

"AN ACT PERTAINING TO THE ALARM SYSTEMS LICENSING BOARD; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Subsection (a) of Section 2 of Act 1004 of 1985, the same being Arkansas Statute 71-5702(a), is hereby amended to read as follows:

"(a) No person, firm, association or corporation shall engage in an alarm systems business without first being licensed in accordance with this Act. For purposes of this Act, an 'alarm systems business' is defined as any person, firm, association or corporation which for a fee or other valuable consideration installs, services, performs a survey of the premises to be protected, monitors or responds to electrical, electronic or mechanical alarm signal devices, burglar alarms, television cameras or still cameras used to manually or automatically signal or detect burglary, fire, breaking or entering, shoplifting, pilferage, theft or hold up."

SECTION 2. Section 3 of Act 1004 of 1985, the same being Arkansas Statute 71-5703, is hereby amended to read as follows:

"Section 3. Exemptions. The provisions of this Act shall not apply to:

- (1) A person who or business which sells or manufactures alarm systems, unless such person or business surveys, installs, services, or responds to alarm systems;
- (2) Installation, servicing or responding to fire alarm systems or any alarm device which is installed in a motor vehicle, aircraft or boat;
- (3) Installation of an alarm system on property owned by or leased to the installer;
- (4) Installation of fixed fire extinguisher systems by persons licensed by the Fire Extinguisher Board;
- (5) Installation of a fire alarm system by a person or organization not employed by a licensee under this Act, who holds an electrical contractors license in the State of Arkansas, when the installation is directed, inspected, and certified by a person or organization licensed under this Act."

SECTION 3. Subsection (A) of Section 4 of Act 1004 of 1985, the same being Arkansas Statute 71-5704(A), is hereby amended to read as follows:

"(A) There is hereby created the Arkansas Alarm Systems Licensing Board to be composed of seven (7) members appointed by the Governor and subject to confirmation by the Senate. Four of the initial members of the Board must be licensed under Act 429 of 1977 as an alarm systems company, and their successors must be licensed under this Act. The three other members of the Board shall not be engaged in the alarm systems business."

SECTION 4. Section 6 of Act 1004 of 1985, the same being Arkansas Statute 71-5706, is hereby amended to read as follows:

"Section 6. Denial of a license or registration. All applicants who meet the requirements of Section 2 of this Act shall be issued a license or registration except that the Board may deny a license if the applicant has:

- (1) committed an act which, if committed by a licensee, would be grounds for the suspension or revocation of the license;
- (2) previously been denied a license under this Act or has previously had a license revoked for cause; or
- (3) knowingly made any false statement or misrepresentation on the

license application."

SECTION 5. Subsections (A) and (B) of Section 7 of Act 1004 of 1985, the same being Arkansas Statutes 71-5707(A) and (B) are hereby amended to read as follows:

"(A) The license when issued shall be in such form as may be determined by the Board and shall state:

- (1) the name and address of the licensee;
- (2) the name under which the licensee is to operate;
- (3) the number and issuance date of the license.

(B) The license shall be issued to a term of two years. Each license must be renewed before expiration of the term of the license. The license shall expire July 1st of every odd year. Following issuance, the license shall at all times be posted in a conspicuous place in the principal place of business of the licensee. A license issued under this Act is not assignable."

SECTION 6. Subsection (E) of Section 7 of Act 1004 of 1985, the same being Arkansas Statute 71-5707(E), is hereby amended to read as follows:

"(E) The Board shall charge application and license fees as follows:

- (1) a nonrefundable initial license application fee in the amount of two hundred dollars (\$200.00);
- (2) a new or renewal license fee in the amount of two hundred dollars (\$200.00), provided that such fee shall be prorated on a monthly basis to ensure that all licenses expire on July 1 of every odd-numbered year;
- (3) a late renewal fee in the amount of one hundred dollars (\$100.00) to be paid in addition to the renewal license fee, if the license has not been renewed on or before its expiration date;
- (4) an employee registration fee of twenty-six dollars (\$26.00) charged for background checks by the State Police. All employee registrations shall expire July 1 of every odd year. The Board shall not prorate the employee registration fee;
- (5) a fee of twenty-six dollars (\$26.00) for registration of an employee who changes employment to another licensee;"

SECTION 7. Subsection (A) of Section 8 of Act 1004 of 1985, the same being Arkansas Statute 71-5708, is hereby amended to read as follows:

"(A) All licensees, upon or before the beginning of employment of an employee, shall furnish the Board with the following: two sets of classifiable fingerprints on standard applicant cards; two recent photographs of acceptable quality for identification; and a completed application which will be supplied by the Board."

SECTION 8. Section 9 of Act 1004 of 1985, the same being Arkansas Statute 71-5709, is hereby amended to read as follows:

"Section 9. Classification of registration. No person may engage in any conduct outside the scope of this registration:

(A) For the purpose of defining the scope of registration, the following registration classifications are established:

- (1) burglar alarm installer: an individual who is permitted only to install, service and inspect burglar alarms.
- (2) fire alarm installer: an individual who is permitted only to install, service and inspect fire alarms.
- (3) residential burglar and fire alarm installer: an individual who is permitted only to install and service only single family residential burglar and fire alarms."

SECTION 9. Section 11 of Act 1004 of 1985, the same being Arkansas

Statute 71-5711, is hereby amended to read as follows:

"SECTION 11. Suspensions or revocation of licenses or registration; Appeal Denial of applicaton for (A) The Board may, after notice and an opportunity for hearing, suspend, revoke, and/or fine in an amount not to exceed \$1,000.00 if it is determined that the licensee or registrant has:

(1) made any false statement or given any false information in connection with any application for a license or for the renewal or reinstatement of a license or registration;

(2) violated any provision of this Act;

(3) violated any rule promulgated by the Board pursuant to the authority contained in this Act;

(4) failed to correct business practices or procedures that have resulted in prior reprimands by the Board;

(5) impersonated or permitted or aided and abetted any other person to impersonate a law enforcement officer of the United States, this State, or any of its political subdivisions;

(6) engaged in or permitted any employee to engage in an alarm systems business when not licensed under the provisions of this Act;

(7) committed any act which is a ground for the denial of an application for a license or registration under this Act;

(8) failed to maintain the certificate of liability insurance required by this Act;

(9) been declared by any court of competent jurisdiction to be incompetent by reason of mental defect or disease and has not been restored.

(B) The revocaton or suspension of a license or registration by the Board as provided in subsection (A) of this section shall be in writing, stating the grounds upon which the Board decision is based. The aggrieved person shall have the right to appeal from such decision as provided under Act 434 of 1967 as now or hereafter amended (Ark. Stats. 5-701 et seq.), the Arkansas Administrative Procedure Act."

SECTION 10. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: April 8, 1987
