

ASSEMBLY, No. 1106

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblywoman JEAN STANFIELD

District 8 (Atlantic, Burlington and Camden)

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Co-Sponsored by:

Assemblyman Calabrese

SYNOPSIS

Requires Director of Division of Fire Safety to promulgate regulations pertaining to training and duties of Junior Firefighter Auxiliary members.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 7/16/2020)

1 AN ACT concerning Junior Firefighter's Auxiliaries and amending
2 various sections of statutory law.

3

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

6

7 1. N.J.S.40A:14-95 is amended to read as follows:

8 40A:14-95. In any municipality or fire district in this State
9 maintaining a **[volunteer]** fire department, or where there shall
10 exist one or more incorporated **[volunteer]** fire companies
11 affording fire protection to **[said]** the municipality or fire district
12 **[the]** with membership **[whereof are]** serving under the
13 jurisdiction of and with the consent of **[said]** the municipality or
14 fire district, it shall be lawful for the governing body of **[such]** the
15 municipality, or the board of commissioners of such fire district to
16 provide, by ordinance or resolution, for the establishment of an
17 auxiliary to any **[such volunteer]** fire department or company to be
18 known as the Junior **[Firemen's]** Firefighter's Auxiliary.

19 (cf: P.L.1971, c.197, s.1)

20

21 2. N.J.S.40A:14-96 is amended to read as follows:

22 40A:14-96. **[No]** A person **[shall be eligible for membership in**
23 **the Junior Firemen's Auxiliary]** who is less than 14 or more than
24 **[21]** 18 years of age shall not be eligible for membership in the
25 Junior Firefighter's Auxiliary. Persons between the ages of 14 and
26 **[21]** 18 shall **[be required to]** obtain permission to join the
27 auxiliary from their parents or guardian. **[Such permission]**
28 Permission shall be **[in writing and acknowledged or proved]**
29 granted in the manner required by **[law for deeds to real estate to be**
30 **recorded]** the Director of the Division of Fire Safety in the
31 Department of Community Affairs. Junior Firemen's Auxiliary
32 applicants also shall submit a medical examination evaluation in a
33 manner required by the director.

34 (cf: P.L.1999, c.318, s.1)

35

36 3. N.J.S.40A:14-97 is amended to read as follows:

37 40A:14-97. A municipality or fire district may provide members
38 of a Junior **[Firemen's]** Firefighter's Auxiliary established as an
39 auxiliary to a **[volunteer]** fire department or to an incorporated
40 **[volunteer]** fire company within the fire district with the same
41 coverage as provided for the regular **[volunteer firemen]**
42 firefighters of the fire district under N.J.S. 40A:14-37 and 40A:14-
43 38.

44 (cf: P.L.1979, c.230, s.4)

45

46 4. N.J.S.40A:14-98 is amended to read as follows:

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.

1 40A:14-98. a. The governing body of the municipality or the
2 board of commissioners of the fire district **【shall】**, before
3 authorizing the establishment of any Junior **【Firemen's】**
4 Firefighter's Auxiliary, shall formulate rules and regulations to
5 govern the activities of the auxiliary in accordance with regulations
6 promulgated by the Director of the Division of Fire Safety. The
7 rules and regulations shall provide for the training of the auxiliary
8 for eventual membership in the **【volunteer】** fire department of the
9 municipality or fire district or in any such **【volunteer】** fire company
10 or companies affording fire protection therein **【**, and shall further
11 provide that no junior fireman shall be required to perform duties
12 which would expose him to the same degree of hazard as a regular
13 member of a volunteer fire company**】**. The Director of the Division
14 of Fire Safety shall have the sole authority to promulgate
15 regulations pertaining to the training of Junior Firefighter Auxiliary
16 members and to establish the duties that Junior Firefighter
17 Auxiliary members may perform at training events and emergency
18 scenes. The regulations shall allow members of the Junior
19 Firefighter Auxiliary who are 16 years of age or older to fully
20 participate in recruit firefighter training established under the New
21 Jersey Administrative Code.

22 b. If the governing body or board of commissioners, as the case
23 may be, so provide in the rules and regulations governing the
24 auxiliary, a junior **【fireman】** firefighter 16 years of age or older
25 may perform **【non-hazardous support duties at a fire site】** duties at
26 training events and emergency scenes as established by regulations
27 adopted by the Director of the Division of Fire Safety pursuant to
28 subsection a. of this section; provided: (1) the junior **【fireman】**
29 firefighter has been appropriately and adequately trained to perform
30 the **【support】** duties; (2) the junior **【fireman】** firefighter is
31 appropriately and adequately supervised in performing those
32 **【support】** duties at the **【fire site】** training event or emergency
33 scene; (3) the junior **【fireman's】** firefighter's parent or guardian has
34 provided written permission allowing the junior **【fireman】**
35 firefighter to perform those **【support】** duties; and (4) the governing
36 body or board of commissioners, as the case may be, provides
37 insurance coverage for the junior **【fireman】** firefighter that is
38 identical to that provided for the regular members of the
39 **【volunteer】** fire department or fire district.

40 c. Activities of junior **【firemen】** firefighter auxiliary members
41 under 16 years of age shall be limited to (1) attending meetings of
42 the Junior **【Firemen's】** Firefighter's Auxiliary; (2) receiving
43 instruction; and (3) participating in training **【that does not involve**
44 **fire, smoke, toxic or noxious gas, or hazardous materials or**
45 **substances】** as established by regulations adopted by the Director of

1 the Division of Fire Safety pursuant to subsection a. of this section;
2 and (4) observing firefighting activities, while under supervision.
3 (cf: P.L.2011, c.56, s.1)

4
5 5. Section 17 of P.L.1940, c.153 (C.34:2-21.17) is amended to
6 read as follows:

7 17. No minor under 16 years of age shall be employed,
8 permitted or suffered to work in, about, or in connection with
9 power-driven machinery.

10 No minor under 18 years of age shall be employed, permitted or
11 suffered to work in, about, or in connection with the following:

12 The manufacture or packing of paints, colors, white lead, or red
13 lead;

14 The handling of dangerous or poisonous acids or dyes; injurious
15 quantities of toxic or noxious dust, gases, vapors or fumes;

16 Work involving exposure to benzol or any benzol compound
17 which is volatile or which can penetrate the skin;

18 The manufacture, transportation or use of explosives or highly
19 inflammable substances;

20 Oiling, wiping, or cleaning machinery in motion or assisting
21 therein;

22 Operation or helping in the operation of power-driven
23 woodworking machinery; provided, that apprentices operating
24 under conditions of bona fide apprenticeship may operate such
25 machines under competent instruction and supervision;

26 Grinding, abrasive, polishing or buffing machines; provided, that
27 apprentices operating under conditions of bona fide apprenticeship
28 may grind their own tools;

29 Punch presses or stamping machines if the clearance between the
30 ram and the dye or the stripper exceeds 1/4 inch;

31 Cutting machines having a guillotine action;

32 Corrugating, crimping or embossing machines;

33 Paper lace machines;

34 Dough brakes or mixing machines in bakeries or cracker
35 machinery;

36 Calender rolls or mixing rolls in rubber manufacturing;

37 Centrifugal extractors, or mangles in laundries or dry cleaning
38 establishments;

39 Ore reduction works, smelters, hot rolling mills, furnaces,
40 foundries, forging shops, or any other place in which the heating,
41 melting, or heat treatment of metals is carried on;

42 Mines or quarries;

43 Steam boilers carrying a pressure in excess of 15 pounds;

44 Construction work of any kind, except in the construction of
45 affordable housing as a volunteer for a nonprofit organization as
46 provided in section 1 of P.L.1994, c.82 (C.34:2-21.17d);

47 Fabrication or assembly of ships;

48 Operation or repair of elevators or other hoisting apparatus;

1 The transportation of payrolls other than within the premises of
2 the employer.

3 No minor under 18 years of age shall be employed, permitted, or
4 suffered to work in, about, or in connection with any establishment
5 where alcoholic liquors are distilled, rectified, compounded,
6 brewed, manufactured, bottled, or are sold for consumption on the
7 premises, or in a pool or billiard room; provided, however, this
8 paragraph shall not apply to minors 16 years of age or over,
9 employed as pinsetters, lane attendants, or busboys in public
10 bowling alleys as provided in section 3 of P.L.1940, c.153 (C.34:2-
11 21.3) or to minors employed in theatrical productions where
12 alcoholic beverages are sold on the premises.

13 Minors 14 years of age or over may be employed as golf course
14 caddies and pool attendants.

15 No minor under 18 years of age shall be employed, permitted, or
16 suffered to work in any place of employment, or at any occupation
17 hazardous or injurious to the life, health, safety, or welfare of such
18 minor, as such occupation shall, from time to time, be determined
19 and declared by the Commissioner of Labor to be hazardous or
20 injurious to the life, health, safety, or welfare of such minor, after a
21 public hearing thereon and after such notice as the commissioner
22 may by regulation prescribe.

23 None of the provisions of this section regarding employment in
24 connection with alcoholic liquors shall be construed to prevent the
25 employment of minors 16 years of age or more in a restaurant as
26 defined in section 1 of P.L.1940, c.153 (C.34:2-21.1) and as
27 provided for in section 3 of P.L.1940, c.153 (C.34:2-21.3), in a
28 public bowling alley as provided in this section, or in the executive
29 offices, maintenance departments, or pool or beach areas of a hotel,
30 motel or guesthouse; provided, however, that no minor shall engage
31 in the preparation, sale or serving of alcoholic beverages, nor in the
32 preparation of photographs, nor in any dancing or theatrical
33 exhibition or performance which is not part of a theatrical
34 production where alcoholic beverages are sold on the premises,
35 while so employed; and provided, further, that any minor so
36 employed shall be closely supervised while engaged in the clearing
37 of alcoholic beverages.

38 Nothing in this section shall be deemed to apply to the work
39 done by pupils in public or private schools of New Jersey, under the
40 supervision and instruction of officers or teachers of such
41 organizations or schools, or to a minor who is 17 years of age
42 employed in the type of work in which such minor majored under
43 the conditions of the special vocational school graduate permit
44 provided in section 15 of P.L.1940, c.153 (C.34:2-21.15).

45 Nothing in this section shall be construed to prevent minors **[16]**
46 14 years of age or older who are members of a Junior **[Firemen's]**
47 Firefighter's Auxiliary, created pursuant to N.J.S.40A:14-95, from
48 engaging in any activities authorized by N.J.S.40A:14-98.

1 Notwithstanding any provision of this section to the contrary, a
2 minor who is 15 years of age or older may work as a cashier or
3 bagger on or near a supermarket or retail establishment cash register
4 conveyor belt.

5 (cf: P.L.1994, c.82, s.3)

6
7 6. The Director of the Division of Fire Safety in the
8 Department of Community Affairs shall promulgate regulations
9 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
10 (C.52:14B-1 et seq.) establishing responsibilities for junior
11 firefighters, in addition to the responsibilities established pursuant
12 to N.J.S.40A:14-98, within 180 days following the effective date of
13 this act.

14
15 7. This act shall take effect immediately.

16
17
18 STATEMENT

19
20 This bill grants the Director of the Division of Fire Safety in the
21 Department of Community Affairs the sole authority to promulgate
22 regulations pertaining to the training of Junior Firefighter Auxiliary
23 members and to establish the duties that Junior Firefighter
24 Auxiliary members may perform at training events and emergency
25 scenes. The bill requires the director to promulgate regulations
26 within 180 days of the bill's enactment.

27 Under current law, a person between the ages of 14 and 21 who
28 obtains permission from a parent or guardian may become a
29 member of the Junior Firefighter's Auxiliary. The bill reduces the
30 age limit for membership to persons between the ages of 14 and 18.
31 The bill also requires that permission to participate be granted in a
32 manner required by the Director of the Division of Fire Safety.
33 Junior Firefighter's Auxiliary applicants would be required to
34 submit to a medical examination evaluation.

35 The bill also limits activities of a junior firefighter who is under
36 the age of 16 to attending Junior Firefighter's Auxiliary Meetings;
37 receiving instructions; certain training activities established by
38 regulations adopted by the director; and observing firefighting
39 activities, while under supervision. Under current law, a member of
40 the Junior Firemen's Auxiliary who is under the age of 16 may
41 participate in these activities as well as participate in training that
42 does not involve fire, smoke, toxic or noxious gas, or hazardous
43 materials or substances.

44 Finally, the bill replaces the term "firemen" with the preferred,
45 gender neutral term "firefighter."