

TITLE 260 – RHODE ISLAND DEPARTMENT OF LABOR AND TRAINING

CHAPTER 30 – WORKFORCE REGULATION AND SAFETY

SUBCHAPTER 15 – PROFESSIONAL REGULATION

PART 6 – Alarm Agents and Alarm Businesses

6.1 Authority

This Part is promulgated pursuant to the authority in R.I. Gen. Laws § 5-57-1 *et seq.*, the Department is empowered to promulgate rules and regulations relative to the licensing of alarm businesses and alarm agents operating within Rhode Island which are reasonable, proper, and necessary to carry out the functions of the Department.

6.2 Purpose

The purpose of this Part is to provide uniform procedures and qualifications for licensing of alarm business and the issuance of identification cards to alarm agents and certain other individuals.

6.3 Definitions

- A. For the purposes of this Part, the following terms shall have the following meaning:
1. "Advertise" means the issuance of any card, sign, or device to any person; the causing, permitting, or allowing of any sign or marking on or in any building or structure, or in any newspaper periodical, or in any directory under a listing of burglar alarm or related businesses, or broadcasting by airwave for transmission with or without any limiting qualifications.
 2. "Department" means the Department of Labor and Training.
 3. "False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of the system or of the alarm business and his employee(s) or alarm agent(s).

- a. False alarm does not include an alarm caused by a leased telephone line malfunction, hurricane, tornado, earthquake, or any other external factor, violent or non-violent condition beyond the control of the owner or lessee of the alarm system or installing or servicing alarm business and his employee(s) or agent(s), including outside agents, elements, events, or stimuli beyond the supervision and control of the subscriber or alarm business.
 - b. False alarming shall not necessarily be construed upon cursory or initial examination should premises show no outward signs or forced entry, or should areas of protected access, such as doors or windows, appear apparently unopened, or should apprehension of suspects suspected of apparent intrusion not be forthcoming immediately after alarm has been triggered.
- 4. "Emergency" is a situation where a triggered alarm or alarm system attributed to a malfunction causes a gross nuisance or lack of protection on the premises in which it is installed, or when a triggered alarm attributed to an unauthorized intrusion or break-in causes a lack of protection on a premises. Emergency also pertains to the inadvertent or mistaken triggering of an alarm or alarm system by a lessee or owner of the system and which for any reason requires the services of an installer to reset, the absence of which service would lead to a gross nuisance or lack of protection on a premises.
- 5. "I.D. card" means an identification card issued to an employee of an alarm business by either the alarm business in the case of a temporary I.D. card or by the Department in the case of a permanent I.D. card, for the privilege of transacting business with the public at the request of an alarm business employer in the State of Rhode Island.
- 6. "Leasing" means an agreement by which an alarm business conveys to a subscriber a burglar alarm system for a specified term and for a specified rent.
- 7. "License" means a license issued by the Department to an alarm business for the privilege of transacting business or operating within the boundaries of Rhode Island.
- 8. "Monitoring" means responding to or causing others to respond to an alarm system at a protected premise within the state.
- 9. "Non-emergency" is a situation where an alarm or alarm system needs service for any reason but the condition, which precipitates a need for

such service, does not result in a triggered alarm which causes a gross nuisance or lack of protection on a protected premises.

10. "Original license" means:
 - a. a license issued to the alarm business which did not, at the time it made application, hold an alarm business license issued by the Department, or
 - b. a license issued to an alarm business which has applied for a license under R.I. Gen. Laws § 5-57-1 *et seq.* after undergoing a change of ownership.
11. "Scheduled maintenance" means service of an alarm system, the terms of which are agreed to between the alarm business and subscriber in advance of required service of the system, and which terms shall be determined under provision of written contract.
12. "Statute" means R.I. Gen. Laws § 5-57-1 *et seq.*, as amended, entitled Business and Professions.
13. "Subscriber" means a business or person which buys or otherwise obtains an alarm system or has a contract with an alarm company to monitor and/or service an alarm system.

6.4 Power and Duty of the Department

- A. The Department has all the powers and duties as set forth in R.I. Gen. Laws Chapter 5-57 *et seq.*
- B. Upon discovery by the Department that a business, company, or individual is operating without a valid alarm business license and/or I.D. card, the Department shall notify local, municipal, or state law enforcement agencies having jurisdiction, of a possible violation of R.I. Gen. Laws § 5-57-41 of the Statute, and request the issuance of a misdemeanor complaint against the alleged violator.
- C. Duly sworn law enforcement officers associated with, attached to, or employed by law enforcement agencies of this state may, upon their own initiative, or at the request of another, act as complainant in the name of and on behalf of the state in the issuance of a misdemeanor complaint, summons, or arrest warrant for a suspected violation of this section.

6.5 Licensing of Alarm Businesses

- A. Principal Officers

1. Each licensee shall maintain and operate his business from a principal office located in a permanent building or similar structure, accessible to the public during posted business hours.

B. Branch Offices

1. All branch offices must be operated under the same name as that of the principal office of the alarm business unless they are separately licensed.
2. The License issued by the Department to an alarm business and the surety bond posted by an alarm business shall cover all branch offices as shown on the application for License, except that separate bond in sufficient sureties as determined by law shall be required of branch offices operating under a different business or company name than that of the principal office.
3. Each branch office of an alarm business being maintained separate and apart from the premises of the principal office must have posted in a conspicuous place, a copy of the un-expired License issued by the Department to the alarm business.

C. Change of Name, Removal or Relocation of Principal Office or Branch Office Alarm Business

1. If the holder of an unexpired alarm business License issued pursuant to the Statute shall remove or relocate the principal office or a branch office of the alarm business to a premises or address other than that listed on the License issued by the Department, or if the alarm business shall lawfully change its name or the name of the holder of the License, the holder shall within thirty (30) days of the removal, relocation, or change of name, give written notice of the new address or new name to the Department .
2. The notice shall also contain reference to the date on which the removal, relocation, or name change occurred.
3. Upon receipt by the alarm business of a new License issued by the Department containing the new address, premises, or name change for the principal or branch office, the alarm business will immediately cause such License to be posted in a conspicuous place on the premises in full view of the public.
4. The licensee shall return his old License to the Department within five (5) business days of the effective date of change.

6.6 Licensing of Alarm Agents

No alarm agent shall be licensed to more than one (1) alarm business at one time unless the second or subsequent alarm business employing the agent is owned and operated by the same individual, firm, partnership or corporation who owns and operates the agent's primary employing alarm business.

6.7 Licenses and I.D. Cards

- A. The Department may refuse, suspend, cancel, or revoke a License or I.D. card issued to an alarm business or alarm agent for any of the following causes:
1. Failure of an applicant or holder of an alarm business License or alarm agent I.D. card to comply with R.I. Gen. Laws §§ 5-57-16(c) and (f) of the Statute pertaining to experience or examination requirements.
 2. Failure of an applicant or holder of an alarm business license or alarm agent I.D. card to comply with R.I. Gen. Laws §§ 5-57-25(a)(1) through (4).
 3. Failure of an applicant or holder of an alarm business license or alarm agent I.D. card to comply with R.I. Gen. Laws § 5-57-19(2).
 4. Failure of the holder of an alarm business licensee to at all times maintain on file with the Department in full force and effect, the surety bond required by the Statute.
 5. Willful and knowing refusal by an alarm agent upon request of the Department or upon request of the employing alarm business to return an I.D. card.
 6. If any employee, officer, director, partner or manager of the alarm business discloses information that could compromise an alarm system's effectiveness or integrity.
 7. If a licensee, I.D. card holder, officer, director, partner, manager, or other employee of an alarm business knowingly make any false report to his employer or to a client or subscriber who purchases alarm devices or installation services.
- B. The Department may refuse, suspend, cancel, or revoke a License or I.D. card issued to an alarm business or alarm agent should:

1. The alarm business or alarm agent fail to file a renewal application, as set forth in R.I. Gen Laws §§ 5-57-22 and 5-57-23(e)(1), and pay the renewal fee, as set forth in R.I. Gen Laws § 5-57-23(e)(2).
2. An alarm business or alarm agent be found after investigation and opportunity for hearing to have committed any act which can be construed as knowingly improper or knowingly defective installation or workmanship; the use of knowingly improper or knowingly defective parts or materials; failure to provide equipment parts, or service agreed to by verbal agreement or written contract; failure to complete installation of an alarm system or to provide service, maintenance, or repair when a deposit or the full amount for such work has been paid by a subscriber or customer; and failure to comply with the contractual obligations.
3. An alarm business fail to enter into a written contract with the subscriber for any of the acts or practices accomplished under § 6.10 of this Part.

C. Automatic Suspension of Alarm Agent I.D. Card upon Revocation of Alarm Agent Business License

1. Revocation by the Department of an alarm business License shall automatically suspend the I.D. card of every alarm agent employed by the alarm business on the effective date of revocation.
2. An alarm agent whose I.D. card is suspended by the Department pursuant to § 6.8(C)(1) of this Part may apply for reinstatement of his I.D. card upon his employment with another alarm business, provided that he was not a party to the act or course of conduct which caused the revocation of alarm business License of his former employer.
3. If the alarm business whose License was revoked by the Department later has its License reinstated, suspension of all employed alarm agents not culpable, shall be automatically lifted upon reinstatement of the alarm business License, provided that alarm agents return to work with the alarm business within ten (10) days of its reinstatement as a qualified licensee.

D. Expiration of License

1. A license, which is not renewed within three (3) years after its expiration may not be renewed, restored, reinstated, or reissued thereafter, unless the applicant submits and has approved, a new original application for license.

E. Transferability, Destruction, Replacement of I.D. Card

1. Only one (1) I.D. card shall be in the possession of each alarm agent entitled to receive it, and the holder shall be responsible for the maintenance, custody, and control of the I.D. card, and shall neither let, loan, nor otherwise permit unauthorized persons or employees to use it.
2. In the event that an alarm agent accepts employment with another employer not connected with the alarm business of his former employer the agent will submit a new application to the Department. Old I.D. cards must be surrendered to the licensing authority and temporary I.D. cards must be surrendered to the alarm business that issued them. New application fees, if applicable, will be governed by R.I. Gen. Laws §§ 5-57-23 and 5-57-34.

F. Cancellation of I.D. Card

1. In addition to notifying the Department pursuant to R.I. Gen. Laws § 5-57-35(c) of the death or termination of an I.D. card holding employee, the alarm business shall also mail or deliver the I.D. card to the Department for cancellation within ten (10) days of the death or termination. The alarm business shall include written notice stating the date of the employee death or termination.

6.8 Examinations and Procedures

- A. The Department shall administer from time to time as required, written examination to measure an alarm business license applicant's knowledge and competence of such business and his knowledge of the Statute and these rules and regulations.
- B. There is no limit to the number of times that an applicant may take an examination except as noted in § 6.8(C) of this Part.
- C. Any applicant caught using crib notes, looking at or copying another applicant's examination answer sheet, or found to be cheating in any other manner by the examining officer will be subject to immediate dismissal from the testing room. The applicant ejected will forfeit the examination, will receive an automatic failure, and will not be allowed to retake the examination for a minimum of one (1) full year following forfeiture.
- D. The passing grade on an examination shall be 70% of the total points possible. Each applicant shall be notified in writing by the Department of the results of examination including computed score within twenty-one (21) days of the date on which the examination is administered.

6.9 Reciprocal Agreements between Alarm Licensing Department and State Board of Examiners

- A. Alarm businesses licensed by Department are allowed without benefit of electrician's license to connect all types of burglar alarm systems, run cable, conduit, connect all controls or equipment for systems, and to wire into a power source or plug in systems up to fifty (50) volts, supplied as an electrical source by the subscriber on his premises.
- B. Alarm systems over fifty (50) volts which must be wired into a power source must be connected by the holder of an electrician's license.

6.10 Alarm System Service Requirements

- A. Disclosure to Alarm System Subscribers
 - 1. Any alarm business as defined within the Statute, engaging in the initial sale, leasing, installation, scheduled maintenance, or monitoring of alarm devices or alarm systems shall enter into a written contract with the subscriber and shall:
 - a. Disclose all information pertaining to the contract and its performance, the absence of which might mislead the subscriber to his detriment, including the extent and scope of all warranties or services offered by the installer.
 - b. Provide the subscriber with a copy of the contract, which will allow the subscriber to review and be knowledgeable of its language prior to the execution of the contract.
- B. Emergency and Non-Emergency Service
 - 1. Each alarm business licensed under the Statute shall maintain twenty-four (24) hour emergency service seven (7) days a week for its subscribers, delineated as follows:
 - a. Each licensed alarm business shall maintain sufficient staff and shall maintain sufficient means of communication to be able to respond or communicate under normal circumstances or conditions within two (2) hours after a request has been made for emergency service of a subscriber's alarm system, maintained under warranty, written contract, or under verbal agreement at a prescribed fee for each response by the alarm business; such request for service being received by the alarm business from the subscriber of the

alarm system, a duly authorized representative of the subscriber, or a duly sworn law officer of this state.

- b. Each licensed alarm business must be able to provide service to non-emergency requests for service or repair of a subscriber's alarm system made by the subscriber, the subscriber's authorized representative, or a duly sworn law officer of this state, on the day in which the request is made if the request is made between the hours of 12:00 midnight and 12:00 noon of the same day, or within a period of twenty-four (24) hours of the initial request for service if the request is made between the hours of 12:01 p.m. and 11:59 p.m. of a given day. The alarm business's published telephone number shall be staffed by an employee of the business, a qualified person, or telephone answering service. Electronic telephone message recording devices are not acceptable.

C. Alarm System Warranty Required

- 1. An alarm system installed in a commercial, public, or residential building shall include a limited warranty on all devices for the period of one (1) year. The installation shall be done in accordance with the manufacturer's recommendations and good standards of the industry.

D. Permission Required from Subscriber

- 1. No person shall sell, install, maintain, repair, replace, operate, or adjust any alarm device or system on any premises, public or private, without consent and/or permission of the subscriber for whom alarm service is provided.
- 2. Any alarm business or alarm agent found by the Department to be in violation of this section shall be subject to the penalties provided by R.I. Gen. Laws § 5-57-41.

6.11 Procedure for Handling Complaints

- A. The Department will accept written complaints from the public pertaining to practices of alarm companies and their installers which violate the provisions of the Statute and these Regulations, such violations pertaining to, but not limited to installation, service, repair, maintenance, alteration, or replacement of alarms or alarm systems; improper or defective workmanship, parts, and materials; false alarm; failure of alarm companies to comply with contractual obligations, and other conditions or situations covered by the Statute, the violation of which would lead the public to seek redress of complaint.

- B. When a written complaint is received, the Department shall determine whether or not the complaint concerns a violation of law or regulation. If a violation exists, the Department shall prepare and issue to the respondent a copy of the complaint and a request for written answer. Upon receipt of written answer, the Department shall hold a hearing convened in accordance with the Administrative Procedures Act before a designee of the Director. After the hearing, a written decision shall be issued which shall be the final agency determination.

6.12 Identification Lists and Stickers

- A. Each licensed alarm business shall provide its subscribers with weather proof stickers should they have:
 - 1. An alarm or alarm system under written guarantee.
 - 2. An alarm or alarm system under written contract for service at a prescribed fee or on a per call basis.
- B. Such sticker shall contain the complete business address of the servicing alarm business, emergency service telephone number, and the License number issued by the Department.
- C. Such sticker shall be placed in a conspicuous place on the premises where the alarm or alarm system is installed so as to be easily seen by law enforcement officials or alarm business service personnel who respond to triggered alarms.

6.13 Alarm System Sounding Devices

- A. No licensed alarm business shall sell, install or service an alarm system with local audible sounding devices that sound in excess of thirty (30) minutes prior to automatically shutting down.
- B. Any alarm business or agent found to be in violation of this section shall be subject to the penalties provided under § 6.10 of this Part.

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