

## Notice of Rulemaking Hearing

### Alarm Systems Contractors Board

There will be a hearing before the Tennessee Alarm Systems Contractors Board to consider the promulgation of rules pursuant to Tenn. Code Ann. §§62-32-307 and 62-32-318. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code Ann. §4-5-204, and will take place in Room 160 of the Davy Crockett Tower located at 500 James Robertson Parkway, in Nashville, Tennessee 37243 at 9:00 a.m. (Central Time) on the 24<sup>th</sup> of June, 2008.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Commerce and Insurance to discuss any auxiliary aids of services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Department of Commerce and Insurance to determine how it may reasonably provide such aid or service. Initial contact may be made with Don Coleman, the Department's ADA Coordinator, at 500 James Robertson Parkway, 5<sup>th</sup> Floor, Nashville, Tennessee 37243 at (615) 741-0481.

For a copy of this Notice of Rulemaking Hearing, contact Cody Vest, Executive Director of the Tennessee Alarm Systems Contractors Board, 500 James Robertson Parkway, 2<sup>nd</sup> Floor, Nashville, Tennessee 37243 at (615) 741-9771.

## Substance of Proposed Rules

### Chapter 0090-01 General Provisions

#### Amendments

Paragraph (9) of rule 0090-01-.02 Definitions is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, paragraph (9) shall read:

- (9) Alarm Runner – An employee of a licensed contract security company or alarm systems contractor whose primary responsibility is direct response to an alarm condition at the premises where the alarm signal originated.

Authority: T.C.A. §§62-32-304(b), and 62-32-307(a).

Rule 0090-01-.02 Definitions is amended by adding new paragraphs (17), (18), and (19) as follows:

- (17) Service - The inspection, maintenance or repair of an alarm system.
- (18) Burglar alarm System – an alarm or monitoring system, including but not limited to access control, which has the primary function of detecting and/or responding to emergencies other than fire.
- (19) Access Control - Electronic, electrical, or computer-based devices, designed to detect or signal an alarm, which controls the access of a person, vehicle, or object through a door, gate, or entrance into the controlled area of a residence or business. For licensing and certification purposes, access control would be considered a burglar alarm system. The term does not include:

- (a) a mechanical device, such as a deadbolt or lock;
- (b) an operator for opening or closing a commercial gate or door or an accessory, such as a fixed or portal transmitter, if the operator or accessory is used only to activate the gate or door and is not monitored by an alarm system.

Authority: T.C.A. §§62-32-304(b), and 62-32-307(a).

Paragraph (3) of Rule 0090-01-.03 Restrictions and Exclusions is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, paragraph (3) shall read:

- (3) A contractor qualifying for the exclusion under T.C.A. § 62-32-305(7) who intends to engage in the business of an alarm systems contractor shall file with the Board:
  - (a) a notarized statement to the effect that the contractor derives less than fifty percent (50%) of its gross annual revenue from such business;
  - (b) a photocopy of the contractor's license; and
  - (c) such exclusion is only available to contractors who hold Contractors Licenses as follows: Mechanical (MC), HVAC (HVAC), and Electrical Contractor (E and E-B only).

Authority: T.C.A. §§62-32-303(1)(A) and (2), 62-32-305(7) and 62-32-307(a).

Rule 0090-01-.03 Restrictions and Exclusions is amended by adding new paragraphs (7) and (8) as follows:

- (7) An employee of a contract security company, licensed under T.C.A. § 62-35-102, who holds active security guard registration, may also act as an alarm runner, and is not subject to regulation under T.C.A., Title 62, Chapter 32, or these rules.
- (8) Telemarketers who do not have access to confidential information regarding an existing or proposed alarm system are not subject to regulation under T.C.A., Title 62, Chapter 32, or these rules.

Authority: T.C.A. §§62-32-303(1)(A) and (2), 62-32-305(7) and 62-32-307(a).

Paragraph (9) of Rule 0090-01-.06 Qualifying Agent Requirements is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, paragraph (9) shall read:

- (9) A designated qualifying agent must perform the following:
  - (a) A designated qualifying agent shall be in responsible charge of the alarm systems contractor by which he or she is employed.
  - (b) A designated qualifying agent shall be a full-time employee of the alarm systems contractor for whom he or she works.

- (c) Before a designated qualifying agent begins to work as an employee of an alarm systems contractor, he or she shall notify his previous employer in writing that he or she is no longer the designated qualifying agent of the previous employer.
- (d) A designated qualifying agent shall determine which employees of the alarm systems contractor will have access to records, diagrams, plans, or other sensitive information pertaining to monitored, installed or proposed alarm systems.
- (e) A designated qualifying agent shall be responsible for ensuring that any person required to be registered has submitted an application to the Board and for providing the Board with all materials and information required by Tenn. Code Ann. §62-32-312(d).
- (f) A designated qualifying agent shall review a registered employee's application to ensure that the information submitted on the application is accurate.
- (g) A designated qualifying agent shall notify the Board within thirty (30) days after any change in business address for him or herself, the alarm systems contractor who employs the designated qualifying agent or the registered employees or qualifying agents who are employed by the alarm systems contractor.
- (h) A designated qualifying agent shall be responsible for ensuring that an accurate application for the renewal of registrants employed by the alarm systems contractor has been submitted in accordance with rule 0090-01-.05 Employee Registration Requirements.
- (i) A designated qualifying agent shall notify the Board within thirty (30) days after a registrant's, applicant's or qualifying agent's conviction, that is known or should be known to the designated qualifying agent. The designated qualifying agent shall provide this notification for persons who are registered or required to be registered under the alarm systems contractor that employs the designated qualifying agent. The designated qualifying agent shall provide notification if the registrant, applicant or qualifying agent was convicted in any city, county, state, federal or military court of any crimes listed in Tenn. Code Ann. §62-32-303(8). For the purposes of these rules, "conviction" means the entry of a guilty plea, no contest plea or a verdict or decision rendered by a judge or jury.
- (j) A designated qualifying agent shall notify the Board within ten (10) days after the designated qualifying agent has knowledge that the alarm systems contractor, a registrant, an applicant or a qualifying agent has violated any provision of Tenn. Code Ann. Title 62, Chapter 32, Part 3 or any of the Board's rules.
- (k) A designated qualifying agent shall be responsible for ensuring that notice of transfers and notice of terminations are filed with the Board within thirty (30) days of the transfers or terminations of any registered employees or qualifying agents who are employed by the alarm systems contractor.

Authority: T.C.A. §§ 62-32-303, 62-32-304(b), 62-32-307(a), 62-32-307(c), 62-32-307(d), 62-32-307(g), 62-32-307(i), 62-32-307(l), 62-32-313, 62-32-316(b), and 62-32-320.

Paragraph (1) of Rule 0090-01-.09 Fees is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, paragraph (1) shall read:

- (1) Application Fees. An alarm systems contractor, qualifying agent (including designated qualifying agent) or registered employee of the alarm systems contractor shall pay the following non-refundable application fees:
  - (a) Company Certification application fee.....\$500.00
  - (b) Qualifying Agent License application fee..... \$200.00
  - (c) Employee Registration application fee.....\$100.00

Authority: T.C.A. §§62-32-307(b), 62-32-313(a), 62-32-313(i), 62-32-314(a), and 62-32-318.

Paragraph (5) of Rule 0090-01-.09 Fees is amended by deleting the text of the paragraphs in its entirety and substituting instead the following language so that, as amended, paragraph (5) shall read:

- (5) Renewal Fees. An alarm systems contractor, qualifying agent (including a designated qualifying agent), or registered employee shall pay the following renewal fees:
  - (a)(1) Single classification company certification  
Biennial renewal fee .....\$250.00 (per location)
  - (a)(2) Multiple classification company certification  
Biennial renewal fee .....\$400.00 (per location)
  - (b)(1) Single classification qualifying agent license  
Biennial renewal fee .....\$100.00
  - (b)(2) Multiple classification qualifying agent license  
Biennial renewal fee .....\$200.00
  - (c) Employee Registration  
Biennial renewal fee.....\$75.00 (per employee)

Authority: T.C.A. §§62-32-307(b), 62-32-313(a), 62-32-313(i), 62-32-314(a), and 62-32-318.

Paragraph (2) of Rule 0090-01-.10 Renewal of Certification and License is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, paragraph (2) shall read:

- (2) Each certificate and license shall expire on the last day of the twenty-fourth (24<sup>th</sup>) month following its issuance or renewal and shall become invalid on such date unless renewed.

Authority: T.C.A. §§62-32-307(a), 62-32-307(c), 62-32-313, and 62-32-317.

Paragraph (6) of Rule 0090-01-.10 Renewal of Certification and License is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, paragraph (6) shall read:

- (6) No Qualifying Agent license shall be renewed unless the Board has received satisfactory evidence of the completion of continuing education prior to renewal, in compliance with the minimum satisfactory standards set for in rule 0090-05-.01.

Authority: T.C.A. §§62-32-307(a), 62-32-307(c), 62-32-313, and 62-32-317.

Paragraph (4) of Rule 0090-01-.11 Identification Cards is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, paragraph (4) shall read:

- (4) If the identification card is lost, a statement requesting a duplicate card must be completed and submitted to the Board, along with two (2) recent passport size color photos and the fee as set out in rule 0090-01-.09.

Authority: T.C.A. §62-32-307(a).

Chapter 0090-01  
General Provisions

New Rules

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0090-01-.14 Board's Request for Information

0090-01-.14 Board's Request for Information. Any alarm systems contractor, designated qualifying agent, qualifying agent, or registered employee must respond to all requests by the Board for additional information or for response to any complaint initiated against said alarm systems contractor, designated qualifying agent, qualifying agent, or registered employee within thirty (30) days of the date of the request.

Authority: T.C.A. §62-32-307(e), (f), (g) and (h).

Chapter 0090-03  
Evaluation of Requisite Education

Repeal

Rule 0090-03-.03 Repeated Courses is amended by deleting the rule in its entirety.

Authority: T.C.A. §62-32-307(a).

Rule 0090-03-.04 Standards for Acceptance of Coursework is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0090-03-.04 Standards for Acceptance of Coursework.

- (1) The Board shall have the authority to review and either accept or deny credit for courses based upon the criteria established in rule 0090-03-.01.
- (2) Educational courses submitted for approval shall list the following:
  - (a) Title of course.
  - (b) Class length (in hours).

- (c) Alarm classification to which course is applicable (i.e. burglar alarm, fire alarm, Closed Circuit Television, or monitoring).
  - (d) Synopsis of course.
  - (e) Reference materials used with the course.
  - (f) Author and employment affiliation.
  - (g) Related courses (if any).
- (3) Course material and information shall be submitted to the Board. The Board shall accept or reject the materials and information presented based upon their compliance with these rules.
  - (4) All correspondence regarding materials submitted for evaluation by the Board shall be considered public record. However, nothing in this rule shall adversely affect copyrighted material.
  - (5) The Board reserves the right to issue course approvals for periods of less than four (4) years.
  - (6) Course providers shall resubmit their courses for approval at least one hundred twenty (120) days prior to the applicable expiration date. Failure to meet this deadline may result in the non-approval of a course.

Authority: T.C.A. §§62-32-307(a) and (c), 62-32-313(c), 62-32-316(b) and 62-32-322(c).

Chapter 0090-04  
Evaluation of Experience Requirements

Amendments

Paragraph (3) of Rule 0090-04-.01 Experience Requirements is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, paragraph (3) of rule shall read:

- (3) In order to meet experience requirements for a Qualifying Agent designation, the applicant must file with the Board a sworn statement stating that he or she has the minimum amount of experience for that designation along with a list of five (5) alarm installations in each classification for which application is made. If verification of the requisite number of years of Tennessee Alarm Contractor Employee Registration cannot be made using Board records, proof of experience will include documentation from previous employers (on employer or agency letterhead) stating the length of service with a detailed job description showing actual working experience in the alarm industry for the amount of time specified in Tenn. Code Ann. §62-32-313(1), (2) or (3), or documentation of a license, certification, or registration as an alarm systems contractor or an employee of an alarm systems contractor previously obtained in another state. A resume is not considered proof of experience.

Authority: T.C.A. §§62-32-307(a) and 62-32-313.

Chapter 0090-05  
Continuing Education

Amendments

Rule 0090-05-.02 Standards for Acceptance of Continuing Education Courses is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0090-05-.02 Standards for Acceptance of Continuing Education Courses

- (1) The Board shall have the authority to review and either accept or deny approval for courses based upon the criteria established in rule 0090-03-.01, paragraph (4).
- (2) Educational courses submitted for approval shall list the following:
  - (a) Title of course.
  - (b) Class length (in hours).
  - (c) Alarm classification to which course is applicable (ie. burglar alarm, fire alarm, Closed Circuit Television or monitoring).
  - (d) Synopsis and objective(s) or course.
  - (e) Reference materials used with the course.
  - (f) Author of course and employment affiliation.
  - (g) Selection of criteria for students.
  - (h) Related courses.
- (3) Course materials and information shall be submitted to the Board for review. The Board shall accept or reject the course for continuing education credit. The Board may audit the course if deemed necessary for evaluation purposes.
- (4) All correspondence regarding materials submitted for evaluation by the board and/or its Sub-Committees shall be public record. However, nothing in this rule shall adversely affect copyrighted material.
- (5) These approved courses must certify the attendance and successful completion of the course for each of its students to the Board on an appropriate form.
- (6) A course approval shall continue in effect for four (4) years from the date on which the course is approved.
- (7) The Board reserves the right to issue course approvals for periods of less than four (4) years.
- (8) Course providers shall resubmit their courses for approval at least one hundred twenty (120) days prior to the applicable expiration date. Failure to meet this deadline may result in the non-approval of a course.

Authority: T.C.A. §§62-32-307(a) and (c), 62-32-313(k), and 62-32-316.

Chapter 0090-05  
Continuing Education

New Rules

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0090-05-.03 Repeated Course

0090-05-.03 Repeated Course. Repeated courses will not be given credit for continuing education unless a period of two (2) years has passed between those courses.

Authority: T.C.A. §62-32-307(a) and 62-32-307(c).

The notice of rulemaking hearing set out herein was properly filed in the Department of State on this the 30th day of April, 2008. (FS 04-20-08; DBID 844-847)