MISSISSIPPI LEGISLATURE REGULAR SESSION 2014

By: Representative Denny To: Insurance

HOUSE BILL NO. 1421

AN ACT TO AMEND SECTIONS 73-69-7 AND 73-69-11, MISSISSIPPI CODE OF 1972, TO REQUIRE AN APPLICANT FOR A RESIDENTIAL ELECTRONIC PROTECTION LICENSE TO PROVIDE FINGERPRINTS; TO AUTHORIZE THE COLLECTION OF FEES FOR VERIFICATION OF SUCH FINGERPRINTS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 73-69-7, Mississippi Code of 1972, is amended as follows:

73-69-7. (1) The State Fire Marshal shall administer and enforce the provisions of this chapter and shall have the authority to promulgate and adopt such rules and regulations as may be necessary for such proper administration and enforcement. The Electronic Protection Advisory Licensing Board created in Section 73-31-21 shall advise the State Fire Marshal with respect to the rules and regulations of the provisions of this chapter. The State Fire Marshal shall have the authority to approve written training programs or acceptable equivalents for meeting the training requirements of this licensing law. The State Fire Marshal may also accept, as such an equivalent, licensure of a

company or person by a jurisdiction outside this state, which has standards and requirements of practice which substantially conform to the provisions of this chapter. The State Fire Marshal shall also establish continuing education requirements.

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

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

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

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

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

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

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

(i) A conviction or a plea of guilty or nolo contendere to a felony charge or receipt of a first-time offender pardon shall not constitute an automatic disqualification as otherwise required pursuant to paragraph (f) if ten (10) or more years have elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication or period of probation or parole.

(ii) Subparagraph (i) shall not apply to any person convicted of a felony crime of violence or a sex offense as defined in the Mississippi Criminal Code.

(iii) The Office of the State Fire Marshal may consider the seriousness and circumstances of the offense and subsequent arrests.

(g) The application fee authorized by this chapter.

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

(i) *** * *** A set of fingerprints of the applicant with the submission of an application for license. The Office of the State Fire Marshal shall forward the fingerprints to the Department of Public Safety for the purpose of conducting a criminal history record check. If no disqualifying record is

identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. Fees related to the criminal history record check shall be paid by the applicant to the State Fire Marshal and the monies from such fees shall be deposited in the special fund in the State Treasury designated as the Residential Electronic Protection Licensing Fund.

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

SECTION 2. Section 73-69-11, Mississippi Code of 1972, is amended as follows:

73-69-11. (1) Any person employed by an alarm contracting company shall hold an individual license issued by the State Fire Marshal. Such a license shall authorize its holder to engage in alarm contracting or closed-circuit television alarm system contracting, only to the extent of the terms as further provided in this chapter.

(2) Any person desiring to engage in alarm contracting or closed-circuit television alarm system contracting shall hold a Class B license issued by the State Fire Marshal. Such application shall be accompanied by:

(a) Two (2) suitable photographs of the applicant acceptable to the State Fire Marshal. The State Fire Marshal shall keep one (1) photograph on file and shall make the other

photograph a part of any license subsequently issued to the applicant.

(b) Except as provided in subsection (9), documentation that the applicant meets educational requirements applicable to the type of license for which he is applying, as follows:

(i) For a Class B license: a minimum of National Burglar and Fire Alarm Association, Level 2 A&B Burglar Alarm training course or equivalent training approved by the State Fire Marshal, and documentation proving residency within a radius of one hundred fifty (150) miles of the office to which he is assigned.

(ii) For a Class C license: a minimum of National Burglar and Fire Alarm Association, Level 1 Burglar Alarm training course, or equivalent training approved by the State Fire Marshal.

(iii) For a Class D license: a minimum of National Burglar and Fire Alarm Association, Sales Understanding Alarms training course, or equivalent training approved by the State Fire Marshal, or a minimum of two (2) years of design and sales experience in the alarm industry attested to in a notarized affidavit and payroll records provided by the applicant.

(iv) For a Class T license: application for a Class B, Class C or Class D license, accompanied by a letter of intent to complete the training requirements of such license types within twelve (12) months.

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

(ii) A conviction or a plea of guilty or nolo contendere to a felony charge or receipt of a first-time offender pardon shall not constitute an automatic disqualification as otherwise required pursuant to subparagraph (i) if ten (10) or more years have elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication or period of probation or parole.

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

(d) *** * *** A set of fingerprints of the applicant with the submission of an application for license. The Office of the State Fire Marshal shall forward the fingerprints to the Department of Public Safety for the purpose of conducting a criminal history record check. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. Fees related to the criminal history record check shall be paid by the

applicant to the State Fire Marshal and the monies from such fees shall be deposited in the special fund in the State Treasury designated as the Residential Electronic Protection Licensing Fund.

(e) The application fee authorized by this chapter.

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

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

(5) Each individual license holder shall maintain his license on his person while engaging in any type of alarm contracting or closed-circuit television alarm system contracting as applicable. Each such license holder shall present his license for inspection upon demand by an employee of the Office of the State Fire Marshal or a law enforcement officer.

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

(a) Any change in business or home address.

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

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

(7) No individual licensed under this chapter shall contract for his services as an independent contractor or agent without applying for and being issued a Class B license under this chapter. No alarm contracting company or closed-circuit television alarm system contracting company shall contract for the independent services of a holder of an individual license under this section.

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

(9) Any person engaged in alarm contracting or closed-circuit television alarm system contracting, on or before July 1, 2006, shall automatically be issued a license without having to show documentation that the applicant meets the educational requirements applicable to the type of license for which he is applying.

SECTION 3. This act shall take effect and be in force from and after July 1, 2014.