

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 238**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

ADOPTED JANUARY 30, 2020

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**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Assembly Homeland Security and State Preparedness Committee on October 19, 2020, with amendments.

(Sponsorship Updated As Of: 10/29/2020)

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  
41 the fire department or company with a parent or guardian present;  
42 and

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:

<sup>1</sup>Assembly AHS committee amendments adopted October 19, 2020.

1       (3) submit documentation from a qualified physician verifying  
2 that the person is medically able to perform the activities of the  
3 auxiliary as established by the governing body of the municipality,  
4 board of commissioners of the fire district, regional authority, or  
5 county board of chosen freeholders pursuant to N.J.S.40A:14-98.  
6 (cf: P.L.1999, c.318, s.1)

7  
8       3. N.J.S.40A:14-97 is amended to read as follows:

9       40A:14-97. A municipality, fire district **【may】** , regional  
10 authority, or county shall provide members of a Junior **【Firemen's】**  
11 Firefighters' Auxiliary established as an auxiliary to a volunteer fire  
12 department or to an incorporated volunteer fire company **【within**  
13 the fire district with the same coverage as provided for the regular  
14 volunteer firemen of the fire district under N.J.S. 40A:14-37 and  
15 40A:14-38】 with a minimum amount of workers' compensation  
16 insurance.  
17 (cf: P.L.1979, c.230, s.4)

18  
19       4. N.J.S.40A:14-98 is amended to read as follows:

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

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

42       b. If the governing body **【or】**, board of commissioners,  
43 regional authority, or county board of chosen freeholders, as the  
44 case may be, **【so provide】** provides in the rules and regulations  
45 governing the auxiliary **【,】** that a junior **【fireman】** firefighter 16  
46 years of age or older may perform **【non-hazardous support duties at**

1 a fire site; provided: **】** the duties established by the commissioner  
2 pursuant to paragraph (1) of subsection a. of this section at training  
3 events and emergency incidents, the junior firefighter may perform  
4 these duties only if:

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

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

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

13 (4) the governing body **【or】** , board of commissioners, regional  
14 authority, or county board of chosen freeholders, as the case may  
15 be, provides <sup>1</sup>a minimum amount of workers' compensation<sup>1</sup>  
16 insurance <sup>1</sup>**【coverage】**<sup>1</sup> for the junior **【fireman】** firefighter <sup>1</sup>**【that is**  
17 identical to that provided for the regular members of the  
18 **【volunteer】** fire department or fire district】<sup>1</sup>.

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

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

23 (2) receiving instruction;

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

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

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

29

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

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

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

37 The manufacture or packing of paints, colors, white lead, or red  
38 lead;

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

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

43 The manufacture, transportation or use of explosives or highly  
44 inflammable substances;

45 Oiling, wiping, or cleaning machinery in motion or assisting  
46 therein;

1       Operation or helping in the operation of power-driven  
2       woodworking machinery; provided, that apprentices operating  
3       under conditions of bona fide apprenticeship may operate such  
4       machines under competent instruction and supervision;  
5       Grinding, abrasive, polishing or buffing machines; provided, that  
6       apprentices operating under conditions of bona fide apprenticeship  
7       may grind their own tools;  
8       Punch presses or stamping machines if the clearance between the  
9       ram and the dye or the stripper exceeds 1/4 inch;  
10       Cutting machines having a guillotine action;  
11       Corrugating, crimping or embossing machines;  
12       Paper lace machines;  
13       Dough brakes or mixing machines in bakeries or cracker  
14       machinery;  
15       Calender rolls or mixing rolls in rubber manufacturing;  
16       Centrifugal extractors, or mangles in laundries or dry cleaning  
17       establishments;  
18       Ore reduction works, smelters, hot rolling mills, furnaces,  
19       foundries, forging shops, or any other place in which the heating,  
20       melting, or heat treatment of metals is carried on;  
21       Mines or quarries;  
22       Steam boilers carrying a pressure in excess of 15 pounds;  
23       Construction work of any kind, except in the construction of  
24       affordable housing as a volunteer for a nonprofit organization as  
25       provided in section 1 of P.L.1994, c.82 (C.34:2-21.17d);  
26       Fabrication or assembly of ships;  
27       Operation or repair of elevators or other hoisting apparatus;  
28       The transportation of payrolls other than within the premises of  
29       the employer.  
30       No minor under 18 years of age shall be employed, permitted, or  
31       suffered to work in, about, or in connection with any establishment  
32       where alcoholic liquors are distilled, rectified, compounded,  
33       brewed, manufactured, bottled, or are sold for consumption on the  
34       premises, or in a pool or billiard room; provided, however, this  
35       paragraph shall not apply to minors 16 years of age or over,  
36       employed as pinsetters, lane attendants, or busboys in public  
37       bowling alleys as provided in section 3 of P.L.1940, c.153 (C.34:2-  
38       21.3) or to minors employed in theatrical productions where  
39       alcoholic beverages are sold on the premises.  
40       Minors 14 years of age or over may be employed as golf course  
41       caddies and pool attendants.  
42       No minor under 18 years of age shall be employed, permitted, or  
43       suffered to work in any place of employment, or at any occupation  
44       hazardous or injurious to the life, health, safety, or welfare of such  
45       minor, as such occupation shall, from time to time, be determined  
46       and declared by the Commissioner of Labor to be hazardous or  
47       injurious to the life, health, safety, or welfare of such minor, after a

1 public hearing thereon and after such notice as the commissioner  
2 may by regulation prescribe.

3 None of the provisions of this section regarding employment in  
4 connection with alcoholic liquors shall be construed to prevent the  
5 employment of minors 16 years of age or more in a restaurant as  
6 defined in section 1 of P.L.1940, c.153 (C.34:2-21.1) and as  
7 provided for in section 3 of P.L.1940, c.153 (C.34:2-21.3), in a  
8 public bowling alley as provided in this section, or in the executive  
9 offices, maintenance departments, or pool or beach areas of a hotel,  
10 motel or guesthouse; provided, however, that no minor shall engage  
11 in the preparation, sale or serving of alcoholic beverages, nor in the  
12 preparation of photographs, nor in any dancing or theatrical  
13 exhibition or performance which is not part of a theatrical  
14 production where alcoholic beverages are sold on the premises,  
15 while so employed; and provided, further, that any minor so  
16 employed shall be closely supervised while engaged in the clearing  
17 of alcoholic beverages.

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

25 Nothing in this section shall be construed to prevent minors **[16]**  
26 14 years of age or older who are members of a Junior **[Firemen's]**  
27 Firefighters' Auxiliary, created pursuant to N.J.S.40A:14-95, from  
28 engaging in any activities authorized by N.J.S.40A:14-98.

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

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

34

35 6. (New section) Notwithstanding the provisions of the  
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
37 1 et seq.), to the contrary, the Commissioner of Community Affairs  
38 shall adopt immediately upon filing with the Office of  
39 Administrative Law, regulations that the commissioner deems  
40 necessary to implement the provisions of P.L. , c. (C. )  
41 (pending before the Legislature as this bill), which regulations shall  
42 be effective for a period not to exceed 180 days from the date of the  
43 filing. The commissioner shall thereafter amend, adopt, or readopt  
44 the regulations in accordance with P.L.1968, c.410 (C.52:14B-  
45 1 et seq.).

46

47 7. This act shall take effect immediately.