

1 H.47

2 Introduced by Representative Grad of Moretown

3 Referred to Committee on

4 Date:

5 Subject: Professions and occupations; electronic life safety and property  
6 protection systems; licensure

7 Statement of purpose: This bill proposes to establish a system for licensing  
8 firms and individuals who sell, install, integrate, inspect, service, and monitor  
9 life safety and intrusion detection systems and equipment, including property  
10 protection systems, video surveillance, electronic access control, and medical  
11 alarms.

12 An act relating to the licensure of electronic life safety and property  
13 protection systems

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. SHORT TITLE

16 This act shall be known as the Electronic Life Safety and Property  
17 Protection Systems Licensing Act.

1       Sec. 2. 26 V.S.A. chapter 95 is added to read:

2               CHAPTER 95. ELECTRONIC LIFE SAFETY AND PROPERTY

3                               PROTECTION SYSTEMS

4       § 4901. DEFINITIONS

5               As used in this chapter, unless the context clearly indicates otherwise:

6               (1) “Access control system” means a combination of electronic  
7 equipment and devices designed and arranged for the control of authorized  
8 individuals, vehicles, and materials through entrances and exits of a controlled  
9 area or premises.

10              (2) “Board” means the electronic life safety and property protection  
11 systems licensing board.

12              (3) “Burglar alarm system” means an assembly of equipment and  
13 devices designed and arranged to signal an unauthorized entry or attempted  
14 entry of a person or an object into the area covered by the system.

15              (4) “Closed circuit television” means an in-house television system in  
16 which a transmitter (camera) feeds one or more receivers (monitors) through a  
17 closed cable or other transmission method and includes portable investigative  
18 equipment such as surveillance equipment devices and associated wiring that is  
19 not permanently attached to a building or other structure, and which may or  
20 may not include the ability to transmit video signals locally or remotely.

1           (5) “Firm” means a person, firm, partnership, corporation, association,  
2           or other entity that sells, installs, services, inspects, tests, or maintains burglar  
3           alarm systems, electronic access control systems, video surveillance systems,  
4           personal emergency response systems, or integrations of any of these systems,  
5           or provides service of property protection.

6           (6) “Individual license” means the authorization under this chapter for  
7           an individual to perform life safety and property protection contracting for  
8           those endorsements held. The individual may sell, install, service, inspect, test,  
9           integrate, or maintain burglar alarm systems, electronic access control systems,  
10           video surveillance systems, or personal emergency response systems.

11           (7) “License” means a license to engage in business in this state in life  
12           safety and property protection.

13           (8) “Licensee” means an individual, firm, sole proprietorship,  
14           partnership, corporation, association, or other entity that holds either a firm  
15           license or individual license.

16           (9) “Life safety and property protection systems and equipment” means  
17           those life safety and property protection systems intended to protect lives and  
18           property from the risk of theft, unauthorized entry, or physical harm to a  
19           structure’s occupants or property. Property protection systems and equipment  
20           may include intrusion alarms, closed circuit televisions, and access control.

1           (10) “Monitoring” means the retransmission of information received  
2 from property protection systems to the proper individual as required by law or  
3 as determined by the property protection systems user.

4           (11) “NBFAA” means the National Burglar and Fire Alarm Association.

5           (12) “Operator” means an individual licensed to perform alarm operator,  
6 dispatcher, or monitor functions of a life safety and property protection system.

7           (13) “Person” means an individual, firm, sole proprietorship,  
8 partnership, corporation, association, or other entity.

9           (14) “Property protection system” means an assembly of electronic  
10 equipment and devices that provides as its main purpose the protection of life  
11 or property, and the detection of threats or violations to the security of the  
12 protected premises. The system functions include, solely or in combination:  
13 burglar alarm systems, electronic access control systems, video surveillance  
14 systems, or personal emergency response systems.

15           (15) “Runner” means an individual who is employed by a monitoring  
16 station for the purpose of responding in direct response to an alarm condition.

17           (16) “VASA” means the Vermont Alarm and Signal Association.

18           § 4902. ELECTRONIC LIFE SAFETY AND PROPERTY PROTECTION

19           SYSTEMS LICENSING BOARD

20           (a) The electronic life safety and property protection systems licensing  
21 board is created. The board shall consist of the following members:

1           (1) three electronic life safety and property protection systems firm  
2           licensees who are members of VASA and who have been actively engaged in  
3           the electronic life safety and property protection systems industry in Vermont  
4           for at least five years immediately preceding appointment;

5           (2) one representative of the Vermont state police;

6           (3) one representative of law enforcement in Vermont who is not a  
7           member of the Vermont state police;

8           (4) two members of the public.

9           (b) The board shall meet within 30 days after the appointment of its  
10           members and shall establish operating procedures and develop application  
11           forms for licensure.

12           (c) Board members shall be appointed by the governor pursuant to 3 V.S.A.  
13           §§ 129b and 2004 and shall be citizens of the United States and residents of the  
14           state of Vermont.

15           (d) The three electronic life safety and property protection systems firm  
16           licensees initially appointed to the board need not be licensed at the time of  
17           appointment but shall satisfy eligibility requirements for licensure within 90  
18           days of appointment.

19           (e) A majority of the members of the board shall constitute a quorum. A  
20           member shall not be counted as part of a quorum or vote on any issue unless  
21           the member is physically in attendance at the meeting.

1       (f) The board shall select annually a chair from among its members. The  
2       board, with the approval of the secretary, shall select and fix the compensation  
3       of an individual, who shall conduct the daily operations of the board and  
4       provide for the administration of the board's activities.

5       (g) Each electronic life safety and property protection systems firm licensee  
6       and the public members of the board shall be eligible for reimbursement of  
7       mileage and actual expenses when attending board meetings.

8       (h) A member who is an electronic life safety and property protection  
9       systems firm licensee or a public member who fails to attend three consecutive  
10       meetings shall forfeit the member's seat unless the secretary, upon written  
11       request from the member, finds that the member should be excused from a  
12       meeting because of illness or the death of a family member.

13       (i) A public member who fails to attend two consecutive board meetings  
14       shall forfeit the member's seat unless the secretary, upon written request from  
15       the public member, finds that the public member should be excused from a  
16       meeting because of illness or the death of a family member.

17       (j) The board shall meet at least quarterly and at additional times as called  
18       by the chair or a majority of the board.

19       § 4903. POWERS AND DUTIES OF BOARD

20       (a) The board shall have the following powers and duties:

1           (1) To ensure at least one examination every six months for each  
2           specific classification of individual license, designate the time and place of  
3           those examinations, and notify applicants. The board may engage a testing  
4           service that is qualified to administer any examinations required under this  
5           chapter.

6           (2) To provide for and regulate the licensing of individuals under this  
7           chapter.

8           (3) To establish the minimum qualifications for applicants for  
9           examination and licensing.

10          (4) To issue licenses, renew licenses, reinstate licenses, or refuse to  
11          renew, suspend, and revoke licenses as provided in this chapter.

12          (5) To administer and enforce the provisions of this chapter.

13          (6) To investigate applications for licensure and to determine the  
14          eligibility of an individual applying for licensure.

15          (7) To adopt rules, consistent with this chapter, as necessary only to  
16          carry into effect the provisions of this chapter.

17          (8) To keep and maintain minutes and records of all its transactions,  
18          proceedings, and meetings and to ensure those records are available to the  
19          public consistent with applicable state law.

20          (9) To work with the department of public safety to establish and  
21          maintain a database.

1           (10) To conduct an investigation of any alleged violation of this chapter.

2           (11) To notify the secretary and board members of meeting dates and  
3 agenda items at least five days prior to the meeting.

4           (12) To circulate the forms and educate the public regarding the  
5 requirements of being licensed.

6           (13) To establish procedures to investigate and undertake disciplinary  
7 action against a licensee.

8           (14) To adopt by rule a process by which it will evaluate the experience  
9 required of applicants for licenses under this chapter.

10           (15) To conduct an examination of any civil judgments and criminal  
11 convictions of an applicant, including obtaining any criminal record  
12 information permitted by law.

13           (16) To require documentation that a firm with a property protection  
14 alarm license is an entity licensed to conduct business within this state and  
15 with its principal place of business within the physical boundaries of this state.

16           (17) To issue a license to an applicant if the applicant has complied with  
17 the application requirements and paid the fees required by this chapter not later  
18 than 30 days after the date on which the board determines that an applicant  
19 successfully completed the education requirements under this chapter.

20           (18) To adopt by rule, continuing education requirements for licensees.



1        (b) The board shall not adopt any rule that unreasonably restricts  
2        competition or the availability of services requiring licenses pursuant to this  
3        chapter or that unnecessarily increases the cost of services.

4        (c) No member of the board shall be liable in a civil action for any act  
5        performed in good faith in the execution of his or her duties as a board  
6        member.

7        (d) Notice of the issuance, revocation, reinstatement, or expiration of every  
8        license issued by the board shall be furnished to the Vermont state police,  
9        county sheriffs, and the chiefs of police, as appropriate.

10       (e) Information contained in alarm system records held by the board  
11       concerning the location of an alarm system, the name of the occupant, or the  
12       type of alarm system used shall be confidential and disclosed only to the board  
13       or as otherwise required by law.

14       § 4904. TYPES OF LICENSES

15       (a) The following are types of firm licenses:

16           (1) Property protection alarm license: for a firm that sells, installs,  
17           services, inspects, tests, or maintains burglar alarm systems, electronic access  
18           control systems, video surveillance systems, personal emergency response  
19           systems or that provides monitoring of burglar alarm systems, electronic access  
20           control systems, video surveillance systems, or personal emergency response  
21           systems.

1           (2) Monitoring license: for a firm that provides monitoring of, and  
2           responds only to, burglar alarm systems, electronic access control systems,  
3           video surveillance systems, or personal emergency response systems.

4           (b) The following are types of individual licenses:

5           (1) Installer license: for an individual whose primary responsibility is  
6           the installation, service, or repair of equipment used in the alarm industry  
7           under the exclusive guidance and supervision of a technician licensee who is  
8           licensed with the same firm and holds a valid license to perform the same acts.

9           (2) Technician license: for an individual whose primary responsibility  
10           is the installation, service, or repair of equipment used in the alarm industry.

11           (3) Sales license: for an individual who solicits another on behalf of a  
12           firm licensee by any means, including by telephone or other electronic device,  
13           public notice or advertisement, door-to-door, or any other type of personal  
14           interaction.

15           (c) No license may be used for any purpose by any person other than the  
16           person to whom the license is issued. No license may be assigned, transferred,  
17           or otherwise disposed of so as to permit its unauthorized use.

18           § 4905. EXEMPTIONS

19           Except as otherwise provided in this chapter, the following are exempt from  
20           licensure:

1           (1) Retail and Internet sales of electronic life safety and property  
2 protection systems directly to the consumer for self installation and personal  
3 use.

4           (2) Personal emergency response systems provided by nonprofit or  
5 social welfare agencies.

6           (3) A person who personally performs electronic life safety and property  
7 protection systems work on the site of real property which the person owns or  
8 leases, whether or not for commercial or residential purposes.

9           (4) Work done by an employee of the state, a county, a municipality, or  
10 any governmental subdivision or agency, when done in conjunction with or as  
11 part of the primary job responsibility of that employee.

12           (5) A firm or individual who installs a motor vehicle alarm system.

13           (6) Work performed by a person's regular employees, for which the  
14 employees are paid regular wages and not a contract price, on property which  
15 the employer owns or leases, whether for commercial or residential purposes.

16           § 4906. LICENSE REQUIRED; DISPLAY OF LICENSE

17           (a) No person in this state shall engage in any act as a licensee unless the  
18 person shall first have obtained a license. A person who is employed by a firm  
19 licensed under this chapter and who is not individually licensed under this  
20 chapter, but who has access to information in the ordinary course of  
21 employment that would allow that individual to circumvent property protection

1 or life-safety systems, shall submit to a search of all criminal record  
2 information including information relating to convictions in Vermont,  
3 convictions in other jurisdictions recorded in other state repositories, or by the  
4 Federal Bureau of Investigation (FBI), and other related information as  
5 required by the board. The board shall not issue a license to a person  
6 individually or any firm that employs an individual who has been convicted of  
7 a felony.

8 (b) No person or firm shall aid, abet, facilitate, or otherwise assist an  
9 unlicensed person or firm in engaging in life safety and property protection  
10 contracting as defined in this chapter when the person or firm knew or should  
11 have known that the person or firm assisted was unlicensed.

12 (c) No person or firm, while holding a license, shall:

13 (1) allow another person or firm to use his, her, or its license or license  
14 number;

15 (2) use any credential, method, means, or practice to impersonate a  
16 representative of the board;

17 (3) make use of any designation provided by law to denote professional  
18 or occupational competence without being duly licensed;

19 (4) make use of any title, words, letter, or abbreviations which may  
20 reasonably be confused with a designation provided by law to denote a

1 standard of professional or occupational competence without being duly  
2 licensed;

3 (5) materially misrepresent facts in an application for licensure or in  
4 other communications with the board;

5 (6) refuse to furnish to the board information or records required or  
6 requested pursuant to statute or regulation.

7 (d) A firm to whom a license has been issued shall keep the license or a  
8 copy posted in a conspicuous position at the primary place of business. The  
9 license number shall be included in all contracting advertisements and all fully  
10 executed and binding contracts.

11 § 4907. FIRM LICENSEES; REQUIREMENTS

12 (a) A firm licensed under this chapter may sell, lease, rent, plan with the  
13 intent to pre-wire, pre-wire, maintain, repair, test, modify, improve, or alter life  
14 safety systems and equipment; hold oneself or one's firm out for hire to  
15 perform any of these tasks; or otherwise offer to perform any of these tasks for  
16 compensation, either directly or indirectly or any tasks that provide off-site  
17 monitoring of burglar alarm systems, electronic access control systems, or  
18 video surveillance systems in this state.

19 (b) The following shall be required of a firm holding a property protection  
20 alarm license or a monitoring license:

1           (1) A firm shall maintain records of all employees during their  
2           employment and for one year after the end of their employment. Records shall  
3           be available upon request of the board or an investigator of the board.

4           (2) An affidavit of compliance with this chapter shall be submitted with  
5           the application for and renewal of a license.

6           (3) All individuals shall have their fingerprints submitted within 90 days  
7           after employment.

8           (4) An individual designated as an operator or a runner shall have  
9           submitted an FBI criminal background check within 90 days of employment.

10          A law enforcement agency or law enforcement officer acting in an official  
11          capacity who responds to an alarm system shall be exempt from this  
12          requirement.

13          § 4908. INDIVIDUAL LICENSES; REQUIREMENTS

14          The following shall be required of an individual holding an installer license,  
15          technician license, or sales license:

16               (1) An individual that sells, installs, services, inspects, tests, or  
17               maintains a property protection system shall hold a technician license.

18               (2) An individual shall complete minimum training relative to the  
19               specific field as set forth in this chapter.

20               (3) An individual shall notify the board of any arrest or conviction  
21               within 10 days.

1           (4) Individual license applicants shall have one year after the date of  
2           employment to complete the educational requirements.

3           (5) An individual licensee shall submit his or her fingerprints within 90  
4           days after employment.

5           (6) An individual licensee shall submit to a search of all criminal record  
6           information, including information relating to convictions in Vermont,  
7           convictions in other jurisdictions recorded in other state repositories, or by the  
8           Federal Bureau of Investigation (FBI), and other related information as  
9           required by the board within 90 days of employment.

10           § 4909. INDIVIDUAL LICENSEES; ELIGIBILITY; EDUCATIONAL  
11           REQUIREMENTS

12           (a) To be eligible for licensure, an individual applicant shall successfully  
13           complete the prescribed training in at least one of the three disciplines  
14           governed by the license.

15           (b) To be eligible for licensure, an applicant for a technician license shall  
16           satisfactorily complete the prescribed training in at least one of the three  
17           disciplines governed by the license and verify completion of 1,000 hours  
18           working in the industry under the supervision of a technician license holder or  
19           board-approved equivalent.

20           (c) To be eligible for licensure renewal, a technician licensee shall  
21           satisfactorily complete the NBFAA Level One Certified Alarm Technician

1 Course and one of the following NBFAA advanced courses: the NBFAA  
2 Advanced Burglar Alarm Technician Course, the NBFAA Electronic Access  
3 Control Course, or the NBFAA Video System Technologies Course, or  
4 equivalent training approved by the board.

5 (d) To be eligible for licensure, an applicant for a sales license shall  
6 satisfactorily complete the NBFAA Essential Sales Training (EST).

7 § 4910. APPLICATIONS; QUALIFICATIONS; FEES

8 Applicants for licensure under this chapter shall:

9 (1) Submit to the board a completed application on a form prescribed by  
10 the board;

11 (2) Pay an application fee as follows:

12 (A) Firm licenses:

13 (i) Property protection alarm license \$100.00

14 (ii) Monitoring license \$100.00

15 (B) Individual licenses:

16 (i) Installer license \$ 75.00

17 (ii) Technician license \$100.00

18 (iii) Sales license \$ 75.00

19 (3) Submit to the board any other information required by the board by  
20 rule.



1           (4) Demonstrate to the satisfaction of the board the appropriate amount  
2 of work experience, honesty, trustworthiness, and integrity as required for the  
3 license.

4           (5) Maintain workers' compensation coverage for the firm's employees  
5 through an insurance company authorized to engage in the business of  
6 insurance in this state or through self-insurance.

7           (6) Maintain in full force and effect general liability insurance coverage  
8 in an amount not less than \$500,000.00 for each occurrence and \$500,000.00  
9 in the aggregate. The firm shall submit evidence of liability insurance  
10 coverage when it submits its licensing application or at any time requested by  
11 the board. The board may in its discretion adjust the amount of required  
12 insurance coverage by rule.

13           (7) Be a citizen of the United States.

14           § 4911. INACTIVE STATUS

15           (a) A license may be placed on inactive status for up to three years. The  
16 licensure fee shall be paid upon application for the license to be returned to  
17 active status.

18           (b) A license that has been moved to inactive status may be reactivated  
19 upon application to the board. The board may adopt, by rule, continuing  
20 education requirements as a condition of reactivating a license. The continuing

1 education requirements for reactivating a license may not exceed 12 classroom  
2 hours for each year the license was inactive.

3 (c) Notwithstanding any other provision of law to the contrary, a licensee  
4 may apply to the board for voluntary inactive status at any time during the  
5 period of licensing.

6 § 4912. RENEWALS

7 (a) Except as provided in subsection (b) of this section, a license shall  
8 expire three years from the date of issue, but may be renewed upon payment of  
9 the required renewal fee.

10 (b) Not later than the 60 days prior to the expiration of a license, the board  
11 shall notify the licensee in writing, at the licensee's last known mailing  
12 address, of the impending license expiration.

13 (c) If a licensee fails to renew a license prior to its expiration date, the  
14 licensee may renew it within 30 days of its expiration by submitting a renewal  
15 application, the license renewal fee, and a late fee, as adopted by the board by  
16 rule.

17 (d) A license that is not renewed within 30 days of its expiration shall be  
18 automatically suspended. An individual who continues to practice with a  
19 suspended license shall be in violation of this chapter.

20 (e) Renewal fees shall be the same as the fees for initial licensure.

1     § 4913. UNPROFESSIONAL CONDUCT

2           (a) Unprofessional conduct is the conduct prohibited by this section or by  
3     3 V.S.A. § 129a, whether or not demonstrated by a licensee or applicant.

4           (b) Unprofessional conduct means any of the following:

5           (1) a violation of any provision of this chapter. If the violation is by a  
6     firm, the board may discipline the responsible officers or employees of the firm  
7     as it deems appropriate;

8           (2) an individual who holds himself or herself out as a firm without  
9     being properly licensed as provided in this chapter;

10          (3) negligence or incompetence in the area of contracting for which a  
11     license was issued;

12          (4) willful or repeated violation of any of the provisions of this chapter  
13     or rule of the board;

14          (5) fraud or deceit in securing licensure;

15          (6) a license suspension or revocation or other disciplinary action by the  
16     appropriate licensing authority in another state, territory, possession of the  
17     United States, or country;

18          (7) with respect to the practice of contracting, acting in such a manner as  
19     to present an immediate and clear danger to health, safety, or property;

20          (8) failure to notify the board of any change in legal name or mailing  
21     address within 30 days of the change.

1       (c) After a hearing, the board may take disciplinary action against a  
2       licensee or applicant found guilty of unprofessional conduct. Discipline by the  
3       board against a licensee or applicant for unprofessional conduct may include  
4       denial of an application, revocation or suspension of a license, imposed  
5       supervision, reprimand, warning, or the required completion of a course of  
6       action.

7       § 4914. CRIMINAL PENALTIES

8       (a) An individual or the responsible officers or employees of a firm or other  
9       entity violating a provision of this chapter or a rule of the board commits a  
10       misdemeanor and shall, upon conviction, be sentenced to pay a fine of not  
11       more than \$1,000.00 for the first violation.

12       (b) For a second and each subsequent conviction, an individual shall be  
13       sentenced to pay a fine of not more than \$2,000.00.

14       (c) In addition to or in lieu of administrative sanctions, the board is  
15       empowered to issue an order to any person or firm engaged in any activity,  
16       conduct, or practice constituting a violation of any provision of this chapter to  
17       cease and desist from the activity, conduct, or practice. The order shall be  
18       issued in the name of the state of Vermont under the official seal of the board.  
19       If the person or firm to whom the board directs a cease-and-desist order does  
20       not cease and desist from the prohibited activity, conduct, or practice  
21       immediately after service of the order by certified mail or personal service, the

1 board may seek, in any court of competent jurisdiction and proper venue, a  
2 writ of injunction enjoining the person or firm from engaging in any activity,  
3 conduct, or practice prohibited by this law.

4 Sec. 3. EFFECTIVE DATE

5 This act shall take effect on January 1, 2012; however, 26 V.S.A. §§ 4901,  
6 4902, and 4903, relating to definitions and the creation and powers and duties  
7 of the electronic life safety and property protection systems licensing board,  
8 shall take effect on passage.