses and permits issued pursuant to P.L. , c. (C. )  
40 (pending before the Legislature as this bill) shall not be assigned or  
41 transferred.
- 42 h. The State Board may periodically increase the license and  
43 permit application and renewal fees as it deems appropriate.
- 44 i. (1) Notwithstanding the requirements of P.L. , c. (C. )  
45 (pending before the Legislature as this bill), the State Board may  
46 issue Temporary Journeyman Fire Sprinkler Licenses and  
47 Temporary Apprentice Fire Sprinkler Permits for periods up to six  
48 months if it determines that there is a temporary shortage of persons

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

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

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

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

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

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

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

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

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

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

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

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

20

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

24 (1) Name and residence of applicant;

25 (2) Date of application;

26 (3) Principal place of business of applicant;

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

28 (5) Whether an examination was required;

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

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

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

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

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

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

40 (2) Date and type of registration application;

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

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

45 (5) The registration number, if issued;

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

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

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

11

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

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

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

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

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

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

1 knowingly or recklessly violates any provision of P.L. ,  
2 c. (C. ) (pending before the Legislature as this bill).

3

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

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

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

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

23

24 12. This act shall take effect immediately.

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#### STATEMENT

28

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

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

45 \* To be eligible for testing, a person must complete a bona fide,  
46 government-registered fire sprinkler fitter apprenticeship program,  
47 which establishes specified minimum requirements for on-the-job

**S474 SWEENEY**

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