

P.L. 2025, CHAPTER 19, *approved February 3, 2025*
Assembly, No. 3894 (*First Reprint*)

1 AN ACT concerning fire safety by making changes to certain licensure
2 requirements, equipment requirements, ¹advisory committee
3 memberships,¹ penalties, and fees and amending P.L.1991, c.92 ¹,
4 P.L.2001, c.289,¹ and P.L.1983, c.383.

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

8
9 1. Section 1 of P.L.1991, c.92 (C.52:27D-198.1) is amended to
10 read as follows:

11 1. A structure used or intended for use for residential purposes by
12 not more than two households shall have a smoke-sensitive alarm
13 device on each level of the structure and outside each separate sleeping
14 area in the immediate vicinity of the bedrooms and located on or near
15 the ceiling in accordance with **[National Fire Protection Association**
16 **Standard No. 74-1984 for the installation, maintenance, and use of**
17 **household fire warning equipment. The installation of battery**
18 **operated smoke-sensitive alarm devices shall be accepted as meeting**
19 **the requirements of this section]** regulations established by the
20 Commissioner of Community Affairs. The smoke-sensitive device
21 shall be tested and listed by a product certification agency recognized
22 by the **[Bureau]** Division of Fire Safety.

23 **[Each structure, other than a seasonal rental unit, shall also be**
24 **equipped with at least one portable fire extinguisher in conformance**
25 **with rules and regulations promulgated by the Commissioner of**
26 **Community Affairs pursuant to the "Administrative Procedure Act,"**
27 **P.L.1968, c.410 (C.52:14B-1 et seq.). For the purposes of this section,**
28 **"portable fire extinguisher" means an operable portable device, carried**
29 **and operated by hand, containing an extinguishing agent that can be**
30 **expelled under pressure for the purpose of suppressing or**
31 **extinguishing fire, and which is: (1) rated for residential use consisting**
32 **of an ABC type; (2) no larger than a 10 pound rated extinguisher; and**
33 **(3) mounted within 10 feet of the kitchen area, unless otherwise**
34 **permitted by the enforcing agency. "Seasonal rental unit" means a**
35 **dwelling unit rented for a term of not more than 125 consecutive days**
36 **for residential purposes by a person having a permanent residence**
37 **elsewhere, but shall not include use or rental of living quarters by**
38 **migrant, temporary or seasonal workers in connection with any work**
39 **or place where work is being performed.]**

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹**Assembly APS committee amendments adopted November 14, 2024.**

1 ¹Each structure subject to the requirements of this section that
2 contains a secondary power source shall have a label installed within
3 18 inches of the main electrical panel and electrical meter warning of
4 the danger associated with secondary power sources.¹

5 This section shall not be enforced except pursuant to sections 2 and
6 3 of P.L.1991, c.92 (C.52:27D-198.2 and C.52:27D-198.3).
7 (cf: P.L.2005, c.71, s.1)

8
9 2. Section 2 of P.L.1991, c.92 (C.52:27D-198.2) is amended to
10 read as follows:

11 2. a. In any case where a change of occupancy of any building
12 subject to the requirements of section 1 of P.L.1991, c.92
13 (C.52:27D-198.1) is subject to a municipal ordinance requiring the
14 issuance of a certificate of occupancy, certificate of inspection, or
15 other documentary certification of compliance with laws and
16 regulations relating to safety, healthfulness, and upkeep of the
17 premises, no such certificate shall issue until the municipal officer
18 or agency responsible for its issuance has determined that the
19 building is equipped with an alarm device or devices **【**and a
20 portable fire extinguisher**】** as required by section 1 of P.L.1991,
21 c.92 (C.52:27D-198.1).

22 b. In the case of change of occupancy of any building subject
23 to the requirements of section 1 of P.L.1991, c.92 (C.52:27D-198.1)
24 to which the provisions of subsection a. of this section do not apply,
25 no owner shall sell, lease, or otherwise permit occupancy for
26 residential purposes of that building without first obtaining from the
27 relevant enforcement agency under the "Uniform Fire Safety Act,"
28 P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate evidencing
29 compliance with the requirements of P.L.1991, c.92
30 (C.52:27D-198.1 et seq.). ¹A change of ownership of a structure
31 which requires rehabilitation such that a new certificate of occupancy
32 is required shall be exempted from this section, provided, however,
33 that the structure shall not be occupied until the appropriate certificate
34 is obtained pursuant to the "State Uniform Construction Code Act,"
35 P.L.1975, c.217 (C.52:27D-119 et seq.). In cases including a sheriff's
36 sale, foreclosure, forfeiture, or purchase from an agency of the federal
37 government where the structure purchased requires rehabilitation such
38 that a new certificate of occupancy is required, and where a certificate
39 evidencing compliance with the requirements of P.L.1991, c.92
40 (C.52:27D-198.1 et seq.) is not obtained, it shall be the responsibility
41 of the purchaser to obtain the necessary certificates prior to
42 occupancy.¹

43 The local governing body having jurisdiction over the said
44 enforcing agency or, where the **【Bureau】** Division of Fire Safety is
45 the enforcing agency, the Commissioner of Community Affairs
46 shall establish a fee which covers the cost of inspection and of
47 issuance of the certificate.

48 (cf: P.L.2005, c.71, s.2)

1 3. Section 3 of P.L.1991, c.92 (C.52:27D-198.3) is amended to
2 read as follows:

3 3. An owner who sells, leases, rents, or otherwise permits to be
4 occupied for residential purposes any premises subject to the
5 provisions of P.L.1991, c.92 (C.52:27D-198.1 et seq.) when the
6 premises do not comply with the requirements of section 1 of
7 P.L.1991, c.92 (C.52:27D-198.1), or without complying with the
8 inspection and certification requirements of section 2 of P.L.1991,
9 c.92 (C.52:27D-198.2), shall be subject to a fine of not more than
10 **[\$500.00 in the case of a violation for an alarm device, or a fine of**
11 **not more than \$100 in the case of a violation for a portable fire**
12 **extinguisher] \$500**, which may be collected and enforced by the
13 local enforcing agency as defined in subsection g. of section 5 of
14 P.L.1983, c.383 (C.52:27D-196) by summary proceedings pursuant
15 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
16 (C.2A:58-10 et seq.).
17 (cf: P.L.2005, c.71, s.3)
18

19 ¹4. Section 2 of P.L.2001, c.289 (C.52:27D-25o) is amended to
20 read as follows:

21 2. a. There is created within the Division of Fire Safety in the
22 Department of Community Affairs a "Fire Protection Equipment
23 Advisory Committee." The committee shall be comprised of the
24 Director of the Division of Fire Safety who shall serve ex officio and
25 **[eleven] twelve** public members, appointed by the Governor. One of
26 the public members shall be a chief administrator of the fire
27 department of a municipality with a population of 100,000 or more
28 according to the most recent federal decennial census, one of the
29 public members shall be a representative of a sheet metal workers
30 local union of the International Association of Sheet Metal, Air, Rail
31 and Transportation Workers, and one of the public members shall be a
32 representative of a volunteer fire organization. Each of the remaining
33 nine public members shall be selected by the Governor from a list of
34 three nominees provided to the Governor by each of the following fire
35 protection organizations or their successor organizations:

36 New Jersey Association of Fire Equipment Distributors,
37 National Fire Sprinkler Association,
38 National Association of Fire Equipment Distributors,
39 American Fire Sprinkler Association,
40 Fire Suppression Systems Association,
41 Automatic Fire Alarm Association,
42 New Jersey Electrical Contractors Association,
43 New Jersey Burglar and Fire Alarm Association, and
44 New Jersey State Fire Prevention and Protection Association.

45 b. The Governor shall appoint each member for a term of three
46 years, except that of the members first appointed, four shall serve for
47 terms of three years, four shall serve for terms of two years and three
48 shall serve for terms of one year.

1 c. Any vacancy in the membership of the committee shall be
2 filled for the unexpired term in the manner provided for the original
3 appointment. No appointed member of the committee may serve more
4 than two successive terms in addition to any unexpired term to which
5 he has been appointed.

6 d. The committee shall annually elect from among its members a
7 chair and vice-chair. The committee shall meet at least four times a
8 year and may hold additional meetings as necessary to discharge its
9 duties. In addition to such meetings, the committee shall meet at the
10 call of the chair or the commissioner.

11 e. Members of the committee shall be compensated and
12 reimbursed for actual expenses reasonably incurred in the performance
13 of their official duties and reimbursed for expenses and provided with
14 office and meeting facilities and personnel required for the proper
15 conduct of the committee's business.

16 f. The committee shall make recommendations to the
17 commissioner regarding rules and regulations pertaining to
18 professional training, standards, identification and record keeping
19 procedures for certificate holders and their employees, classifications
20 of certificates necessary to regulate the work of certificate holders, and
21 other matters necessary to effectuate the purposes of this act.¹

22 (cf: P.L.2002, c.39, s.1)

23
24 ¹**[4.] 5.**¹ Section 12 of P.L.1983, c.383 (C.52:27D-203) is
25 amended to read as follows:

26 12. a. Each enforcing agency in this State shall enforce **[this act]**
27 the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.)
28 in all buildings, structures, and premises within its jurisdiction, except
29 owner-occupied buildings used exclusively for dwelling purposes and
30 containing fewer than three dwelling units, subject to the control and
31 supervision of the commissioner and in accordance with regulations
32 promulgated by the commissioner. The commissioner shall consult
33 with and advise all local enforcement agencies enforcing the provision
34 of **[this act]** P.L.1983, c.383 (C.52:27D-192 et seq.), and each local
35 enforcement agency shall provide the commissioner with reports, data,
36 and information required by the commissioner. To cover the cost to
37 the municipality of conducting inspections under **[this act]** P.L.1983,
38 c.383 (C.52:27D-192 et seq.), the municipality may, by ordinance,
39 establish fees, which shall be paid into the treasury of the municipality
40 to which the local enforcing agency is responsible, and which shall be
41 appropriated by the municipality to the local enforcing agency to pay
42 the cost of enforcing **[this act]** P.L.1983, c.383 (C.52:27D-192 et
43 seq.).

44 b. A local enforcing agency consisting of or employing at least
45 one paid fire inspector who is **[certified]** licensed pursuant to
46 subsection c. of this section may elect to inspect high-rise structures
47 and life hazard uses within its jurisdiction, in lieu of inspection by the
48 commissioner. That election shall be made by resolution of the

1 governing body having jurisdiction over the local enforcing agency. If
 2 an appropriate resolution has not been received by the commissioner
 3 on or before the effective date of **[this act]** P.L.1983, c.383
 4 (C.52:27D-192 et seq.), the department shall perform all inspections
 5 under this subsection until such time as the governing body shall adopt
 6 and send to the commissioner an appropriate resolution. A local
 7 enforcing agency that elects to inspect high-rise structures and life
 8 hazard uses may issue the certificates of inspection required to be
 9 issued pursuant to section 14 of **[this act]** P.L.1983, c.383
 10 **¹[(C.52:27D-192 et seq.)]** (C.52:27D-205)¹

11 and may inspect buildings and premises other than high-rise structures
 12 and life hazard uses in order to secure compliance with **[this act]**
 13 P.L.1983, c.383 (C.52:27D-192 et seq.).

14 c. The commissioner shall **[certify]** license fire inspectors and
 15 fire officials under **[this act]** P.L.1983, c.383 (C.52:27D-192 et seq.)
 16 in accordance with **[such]** standards as **[he]** the commissioner shall
 17 establish by regulation **[**; provided that a fire inspector certificate shall
 18 be issued by the commissioner to any person who: on the effective
 19 date of this act is, and for at least one year prior to the effective date of
 20 this act has been, serving as a fire inspector in the fire service; or shall
 21 have, within two years of the effective date of this act, successfully
 22 completed an educational program such as the basic fire prevention
 23 code course offered by the Building Officials and Code Administrators
 24 International or a recognized equivalent, a fire prevention course
 25 offered by an institution of higher education or recognized fire school
 26 which has been approved by the commissioner**]**. As a condition of
 27 licensure, a person shall:

28 (1) submit an application to the Division of Fire Safety with the
 29 required fee;

30 (2) successfully complete an educational program adopted by the
 31 Division of Fire Safety's Office of Training, Certification, and
 32 Licensing;

33 (3) meet prerequisite criteria established by regulation; and

34 (4) pass the State written and practical exams.

35 d. A licensed fire inspector and fire official shall conduct fire
 36 inspections authorized by P.L.1983, c.383 (C.52:27D-192 et seq.) and
 37 established by regulation in non-life-hazard and life-hazard use
 38 groups.

39 e. Fire inspector and fire official certifications approved by the
 40 Office of Training and Certification prior to the effective date of P.L.
 41 , c. (pending before the Legislature as this bill) shall be considered
 42 equivalent to licenses established pursuant to P.L. _____,
 43 c. (pending before the Legislature as this bill).

44 ¹f. Existing licensed multiple dwelling inspectors and officials
 45 enforcing the fire code in non-life hazard use dwellings shall be
 46 allowed two years from the effective date of P.L. _____, c. (C. _____)

1 (pending before the Legislature as this bill) to obtain a fire inspector
2 license to be able to continue enforcing the fire code.¹

3 (cf: P.L.1983, c.383, s.12)

4

5 ¹**[5.] 6.**¹ Section 19 of P.L.1983, c.383 (C.52:27D-210) is
6 amended to read as follows:

7 19. a. No person shall:

8 (1) Obstruct, hinder, delay, or interfere by force or otherwise
9 with the commissioner or any local enforcing agency in the exercise
10 of any power or the discharge of any function or duty under the
11 provisions of **[this act]** the "Uniform Fire Safety Act," P.L.1983,
12 c.383 (C.52:27D-192 et seq.);

13 (2) Prepare, utter, or render any false statement, report,
14 document, plans, or specification permitted or required under the
15 provisions of **[this act]** P.L.1983, c.383 (C.52:27D-192 et seq.);

16 (3) Render ineffective or inoperative, or fail to properly
17 maintain, any protective equipment or system installed, or intended
18 to be installed, in a building or structure;

19 (4) Refuse or fail to comply with a lawful ruling, action, order,
20 or notice of the commissioner or a local enforcing agency; or

21 (5) Violate, or cause to be violated, any of the provisions of
22 **[this act]** P.L.1983, c.383 (C.52:27D-192 et seq.).

23 b. (1) A person who violates or causes to be violated a
24 provision of subsection a. of this section shall be liable to a penalty
25 of not more than \$5,000 for each violation. If a violation of
26 subsection a. of this section is of a continuing nature, each day
27 during which the violation remains unabated after the date fixed in
28 an order or notice for the correction or termination of the continuing
29 violation shall constitute an additional and separate violation,
30 except while an appeal from the order is pending in connection with
31 any property except for those properties which are certified by the
32 fire code official to be unoccupied. For the purposes of this section,
33 a building may not be certified to be unoccupied unless it has been
34 unoccupied for a period of not less than six months.

35 (2) If an owner or operator has been given notice **[of the**
36 **existence of]** that the owner or operator is required to abate a
37 violation of **[the act]** P.L.1983, c.383 (C.52:27D-192 et seq.) and
38 fails to abate the violation, **[he]** the owner or operator shall be
39 liable to an additional penalty of not more than \$50,000. If a
40 violation is of a continuing nature, each day during which the
41 violation remains unabated shall not constitute an additional and
42 separate violation for the purposes of the penalty in this paragraph.
43 Continuing liability for unabated violations of record and unpaid
44 fees or penalties following a change of ownership or tenancy shall
45 be determined in accordance with subsections f. and g. of this
46 section.

47 (3) An additional \$150,000 or the actual cost, whichever is
48 greater, may be imposed as a penalty for the expense to the

1 municipality or fire district of suppressing any fire, directly or
2 indirectly, resulting from the unabated violation and for any other
3 actual expenses, including attorney fees, incurred by the
4 municipality for the enforcement of the violation.

5 (4) Upon the 121st day subsequent to its filing, an appeal to a
6 county, municipal, or joint construction board of appeals, a
7 departmental appeal, or an appeal to a court of competent
8 jurisdiction shall not automatically stay any order, including orders
9 to pay a penalty imposed pursuant to P.L.1983, c.383
10 (C.52:27D-192 et seq.), or prevent the seeking of an order in a court
11 of competent jurisdiction to enjoin the violation of any order of an
12 enforcing agency in connection with any property which is found by
13 the fire code official to be unoccupied.

14 Any party filing an appeal with a court of competent jurisdiction
15 regarding violations assessed against property which has been
16 certified as unoccupied pursuant to this section shall file a motion
17 upon the initiation of the appeal requesting expedited consideration
18 of the appeal on the ground that acceleration is warranted because
19 the subject of the appeal involves matters of public safety. In the
20 event the appeal is granted, the court shall grant the motion to
21 expedite.

22 c. The commissioner or a local enforcing agency may levy and
23 collect penalties in the amounts set forth in this section, but not in
24 excess of the maximum amounts that the commissioner shall
25 establish by regulation for different types of violations. If the
26 administrative penalty order has not been satisfied by the 30th day
27 after its issuance, the penalty may be sued for, and recovered by and
28 in the name of the commissioner or the enforcing agency, as the
29 case may be, in a civil action by a summary proceeding under "The
30 Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et
31 seq.) in the Superior Court or municipal court. All moneys
32 recovered in the form of penalties by a municipality shall be paid
33 into the treasury of the municipality and shall be appropriated for
34 the enforcement of **【the act】** P.L.1983, c.383 (C.52:27D-192 et
35 seq.); except that the additional penalty paid by an owner or
36 operator to a municipality under paragraph (2) or (3) of subsection
37 b. of this section shall be placed in a special municipal trust fund to
38 be applied to the municipality's or fire district's cost of firefighter
39 training and new equipment. A person who fails to pay
40 immediately a money judgment rendered against **【him】** them
41 pursuant to this subsection may be sentenced to imprisonment by
42 the court for a period not exceeding six months, unless the
43 judgment is sooner paid.

44 d. A person shall be deemed to have violated or caused to have
45 violated a provision of subsection a. of this section if an officer,
46 agent, or employee under **【his】** the person's control and with **【his】**
47 the person's knowledge has violated or caused to have violated any
48 of the provisions of subsection a. of this section.

1 e. Upon request of the owner or purchaser of a building or
2 structure, the enforcing agency having jurisdiction over the building
3 or structure shall issue a certificate either enumerating the
4 violations indicated by its records to be unabated and the penalties
5 or fees indicated to be unpaid, or stating that its records indicate
6 that no violations remain unabated and no penalties or fees remain
7 unpaid.

8 f. A **person** new owner who purchases a property without
9 having obtained a certificate stating that there are no unabated
10 violations of record and no unpaid fees or penalties shall be deemed
11 to have notice of all existing violations of record and shall be liable
12 for the payment of all unpaid fees or penalties. The department
13 shall issue requests for payment of unpaid fees or penalties within
14 five years of the purchase date.

15 g. (1) Except as provided in paragraph (2) of this subsection, a
16 new operator taking control of an existing tenant business shall
17 assume liability for the payment of all existing unpaid fees and
18 penalties assessed for that business. The department shall issue
19 requests for payment of unpaid fees or penalties within a period of
20 five years from the date of the change in operator; provided,
21 however, a new operator who was a principal in, or agent of, the
22 business previously occupying the property or who is related to a
23 principal in, or agent of, that business by blood, adoption, or
24 marriage shall assume existing liability for the payment of all
25 unpaid fees and penalties indefinitely.

26 (2) A new operator who occupies all or part of the property with
27 a business not previously situated on the property shall not assume
28 liability for the payment of unpaid fees and penalties.

29 h. As used in this section:

30 "Operator" means a person or persons in the position of a tenant
31 or lessee who conducts business from and is in actual physical
32 possession or occupancy of all or part of the property.

33 "Owner" means a property owner, or the owner's agent or
34 representative, whose name appears on the title in the public
35 records.

36 (cf: P.L1999, c.401, s.2)

37

38 ¹**[6.] 7.**¹ Section 20 of P.L.1983, c.383 (C.52:27D-211) is
39 amended to read as follows:

40 20. a. Notices, rules, decisions, and orders required or permitted
41 to be issued and served pursuant to **[this act]** the "Uniform Fire
42 Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) shall be served
43 as follows:

44 (1) On the owner and operator by one or more of the following
45 methods:

46 (a) By **[certified]** mail to the person designated as owner or
47 agent on the certificate of registration **[,]** in the municipal tax
48 records **[,]** or in the records of the Secretary of State **[;** however, if

1 the certified mailing is returned, the original letter shall be remailed
2 to the last known address of the person by ordinary mail] and to
3 the operator.

4 (b) By serving the document on the Secretary of State, who shall
5 be deemed the owner's agent for service of process; **[except]**
6 provided that reasonable efforts have first been made to serve the
7 owner **[or his]** , or the owner's agent, and the operator by
8 **[certified]** mail and that a copy of the document is posted in a
9 conspicuous location on the premises. "Conspicuous location" shall
10 include the walls of the front vestibule or any common foyer or
11 hallway immediately inside the main front entrance.

12 (c) By personal delivery of the document to the owner and to
13 the operator.

14 (d) By leaving the document at the office or dwelling unit of the
15 owner and of the operator with a person 14 years of age or older.

16 (e) By electronic service to the owner and operator provided
17 that a delivery receipt is obtained.

18 (2) On any other person by one or more of the following
19 methods:

20 (a) By **[certified]** mail to the person at **[his]** the person's last
21 known address **;** however, if the certified mailing is returned, the
22 original letter shall be remailed to the last known address of the
23 person by ordinary mail].

24 (b) By personal delivery of the document to the person.

25 (c) By leaving the document at the office or dwelling unit of the
26 person with a person 14 years of age or older.

27 b. The date of personal service or the third day after mailing
28 shall be considered the date of service.

29 c. As used in this section:

30 "Operator" means a person or persons in the position of a tenant
31 or lessee who conducts business from and is in actual physical
32 possession or occupancy of all or part of the property.

33 "Owner" means a property owner, or the owner's agent or
34 representative, whose name appears on the title in the public
35 records.

36 (cf: P.L.1983, c.383, s.20)

37

38 ¹**[7.] 8.**¹ This act shall take effect immediately.

39

40

41

42

43 Amends certain fire safety statutes to update licensure and
44 equipment requirements and liability, fee, and penalty provisions;
45 expands membership of Fire Protection Equipment Advisory
46 Committee.