

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 238

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED JANUARY 30, 2020

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

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District 36 (Bergen and Passaic)

Co-Sponsored by:

Senators Bateman, Doherty, A.M.Bucco, Greenstein and Oroho

SYNOPSIS

Revises law governing training and duties of Junior Firefighters' Auxiliary members.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Law and Public Safety Committee.



(Sponsorship Updated As Of: 8/27/2020)

1 AN ACT concerning the Junior Firefighters' Auxiliary, amending
2 various parts of the statutory law, and supplementing Title 40A
3 of the New Jersey Statutes.

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

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

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

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

24
25 2. N.J.S.40A:14-96 is amended to read as follows:

26 40A:14-96. **[No]** a. A person **[shall be eligible for membership**
27 **in the Junior Firemen's Auxiliary]** who is not less than 14 or more
28 than **[21]** 18 years of age shall be eligible for membership in the
29 Junior Firefighters' Auxiliary. **[Persons between the ages of 14 and**
30 **21]**

31 b. Prior to being accepted for membership in the Junior
32 Firefighters' Auxiliary, a person eligible pursuant to subsection a.
33 of this section shall **[be required to]:**

34 (1) obtain permission to join the auxiliary from **[their]** the
35 person's parents or guardian. **[Such permission]** Permission shall
36 be **[in writing and acknowledged or proved]** granted in **[the**
37 **manner required by law for deeds to real estate to be recorded]**
38 writing on a form prescribed by the Commissioner of Community
39 Affairs;

40 (2) complete an application and be interviewed by officers of the
41 fire department or company with a parent or guardian present; and

42 (3) submit documentation from a qualified physician verifying
43 that the person is medically able to perform the activities of the
44 auxiliary as established by the governing body of the municipality,

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 board of commissioners of the fire district, regional authority, or
2 county board of chosen freeholders pursuant to N.J.S.40A:14-98.

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

4
5 3. N.J.S.40A:14-97 is amended to read as follows:

6 40A:14-97. A municipality, fire district **【may】** , regional
7 authority, or county shall provide members of a Junior **【Firemen's】**
8 Firefighters' Auxiliary established as an auxiliary to a volunteer fire
9 department or to an incorporated volunteer fire company **【within**
10 **the fire district with the same coverage as provided for the regular**
11 **volunteer firemen of the fire district under N.J.S. 40A:14-37 and**
12 **40A:14-38】** with a minimum amount of workers' compensation
13 insurance.

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

15
16 4. N.J.S.40A:14-98 is amended to read as follows:

17 40A:14-98. a. (1) The Commissioner of Community Affairs
18 shall adopt rules to govern the training of Junior Firefighters'
19 Auxiliary members and to establish the duties that auxiliary
20 members may perform at training events and emergency incidents.
21 The rules shall allow auxiliary members, who are 16 years of age or
22 older, to fully participate in recruit firefighter training established
23 by regulations adopted by the commissioner.

24 (2) The governing body of the municipality **【or the】**, board of
25 commissioners of the fire district **【shall】** , regional authority, or
26 county board of chosen freeholders, before authorizing the
27 establishment of any Junior **【Firemen's】** Firefighters' Auxiliary,
28 shall formulate rules and regulations to govern the activities of the
29 auxiliary in accordance with regulations adopted by the
30 commissioner pursuant to paragraph (1) of this subsection. The
31 rules and regulations shall provide for the training of the auxiliary
32 for eventual membership in the **【volunteer】** fire department of the
33 municipality **【or】** , fire district , regional authority, or county or in
34 any **【such volunteer】** fire company **【or companies】** affording fire
35 protection therein**【and shall further provide that no junior fireman**
36 **shall be required to perform duties which would expose him to the**
37 **same degree of hazard as a regular member of a volunteer fire**
38 **company】.**

39 b. If the governing body **【or】**, board of commissioners,
40 regional authority, or county board of chosen freeholders, as the
41 case may be, **【so provide】** provides in the rules and regulations
42 governing the auxiliary **【,】** that a junior **【fireman】** firefighter 16
43 years of age or older may perform **【non-hazardous support duties at**
44 **a fire site; provided:】** the duties established by the commissioner
45 pursuant to paragraph (1) of subsection a. of this section at training

1 events and emergency incidents, the junior firefighter may perform
2 these duties only if:

3 (1) the junior **【fireman】** firefighter has been appropriately and
4 adequately trained to perform the **【support】** duties;

5 (2) the junior **【fireman】** firefighter is appropriately and
6 adequately supervised in performing those **【support】** duties at the
7 **【fire site】** training event or emergency incident;

8 (3) the junior **【fireman's parent】** firefighter's parents or guardian
9 has provided written permission allowing the junior **【fireman】**
10 firefighter to perform those **【support】** duties; and

11 (4) the governing body **【or】** , board of commissioners, regional
12 authority, or county board of chosen freeholders, as the case may
13 be, provides insurance coverage for the junior **【fireman】** firefighter
14 that is identical to that provided for the regular members of the
15 **【volunteer】** fire department or fire district.

16 c. Activities of junior **【firemen】** firefighter auxiliary members
17 under 16 years of age shall be limited to:

18 (1) attending meetings of the Junior **【Firemen's】** Firefighters'
19 Auxiliary;

20 (2) receiving instruction;

21 (3) participating in training as established by regulations adopted
22 by the commissioner that does not involve fire, smoke, toxic or
23 noxious gas, or hazardous materials or substances; and

24 (4) observing firefighting activities, while under supervision.

25 (cf: P.L.2011, c.56, s.1)

26

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

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

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

34 The manufacture or packing of paints, colors, white lead, or red
35 lead;

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

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

40 The manufacture, transportation or use of explosives or highly
41 inflammable substances;

42 Oiling, wiping, or cleaning machinery in motion or assisting
43 therein;

44 Operation or helping in the operation of power-driven
45 woodworking machinery; provided, that apprentices operating
46 under conditions of bona fide apprenticeship may operate such
47 machines under competent instruction and supervision;

- 1 Grinding, abrasive, polishing or buffing machines; provided, that
- 2 apprentices operating under conditions of bona fide apprenticeship
- 3 may grind their own tools;
- 4 Punch presses or stamping machines if the clearance between the
- 5 ram and the dye or the stripper exceeds 1/4 inch;
- 6 Cutting machines having a guillotine action;
- 7 Corrugating, crimping or embossing machines;
- 8 Paper lace machines;
- 9 Dough brakes or mixing machines in bakeries or cracker
- 10 machinery;
- 11 Calender rolls or mixing rolls in rubber manufacturing;
- 12 Centrifugal extractors, or mangles in laundries or dry cleaning
- 13 establishments;
- 14 Ore reduction works, smelters, hot rolling mills, furnaces,
- 15 foundries, forging shops, or any other place in which the heating,
- 16 melting, or heat treatment of metals is carried on;
- 17 Mines or quarries;
- 18 Steam boilers carrying a pressure in excess of 15 pounds;
- 19 Construction work of any kind, except in the construction of
- 20 affordable housing as a volunteer for a nonprofit organization as
- 21 provided in section 1 of P.L.1994, c.82 (C.34:2-21.17d);
- 22 Fabrication or assembly of ships;
- 23 Operation or repair of elevators or other hoisting apparatus;
- 24 The transportation of payrolls other than within the premises of
- 25 the employer.
- 26 No minor under 18 years of age shall be employed, permitted, or
- 27 suffered to work in, about, or in connection with any establishment
- 28 where alcoholic liquors are distilled, rectified, compounded,
- 29 brewed, manufactured, bottled, or are sold for consumption on the
- 30 premises, or in a pool or billiard room; provided, however, this
- 31 paragraph shall not apply to minors 16 years of age or over,
- 32 employed as pinsetters, lane attendants, or busboys in public
- 33 bowling alleys as provided in section 3 of P.L.1940, c.153 (C.34:2-
- 34 21.3) or to minors employed in theatrical productions where
- 35 alcoholic beverages are sold on the premises.
- 36 Minors 14 years of age or over may be employed as golf course
- 37 caddies and pool attendants.
- 38 No minor under 18 years of age shall be employed, permitted, or
- 39 suffered to work in any place of employment, or at any occupation
- 40 hazardous or injurious to the life, health, safety, or welfare of such
- 41 minor, as such occupation shall, from time to time, be determined
- 42 and declared by the Commissioner of Labor to be hazardous or
- 43 injurious to the life, health, safety, or welfare of such minor, after a
- 44 public hearing thereon and after such notice as the commissioner
- 45 may by regulation prescribe.
- 46 None of the provisions of this section regarding employment in
- 47 connection with alcoholic liquors shall be construed to prevent the
- 48 employment of minors 16 years of age or more in a restaurant as

1 defined in section 1 of P.L.1940, c.153 (C.34:2-21.1) and as
2 provided for in section 3 of P.L.1940, c.153 (C.34:2-21.3), in a
3 public bowling alley as provided in this section, or in the executive
4 offices, maintenance departments, or pool or beach areas of a hotel,
5 motel or guesthouse; provided, however, that no minor shall engage
6 in the preparation, sale or serving of alcoholic beverages, nor in the
7 preparation of photographs, nor in any dancing or theatrical
8 exhibition or performance which is not part of a theatrical
9 production where alcoholic beverages are sold on the premises,
10 while so employed; and provided, further, that any minor so
11 employed shall be closely supervised while engaged in the clearing
12 of alcoholic beverages.

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

20 Nothing in this section shall be construed to prevent minors **[16]**
21 14 years of age or older who are members of a Junior **[Firemen's]**
22 Firefighters' Auxiliary, created pursuant to N.J.S.40A:14-95, from
23 engaging in any activities authorized by N.J.S.40A:14-98.

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

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

29

30 6. (New section) Notwithstanding the provisions of the
31 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
32 seq.), to the contrary, the Commissioner of Community Affairs
33 shall adopt immediately upon filing with the Office of
34 Administrative Law, regulations that the commissioner deems
35 necessary to implement the provisions of P.L. , c. (C.)
36 (pending before the Legislature as this bill), which regulations shall
37 be effective for a period not to exceed 180 days from the date of the
38 filing. The commissioner shall thereafter amend, adopt, or readopt
39 the regulations in accordance with P.L.1968, c.410 (C.52:14B-1 et
40 seq.).

41

42 7. This act shall take effect immediately.