

By: Senator(s) Kirby

To: Business and Financial
Institutions

SENATE BILL NO. 2697
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 73-69-1, MISSISSIPPI CODE OF 1972, TO
 2 RENAME THE CHAPTER THE "MISSISSIPPI ELECTRONIC PROTECTION
 3 LICENSING ACT"; TO AMEND SECTION 73-69-3, MISSISSIPPI CODE OF
 4 1972, TO REVISE THE PURPOSE OF THE CHAPTER; TO AMEND SECTION
 5 73-69-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF
 6 TERMS USED IN THE CHAPTER; TO AMEND SECTION 73-69-7, MISSISSIPPI
 7 CODE OF 1972, TO REVISE THE ADMINISTRATION AND ENFORCEMENT OF THE
 8 CHAPTER; TO AMEND SECTION 73-69-9, MISSISSIPPI CODE OF 1972, TO
 9 PROVIDE THAT ANY ENTITY DESIRING TO ENGAGE IN ALARM CONTRACTING
 10 SHALL HOLD A CLASS A ALARM CONTRACTING BUSINESS LICENSE; TO AMEND
 11 SECTION 73-69-11, MISSISSIPPI CODE OF 1972, TO REVISE THE
 12 QUALIFICATIONS FOR EACH CLASS OF LICENSE; TO AMEND SECTION
 13 73-69-13, MISSISSIPPI CODE OF 1972, TO DELETE THE CLASS T LICENSE;
 14 TO AMEND SECTION 73-69-15, MISSISSIPPI CODE OF 1972, TO REVISE THE
 15 EXEMPTIONS FROM LICENSURE REQUIREMENT; TO AMEND SECTION 73-69-19,
 16 MISSISSIPPI CODE OF 1972, TO REVISE APPLICATION AND LICENSING
 17 FEES; TO AMEND SECTION 73-69-23, MISSISSIPPI CODE OF 1972, TO
 18 REVISE THE OFFENSES OF THE CHAPTER; TO AMEND SECTION 73-69-25,
 19 MISSISSIPPI CODE OF 1972, TO REVISE THE PENALTIES FOR VIOLATIONS
 20 OF THE CHAPTER; TO AMEND SECTION 73-69-27, MISSISSIPPI CODE OF
 21 1972, TO CONFORM TO THE PREVIOUS SECTIONS; TO AMEND SECTION
 22 73-69-31, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE CIVIL
 23 PENALTY FOR VIOLATIONS OF THE CHAPTER ARE PER OCCURRENCE; TO
 24 CREATE NEW SECTION 73-69-33, MISSISSIPPI CODE OF 1972, TO PROVIDE
 25 FOR APPELLATE REVIEW OF ACTIONS BY THE STATE FIRE MARSHAL; TO
 26 CREATE NEW SECTION 73-69-35, MISSISSIPPI CODE OF 1972, TO PROVIDE
 27 FOR INQUISITORIAL AND SUBPOENA POWER OF THE STATE FIRE MARSHAL;
 28 AND FOR RELATED PURPOSES.

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

30 **SECTION 1.** Section 73-69-1, Mississippi Code of 1972, is
 31 amended as follows:



32 73-69-1. This chapter shall be known and may be cited as the
33 "Mississippi * * * Electronic Protection Licensing Act."

34 **SECTION 2.** Section 73-69-3, Mississippi Code of 1972, is
35 amended as follows:

36 73-69-3. The purpose of this chapter is to assure the
37 general public of the competence of individuals and companies
38 which offer electronic protective systems, * * * or services
39 relating to such alarms or systems to the general public by
40 establishing statewide uniform procedures and qualifications for
41 the licensure of such individuals and companies.

42 **SECTION 3.** Section 73-69-5, Mississippi Code of 1972, is
43 amended as follows:

44 73-69-5. As used in this chapter, the following terms shall
45 have the meanings specified in this section:

46 (a) "Alarm contracting" means providing * * * an
47 electronic protective system * * * to another * * *, including,
48 but not limited to, the * * * design, planning with the intent to
49 pre-wire, pre-wiring, installation, maintenance, repair, testing,
50 modification, improvement, alteration, inspection or servicing of
51 an electronic protective system * * *; holding oneself or one's
52 company out for hire to perform any such task; or otherwise
53 offering to perform any such task for compensation * * *
54 directly * * *.



55 (b) "Alarm contracting company" means an entity that
56 holds a Class A license issued by the State Fire Marshal pursuant
57 to this chapter.

58 (c) "Alarm verification" means an attempt by a
59 monitoring company or its representative to contact a burglar
60 alarm location or a burglar alarm user by telephone or other
61 electronic means to determine whether a burglar alarm signal is
62 valid in an attempt to avoid unnecessary police response before
63 requesting law enforcement to be dispatched to the location.
64 Alarm verification further means that at least a second call shall
65 be made to a different number if the first attempt fails to reach
66 an alarm user. All persons licensed to monitor alarms in
67 Mississippi shall employ alarm verification standards as defined
68 in the latest version of ANSI/CSAA CS-V-01, for all burglar alarm
69 signals except for hold-up alarms.

70 (* * *d) "Board" means the Electronic Protection
71 Advisory Licensing Board.

72 (* * *e) "Burglar alarm" or "burglar alarm system" or
73 "intrusion detection system" or "electronic protective system"
74 means an alarm, alarm system or portion of such an alarm or system
75 that * * * is intended to detect or warn of an intrusion or other
76 emergency in a structure. Such systems shall be certified per the
77 latest version of ANSI/SIA CP01.



78 (* * *f) "Company" means a proprietorship,
79 partnership, corporation, limited-liability company or any other
80 entity.

81 (* * *g) "Designated agent" means an owner or employee
82 who holds a Class B license of an alarm contracting company * * *
83 who has been assigned the responsibility of submitting any notice
84 required by this chapter to the State Fire Marshal.

85 (* * *h) "Supervision" means direct on-site
86 supervision by a * * * qualified license holder for the duties
87 being performed.

88 (* * *i) "Electronic protective system" means a device
89 or a series or assembly of interconnected devices which, when
90 activated by automatic or manual means, produces an audible,
91 visual or electronic signal intended to detect or warn of a threat
92 to a structure or emergency to or from its occupants. This term
93 shall include a burglar alarm system * * *, intrusion detection
94 system, closed-circuit video system or electronic access control
95 system, all as defined in this chapter, or a portion or
96 combination of such alarms or systems. However, the term
97 "electronic protective system" shall not include the following:
98 (i) an alarm system installed in a motor vehicle; (ii) a burglar
99 alarm system, or household fire warning system sold at retail to
100 an individual end user for self-installation * * *; (iii) a
101 single-station fire alarm system sold at retail to an individual
102 end user for self-installation * * * or installed by a fire



103 department, the State Fire Marshal Office, a public agency, a
104 volunteer fire association or their designated representatives.

105 (* * *j) "Employee" means a person who performs
106 services for wages or salary.

107 (* * *k) "Employer" means a person or entity who hires
108 another to perform services for a wage or salary.

109 (* * *l) "Individual license" means a Class B, C, D
110 or * * * H license issued by the State Fire Marshal pursuant to
111 this chapter.

112 (* * *m) "Licensee" means a person or entity to * * *
113 which a license is granted pursuant to this chapter.

114 (* * *n) "Officer" means the president, vice
115 president, secretary, treasurer, comptroller or any other person
116 who performs functions for an alarm contracting company * * *,
117 corresponding to those performed by those officers.

118 (* * *o) "Operating location" means a physical address
119 that houses or maintains records of clients.

120 (* * *p) "Person" means a natural person or
121 individual.

122 (* * *q) "Principal" means a person or entity that
123 owns at least twenty percent (20%) of an alarm contracting
124 company * * * regardless of the form of organization.

125 (* * *r) "Salesperson" means a person who solicits
126 another on behalf of an alarm contracting company * * * by * * *
127 door-to-door * * * personal interaction, or a person who



128 participates in the design, * * * planning, specification or
129 layout of an electronic protective system on behalf of an alarm
130 contracting company * * *.

131 (* * * s) "Closed-circuit * * * video system" means
132 an * * * electronic protective system that provides video
133 surveillance of events, primarily by means of transmission,
134 recording, or transmission and recording of visual signals through
135 the use of cameras, receivers, monitors and other visual imaging
136 systems.

137 * * *

138 (t) "Electronic access control system" means an
139 electronic protective system that is powered by the building's
140 primary power source and is used as a process to grant or deny an
141 individual access to a specific area or object based upon their
142 possession of an item (which requires a decoder), a code or
143 physical characteristic (biometrics).

144 (u) "Smoke alarm" means a single or multiple-station
145 alarm responsive to smoke.

146 (v) "Single-station alarm" means a detector comprising
147 an assembly that incorporates sensor, control components and an
148 alarm notification appliance in one unit operated from a power
149 source either located in the unit or obtained at the point of
150 installation.

151 (w) "Multiple station alarm" means two (2) or more
152 single-station alarm devices that can be interconnected so that



153 actuation of one causes all integral or separate audible alarms to
154 operate; or one (1) single-station alarm device having connections
155 to other detectors or to a manual fire alarm box.

156 (x) "Heat detector" means a fire detector that detects
157 either abnormally high temperature or rate-of-temperature rise, or
158 both.

159 **SECTION 4.** Section 73-69-7, Mississippi Code of 1972, is
160 amended as follows:

161 73-69-7. (1) The State Fire Marshal shall administer and
162 enforce the provisions of this chapter and shall have the
163 authority to promulgate and adopt such rules and regulations as
164 may be necessary for such proper administration and enforcement.
165 The Electronic Protection Advisory Licensing Board created in
166 Section * * * 73-69-21 shall advise the State Fire Marshal with
167 respect to the rules and regulations of the provisions of this
168 chapter. The State Fire Marshal shall have the authority to
169 approve written training programs or acceptable equivalents for
170 meeting the training requirements of this licensing law. The
171 State Fire Marshal may also accept, as such an equivalent,
172 licensure of a company or person by a jurisdiction outside this
173 state, which has standards and requirements of practice which
174 substantially conform to the provisions of this chapter. The
175 State Fire Marshal shall also establish continuing education
176 requirements.



177 (2) Application for a Class A license. In order to engage
178 in alarm contracting, a company shall apply for and obtain a Class
179 A license for each operating location doing business in the state.
180 A Class A license shall authorize a company to engage in any type
181 of alarm contracting. An applicant for a Class A license shall
182 submit the following to the State Fire Marshal:

183 (a) Documentation that the company is an entity duly
184 authorized to conduct business within this state.

185 (b) Documentation that the company holds a general
186 liability and errors and omissions insurance policy, or a surety
187 bond, in an amount not less than Three Hundred Thousand Dollars
188 (\$300,000.00).

189 (c) Documentation that the company carries a current
190 and valid workers' compensation insurance policy as required by
191 state law.

192 (d) The name of the person who will serve as the
193 designated agent of the company.

194 (e) For a company applying for a Class A license,
195 evidence that the company has at least one (1) employee who holds
196 a Class B license at each of its operating locations.

197 (f) A statement that no officer or principal has been
198 convicted of a felony, has received a first-time offender pardon
199 for a felony, or has entered a plea of guilty or nolo contendere
200 to a felony charge.

201 * * *



202 (g) The application fee authorized by this chapter.

203 (h) Documentation that the company is located within
204 the physical boundaries of the state.

205 (i) * * * Beginning on July 1, 2014, in order to assist
206 the Office of the State Fire Marshal in determining an applicant's
207 suitability for a license under this chapter, a Class A applicant,
208 upon request from the State Fire Marshal, shall submit a set of
209 fingerprints for all officers and principals with the submission
210 of an application for license or at such time as deemed necessary
211 by the State Fire Marshal. The Office of the State Fire Marshal
212 shall forward the fingerprints to the Department of Public Safety
213 for the purpose of conducting a criminal history record check. If
214 no disqualifying record is identified at the state level, the
215 fingerprints shall be forwarded by the Department of Public Safety
216 to the Federal Bureau of Investigation for a national criminal
217 history record check. Fees related to the criminal history record
218 check shall be paid by the applicant to the State Fire Marshal and
219 the monies from such fees shall be deposited in the special fund
220 in the State Treasury designated as the Electronic Protection
221 Licensing Fund.

222 (j) The name of each company providing monitoring
223 services.

224 (3) If the action by the State Fire Marshal is to nonrenew
225 or to deny an application for license, the State Fire Marshal
226 shall notify the applicant or licensee and advise, in writing, the



227 applicant or licensee of the reason for the denial or nonrenewal
228 of the applicant's or licensee's license. The applicant or
229 licensee may make written demand upon the State Fire Marshal
230 within ten (10) days for a hearing before the State Fire Marshal
231 to determine the reasonableness of the State Fire Marshal's
232 action. The hearing shall be held within thirty (30) days.

233 **SECTION 5.** Section 73-69-9, Mississippi Code of 1972, is
234 amended as follows:

235 73-69-9. (1) Any entity desiring to engage in alarm
236 contracting shall hold a Class A Alarm Contracting Business
237 license issued by the State Fire Marshal.

238 (* * *2) If the State Fire Marshal finds that a company has
239 met the requirements of licensing, he shall issue a Class A
240 license to engage in alarm contracting to that company upon
241 payment of the license fee authorized by this chapter. Such
242 license shall include the name of the designated agent of the
243 alarm contracting company as applicable.

244 (* * *3) Each alarm contracting company shall be physically
245 located within the boundaries of the state and shall clearly
246 display its license in a conspicuous location at its place of
247 business.

248 (* * *4) Each alarm contracting company shall employ a
249 Class B license holder.



250 (* * *5) The designated agent of an alarm contracting
251 company shall notify the State Fire Marshal within ten (10) days
252 of the following:

253 (a) Any change in the business address of the company.

254 * * *(i) Any change in ownership of or interest
255 in the company.

256 (ii) Any owner, partner or other principal with an
257 interest in the company, which has been convicted of a felony or
258 entered a plea of guilty or nolo contendere to a felony charge or
259 received a first-time offender pardon. * * *

260 (* * *b) Any change in the employment of a person
261 holding an individual license.

262 (* * *c) A change of the company providing monitoring
263 services.

264 (* * *6) In the event of the death of its designated agent
265 or his separation from the company for any other reason, an alarm
266 contracting company shall name another qualified owner or manager
267 as its designated agent within ninety (90) days and shall notify
268 the State Fire Marshal of such designation within ten (10) days.

269 (* * *7) Each alarm contracting company doing business in
270 the state shall be open for inspection by the State Fire Marshal
271 or his designated representative at any reasonable time for the
272 purpose of observation and collection of facts and data relating
273 to proper enforcement of this chapter. No person acting on behalf
274 of an alarm contracting company shall refuse to admit the State



275 Fire Marshal or his designated representative to an operating
276 location.

277 (* * *8) Client records must be maintained for inspection
278 by the State Fire Marshal for a three-year period.

279 **SECTION 6.** Section 73-69-11, Mississippi Code of 1972, is
280 amended as follows:

281 73-69-11. (1) Any person employed by an alarm contracting
282 company shall hold an individual license issued by the State Fire
283 Marshal. Such * * * license shall authorize its holder to engage
284 in alarm contracting * * *, only to the extent of the terms as
285 further provided in this chapter.

286 (2) * * * Such application shall be accompanied by:

287 (a) Two (2) suitable photographs of the applicant
288 acceptable to the State Fire Marshal. The State Fire Marshal
289 shall keep one (1) photograph on file and shall make the other
290 photograph a part of any license subsequently issued to the
291 applicant.

292 (b) * * * Documentation that the applicant meets
293 educational requirements applicable to the type of license for
294 which he is applying, as follows:

295 (i) For a Class B license: a minimum of * * *
296 Electronic Security Association, Level 2 A and Level 2 B Burglar
297 Alarm training course or the Electronic Security Association, Fire
298 Alarm Installation Methods and Advanced Intrusion Systems training
299 courses, or equivalent training approved by the State Fire



300 Marshal, and documentation proving residency within a radius of
301 one hundred fifty (150) miles of the office to which he is
302 assigned.

303 (ii) For a Class C license: a minimum of * * *
304 Electronic Security Association Level 1 * * * Certified
305 Alarm/Security Technician training course, or equivalent training
306 approved by the State Fire Marshal.

307 (iii) For a Class D license: a minimum of * * *
308 Electronic Security Association, * * * Understanding * * *
309 Electronic Security Systems training course, or equivalent
310 training approved by the State Fire Marshal * * *.

311 (iv) For a Class * * * H license:
312 application * * * a Class B * * * or Class C * * * license * * *
313 holder that they will provide direct supervision of the Class H
314 licensee.

315 (c) (i) A statement by the applicant that he has not
316 been convicted of a felony, received a first-time offender pardon
317 for a felony, or entered a plea of guilty or nolo contendere to a
318 felony charge. A felony that has been dismissed pursuant to the
319 Mississippi Criminal Code or equivalent judicial dismissal shall
320 not apply to this paragraph.

321 (ii) A conviction or a plea of guilty or nolo
322 contendere to a felony charge or receipt of a first-time offender
323 pardon shall not constitute an automatic disqualification as
324 otherwise required pursuant to subparagraph (i) if ten (10) or



325 more years have elapsed between the date of application and the
326 successful completion or service of any sentence, deferred
327 adjudication or period of probation or parole.

328 (iii) Subparagraph (ii) shall not apply to any
329 person convicted of a felony crime of violence or a sex offense as
330 defined within the Mississippi Criminal Code.

331 (d) * * * The State Fire Marshal shall have the
332 authority to conduct criminal history verification on a local,
333 state or national level. Beginning on July 1, 2014, in order to
334 assist the Office of the State Fire Marshal in determining an
335 applicant's suitability for a license under this chapter, an
336 applicant shall submit a set of fingerprints with the submission
337 of an application for license. The Office of the State Fire
338 Marshal shall forward the fingerprints to the Department of Public
339 Safety for the purpose of conducting a criminal history record
340 check. If no disqualifying record is identified at the state
341 level, the fingerprints shall be forwarded by the Department of
342 Public Safety to the Federal Bureau of Investigation for a
343 national criminal history record check. Fees related to the
344 criminal history record check shall be paid by the applicant to
345 the State Fire Marshal and the monies from such fees shall be
346 deposited in the special fund in the State Treasury designated as
347 the Electronic Protection Licensing Fund.

348 (e) The application fee authorized by this chapter.



349 (3) The State Fire Marshal shall have the authority to
350 determine if information submitted by an applicant is in a form
351 acceptable to him. The State Fire Marshal shall verify or have
352 another entity verify information submitted by each applicant.

353 (4) If the State Fire Marshal finds that an applicant has
354 met the applicable requirements of the alarm licensing law, he
355 shall issue the appropriate type of license to the applicant upon
356 payment of the license fee authorized by this chapter.

357 (5) Each individual license holder shall maintain his
358 license on his person while engaging in any type of alarm
359 contracting * * * as applicable. Each such license holder shall
360 present his license for inspection upon demand by an employee of
361 the Office of the State Fire Marshal or a law enforcement officer.

362 (6) Each individual license holder shall notify the State
363 Fire Marshal, on a form specified and provided by the State Fire
364 Marshal, within ten (10) days of the following:

365 (a) Any change in business or home address.

366 (b) Any separation from an employer or change in
367 employer.

368 (c) Any conviction for a felony or entry of a plea of
369 guilty or nolo contendere to a felony charge or receipt of a
370 first-time offender pardon.

371 (7) No individual licensed under this chapter shall contract
372 for his services as an independent contractor or agent without
373 applying for and being issued a Class * * * A license * * * per



374 Section 73-69-9. No alarm contracting company * * * shall
375 contract for the independent services of a holder of an individual
376 license under this section.

377 (8) The State Fire Marshal may enter into reciprocal
378 agreements with other states for mutual recognition of individual
379 license holders, if the State Fire Marshal has established the
380 criteria for acceptance of reciprocal agreements by rule or
381 regulation. The issuance of a license by reciprocity to a
382 military-trained applicant or military spouse shall be subject to
383 the provisions of Section 73-50-1.

384 (9) * * * If the action by the State Fire Marshal is to
385 nonrenew or to deny an application for license, the State Fire
386 Marshal shall notify the applicant or licensee and advise, in
387 writing, the applicant or licensee of the reason for the denial or
388 nonrenewal of the applicant's or licensee's license. The
389 applicant or licensee may make written demand upon the State Fire
390 Marshal within ten (10) days for a hearing before the State Fire
391 Marshal to determine the reasonableness of the State Fire
392 Marshal's action. The hearing shall be held within thirty (30)
393 days.

394 **SECTION 7.** Section 73-69-13, Mississippi Code of 1972, is
395 amended as follows:

396 73-69-13. The State Fire Marshal is authorized to issue
397 individual licenses to qualified applicants that entitles the
398 license holder to perform the following:



399 (a) Class B license: Alarm System Technician. Such
400 license shall authorize its holder to design, plan, specify, lay
401 out, sell, pre-wire, install, maintain, repair, test, inspect or
402 service an electronic protective system while in the employ of an
403 alarm contracting company.

404 (b) Class C license: Alarm System Installer. Such
405 license shall authorize its holder to design, plan, specify, lay
406 out, sell, pre-wire, install, maintain, repair, test, inspect or
407 service an electronic protective system while in the employ of an
408 alarm contracting company.

409 (c) Class D license: Alarm System Salesperson. Such
410 license shall authorize its holder to design, plan, specify, lay
411 out or sell an electronic protective system while in the employ of
412 an alarm contracting company.

413 (d) Class * * * H license: Alarm System Helper * * *.
414 Such license shall authorize its holder to * * * pre-wire, * * *
415 or assist a Class B or Class C license holder install or service
416 an electronic protective system while under the direct supervision
417 of a licensed Class B or Class C holder in the employ of an alarm
418 contracting company. * * *

419 **SECTION 8.** Section 73-69-15, Mississippi Code of 1972, is
420 amended as follows:

421 73-69-15. (1) No person or company shall engage in alarm
422 contracting without holding a current and valid license issued by



423 the State Fire Marshal as provided in this chapter. However, this
424 requirement for licensure shall not apply to:

425 (a) Any company or natural person licensed to perform
426 electrical work by the Mississippi State * * * Board of
427 Contractors. This exception from licensure shall apply to the
428 installation of wire, conduit, or other wire raceways, its
429 associated boxes or fittings. This exception from licensure shall
430 also apply to the employees of a company or natural person
431 excepted by this paragraph, but only as to work performed by them
432 on behalf of the excepted employer. Notwithstanding any other
433 provisions of this chapter, no person licensed under this chapter
434 may install primary power sources of sixty (60) volts or greater
435 when such power source is being installed to operate low-voltage
436 systems.

437 * * *

438 (* * *b) Any owner, management company or public
439 institution and such person's or entity's employees while such
440 person or entity is designing, installing, inspecting, repairing,
441 servicing, recoding, adjusting or testing closed_circuit
442 television alarm systems on the premises of the owner or public
443 institution during the normal course and scope of his duties.

444 (* * *c) Any owner, management company or public
445 institution and such person's or entity's employees while such
446 person or entity is designing, installing, inspecting, repairing,
447 servicing or testing a burglar alarm system only on the premises



448 of the owner or public institution during the normal course and
449 scope of his duties.

450 (* * *d) Any retailer that sells alarm systems as part
451 of a multiproduct offering * * * including any company and its
452 affiliates, contractors, agents and employees that only sell alarm
453 systems over the Internet or via a website, by telephone or in
454 retail settings. This exception to licensure shall not apply to
455 sales that take place door-to-door or physically inside or at or
456 on a consumer's premises.

457 (e) Any retailer or installer of smoke alarm warning
458 systems, or single-station heat detectors, sold and installed to
459 detect or warn of smoke or fire and intended for use in a
460 residential one- or two-family dwelling or wholly within the
461 confines of an individual living unit in a residential multifamily
462 structure.

463 (f) * * * Any company, or its agents that monitor
464 burglar alarm systems, intrusion detection systems, or electronic
465 protection systems but that does not directly install such
466 systems.

467 (g) * * * Any professional engineer licensed by the
468 Mississippi Board of Registration for Professional Engineers and
469 Land Surveyors.

470 (h) Any owner, management company or public institution
471 and such person's or entity's employees while such person or
472 entity is designing, installing, inspecting, repairing, servicing,



473 recoding, adjusting or testing telemedicine, store-and-forward
474 telemedicine services, remote patient-monitoring services or
475 mediation adherence-management services during the normal course
476 and scope of his duties.

477 (2) No person or company shall aid, abet, facilitate or
478 otherwise assist any unlicensed person or company in engaging in
479 alarm contracting * * *, including, but not limited to, the sale
480 of an electronic protective system as defined in this chapter when
481 such person or company knew or should have known that the person
482 or company thus assisted was unlicensed.

483 (3) No person or company shall engage in * * * alarm system
484 contracting without holding a current and valid license issued by
485 the State Fire Marshal as provided in this act. However, this
486 requirement shall not apply to * * *:

487 * * * An officer or employee of the United States, this
488 state, or any political subdivision of either, while engaged in
489 the performance of his official duties within the course and scope
490 of his employment with the United States, this state, or any
491 political subdivision of either.

492 * * *

493 **SECTION 9.** Section 73-69-19, Mississippi Code of 1972, is
494 amended as follows:

495 73-69-19. (1) The State Fire Marshal is authorized to
496 assess and collect fees pursuant to this chapter, the amount of
497 which shall not exceed the following:



498 * * *

499 (* * *a) Application fee and provisional or original
500 company Class A license.....\$ * * *450.00.

501 (* * *b) Application fee and provisional or original
502 individual Class B, Class C, * * * Class D
503 or Class H license.....\$ * * *150.00.

504 (* * *c) * * * License Class change fee.\$ * * *50.00.

505 (e) Annual renewal for Class B, Class C * * *, Class D
506 or Class H license fee.....\$ 50.00.

507 (f) Annual renewal for a Class A license
508 fee.....\$200.00.

509 (g) Fee for a duplicate or replacement
510 license.....\$ 20.00.

511 (2) The fees established in this section shall not be
512 refundable except under such conditions as the State Fire Marshal
513 may establish.

514 (3) All monies received by the State Fire Marshal pursuant
515 to this chapter, including, but not limited to, fees and fines,
516 shall be deposited immediately upon receipt by the State Fire
517 Marshal into a special fund which is hereby created in the State
518 Treasury and designated as the * * * Electronic Protection
519 Licensing Fund.

520 (4) The monies in the * * * Electronic Protection Licensing
521 Fund shall be used solely for implementation, administration and
522 enforcement of this chapter * * * by the State Fire Marshal * * *.



523 Any surplus monies and interest remaining to the credit of the
524 fund at the end of the fiscal year shall remain to the credit of
525 the fund, and no part thereof shall revert to the State General
526 Fund.

527 **SECTION 10.** Section 73-69-23, Mississippi Code of 1972, is
528 amended as follows:

529 73-69-23. (1) Class I offenses shall be as follows:

530 * * *

531 (* * *a) Failure of an alarm contracting company * * *
532 to timely notify the State Fire Marshal of certain changes in the
533 status of the licensee as required by this licensing law.

534 (* * *b) Failure of an alarm contracting company * * *
535 as applicable, to do either of the following:

536 (i) Clearly display the company's license at its
537 place of business as required.

538 (ii) Replace a required Class B, license holder or
539 its designated agent and to timely notify the State Fire Marshal
540 as required by this licensing law.

541 (* * *c) Failure of an individual license holder to
542 maintain his license on his person and to present it for
543 inspection as required by this licensing law.

544 (* * *d) Assisting an unlicensed person or company to
545 engage in alarm contracting or * * * as prohibited.



546 (* * *e) Refuse to admit the State Fire Marshal or his
547 designated representative to an operating location or refuse to
548 cooperate in the purposes of such admittance as required.

549 (2) Class II offenses shall be as follows:

550 (a) Commission of a second Class I offense.

551 (b) A Class I offense committed during a probation of
552 one's licensure for a Class I offense.

553 (3) A Class III offense shall be as follows:

554 (a) The * * * signature of or submission by an
555 applicant or licensee of any document to the State Fire Marshal
556 when the applicant or licensee knew that document contained false
557 or intentionally misleading information.

558 (b) Engaging in alarm contracting * * * without a
559 license as prohibited.

560 (c) Engaging in alarm contracting * * * during
561 suspension of one's license.

562 (d) The repeated * * * willful commission of Class I or
563 Class II offenses.

564 (e) Failure by an alarm contracting company to maintain
565 a general liability and errors and omissions insurance policy as
566 required, or to maintain a workers' compensation insurance policy
567 as required by state law.

568 (f) Engaging in false, misleading or deceptive acts or
569 practices.



570 **SECTION 11.** Section 73-69-25, Mississippi Code of 1972, is
571 amended as follows:

572 73-69-25. (1) The State Fire Marshal may impose, by written
573 citation after reasonable notice and opportunity for hearing in
574 accordance with the Administrative Procedures Act, penalties for
575 violation of this chapter as provided in this section. Appeals
576 from imposition of such penalties shall also be governed by the
577 Administrative Procedures Act.

578 (2) A Class I offense shall be punishable by any or all of
579 the following:

580 (a) Written reprimand by the State Fire Marshal. Such
581 reprimand shall be a part of the record of the licensee and shall
582 be maintained by the State Fire Marshal for a period of three (3)
583 years. During such time, the reprimand may be given consideration
584 in taking any subsequent disciplinary action against that
585 licensee.

586 (b) Probation of licensure for not more than twelve
587 (12) months. Such probation may include placement of restrictions
588 on the alarm contracting * * * activities and the license of the
589 offender. Any subsequent offense committed during probation will
590 make the offender subject to penalties for a Class II offense.

591 (c) A fine of not more than Five Hundred Dollars
592 (\$500.00) per offense.

593 (3) A Class II offense shall be punishable by any or all of
594 the following:



595 (a) Any penalty authorized for a Class I offense.

596 (b) Suspension of licensure for not more than
597 twenty-four (24) months.

598 (c) A fine of not more than One Thousand Dollars
599 (\$1,000.00) per offense.

600 (4) A Class III offense shall be punishable by any or all of
601 the following:

602 (a) Any penalty authorized for a Class I or Class II
603 offense.

604 (b) Revocation of licensure.

605 (c) A fine of not more than Five Thousand Dollars
606 (\$5,000.00) per offense.

607 (5) The State Fire Marshal may impose a separate penalty for
608 each separate commission of an offense.

609 (6) Any person who knowingly and willfully violates any of
610 the provisions of this chapter or any rules and regulations made
611 hereunder shall be liable to the State of Mississippi for a civil
612 penalty of not more than Five Thousand Dollars (\$5,000.00) for
613 each such violation. Each violation of a provision of this
614 chapter or a rule or regulation made hereunder shall constitute a
615 separate violation with respect to each failure or refusal to
616 allow or perform an act required thereby, except that the maximum
617 civil penalty may not exceed Five Hundred Thousand Dollars
618 (\$500,000.00) for any related series of violations occurring
619 within one (1) year from the date of the first violation.



620 (7) In addition to any other penalty provided in this
621 section, an alarm contracting company, individual director,
622 officer or agent of an alarm contracting company who knowingly and
623 willfully fails to obtain the applicable license under this
624 chapter and who is required to obtain such license under this
625 chapter, and who may knowingly and willfully violate any
626 provisions of this chapter or any rules and regulations made
627 hereafter with respect to, including, but not limited to, the
628 sale, lease, rent, design or planning with the intent to pre-wire,
629 pre-wiring, installation, maintenance, repair, testing
630 modification, improvement, alteration, inspection or servicing of
631 an electronic protective system, is guilty of a misdemeanor and,
632 upon conviction thereof, shall be fined not more than One Thousand
633 Dollars (\$1,000.00) or imprisoned not more than one (1) year, or
634 both.

635 **SECTION 12.** Section 73-69-27, Mississippi Code of 1972, is
636 amended as follows:

637 73-69-27. (1) Except for requirements which pertain to all
638 types of businesses generally, no county or municipality shall
639 enact any new ordinance, rule or regulation regulating companies
640 and persons subject to licensure pursuant to this chapter.

641 (2) This chapter shall supersede any existing county or
642 municipal ordinance, rule or regulation requiring certification or
643 licensure of companies and persons engaged in alarm contracting,



644 and such ordinances, rules and regulations shall be null, void and
645 of no effect.

646 (3) Additionally, this chapter shall supersede any existing
647 county or municipal ordinance, rule or regulation requiring
648 certification or licensure of companies and persons engaged in
649 alarm contracting, closed-circuit * * * video system contracting
650 or electronic access control system contracting and such
651 ordinances, rules and regulations shall be null, void and of no
652 effect.

653 **SECTION 13.** Section 73-69-31, Mississippi Code of 1972, is
654 amended as follows:

655 73-69-31. (1) Each alarm contracting company engaged in
656 alarm contracting who sells an electronic protective system to a
657 consumer shall immediately return the lockout, installer or
658 programming code of the electronic protective system to the
659 factory default setting when the consumer cancels the contract
660 with the alarm contracting company and contracts with another
661 alarm contracting company provided all * * * contractual
662 obligations are fulfilled.

663 (2) In addition to the penalties provided in this chapter,
664 any alarm contracting company who violates this section shall have
665 its license revoked and be subject to a civil fine by the State
666 Fire Marshal of not less than Five Hundred Dollars (\$500.00) nor
667 more than Two Thousand Dollars (\$2,000.00) per occurrence.



668 **SECTION 14.** The following shall be codified as Section
669 73-69-33, Mississippi Code of 1972:

670 73-69-33. Any person aggrieved by any action or decision of
671 the State Fire Marshal under the provisions of this chapter may
672 appeal therefrom, within thirty (30) days after receipt of notice
673 thereof to the Chancery Court of the First Judicial District of
674 Hinds County by certiorari in the manner provided by law. Such
675 appeal shall be without supersedeas except that the court may
676 grant supersedeas as otherwise provided by law here the license is
677 revoked. The court shall have the authority and jurisdiction to
678 hear the appeal and render its decision in regard thereto in
679 termtime or vacation.

680 **SECTION 15.** The following shall be codified as Section
681 73-69-35, Mississippi Code of 1972:

682 73-69-35. For the purposes of making such investigations as
683 he may deem necessary for the proper administration of this
684 article, the State Fire Marshal shall have the inquisitorial
685 powers and shall be empowered to subpoena witnesses and examine
686 them under oath, provided that all testimony, documents and other
687 evidence required to be submitted to the State Fire Marshal
688 pursuant to this chapter shall be privileged and shall not be
689 admissible as evidence in any other proceeding.

690 **SECTION 16.** This act shall take effect and be in force from
691 and after July 1, 2014.

