

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 304 Department or Agency Alabama Electronic Security Board of
Licensure

Rule No. 304-X-1-.01

Rule Title: Definitions

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 412223, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer *Lynae Taunton*
Date June 10, 2011

(DATE FILED)
(STAMP)

ALABAMA ELECTRONIC SECURITY BOARD OF LICENSURE

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Electronic Security Board of Licensure

RULE NO. & TITLE: 304-X-1-.01 Definitions

INTENDED ACTION: To Amend Rule

SUBSTANCE OF PROPOSED ACTION:

To delete definition (7) Cameras and renumber. Add helper (H) to definitions of License, Licensee, and Registrant. Delete reference to Trainee card under Identification Card. Change definition (27) from Student Helper to Helper and clarify while learning the alarm or locksmith business under direct, on the job, supervision, and delete in school requirement and number of times renewable.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Written comments may be submitted to; Alabama Electronic Security Board of Licensure, 7956 Vaughn Road, PMB 392, Montgomery, AL 36116.

Public Hearing; Tuesday, August 9, 2011, 9:30 a.m., Alabama Industrial Development Training Center, One Technology Court, Montgomery, AL

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

August 9, 2011

CONTACT PERSON AT AGENCY:

Lynne Taunton, Executive Secretary, Alabama Electronic Security Board of Licensure, 7956 Vaughn Road, PMB 392, Montgomery, AL 36116


Lynne Taunton, Executive Secretary

**ALABAMA ELECTRONIC SECURITY BOARD OF LICENSURE
ADMINISTRATIVE CODE**

CHAPTER 304-X-1

TABLE OF CONTENTS

| | |
|--------------------|----------------------------------|
| 304-X-1-.01 | Definitions |
| 304-X-1-.02 | Licensure Procedures |
| 304-X-1-.03 | Fees |
| 304-X-1-.04 | Educational Requirements |
| 304-X-1-.05 | Code of Ethics |
| 304-X-1-.06 | Administrative Complaints |

304-X-1-.01 **Definitions**

(1) Administrative Fee: A fee is charged to first time applicants, or those reapplying as first time applicants, or to licensees who wish to have a change of address or name, to cover the expenses of setting up applicants' data files.

(2) Alarm System: Burglar alarms, television cameras, or other electrical or electronic device used to prevent or detect burglary, theft, shoplifting, pilferage, and other similar losses. The term does not include any fire detection, fire alarm, or fire communication system.

(3) Alarm System Installer: A person or business entity that offers to undertake, represents itself as being able to undertake, or does undertake the installation, service, or monitoring, of alarm systems for the public for any type of compensation.

(4) Branch Office: An office established or maintained at some place other than the principal place of business as shown in the Board of Licensure records and is identified to the public at a place from which business of planning, installation, inspecting, repairing, and servicing alarm systems or locks used to protect against or detect burglary, theft, shoplifting, pilferage, or other losses is conducted on a regular basis.

(5) Branch Office License: A license granted by the Board of Licensure entitling a person to operate as a security service contractor of an alarm systems company or a locksmith company at a location other than the principal place of business shown in the Board of Licensure records.

(6) Burglar Alarm (B): An assembly of equipment and devices, or a single device such as a solid-state unit which plugs directly into an AC line, designed to detect an unauthorized intrusion or an attempted robbery at a protected premises or signal public police or private guards to respond, or both.

~~(7) Cameras: Include but are not limited to; television cameras, surveillance cameras, internet protocol (IP) cameras, and thermal cameras.~~

~~(8)~~(7) Central Station: A location where alarm signals are received as part of an alarm system and then relayed via operator to law enforcement officials.

~~(9)~~(8) Certified Proctor: A Certified National Training School (NTS) Instructor or an Associated Locksmiths of America (ALOA) Certified Master Locksmith (CML) who supervises an exam within their discipline.

~~(10)~~(9) Closed Circuit Television System (CCTV): A combination of electronic equipment and devices designed and arranged for the viewing, monitoring, or recording of video signals transmitted from transmitters such as cameras to receivers such as monitors, digital video recorders, and network video recorders (NVR) through a closed cable or other video signal transmission method.

~~(11)~~(10) Conviction: The entry of a plea of guilty or a verdict rendered in open court by a judge or jury.

~~(12)~~(11) Disciplinary Action: By affirmative vote of a quorum of the Board members, a disciplinary action may consist of; suspension or revocation of a license, imposing a sanction on a license, and/or a monetary penalty not to exceed one thousand dollars (\$1,000.00) per violation.

~~(13)~~(12) Electronic Access Control System (A): A system that is powered by the building's primary power source and is used as a process to grant or deny an individual access to a specific area or object based upon his or her possession of an item, a code, or physical characteristic.

~~(14)~~(13) Installation: The initial placement of equipment or the extension, modification, or alteration of equipment after initial placement.

~~(15)~~(14) License: A license granted by the Board of Licensure entitling a person to operate as a security services contractor; installer of burglar alarm systems (B), electronic access control systems (A), and /or closed circuit television systems (S); locksmith (L); salesperson (Sales); Central Station (CS); helper (H); or administrative (Adm).

~~(16)~~(15) Licensee: A person whose application has been approved by the Board of Licensure to perform the duties of a Qualifying Agent, burglar alarm system (B) installer, electronic access control system (A) installer, closed circuit television system (S) installer, locksmith (L), central station operation (CS), salesperson (Sales), helper (H), or administrative (Adm).

~~(17)~~(16) Lock: Mechanical or electronic device used to physically secure and control access to or egress from a structure or area, or used to control the use of a device; these uses include, but are not limited to, residential or commercial door hardware, safes, safe deposit boxes, vaults, or electronic locking devices.

~~(18)~~(17) Locksmith: A person or business entity that offers to undertake, represents itself as being able to undertake, or does undertake the installation or service of locks for residential or commercial use.

~~(19)~~(18) Identification Card: A pocket card of a size, design, and content determined by the Board of Licensure and carried by each employee of an alarm system or locksmith company. ~~A Trainee card may be issued for up to 180 days.~~

~~(20)~~(19) Manager: In the case of a corporation, an officer or supervisor, or in the case of a partnership, a general or unlimited partner meeting the experience and qualifications set forth by the Board of Licensure for managing an alarm system or locksmith company.

~~(21)~~(20) New Applicant: A registrant who is employed by a licensed company and who is a first time applicant for licensure or a person who fails to renew a license within thirty (30) days of the expiration date of their most recent license.

~~(22)~~(21) Person: Includes, a person, firm, association, company, partnership, corporation, nonprofit corporation, institution, or similar entity.

~~(23)~~(22) Proctored exam: An exam taken in person in front of a Certified Proctor who is present during the examination.

~~(24)~~(23) Qualifying Agent: A person in a management position who is certified by the Board of Licensure and whose name and address have been registered with the Board of Licensure. This person is a Licensee.

~~(25)~~(24) Registrant: A person who files an application for consideration of licensing by the Board of Licensure to perform the duties of a Qualifying Agent (QA), burglar alarms system (B) installer, electronic access control system (A) installer, closed circuit television system (S) installer, locksmith (L), central station operator (CS), salesperson (Sales), helper (H), or administrative (Adm).

(26)(25) Service: Necessary repair in order to return the system to operational condition.

(27)(26) ~~Student~~ Helper: Person whose responsibilities are limited while learning the alarm or locksmith business. An alarm ~~Student~~ Helper is limited to running wires during the installation of an alarm system. An alarm ~~Student~~ Helper may not work out of ~~sight~~ direct, on the job, supervision of a licensed Qualifying Agent or installer nor may an alarm ~~Student~~ Helper install keypads or assign or program access codes. A Locksmith ~~Student~~ Helper may not change safe combinations or perform work on safe deposit boxes or vaults, nor may a Locksmith ~~Student~~ Helper have access to key codes or customer keying files. ~~Student~~ Helpers are not subject to the educational requirement of 304-X-1-.04 of this code. A ~~Student~~ Helper is required to comply with all other sections of this code. ~~A Student Helper must be a full-time student at a high school or post secondary institution. This license cannot be renewed more than once.~~

Author: Fred Crawford

Statutory Authority: Code of Ala. 1975, § 34-1A.

History: **New Rule:** Filed January 20, 1998; effective February 24, 1998.
Amended: Filed April 26, 2000; effective May 31, 2000.
Amended: Filed May 25, 2004; effective June 29, 2004.
Amended: Filed November 13, 2007; effective December 18, 2007.
Amended: Filed November 21, 2008; effective December 26, 2008.
Amended: Filed February 18, 2010; effective March 25, 2010.
Amended: Filed August 20, 2010; effective September 24, 2010.