

By: Senator(s) Mettetal

To: Business and Financial  
Institutions

SENATE BILL NO. 3057

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

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

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

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

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

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

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

28 (e) "Service" means the necessary repair in order to  
29 return the system to operational condition.



30 (f) "Intrusion alarm system" means an alarm system for  
31 signaling the entry or attempted entry of a person or an object  
32 into the area or volume protected by the system.

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

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

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

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

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

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

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

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

59 (d) License qualified applicants regulated by the  
60 board;

61 (e) Revoke, suspend or fail to renew a license for just  
62 cause as enumerated in the regulations of the board;



63           (f) Levy and collect reasonable fees for licensure,  
64 including, but not limited to, the application process and testing  
65 of applicants, and renewal, suspension, and reissuance of  
66 licenses, and costs of necessary hearings, that are sufficient to  
67 cover all expenses for the administration and operation of the  
68 board;

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

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

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

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

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

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

92           (b) The installation, servicing, or responding to an  
93 alarm device which is installed in a motor vehicle, aircraft or  
94 boat that is a nonmonitored account.



95 (c) A locksmith who does not install burglar alarm  
96 systems.

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

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

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

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

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

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

120 (h) Any business entity, business owner, or person, or  
121 the agent or employee of such business entity, business owner, or  
122 person engaging in the routine visual inspection or manufacturer's  
123 or installer's recommended testing of a burglar alarm system  
124 subject to this act owned by the business entity, business owner,  
125 or person and installed on property under the control of the  
126 business entity, business owner or person.



127           (i) Any business entity, or person, or those engaged in  
128 property management, or agent or subcontractors or employees  
129 thereof, who, in the normal course of business, engage in the  
130 routine inspection, service, or replacement of such burglar alarm  
131 systems, or subject to this act, on or in property owned or under  
132 the control of such business entity, or person or property  
133 manager.

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

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

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

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

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

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

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

157           (b) While holding a license, allow another person or  
158 business entity to use the license or license number.



159 (c) Use any credential, method, means or practice to  
160 impersonate a representative of the board.

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

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

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

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

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

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

190 (3) Nothing in this act shall limit the power of a  
191 municipality, a county, or the state to require the submission and



192 approval of plans and specifications or to regulate the quality  
193 and character of work performed by contractors through a system of  
194 licenses, fees and inspections otherwise authorized by law for the  
195 protection of the public health and safety.

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

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

