

Proposed Statewide Alarm Licensure Legislation

Crossed out words are deletions; Capitalized words in bold are proposed additions

NOTE: A.R.S. § 41-619.51, “Definitions”, below, defines those persons who must be fingerprinted by the Department of Public Safety and receive a “Fingerprint Clearance Card”.

A.R.S. § 41-619.51. Definitions

In this article, unless the context otherwise requires:

1. “Agency” means the supreme court, the department of economic security, the department of education, the department of health services, ~~or~~ the department of juvenile corrections OR THE DEPARTMENT OF FIRE, BUILDING & LIFE SAFETY.
2. “Board” means the board of fingerprinting
3. “Expedited review” means an examination, in accordance with board rule, of the documents an applicant submits by the board or its hearing officer without the applicant being present.
4. “Facility” or “program” means state facilities or programs that provide direct services to adults with developmental disabilities or to juveniles.
5. “Good cause exception” means the issuance of a fingerprint clearance card to an employee pursuant to section 41-619.55.
6. “Person” means a person who is required to be fingerprinted pursuant to any of the following:
 - a. Section 8-105.
 - b. Section 8-322.
 - c. Section 8-509.
 - d. Section 8-802.
 - e. Section 15-183.
 - f. Section 15-534.
 - g. Section 15-1330.
 - h. Section 36-411.
 - i. Section 36-425.03.
 - j. Section 36-594.01.
 - k. Section 36-594.02.
 - l. Section 36-882.
 - m. Section 36-883.02.
 - n. Section 36-897.01
 - o. Section 36-897.03.
 - p. Section 36-3008.
 - q. Section 41-1964.
 - r. Section 41-1967.01.
 - s. Section 41-1968.
 - t. Section 41-2814.
 - u. Section 46-141, subsection A.
 - v. Section 46-321.

W. SECTION _____. (INSERT SECTION NUMBER(S) FROM BELOW AS SOON AS THEY ARE ASSIGNED)

SECTION 41-1758.01. Fingerprinting division; duties

The fingerprinting division is established in the department of public safety and shall:

1. Conduct fingerprint background checks for persons and applicants who are seeking employment with licenses, contract providers and state agencies that require fingerprint background checks pursuant to section 8-105, 8-322, 8-509, 8-802, 15-183, 15-534, 15-1330, 36-411, 36-425.03, 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-892.03, 36-3008, 41-1964, 41-1967.01, 41-1968, 41-1969 **and**, 41-2814, _____, _____ **(2 SECTIONS BELOW ON ALARM BUSINESSES AND ALARM AGENTS)**, section 46-141, subsection A and section 46-321.
2. Issue fingerprint clearance cards. On issuance, a fingerprint clearance card becomes the personal property of the cardholder and the cardholder shall retain possession of the fingerprint clearance card.
3. On submission of an application for a fingerprint clearance card, collect the fees established by the board of fingerprinting pursuant to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the monies collected in the board of fingerprinting fund.
4. Inform in writing each person who submits fingerprints for a fingerprint background check of the person's right to petition the board of fingerprinting for a good cause exception pursuant to section 41-1758.03.
5. Administer and enforce this article.

BELOW ARE PROPOSED NEW SECTIONS OF LAW – TO BE PLACED IN THE CHAPTER OF LAW REGARDING THE DEPARTMENT OF FIRE, BUILDING & LIFE SAFETY.

SECTION _____: SHORT TITLE

THIS CHAPTER SHALL BE KNOWN AS THE ALARM CONSUMER PROTECTION ACT.

SECTION _____: DEFINITIONS

1. **“ALARM” OR “ALARM SYSTEM” MEANS ANY MECHANICAL AND/OR ELECTRICAL DEVICE THAT IS USED TO DETECT SMOKE, FIRE, HAZARDOUS MATERIALS AND/OR AN UNAUTHORIZED ENTRY INTO A BUILDING OR OTHER FACILITY, AND/OR TO ALERT OTHER PERSONS OF THE OCCURRENCE OF A FIRE OR A MEDICAL EMERGENCY OR THE COMMISSION OF AN UNLAWFUL ACT AGAINST A PERSON OR WITHIN A BUILDING OR OTHER FACILITY, AND THAT MAY BE DESIGNED TO EMIT AN AUDIBLE ALARM OR TRANSMIT A SIGNAL OR MESSAGE WHEN ACTIVATED. ALARM OR ALARM SYSTEM INCLUDES, BUT IS NOT LIMITED TO, SILENT, PANIC, HOLDUP, ROBBERY, DURESS, BURGLARY, CHECK WELFARE, AND PROPRIETOR ALARMS. ALARM OR ALARM SYSTEM SHALL NOT INCLUDE TELEPHONE CALL DIVERTERS AND SYSTEMS THAT ARE DESIGNED TO REPORT ENVIRONMENTAL AND OTHER OCCURRENCES AND THAT ARE NOT DESIGNED OR USED TO ALERT, OR CAUSE OTHER PERSONS TO ALERT, PUBLIC SAFETY PERSONNEL.**
2. **“ALARM AGENT” MEANS ANY PERSON, WHETHER AN EMPLOYEE, INDEPENDENT CONTRACTOR OR OTHERWISE, WHO ACTS ON BEHALF OF AN ALARM BUSINESS AND TESTS, MAINTAINS, SERVICES, REPAIRS, OR INSTALLS ALARM SYSTEMS, OTHER THAN ALARM SYSTEMS LOCATED ON THE PERSON’S OWN PROPERTY OR THE PROPERTY OF THE PERSON’S EMPLOYER.**
3. **“ALARM BUSINESS” MEANS ANY PERSON THAT, EITHER BY ITSELF OR THROUGH A THIRD PARTY, ENGAGES IN THE BUSINESS OF PROVIDING ALARM MONITORING SERVICES OR THE BUSINESS OF SELLING, LEASING, RENTING, MAINTAINING,**

REPAIRING OR INSTALLING NON-PROPRIETARY ALARM SYSTEMS, DEVICES OR SERVICES.

4. "ALARM SALES AGENT" MEANS ANY PERSON, WHETHER AN EMPLOYEE, INDEPENDENT CONTRACTOR OR OTHERWISE, WHO ACTS ON BEHALF OF AN ALARM BUSINESS AND SELLS, RENTS OR LEASES ALARM SYSTEMS, OTHER THAN PROPRIETARY ALARM SYSTEMS.
5. "ALARM SUBSCRIBER" MEANS ANY PERSON WHO LEASES, RENTS OR PURCHASES ANY MONITORED ALARM SYSTEM, DEVICE OR SERVICE FROM AN ALARM BUSINESS OR WHO LEASES OR RENTS AN ALARM SYSTEM OR DEVICE, OR WHO CONTRACTS WITH AN ALARM BUSINESS FOR ALARM MONITORING, INSTALLATION, REPAIR OR MAINTENANCE SERVICES.
6. "CONTROLLING PERSON" MEANS ALL CURRENT OFFICERS, MANAGERS AND DIRECTORS, AND ANY PERSON WHO IS A STOCKHOLDER, MEMBER, GENERAL OR LIMITED PARTNER OR OWNER, OR WHO HOLDS MORE THAN TEN PERCENT OF THE OWNERSHIP, MANAGEMENT RIGHTS, CONTROL OR CLAIM TO THE PROFITS OF THE BUSINESS. CONTROLLING PERSON DOES NOT INCLUDE CURRENT OFFICERS, DIRECTORS OR SHAREHOLDERS OF STOCK IN ANY CORPORATION THAT IS TRADED ON A NATIONAL STOCK EXCHANGE.
7. "DEPARTMENT" MEANS THE DEPARTMENT OF FIRE, BUILDING & LIFE SAFETY.
8. "FINGERPRINT CLEARANCE CARD" MEANS A CARD ISSUED BY THE BOARD OF FINGERPRINTING PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.
9. "LICENSING AUTHORITY" MEANS THE DEPARTMENT OF FIRE, BUILDING & LIFE SAFETY.
10. "MONITORED ALARM" MEANS A DEVICE DESIGNED FOR THE DETECTION OF AN UNAUTHORIZED ENTRY IN PREMISES AND WHICH WHEN ACTIVATED GENERATES A NOTIFICATION SIGNAL.
11. "PERSON" MEANS A COMPANY, PARTNERSHIP OR FIRM AS WELL AS A NATURAL PERSON.
12. "PROPRIETOR ALARM" MEANS ANY ALARM OR ALARM SYSTEM WHICH IS OWNED BY THE ALARM SUBSCRIBER AND WHICH IS NOT A MONITORED ALARM.
13. "TRAINING" MEANS COMPLETION OF AT LEAST 8 HOURS OF EDUCATION OFFERED BY A NON-PROFIT ORGANIZATION WHICH HAS THE ALARM INDUSTRY AS ITS MAJOR INTEREST.

SECTION _____: EXEMPTIONS

THIS LAW DOES NOT APPLY TO:

1. PERSONS OR COMPANIES WHO PURCHASE, RENT OR USE OR PERSONS WHO OWN OR CONDUCT THE BUSINESS OF SELLING, LEASING, RENTING, INSTALLING, MAINTAINING OR MONITORING ALARMS AFFIXED TO MOTOR VEHICLES AND FIRE ALARMS.
2. A PERSON WHO INSTALLS A NON-MONITORED PROPRIETOR ALARM FOR A BUSINESS WHICH HE OR SHE OWNS, MANAGES OR IS EMPLOYED BY.

SECTION _____: POWERS OF STATE AND LOCAL AUTHORITIES

A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE LEGISLATURE DETERMINES THAT THE LICENSURE OF ALARM COMPANIES, ALARM AGENTS AND ALARM SALES AGENTS IS OF STATEWIDE CONCERN. THEREFORE, THE POWER TO LICENSE AN ALARM COMPANY OR ALARM AGENT IS PREEMPTED BY THE STATE.

- B. LOCAL JURISDICTIONS HAVE THE POWER TO ISSUE A CITATION AND/OR CEASE AND DESIST ORDER TO ANY PERSON VIOLATING THIS LAW OR A JURISDICTION'S ORDINANCE PERTAINING TO ALARMS, AND TO REPORT SUCH VIOLATIONS TO THE DEPARTMENT FOR FURTHER ACTION.**
- C. COUNTIES, CITIES, INCLUDING CHARTER CITIES, AND TOWNS DO HAVE THE POWER AND ARE ENCOURAGED TO ENACT ORDINANCES TO REDUCE THE NUMBER OF FALSE ALARMS INCLUDING BUT NOT LIMITED TO PENALTIES FOR FALSE ALARMS, NOT OBTAINING ALARM SUBSCRIBER PERMITS AND ALARM SUBSCRIBER EDUCATIONAL CLASSES AND REQUIREMENTS.**

SECTION _____ : ALARM BUSINESS LICENSE; REQUIREMENTS

- A. IT SHALL BE ILLEGAL FOR ANY PERSON TO OPERATE AN ALARM BUSINESS WITHOUT HAVING AN ALARM BUSINESS LICENSE THROUGH THE DEPARTMENT. A SEPARATE LICENSE IS REQUIRED FOR EACH BUSINESS NAME UNDER WHICH AN ALARM BUSINESS CONDUCTS BUSINESS OR ADVERTISES. VIOLATION OF THIS SUBSECTION IS A CLASS 1 MISDEMEANOR AND THE CONTROLLING PERSON OR PERSONS WILL NOT BE ELIGIBLE TO RECEIVE AN ALARM BUSINESS LICENSE FOR THE PERIOD OF ONE YEAR FOLLOWING THE VIOLATION.**
- B. EVERY CONTROLLING PERSON OF THE ALARM BUSINESS SHALL HAVE A VALID FINGERPRINT CLEARANCE CARD.**
- C. ALARM BUSINESS LICENSE APPLICATIONS SHALL BE SUBMITTED TO THE DEPARTMENT.**
- D. THE DEPARTMENT HAS THE AUTHORITY TO ISSUE, DENY, SUSPEND OR REVOKE AN ALARM BUSINESS LICENSE.**
- E. ALL LICENSES ISSUED PURSUANT TO THIS ARTICLE SHALL BE VALID FOR A PERIOD OF TWO YEARS FROM THE DATE OF ISSUE.**
- F. ALL APPLICATIONS FOR ALARM BUSINESS LICENSE MADE PURSUANT TO THIS ARTICLE SHALL INCLUDE THE FOLLOWING:**
 - 1. THE NAME, BUSINESS ADDRESS, MAILING ADDRESS AND TELEPHONE NUMBER OF THE ALARM BUSINESS. IF THE APPLICANT IS A CORPORATION, GENERAL OR LIMITED PARTNERSHIP, LIMITED LIABILITY COMPANY, OR OTHER LEGAL ENTITY, THE NAME OF THE APPLICANT SHALL BE SET FORTH EXACTLY AS SHOWN IN ITS ARTICLES OF INCORPORATION, CHARTER, CERTIFICATE OF LIMITED PARTNERSHIP, ARTICLES OF ORGANIZATION OR OTHER ORGANIZATIONAL DOCUMENTS, AS APPLICABLE, TOGETHER WITH THE STATE AND DATE OF INCORPORATION AND THE NAMES, RESIDENCE ADDRESSES AND DATES OF BIRTH OF EACH CONTROLLING PERSON. IF ONE OR MORE OF THE PARTNERS, MEMBERS OR SHAREHOLDERS OF THE APPLICANT IS A CORPORATION OR OTHER LEGAL ENTITY, THE PROVISIONS OF THIS SUBSECTION RELATING TO INFORMATION REQUIRED OF A CORPORATION SHALL APPLY.**
 - 2. IN THE EVENT THAT THE APPLICANT IS A CORPORATION, GENERAL OR LIMITED PARTNERSHIP, LIMITED LIABILITY COMPANY OR OTHER LEGAL ENTITY, THE APPLICANT SHALL DESIGNATE ONE OF ITS OFFICERS, GENERAL PARTNERS, OR MEMBERS TO ACT AS ITS RESPONSIBLE CONTROLLING AGENT. SUCH DESIGNATED PERSON SHALL COMPLETE AND SIGN ALL APPLICATION FORMS REQUIRED OF AN INDIVIDUAL APPLICANT UNDER THIS ARTICLE. THE APPLICANT SHALL PROVIDE A COPY OF THEIR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY FORMATION DOCUMENTS.**

3. THE NAME OF THE APPLICANT AND EACH CONTROLLING PERSON, ANY ALIAS OR OTHER NAME USED OR BY WHICH THE APPLICANT OR ANY CONTROLLING PERSON HAS BEEN PREVIOUSLY KNOWN, HIS OR HER CURRENT RESIDENCE AND BUSINESS ADDRESSES, TELEPHONE NUMBERS, INCLUDING FACSIMILE NUMBERS AND E-MAIL ADDRESSES, IF APPLICABLE.
4. THE NAMES AND ADDRESSES OF THE ALARM AGENTS AND ALARM SALES AGENTS EMPLOYED BY THE ALARM BUSINESS, ALONG WITH COPIES OF EACH ALARM AGENTS' FINGERPRINT CLEARANCE CARD.
5. PROOF THAT THE APPLICANT AND EACH CONTROLLING PERSON IS AT LEAST EIGHTEEN YEARS OF AGE, AS INDICATED ON A CURRENT DRIVER'S LICENSE WITH PICTURE, OR OTHER PICTURE IDENTIFICATION DOCUMENT ISSUED BY A GOVERNMENTAL AGENCY.
6. HEIGHT, WEIGHT, COLOR OF EYES AND HAIR AND DATE OF BIRTH OF THE APPLICANT AND EACH CONTROLLING PERSON.
7. TWO CURRENT 2" BY 2" PHOTOGRAPHS OF THE APPLICANT AND EACH CONTROLLING PERSON.
8. INFORMATION AS TO WHETHER THE APPLICANT OR ANY CONTROLLING PERSON, OR THE BUSINESS ON BEHALF OF WHICH THE LICENSE IS BEING APPLIED FOR, HAS EVER BEEN REFUSED OR DENIED ANY SIMILAR LICENSE OR PERMIT, OR HAS HAD ANY SIMILAR PERMIT OR LICENSE REVOKED, CANCELED OR SUSPENDED, AND THE REASON OR REASONS FOR THE REVOCATION, CANCELLATION OR SUSPENSION.
9. PROOF THAT EACH APPLICANT AND CONTROLLING PERSON HAS A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1. THE PERSON SHALL CERTIFY ON FORMS THAT ARE PROVIDED BY THE DEPARTMENT WHETHER THE PERSON IS AWAITING TRIAL ON OR HAS EVER BEEN CONVICTED OF ANY OF THE CRIMINAL OFFENSES LISTED IN SECTION 41-1758.03, SUBSECTIONS B AND C IN THIS STATE OR SIMILAR OFFENSES IN ANOTHER STATE OR JURISDICTION.
10. FOR ALL ALARM BUSINESSES WHICH INSTALL AND/OR SERVICE ALARMS, COPIES OF THE STATE OF ARIZONA REGISTRAR OF CONTRACTOR'S LICENSE ISSUED TO THE ALARM BUSINESS APPLICANT.
11. A COPY OF THE STATE OF ARIZONA TRANSACTION PRIVILEGE TAX LICENSE.
12. AN EXPRESS AGREEMENT BY THE ALARM BUSINESS THAT ANY AND ALL RECORDS OF THE ALARM BUSINESS, WHETHER WRITTEN OR RECORDED, ELECTRONICALLY OR OTHERWISE, OR IN ANY OTHER FORM, RELATING TO INFORMATION REQUIRED TO BE SUPPLIED TO THE DEPARTMENT OR A LOCAL LAW ENFORCEMENT JURISDICTION IN CASE OF AN ALARM, SHALL BE IMMEDIATELY MADE AVAILABLE AT ANY TIME UPON REQUEST FOR INSPECTION BY THE DEPARTMENT OR LOCAL LAW ENFORCEMENT JURISDICTION AS APPLICABLE.
13. COPIES OF THE ALARM BUSINESS GENERAL LIABILITY, AND ERRORS AND OMISSIONS INSURANCE COVERAGE IN AN AMOUNT NOT LESS THAN \$1,000,000 PER OCCURRENCE. THE DEPARTMENT MUST BE NOTIFIED OF CANCELLATION OF EITHER INSURANCE. CANCELLATION OF EITHER INSURANCE WITHOUT IMMEDIATE REPLACEMENT MAY RESULT IN LOSS OF LICENSE.
14. SUCH OTHER INFORMATION, EVIDENCE, STATEMENTS OR DOCUMENTS AS MAY BE DEEMED BY THE DEPARTMENT TO BE REASONABLY NECESSARY TO PROCESS AND EVALUATE THE APPLICATION OR RENEWAL.

- G. APPLICANTS FOR ALARM BUSINESS LICENSES, OR APPLICANTS FOR RENEWAL OF ANY LICENSES, SHALL NOTIFY THE DEPARTMENT, IN WRITING, OF ANY CHANGE IN THE INFORMATION CONTAINED IN THE LICENSE APPLICATION OR RENEWAL APPLICATION. NOTIFICATION SHALL BE GIVEN TO THE DEPARTMENT WITHIN FIFTEEN CALENDAR DAYS OF THE OCCURRENCE OF THE CHANGE.**
- H. APPLICATIONS FOR LICENSE RENEWAL SHALL BE FILED WITH THE DEPARTMENT NOT MORE THAN ONE-HUNDRED, TWENTY DAYS AND NOT LATER THAN SIXTY DAYS PRIOR TO THE EXPIRATION OF THE LICENSE CURRENTLY IN EFFECT. APPLICATIONS FOR LICENSE RENEWAL MAY NOT BE ACCEPTED AFTER NINETY DAYS PRIOR TO THE EXPIRATION DATE OF THE LICENSE. IN THE EVENT THAT A LICENSE EXPIRES WITHOUT THE LICENSEE HAVING SUBMITTED A TIMELY APPLICATION FOR RENEWAL, THE HOLDER OF THE EXPIRED LICENSE MUST FILE A NEW APPLICATION FOR AN INITIAL LICENSE.**

SECTION _____ : ALARM BUSINESS OBLIGATIONS

THE OBLIGATIONS OF AN ALARM BUSINESS SHALL BE AS FOLLOWS:

- A. TO ENSURE THAT EACH CONTROLLING PERSON OF THE BUSINESS AND EACH ALARM AGENT OR ALARM SALES AGENT WHO IS AN EMPLOYEE OR UNDER CONTRACT WITH THE ALARM BUSINESS HAS A VALID FINGERPRINT CLEARANCE CARD AT ALL TIMES.**
- B. TO ENSURE THAT EACH ALARM AGENT AND ALARM SALES AGENT WHO IS AN EMPLOYEE OR UNDER CONTRACT WITH THE ALARM BUSINESS HAS A VALID LICENSE AND, IF APPROPRIATE, THE REQUIRED EDUCATION.**
- C. TO INSTALL AN ALARM SYSTEM COMPATIBLE WITH THE ENVIRONMENT, TO TAKE REASONABLE MEASURES TO PREVENT THE OCCURRENCE OF FALSE ALARMS, AND, IF IT HAS AGREED TO PROVIDE MAINTENANCE OR REPAIR SERVICE TO THE SYSTEM, TO SERVICE THE SYSTEM WITHIN SEVENTY-TWO (72) HOURS OF A REQUEST FOR SERVICE. THE ALARM BUSINESS SHALL NOT INSTALL A SINGLE ACTION NON-RECESSED BUTTON AS A DEVICE TO ACTIVATE A HOLDUP OR PANIC ALARM.**
- D. TO PROVIDE WRITTEN AND ORAL INSTRUCTIONS TO EACH OF ITS ALARM SUBSCRIBERS AND THE PRINCIPAL OCCUPANTS OF THE BUILDINGS OR PREMISES PROTECTED BY AN ALARM SYSTEM IN THE PROPER USE AND OPERATION OF THE SYSTEM. SUCH INSTRUCTION WILL SPECIFICALLY INCLUDE ALL INSTRUCTIONS TO TURN THE ALARM SYSTEM ON AND OFF AND TO AVOID FALSE ALARMS.**
- E. IF THE ALARM BUSINESS IS RESPONSIBLE FOR MONITORING THE ALARM, TO PROVIDE THE ALARM SUBSCRIBER WITH A TAG IDENTIFYING THE PERTINENT ALARM BUSINESS, INCLUDING THE TELEPHONE NUMBER TO CALL WHEN THE ALARM HAS BEEN ACTIVATED.**
- F. TO INSTALL AN ALARM SYSTEM WHICH WILL INACTIVATE THE AUDIBLE ALARM WITHIN FIFTEEN MINUTES OF ITS ACTIVATION OR WHICH CAN BE INACTIVATED BY THE ALARM BUSINESS WITHIN FIFTEEN MINUTES OF NOTIFICATION OF THE ALARM IN CASE THE ALARM SUBSCRIBER CANNOT BE REACHED TO INACTIVATE THE ALARM SYSTEM.**
- G. IF ALARM SUBSCRIBERS ARE REQUIRED TO REGISTER WITH THE LOCAL JURISDICTION IN WHICH THE ALARM IS INSTALLED, THE ALARM BUSINESS**

MUST NOTIFY THE LOCAL JURISDICTION OF THE ALARM INSTALLATION WITHIN 30 DAYS AND FURNISH THE ALARM SUBSCRIBER WITH REGISTRATION FORMS.

H. UPON LEASING, RENTING, SELLING AND/OR MONITORING AN ALARM SYSTEM, AN ALARM BUSINESS IS RESPONSIBLE FOR THE FOLLOWING, AS APPLICABLE:

1. TO MAINTAIN RECORDS AS TO EACH OF THESE ALARM SYSTEMS, DEVICES OR SERVICES WHICH SHALL INCLUDE THE NAME OF THE OWNER OR OCCUPANT OF THE PREMISES; THE NAME AND TELEPHONE NUMBER OF THE SUBSCRIBER, A PRIMARY PERSON AND AT LEAST ONE ALTERNATE RESPONSIBLE FOR RESPONDING TO THE PREMISES WHEN THE ALARM IS ACTIVATED; INFORMATION CONCERNING WHETHER THE ALARM SYSTEM INCLUDES AN AUDIBLE ALARM; AND RECORDS OF ANY ALARM ACTIVATION FOR A PERIOD OF ONE YEAR FROM THE DATE OF THE ACTIVATION. THE RECORDS REQUIRED BY THIS PARAGRAPH SHALL BE MADE AVAILABLE FOR INSPECTION TO THE DEPARTMENT AND TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR A CITY UPON TWENTY DAYS' PRIOR WRITTEN DEMAND. THE ALARM BUSINESS MAY REQUIRE THE DEPARTMENT OR LAW ENFORCEMENT OFFICER TO COMPLETE AN INSPECTION LOG WITH NAME, SERIAL OR BADGE NUMBER, TIME, DATE AND PURPOSE OF THE INSPECTION.

2. TO NOTIFY THE LOCAL LAW ENFORCEMENT DEPARTMENT OF ACTIVATED ALARM SYSTEMS IN THE MANNER PRESCRIBED BY THE LAW ENFORCEMENT AGENCY, INCLUDING SUCH REASONABLE INFORMATION CONCERNING THE ALARM SYSTEM AS THE LAW ENFORCEMENT AGENCY MAY REQUEST. REASONABLE INFORMATION SHALL INCLUDE COPIES OF CENTRAL STATION ALARM ACTIVITY REPORTS, THE NAMES OF PERSONS FROM THE ACTIVATED ALARM LOCATION WHO HAVE CONTRACTED WITH THE ALARM BUSINESS, AND ANY MAILING OR TELEPHONIC INFORMATION FOR THE ACTIVATED ALARM LOCATION. THE INFORMATION SHALL BE MADE AVAILABLE AT ANY TIME UPON REQUEST FOR INSPECTION BY THE DEPARTMENT OR LOCAL LAW ENFORCEMENT AGENCY REPRESENTATIVES.

I. ALARM BUSINESSES WHICH DO NOT MONITOR, MAINTAIN, SERVICE OR INSTALL ALARMS OR ALARM SYSTEMS SHALL BE RESPONSIBLE FOR INSTRUCTING EACH PERSON WHO PURCHASES AN ALARM OR ALARM SYSTEM IN THE PROPER USE AND OPERATION OF THE ALARM, INFORMING EACH ALARM SUBSCRIBER OR ALARM PURCHASER TO CONTACT THEIR LOCAL LAW ENFORCEMENT AGENCY FOR INFORMATION REGARDING FALSE ALARM PROGRAMS. SUCH INSTRUCTION WILL SPECIFICALLY INCLUDE ALL INSTRUCTIONS NECESSARY TO TURN OFF THE ALARM AND TO AVOID FALSE ALARMS.

J. AN ALARM BUSINESS WHICH VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR.

SECTION ____ : ALARM AGENT AND ALARM SALES AGENT LICENSES; APPLICATION

A. EVERY ALARM AGENT MUST APPLY FOR AN ALARM AGENT LICENSE AND RENEWAL THROUGH THE DEPARTMENT.

B. FOR ANYONE APPLYING FOR AN ALARM AGENT LICENSE MORE THAN 12

MONTHS AFTER THIS ACT BECOMES EFFECTIVE, THEY MUST COMPLETE TRAINING AS DEFINED IN (the definitions section) WITHIN 12 MONTHS OF LICENSURE.

- C. IT SHALL BE ILLEGAL FOR ANY PERSON TO ACT AS AN ALARM AGENT OR ALARM SALES AGENT WITHOUT FIRST HAVING AN ALARM AGENT LICENSE THROUGH THE DEPARTMENT. A PERSON MUST APPLY FOR AN ALARM AGENT OR ALARM SALES AGENT LICENSE WITHIN 14 DAYS OF BEING EMPLOYED BY AN ALARM BUSINESS. THE PERSON MAY THEN WORK AS AN ALARM AGENT OR ALARM SALES AGENT FOR UP TO 60 DAYS FROM THE DATE OF APPLICATION WHILE WAITING FOR RECEIPT OF THE ALARM AGENT OR ALARM SALES AGENT LICENSE. VIOLATION OF THIS SUBSECTION IS A CLASS 1 MISDEMEANOR. A PERSON FOUND GUILTY OF VIOLATING THIS SECTION OF THE LAW IS NOT ELIGIBLE TO RECEIVE AN ALARM AGENT OR ALARM SALES AGENT LICENSE FOR ONE YEAR AFTER THE VIOLATION.**
- D. THE DEPARTMENT HAS THE AUTHORITY TO ISSUE, DENY, SUSPEND OR REVOKE AN ALARM AGENT OR ALARM SALES AGENT LICENSE.**
- E. AN ALARM AGENT OR ALARM SALES AGENT LICENSE APPLICATION AND AN ALARM AGENT OR ALARM SALES AGENT LICENSE RENEWAL APPLICATION SHALL INCLUDE THE FOLLOWING INFORMATION:**
 - 1. THE NAME OF THE APPLICANT AND ANY ALIAS OR OTHER NAME, USED BY OR BY WHICH THE APPLICANT HAS BEEN PREVIOUSLY KNOWN, HIS OR HER CURRENT RESIDENCE AND BUSINESS ADDRESSES, TELEPHONE NUMBERS, INCLUDING FACSIMILE NUMBERS, AND E-MAIL ADDRESSES, IF APPLICABLE.**
 - 2. THE NAME, BUSINESS ADDRESS AND BUSINESS TELEPHONE NUMBER OF THE ALARM BUSINESS WHERE THE APPLICANT IS OR WILL BE EMPLOYED.**
 - 3. PROOF THAT THE APPLICANT IS AT LEAST EIGHTEEN YEARS OF AGE, AS INDICATED ON A CURRENT DRIVER'S LICENSE WITH PICTURE, OR OTHER PICTURE IDENTIFICATION DOCUMENT ISSUED BY A GOVERNMENTAL AGENCY.**
 - 4. HEIGHT, WEIGHT, COLOR OF EYES AND HAIR AND DATE OF BIRTH OF THE APPLICANT.**
 - 5. TWO CURRENT 2" BY 2" PHOTOGRAPHS OF THE APPLICANT.**
 - 6. INFORMATION AS TO WHETHER THE APPLICANT HAS EVER BEEN REFUSED OR DENIED ANY SIMILAR LICENSE OR PERMIT, OR HAS HAD ANY SIMILAR PERMIT OR LICENSE REVOKED, CANCELED, OR SUSPENDED AND THE REASON OR REASONS FOR THE REVOCATION, CANCELLATION OR SUSPENSION.**
 - 7. PROOF THAT THE APPLICANT HAS A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1. THE PERSON SHALL CERTIFY ON FORMS THAT ARE PROVIDED BY THE DEPARTMENT WHETHER THE PERSON IS AWAITING TRIAL ON OR HAS EVER BEEN CONVICTED OF ANY OF THE CRIMINAL OFFENSES LISTED IN SECTION 41-1758.03, SUBSECTIONS B AND C IN THIS STATE OR SIMILAR OFFENSES IN ANOTHER STATE OR JURISDICTION.**
 - 8. SUCH OTHER INFORMATION, EVIDENCE, STATEMENTS OR DOCUMENTS AS MAY BE DEEMED BY THE LICENSING AUTHORITY TO BE REASONABLY NECESSARY TO PROCESS AND EVALUATE THE APPLICATION OR RENEWAL.**

- E. APPLICANTS FOR ALARM AGENT OR ALARM SALES AGENT LICENSES, OR APPLICANTS FOR RENEWAL OF SUCH LICENSES, SHALL NOTIFY THE LICENSING AUTHORITY, IN WRITING, OF ANY CHANGE IN THE INFORMATION CONTAINED IN THE LICENSE APPLICATION OR RENEWAL APPLICATION. NOTIFICATION SHALL BE GIVEN TO THE LICENSING AUTHORITY WITHIN FIFTEEN CALENDAR DAYS OF THE OCCURRENCE OF THE CHANGE.
- F. ALARM AGENT OR ALARM SALES AGENTS LICENSES SHALL BE CARRIED ON THE PERSON OF AN ALARM AGENT AT ALL TIMES WHILE SO EMPLOYED AND THE ALARM AGENT OR ALARM SALES AGENT SHALL DISPLAY THE LICENSE TO ANY LAW ENFORCEMENT AGENT OR EMPLOYEE OF THE DEPARTMENT UPON REQUEST.

SECTION _____. FEES; DISPLAY OF LICENSES.

- A. ALL FEES FOR ALARM BUSINESS, ALARM AGENT AND ALARM SALES AGENT LICENSURE SHALL BE NON-REFUNDABLE, NON-TRANSFERABLE, AND WILL NOT BE PRORATED, AND SHALL ACCOMPANY INITIAL APPLICATIONS AND RENEWALS.
- B. THE FEES FOR INTIAL ALARM BUSINESS, ALARM AGENT AND ALARM SALES AGENT LICENSURE SHALL BE SET BY THE DEPARTMENT. THE FEE FOR ALARM BUSINESS LICENSURE SHALL NOT EXCEED \$250. THE FEE FOR ALARM AGENT AND ALARM SALES AGENT LICENSURE SHALL NOT EXCEED \$100.
- C. THE FEES FOR RENEWAL ALARM BUSINESS, ALARM AGENT AND ALARM SALES AGENT LICENSURE SHALL BE SET BY THE DEPARTMENT. THE FEE FOR ALARM BUSINESS LICENSURE RENEWAL SHALL EXCEED \$150. THE FEE FOR ALARM AGENT AND ALARM SALES AGENT LICENSURE SHALL NOT EXCEED \$50.

(HOW DO WE MAKE THIS A 90-10 AGENCY?)

SECTION _____ : GROUNDS FOR DENIAL OF LICENSE.

- A. THE DEPARTMENT WILL NOT ISSUE AN ALARM BUSINESS LICENSE, AN ALARM AGENT LICENSE OR AN ALARM AGENT SALES LICENSES TO A PERSON WHO DOES NOT MEET THE FOLLOWING REQUIREMENTS:
 - 1. A COMPLETE APPLICATION MUST BE FILED, INCLUDING PROOF OF APPLICABLE FINGERPRINT CLEARANCE CARDS.
 - 2. ALL FEES HAVE BEEN PAID IN FULL.
 - 3. NO GROUNDS FOR DENIAL LISTED IN THIS CHAPTER EXIST.
- B. THE DEPARTMENT SHALL DENY A LICENSE OR DENY THE RENEWAL OF A LICENSE IF, AT THE TIME OF THE FILING OF AN ORIGINAL APPLICATION OR A REQUEST FOR RENEWAL, THE DEPARTMENT HAS REASONABLE GROUNDS TO BELIEVE THAT AN APPLICANT, LICENSEE OR CONTROLLING PERSON:
 - 1. HAS PREPARED OR FILED AN APPLICATION OR REQUEST FOR RENEWAL WHICH CONTAINS ANY FALSE OR MISLEADING INFORMATION, SUBMITTED FALSE OR MISLEADING INFORMATION IN SUPPORT OF SUCH APPLICATION OR REQUEST, OR FAILED OR REFUSED TO MAKE FULL DISCLOSURE OF ALL INFORMATION REQUIRED BY THIS CHAPTER.
 - 2. HAS HAD A LICENSE RELATING TO ALARM BUSINESSES, AGENTS OR

ALARM SALES AGENTS, AS APPLICABLE, OR A LICENSE OF SIMILAR CHARACTER ISSUED BY ANOTHER LICENSING AUTHORITY, SUSPENDED, CANCELED OR REVOKED WITHIN THE FIVE-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF THE FILING OF THE APPLICATION.

- 3. IS NOT A UNITED STATES CITIZEN OR LAWFUL PERMANENT RESIDENT ALIEN OR AN ALIEN WHO IS AUTHORIZED TO WORK BY THE UNITED STATES DEPARTMENT OF JUSTICE IMMIGRATION AND NATURALIZATION SERVICE.**
 - 4. HAS VIOLATED A PROVISION OF THIS CHAPTER, OR HAS COMMITTED ANY ACT WHICH, IF COMMITTED BY A LICENSEE, WOULD BE GROUNDS FOR THE DENIAL OR REVOCATION OF A LICENSE PURSUANT TO THIS CHAPTER.**
 - 5. HAS HAD ONE OR MORE CITATIONS BY ANY JURISDICTION WHICH WERE REPORTED TO THE DEPARTMENT AND HAVE NOT BEEN PROPERLY RESOLVED TO THE SATISFACTION OF THE JURISDICTION OR DEPARTMENT.**
- C. NOTICE SHALL BE GIVEN OF ANY DENIAL OF A LICENSE APPLICATION, OR A REQUEST FOR RENEWAL, IN WRITING, AND EITHER BY HAND-DELIVERY OR BY MAIL, TO THE ADDRESS OF RECORD. THE NOTICE SHALL INCLUDE THE REASONS FOR DENIAL OF THE LICENSE OR LICENSE RENEWAL.**

SECTION _____. SUSPENSION OR REVOCATION; GROUNDS.

THE DEPARTMENT MAY SUSPEND OR REVOKE ANY ALARM BUSINESS, ALARM AGENT OR ALARM SALES AGENT LICENSE, WHEN THE DEPARTMENT HAS REASONABLE GROUNDS TO BELIEVE ANY OF THE FOLLOWING:

- A. THE LICENSEE, OR ANY CONTROLLING PERSON, HAS VIOLATED ANY OF THE GROUNDS FOR DENIAL OF A LICENSE, AS DESCRIBED IN SECTION _____.**
- B. THE LICENSEE OR ANY CONTROLLING PERSON HAS FAILED TO COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER, INCLUDING FAILURE TO PROVIDE CHANGES IN LICENSE INFORMATION, AS REQUIRED.**
- C. THE LICENSEE HAS FAILED TO COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER RELATING TO ALARM BUSINESS OR ALARM AGENT RESPONSIBILITIES.**
- D. THE LICENSEE HAS FAILED TO MAINTAIN IN GOOD STANDING ALL LICENSES OR PERMITS WHICH ARE REQUIRED PURSUANT TO THIS CHAPTER TO HOLD AN ALARM BUSINESS LICENSE, ALARM AGENT LICENSE OR ALARM SALES AGENT LICENSE, AS APPLICABLE.**

SECTION _____. SUSPENSION OR REVOCATION PROCEDURE; HEARING.

- A. THE DEPARTMENT SHALL GIVE NOTICE OF ITS INTENT TO SUSPEND OR REVOKE A LICENSE. NOTICE SHALL BE GIVEN IN WRITING, EITHER BY HAND-DELIVERY OR BY MAIL, TO THE ADDRESS OF RECORD. THE NOTICE SHALL INCLUDE THE REASONS FOR THE SUSPENSION OR REVOCATION.**
- B. ANY PERSON AGGRIEVED BY ANY DECISION WITH RESPECT TO EITHER THE DENIAL OF AN APPLICATION FOR A LICENSE, OR RENEWAL, OR THE SUSPENSION OR REVOCATION OF A LICENSE WHICH IS SUBJECT TO THIS CHAPTER, SHALL BE ENTITLED TO THE DEPARTMENT'S REVIEW AND APPEAL PROCEDURES.**

SECTION _____. APPLICATION AFTER DENIAL OR REVOCATION OF LICENSE.

NO PERSON MAY APPLY FOR ANY LICENSE REQUIRED UNDER THIS CHAPTER WITHIN ONE YEAR FROM THE DENIAL OF ANY SUCH LICENSE TO SUCH APPLICANT, OR FROM THE NON-RENEWAL OR REVOCATION OF ANY SUCH LICENSE, UNLESS THE CAUSE OF SUCH DENIAL, REVOCATION OR NON-RENEWAL HAS BEEN, TO THE SATISFACTION OF THE DEPARTMENT, REMOVED WITHIN SUCH TIME. THIS SECTION SHALL BE INAPPLICABLE TO DENIALS OF APPLICATIONS OR RENEWAL WHEN THE REASON FOR DENIAL WAS FOR AN ADMINISTRATIVE, TECHNICAL OR OTHERWISE NON-MATERIAL REASON.

SECTION _____ . TERMINATION AND CANCELLATION OF LICENSE; NOTICE.

- A. AN ALARM AGENT OR ALARM SALES AGENT WHO TERMINATES EMPLOYMENT WITH AN ALARM BUSINESS SHALL IMMEDIATELY SURRENDER HIS OR HER ALARM AGENT OR ALARM SALES AGENT LICENSE TO THE ALARM BUSINESS. THE ALARM BUSINESS MUST NOTIFY THE DEPARTMENT WITHIN FIVE (5) WORKING DAYS OF AN AGENT WHO HAS SURRENDERED HIS OR HER LICENSE.**
- B. AN ALARM AGENT OR ALARM SALES AGENT WHO TERMINATES HIS EMPLOYMENT WITH AN ALARM BUSINESS TO CHANGE EMPLOYMENT TO ANOTHER ALARM BUSINESS LICENSEE SHALL NOTIFY THE DEPARTMENT OF THE TRANSFER, IN WRITING, WITHIN FIFTEEN CALENDAR DAYS OF THE CHANGE IN EMPLOYMENT.**
- C. AN ALARM BUSINESS MAY CANCEL AN ALARM BUSINESS LICENSE BY FILING A NOTICE OF CANCELLATION OF THE LICENSE WITH THE DEPARTMENT. THE NOTICE OF CANCELLATION SHALL INCLUDE THE EFFECTIVE DATE OF THE CANCELLATION.**

SECTION _____ : PENALTIES

- A. ALL VIOLATIONS OF THIS CHAPTER SHALL BE A CLASS 1 MISDEMEANOR.**