

CHAPTER 186

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

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

C.52:27D-198.21 Short title.

1. P.L.2023, c.186 (C.52:27D-198.21 et al.), shall be known and may be cited as the “Fire Life Safety Damper and Smoke Control System Inspection Verification Act.”

C.52:27D-198.22 Findings, declarations.

2. The Legislature finds and declares that:

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

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

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

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

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

f. New Jersey does not currently have minimum standards for contractors performing maintenance and physical periodic testing of smoke control systems and fire dampers, smoke dampers, and combination fire and smoke dampers.

C.52:27D-198.23 Building owner, responsible, fire dampers, smoke dampers, combination fire and smoke dampers, inspected, tested.

3. a. An owner of a building shall be responsible for ensuring that fire dampers, smoke dampers, and combination fire and smoke dampers installed in a building are inspected and tested as required by the applicable standards adopted pursuant to the Uniform Fire Code. This subsection shall not apply to a single-family, two-family, or attached single-family structure used exclusively for dwelling purposes.

b. For all buildings with a smoke control system, other than single-family, two-family, and attached single-family structures used exclusively for dwelling purposes, a building owner shall subject the smoke control system to smoke control system testing as required by the applicable standards adopted pursuant to the Uniform Fire Code.

C.52:27D-198.24 Building owner, routine maintenance, periodic testing schedule, adherence, smoke dampers, fire dampers, combination fire and smoke dampers, smoke control systems.

4. The owner of a building subject to the provisions of P.L.2023, c.186 (C.52:27D-198.21 et al.) shall adhere to the routine maintenance and periodic testing schedule for the building, to commence immediately after the smoke dampers, fire dampers, combination fire and smoke

dampers, and smoke control systems have passed the applicable tests. The Commissioner of Community Affairs shall, pursuant to the authority under the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.), promulgate rules and regulations to require a building owner to establish a written schedule for routine maintenance and periodic testing pursuant to the testing schedule required pursuant to the applicable standards adopted pursuant to the "Uniform Fire Code."

C.52:27D-198.25 Rules, regulations.

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

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

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

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

C.52:27D-25n Definitions relative to fire protection equipment.

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

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

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

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

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

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

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

"Commissioner" means the Commissioner of Community Affairs.

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

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

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

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

"Engineered fire suppression system" means a fire suppression system which is designed individually to suit a particular purpose or hazard. Such a system requires individual calculation and design to determine the flow rates, nozzle pressures, pipe size, area or volume

to be protected by each nozzle, quantities of extinguishing agent and the number and types of nozzles and their placement in a specific system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C.52:27D-25q Certification required, fire protection contractors.

4. a. After the effective date of P.L.2001, c.289, no fire protection contractor shall engage in the installation, service, repair, inspection, or maintenance of fire protection equipment without holding or employing a person who holds a valid certificate of certification issued in accordance with P.L.2001, c.289 (C.52:27D-25n et seq.), except that the commissioner shall determine by rules and regulations the date after which no contractor may engage in the installation, service, repair, inspection, or maintenance of fire dampers, combination fire and smoke dampers, or smoke control systems without holding or employing a person who holds a valid certificate of certification issued in accordance with P.L.2023, c.186 (C.52:27D-198.21 et al.). A fire protection contractor who is not a certificate holder shall be required to obtain a fire protection contractor business permit from the commissioner, which shall be issued for three years upon payment of an appropriate fee set by the commissioner and proof that the fire protection contractor employs a certificate holder. Notwithstanding the provisions of this section, persons holding a license to engage in the fire alarm business pursuant to P.L.1997, c.305 (C.45:5A-23 et seq.), or who are electrical contractors as defined in section 2 of P.L.1962, c.162 (C.45:5A-2), are exempt from the requirement of obtaining a certificate of certification under this act to engage in the fire alarm business pursuant to this act to the extent that such persons are acting within the scope of practice of their profession or occupation.

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

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

b. The following certified classifications are hereby established:

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

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

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

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

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

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

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

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

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

d. Any change in more than 50% of the ownership of a fire protection contractor shall require an amended certificate of certification. An application for an amended certificate of certification shall be submitted within 60 days of a change of ownership or change of company

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

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

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

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

8. This act shall take effect immediately, but its provisions shall remain inoperative until one year after enactment, except that the Commissioner of Community Affairs may take any anticipatory steps necessary to effectuate the provisions of this bill.

Approved December 21, 2023.