

**State of Rhode Island and Providence Plantations**  
**DEPARTMENT OF LABOR AND TRAINING**  
**Division of Professional Regulations**  
**1511 Pontiac Avenue, Cranston, Rhode Island 02920**

**DIVISION OF PROFESSIONAL REGULATION**  
**LEGAL NOTICE OF PROMULGATION OF RULES**

The Division of Professional Regulations, under the authority granted by Chapter 57-1 of Title 5 of the General Laws of Rhode Island, 1956, as amended, may adopt, amend, modify and reject general and special rules and regulations under Chapter 35-3 of Title 42 of the General Laws of Rhode Island as amended. Moreover, Pursuant to R.I. General Laws §§ 42-35-3(b), I find an imminent peril to the public health and welfare exists without the adoption of emergency regulations and which requires adoption of these emergency regulations without prior notice or hearing.

Alarm Agents and Alarm Businesses

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Section 1 Department and Purpose

(B) Department . As provided 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 the state which are reasonable, proper, and necessary to carry out the functions of the Department .

(C) Purpose. The purpose of these rules and regulations is to promote the general welfare of the citizens of Rhode Island by implementing R.I. Gen. Laws § 5-57-1 et seq. so that the provisions thereunder may be best effectuated and the public interest may be most effectively served.

Section 2 Severability If any provisions of these rules and regulations are held invalid, such invalidity shall not affect other provisions or application of these rules and regulations which can be given effect without the invalid provision or application and to that end the provisions of these rules and regulations are severable.

Section 3 Definitions

(A) "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.

(B) "Department" means the Department of Labor and Training.

(D) "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). 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. 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. False alarm status will be determined after further investigation by appropriate law enforcement agencies.

(E) "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.

(F) "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.

(G) "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.

(H) "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. The license number issued to an alarm business shall be the last four (4) digits in reverse of the Social Security number of the individual signing the original or renewal application. Should a change in signature occur, the alarm business shall have the option of retaining the original license number issued by the Department .

(I) "Monitoring" shall mean responding to or causing others to respond to an alarm system at a protected premises within the state.

(J) "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.

(K) "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.

(L) "Scheduled maintenance" shall mean 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.

(M) "Statute" means R.I. Gen. Laws § 5-57-1 et seq., as amended, entitled Business and Professions.

(N) "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.

#### Section 4 Alarm Licensing

(A) The Department shall carry out the functions and duties conferred upon it by the Statute.

#### Section 5 Power and Duty of the Department

(A) The Department shall grant Licenses to alarm business and I.D. cards to alarm agents and other employees of alarm businesses as required.

(B) The Department shall make, amend, or repeal such rules and regulations which are necessary to enforce the provisions of the Statute and to carry out the functions of the Department . Rules and regulations promulgated by the Department shall have full force and effect of law.

(C) The Department shall investigate all complaints relative to installation or service of alarm systems by licensed businesses and shall hold hearing to redress complaints.

(D) 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.

(E) 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.

#### Section 6 Licensing Examiner

The Department shall appoint a Licensing Examiner who, under the supervision of the Assistant Director of Professional Regulations, shall administer on a daily basis the Statute and the rules and regulations established there under.

#### Section 7 Principal Officers

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.

#### Section 8 Branch Offices

(A) 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.

(B) 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.

(C) 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.

(D) Answering services which monitor alarms for licensed alarm businesses shall not be required to hold separate alarm business license as long as a subcontracting relationship is maintained with the licensed alarm company.

(E) Answering services acting in the capacity of a subcontractor to a licensed business shall be required to submit a list of employees engaged in monitoring alarm systems. Such list shall contain the name of the employee, residence address, date and place of birth. The principal owner, operator, or manager of such answering service shall be required to hold an alarm agent identification card.

(F) Answering services that do not serve as subcontractors to licensed alarm companies, but which provide services directly to the owner or lessee of an alarm system shall be required to secure an alarm business License and comply with all applicable provisions of the statute dealing with licensing.

#### Section 9 Change of Name, Removal or Relocation of Principal Office or Branch Office Alarm Business

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 ten (10) days prior to the effective date of the removal, relocation, or change of name, give written notice of the new address or new name to the Department . The notice shall also contain reference to the date on which the removal, relocation, or name change shall occur. 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. The licensee shall return his old License to the Department within five (5) business days of the effective date of change.

#### Section 10 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.

#### Section 11 Refund of License and/or Application Fee

(A) The annual fee for an alarm business License shall be refunded to the applicant if the application is disapproved or if the applicant withdraws his application before final approval is granted by the Department . If the applicant is allowed to operate while his application is under consideration and the application is subsequently denied and no hearing on the denial is requested then a portion of the License fee shall be refunded to the applicant based upon the number of months the applicant operated his business while under consideration; the License fee being divided by twelve (12) and the remainder being multiplied by the number of unexpired months to determine the adjusted prorated refund.

(B) Application fee for a License is non-refundable.

(C) There shall be a twelve dollar (\$12.00) fee which shall be assessed against each alarm business for each agent employee fingerprint card submitted for processing by the Federal Bureau of Investigation. Such fee shall accompany the alarm business or agent application and shall be made payable in check or money order to the FBI Identification Division. Should the application of the alarm business or agent subsequently be denied or withdrawn by the applicant for any reason, the assessment fee shall not be refunded.

#### Section 12 Denial, Suspension or Revocation of Original or Renewal License or I.D. Cards

(1) 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.

(a) 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. (b) Applicant or holder of alarm business License or alarm agent I. D. card is found to have violated any provisions of the Statute, rules and regulations promulgated by the Department , which violation of, the Department determines to reflect unfavorably upon the fitness of the licensee or I.D. card holder to engage in the alarm business or to function as an alarm agent.

(c) Applicant or holder of an alarm business License or alarm agent I.D. card is found to have knowingly and willfully given any material false information to the Department in connection with an application for an alarm business License or an alarm agent I.D. card, or a renewal or reinstatement of a License or I.D. card in a notice of transfer of an alarm business licensed under Statute.

(d) Applicant or holder of an alarm business License or an alarm agent I.D. card is found to have been convicted in any jurisdiction of a felony or misdemeanor and the Department determines that such conviction reflects unfavorably upon the fitness of the applicant to engage in the alarm business or function as an alarm agent.

(e) Applicant or holder of an alarm business License or alarm agent I.D. card is found to have committed any act while the license was not in effect which could be cause for revocation of a license, or grounds for the denial of an application for an alarm business License or agent I.D. card.

(f) Applicant or holder of an alarm business License or alarm agent I.D. card knowingly and willfully committed or aided and abetted, while unlicensed, any act for which a license is required by the Statute.

(g) 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. (h) 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.

(2) The Department may refuse, suspend, cancel, or revoke a License or I.D. card issued to an alarm business or alarm agent should:

- (a) The alarm business or alarm agent fail to file a renewal application and pay the renewal fee required by law prior to the expiration date of a licensee's business License or identification card.
- (b) An alarm business or alarm agent be found to have committed wrongful acts of a material nature knowingly engaged in by the licensee in the conduct of its business.
- (c) 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.
- (d) An alarm business fail to enter into a written contract with the subscriber for any of the acts or practices accomplished under Section 19 of these rules and regulations.

### Section 13 Automatic Suspension of Alarm Agent I.D. Card upon Revocation of Alarm Agent Business License

(A) 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.

(B) An alarm agent whose I.D. card is suspended by the Department pursuant to (A) of this section 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.

(C) 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.

### Section 14 Expiration of License or I.D. Card

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.

### Section 15 Cancellation of I.D. Card

Within ten (10) days after an alarm business has received the I.D. card of a terminated, registered employee, the alarm business shall mail or deliver the I.D. card to the Department for cancellation and shall include written notice stating the date the employee terminated, and the date the alarm business received the I.D. card of the terminated employee.

### Section 16 Transferability, Destruction, Replacement of I.D. Card

(A) 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.

(B) In the event that an alarm agent accepts employment with another employer not connected with the alarm business of his former employer, or in the event the agent's alarm business employer undergoes a change in name or a change in address, the agent will notify the Department in writing no less than ten (10) days before the effective date of the change and upon receipt of a new I.D. card reflecting the new information, the agent shall within three (3) business days return the old card to the Department .

#### Section 17 Divulgence of Information

(A) No licensee, I.D. card holder, officer, director, partner, manager, or other employee of an alarm business shall knowingly make any false report to his employer or to a client or subscriber who purchases alarm devices or installation services.

(B) Any licensee, I.D. card holder, officer, director, partner, or manager of an alarm business licensee who willfully divulges, sells, or otherwise discloses information to other than subscribers or clients, except as he may be required to disclose by law and these rules and regulations, or willfully divulges any information acquired by him during employment by the alarm business or its subscriber or client, which information could compromise an alarm shall be subject to immediate revocation of license or I.D. card by the Department .

#### Section 18 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.

#### Section 19 Disclosure to Alarm System Subscribers

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.



## Section 20 Emergency and Non-Emergency Service

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.

## Section 21 Alarm System Warranty Required

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.

## Section 22 Permission Required from Subscriber

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. 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 of the Statute.

## Section 23 Procedure for Handling Complaints

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.

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 hearing, a written decision shall be issued which shall be the final agency determination.

#### Section 24 Identification Lists and Stickers

(A) The Department shall keep on file a current list of alarm businesses containing the name, address, and emergency phone number of each. An up-to-date copy of this list shall upon request be furnished to each local, municipal, county, or state law enforcement agency having jurisdiction.

(B) Each licensed alarm business shall provide its subscribers with weather proof stickers should they have:

(a) An alarm or alarm system under written guarantee.

(b) 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.

#### Section 25 Roster of Employees

Each licensed alarm business shall provide twice each year to the Department after the first January 15, following promulgation of these rules and regulations and continuing on July 15 and each year thereafter, a current list of the names and addresses of all employees. Any change in any employee's status for any reason including but not limited to termination, shall be reported by the employing alarm business to the Department within ten (10) days of the occurrence of such action.

#### Section 26 Records and Reports

All licensed alarm businesses shall keep on file for a period of three (3) years following a transaction with a subscriber, all relevant contracts, sales agreements, books, accounts, records, and documents related to the transaction, sale of alarm equipment, or installation, alteration, maintenance, removal, repair, sale or servicing of alarm systems or devices. Such reports shall be kept in a safe place, reasonably secure from hazard of fire, water, or other form of disaster, and shall be made available to the Department or its designated representative upon request when investigation of the records is necessitated by specific complaint(s) of the public or a subscriber.

#### Section 27 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 (F) and (I) of this section.

(C) Applicants shall inform the Department in writing of their intent to take the examination at least thirty (30) days prior to the date on which they wish to take the examination.

(D) Applicants shall not be permitted to take the examination unless they present the examining officer with complete and proper credentials of identification.

(E) Applicants shall check all books, notebooks, or other papers with the examining officer before entering the hearing room to take the examination. Applicants may not take with them any papers from the room in which the examination is administered.

(F) 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.

(G) The examination shall be administered by the Department at whatever fee is prescribed by law.

(H) The passing grade on an examination shall be 75% 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.

(I) An applicant failing to obtain a passing grade on the examination may take the examination as many times as he wishes provided that a written request is submitted to the Department at least twenty-one (21) days in advance of the date requested by the applicant for examination. The applicant failing two (2) successive examinations may not take subsequent examinations for a period of six (6) months from the date of the last failure. At the end of this waiting period the applicant may request to be rescheduled for another examination.

#### Section 28 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) Alarm businesses must provide written notification to all alarm users effected by this regulation that they must modify their alarm system to comply with this regulation by December 31, 1983. A record of this notice must be maintained on file by the alarm business of all users not in compliance with this regulation.

(C) Any alarm business or agent found to be in violation of this section shall be subject to the penalties provided under Section 12 of these Regulations.

Section 29 Subsequent Changes in Rules and Regulations

Any action by the Legislature resulting in changes in the Statute which affect the content, language, or intent of these rules and regulations as written, will be deemed adopted by the Department on the date of implementation of the changes in the Statute.

**Signed this 6th day of October 2008**

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Sandra M. Powell