SENATE BILL NO. 3057

AN ACT TO REGULATE AND LICENSE THE INSTALLATION AND SERVICING OF BURGLAR ALARM SYSTEMS; TO DEFINE CERTAIN TERMS; TO PROVIDE FOR THE POWERS OF THE BOARD OF CONTRACTORS; TO REQUIRE LICENSING; TO PROVIDE REQUIREMENTS FOR LICENSEE; TO PROVIDE EXEMPTIONS; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; TO PROVIDE FOR UNIFORMITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following words and phrases shall have the meanings ascribed herein, unless the context clearly indicates otherwise:

(a) "Board" means the State Board of Contractors created in Section 31-3-3.

(b) "Burglar alarm" means a security system comprised of an interconnected series of alarm devices or components, including systems interconnected with radio frequency signals, which emits an audible, visual or electronic signal indicating an alarm condition and providing a warning of intrusion which is sent to a central station and requires a response by an emergency team such as police or fire personnel.

(c) "Burglar alarm system installer" means a person that offers to undertake, represents himself as being able to undertake, or does undertake the installation or service, or both, of burglar alarm systems for the public for any type of compensation.

(d) "Installation" means the initial placement of equipment or the extension, modification, or alteration of equipment after initial placement.

(e) "Service" means the necessary repair in order to return the system to operational condition.
(f) "Intrusion alarm system" means an alarm system for signaling the entry or attempted entry of a person or an object into the area or volume protected by the system.

(g) "Alarm business" means the business, by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm system at an alarm sign.

(h) "Alarm control" means the central controlling device of an electronic alarm system which monitors sensing devices and activates signaling devices in the event of an alarm.

(i) "Alarm system" means an assembly of equipment and devices designed and arranged to signal the presence of an alarm condition requiring urgent attention. The system may be local, police connection, central station or proprietary.

(j) "Certified alarm technician" means a graduate of the Certified Alarm Technician (Level 1) program sponsored by the National Burglar and Fire Alarm Association.

SECTION 2. The board shall have all of the following powers:

(a) License and regulate business entities engaged in the business of installing and servicing burglar or intrusion alarm systems;

(b) Through regulations, establish the qualifications for licensure to ensure competency and integrity to engage in these businesses;

(c) Examine, or cause to be examined, the qualifications of each applicant for licensure including the preparation, administration, and grading of examinations, and requiring the applicant to supply a board approved background investigation;

(d) License qualified applicants regulated by the board;

(e) Revoke, suspend or fail to renew a license for just cause as enumerated in the regulations of the board;
(f) Levy and collect reasonable fees for licensure, including, but not limited to, the application process and testing of applicants, and renewal, suspension, and reissuance of licenses, and costs of necessary hearings, that are sufficient to cover all expenses for the administration and operation of the board;

(g) Promulgate rules and regulations necessary to perform its duties, to ensure continued competency, to prevent deceptive, misleading, or criminal practices by its licenses and to effectively administer the regulatory system administered by the board;

(h) Register or by other means monitor employees of a licensee to ensure such employees do not impair the ability of the licensee to satisfy the requirements of this act; and

(i) Receive complaints concerning the conduct of any person or business entity whose activities are regulated by the board and to take appropriate disciplinary action if warranted.

SECTION 3. Any person who can demonstrate to the board that he has installed at least five (5) burglar alarm systems within the last twelve (12) months preceding the effective date of this act shall be licensed without taking the examination required by this act.

SECTION 4. The licensing and regulatory provisions of this act shall not apply to any of the following persons, entities or activities:

(a) A person or business entity which sells burglar alarm systems at the premises of the customer and does not install, service or respond to the burglar alarm system at the premises of the customer.

(b) The installation, servicing, or responding to an alarm device which is installed in a motor vehicle, aircraft or boat that is a nonmonitored account.
(c) A locksmith who does not install burglar alarm systems.

(d) A person or business entity whose sale of a burglar alarm system is exclusively over the counter or by mail order of nonmonitored systems.

(e) A person or business entity in the business of building construction that installs electrical wiring and devices that may include in part the installation of a burglar alarm system if both of the following apply:

   (i) The person or business entity who is a party to a contract which provides for the installation to be performed under the direct supervision of, inspected, and certified by a person or business entity licensed to install a burglar alarm system and that the licensee assumes full responsibility for the installation and service of the burglar alarm system.

   (ii) The person or business entity does not service or maintain the burglar alarm system.

(f) The response to a burglar alarm system by a law enforcement agency or by a law enforcement officer acting in an official capacity.

(g) A business that engages in the installation or operation of telecommunications facilities or equipment which are used for the transport of any signal, data, or information outside the continuous premises on which any burglar alarm system is installed or maintained.

(h) Any business entity, business owner, or person, or the agent or employee of such business entity, business owner, or person engaging in the routine visual inspection or manufacturer's or installer's recommended testing of a burglar alarm system subject to this act owned by the business entity, business owner, or person and installed on property under the control of the business entity, business owner or person.
(i) Any business entity, or person, or those engaged in property management, or agent or subcontractors or employees thereof, who, in the normal course of business, engage in the routine inspection, service, or replacement of such burglar alarm systems, or subject to this act, on or in property owned or under the control of such business entity, or person or property manager.

(j) Consulting engineers who design, develop, modify or offer other services within the scope of their profession regarding burglar alarm systems.

(k) An electrician who is licensed by the state as an electrical contractor or an electrician who is licensed by the city or county as a master electrician.

SECTION 5. (1) Effective July 1, 2003, it shall be unlawful for any person or business entity to engage in a business regulated by this act in this state without a current valid license or in violation of this act and applicable rules and regulations of the board.

(2) Effective July 1, 2003, it shall be unlawful for a person or business entity not licensed under this act to advertise or hold out to the public that he or she is a licensee of the board.

(3) Any person who violates any provision of this act or any rule or regulation of the board shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars ($1,000.00).

(4) Effective July 1, 2003, it shall also constitute a misdemeanor to willfully or intentionally do any of the following:

(a) Obliterate the serial number on a burglar alarm system for the purpose of falsifying service reports.

(b) While holding a license, allow another person or business entity to use the license or license number.
(c) Use any credential, method, means or practice to impersonate a representative of the board.

(d) Refuse to furnish the board information or records required or requested pursuant to statute or regulation.

(5) The board may institute proceedings in equity to enjoin any person or business entity from engaging in any unlawful act enumerated in this act. Such proceedings shall be brought in the name of this state by the board in the circuit court of the county in which the unlawful act occurred or in which the defendant resides.

(6) In addition to any other disciplinary action taken by the board, any person or business entity licensed by the board who violates this act or rule or regulation promulgated pursuant to this act shall be subject to a monetary penalty. If the board determines that the person is in fact guilty of the violation, the board shall determine the amount of the monetary penalty for the violation, which shall not exceed One Thousand Dollars ($1,000.00) for each violation. The board may file a civil action to collect the penalty.

(7) The board is entitled to costs and reasonable attorney's fees in any civil action in which it prevails.

SECTION 6. (1) This act and the rules and regulations promulgated pursuant to this act shall have uniform force and effect throughout the state. A municipality or county shall not enact an order, ordinance, rule, or regulation requiring a person or business entity to obtain a certification from the municipality or county, other than proof of a valid license issued by the board.

(2) This act shall not affect any general statute or municipal ordinance requiring a business license for a burglar alarm system installer.

(3) Nothing in this act shall limit the power of a municipality, a county, or the state to require the submission and
approval of plans and specifications or to regulate the quality
and character of work performed by contractors through a system of
licenses, fees and inspections otherwise authorized by law for the
protection of the public health and safety.

SECTION 7. All fees collected under this act shall be
deposited into the special fund in the State Treasury known as the
"State Board of Contractor's Fund" and shall be used only for the
administration and enforcement of this act. If any funds remain
in the fund at the end of the fiscal year, such funds shall not
lapse into the General Fund but shall remain in the fund, and any
interest accruing to the fund shall remain in the fund.

SECTION 8. This act shall take effect and be in force from
and after July 1, 2002.