

HOUSE No. 2329

By Representative Kaprielian of Watertown and Senator Pacheco, joint petition of Rachel Kaprielian and others for legislation to reduce the occurrence of false alarms. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

PETITION OF:

Rachel Kaprielian	Patricia D. Jehlen
Mark R. Pacheco	William M. Straus
Michael E. Festa	Bradford Hill

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO ADOPT UNIFORM RULES FOR ALARM RESPONSE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 147 of the General Laws, as appearing in
2 the 2004 Official Edition, is hereby amended by inserting the
3 following new chapter:—

4 **147A.**
5 **Reduction of False Alarms and Responsibilities of Alarm Users.**

6 Section 1. Definitions.

7 As used in this chapter, the following words shall have the
8 following meanings:—

9 “Alarm Advisory Board”, means persons designated by a city,
10 municipality or district that represent the community and include
11 alarm users, local alarm installation and monitoring companies, and
12 law enforcement officers responsible for review and recommenda-
13 tions on false alarm reduction efforts and report to the city, munic-
14 ipality or district.

15 “Alarm Administrator”, means a person or persons designated by
16 the city, municipality or district to administer, control and review

17 false alarm reduction efforts and administer the provisions of this
18 chapter.

19 “Alarm Dispatch Request”, means a notification to a law enforce-
20 ment agency that an alarm, either manual or automatic, has been
21 activated at a particular alarm site.

22 “Alarm Installation Company”, means a person, firm or corpora-
23 tion, holding valid licenses, one issued by the state examiners of
24 electricians in accordance with Chapter 141 and one issued by the
25 commissioner of public safety in accordance with the provisions of
26 sections fifty-seven to sixty-one, inclusive, of Chapter 147, who is in
27 the business of selling, installing, repairing, or maintaining any secu-
28 rity system, including an alarm system in an alarm site. An alarm
29 installation company may provide monitoring.

30 “Alarm Registration”, means authorization granted by the alarm
31 administrator to an alarm user to operate an alarm system.

32 “Alarm Response Manager”, means a person designated by an
33 alarm installation company or monitoring company to handle alarm
34 issues for the company and act as the primary point of contact for
35 the jurisdiction’s alarm administrator.

36 “Alarm Site”, means a single fixed premises or location served by
37 an alarm system or systems. Each unit, if served by a separate alarm
38 system in a multi-unit building or complex, shall be considered a
39 separate alarm site.

40 “Alarm System”, means a security system as defined in section
41 one of Chapter 141 and Section 57 of Chapter 147, designed to gen-
42 erate a local or remote indication of an alarm condition with the
43 intent of summoning a law enforcement response. Alarm system
44 does not include an alarm installed in a vehicle or on someone’s
45 person.

46 “Alarm User”, means any person, who has contracted for moni-
47 toring, repair, installation or maintenance service from an alarm
48 installation company or monitoring company for an alarm system, or
49 who owns or operates an alarm system which is not monitored,
50 maintained or repaired under contract.

51 “Alarm User Awareness Class”, means a class conducted for the
52 purpose of educating alarm users about the responsible use, opera-
53 tion, and maintenance of alarm systems and the problems created by
54 false alarms.

55 “ANSI/SIA CP-01 Control Panel Standard”, An American
56 National Standard Institute/Security Industry Association compliant
57 control panel that incorporates particular factory features which are
58 designed to offer specific security functions and provide tailored
59 protections for each individual alarm system upon panel installation
60 and programming.

61 “Arming Station”, means a device from which the alarm system is
62 turned On, armed, and Off, disarmed.

63 “Audio Verification”, means the ability of the monitoring com-
64 pany to listen to sounds generated at the protected premise to assist
65 in determining the validity of the alarm signal.

66 “Automatic Voice Dialer”, means any device capable of sending a
67 prerecorded voice message, when activated, to a law enforcement,
68 public safety or emergency services agency requesting dispatch.

69 “Cancellation”, means the process where response is terminated
70 when a monitoring company, designated by the alarm user, for the
71 alarm site notifies the responding law enforcement agency that there
72 is not an existing situation at the alarm site requiring law enforce-
73 ment agency response after an alarm dispatch request.

74 “Certified”, means a method of regulation whereby a person in
75 the business of providing monitoring services is required to register
76 with the commissioner pursuant to this chapter.

77 “Commercial”, shall mean the conduct of a trade or business

78 “Commissioner”, the commissioner of the department of public
79 safety described in section one of Chapter 147.

80 “Conversion” means the transaction or process by which one
81 alarm installation company or monitoring company begins the ser-
82 vicing or monitoring of a previously unmonitored alarm system or
83 an alarm system previously serviced or monitored by another alarm
84 company.

85 “Duress Alarm”, means a silent alarm system signal generated by
86 the entry of a designated code into an arming station in order to
87 signal that the alarm user is being forced to turn off the system and
88 requires law enforcement response.

89 “Enhanced Call Verification”, is a monitoring procedure requiring
90 that a minimum of two calls be made prior to making an alarm dis-
91 patch request. The two calls must be made to different phone num-
92 bers where a responsible party can typically be reached. It shall not
93 be required that either call be to the protected premise.

94 “False Alarm”, means an alarm dispatch request to a law enforce-
95 ment agency, when the responding law enforcement officer finds no
96 evidence of a criminal offense or attempted criminal offense after
97 having completed a timely investigation of the alarm site that is
98 detailed in writing. A signal activated by unusually severe weather
99 conditions or other causes beyond the control of the alarm user or
100 alarm installation company or a signal activated within 30 days after
101 a new installation of an alarm system does not constitute a false
102 alarm.

103 “Holdup Alarm”, means a silent alarm signal generated by the
104 manual activation of a device intended to signal a robbery in
105 progress or immediately after it has occurred.

106 “Law Enforcement Authority”, means the police commissioner,
107 superintendent, sheriff, chief of police, director or other authorized
108 representative of a law enforcement agency.

109 “License”, means a license issued by the state examiners of elec-
110 tricians, in accordance with Chapter 141 and Sections 57 to 61,
111 inclusive, of Chapter 147 of the General Laws, to a person or alarm
112 installation company, to sell, install, maintain, repair, or replace
113 alarm systems.

114 “Local Alarm System”, means any alarm system, which is not
115 monitored, that annunciates or otherwise indicates an alarm only at
116 the alarm site.

117 “Monitoring”, means the process by which a monitoring company
118 receives signals from an alarm system and relays an alarm dispatch
119 request to the municipality for the purpose of summoning law
120 enforcement to the alarm site.

121 “Monitoring Company”, means a person certified as in the busi-
122 ness of providing monitoring services in the Commonwealth, as a so
123 called central station, and may include any licensed alarm installa-
124 tion company.

125 “One Plus Duress Alarm”, means the manual activation of a silent
126 alarm signal by entering a code at an arming station that adds one to
127 the last digit of the normal arm/disarm code.

128 “Other Electronic Means”, is the real-time audio or video surveil-
129 lance of an alarm site by the monitoring company, by means of
130 devices that permit either the direct, live listening in or viewing of
131 an alarm site or portions thereof.

132 “Panic Alarm”, means an audible or silent alarm system signal
133 generated by the manual activation of a device intended to signal a
134 life threatening or emergency situation requiring law enforcement
135 response.

136 “Person”, means an individual, corporation, partnership, associa-
137 tion, organization or similar entity.

138 “Residential”, means a dwelling, consisting of one or more rooms
139 for the permanent use of one or more persons as a space for eating,
140 living, and sleeping, with permanent provisions for cooking and san-
141 itation. A residential dwelling includes one- and two-family attached
142 and detached dwellings, apartments, and condominiums but does not
143 include hotel and motel rooms and guest suites, dormitories, or
144 sleeping rooms in nursing homes.

145 “Responder”, means an individual capable of reaching and having
146 access to the alarm site, the code to the alarm system, and the
147 authority to approve repairs to the alarm system.

148 “Suspension of Response”, means the termination of police
149 response to any alarm(s) at a specified alarm site as a result of false
150 alarms or other violation of this chapter, except as provided for in
151 Section 7 (a) regarding duress, hold up or panic alarms.

152 “Takeover”, means the transaction or process by which an alarm
153 user takes over control of an existing alarm system, which was pre-
154 viously controlled by another alarm user.

155 “Telephone Verification” means an attempt to determine the
156 validity of any alarm signal prior to initiating an alarm dispatch
157 request.

158 “Unregistered Alarm Site”, means a site that has not complied
159 with alarm user registration requirements as defined in this chapter.

160 “Video Verification”, means the transfer of video images to the
161 monitoring company reflecting conditions existing at the protected
162 premises at the time an alarm is activated to assist in determining the
163 validity of the alarm signal.

164 “Zones”, means the capability of an alarm system to separate and
165 report incidents or alarms by initiating device or physical location.

166 Section 2. Registration Requirement; Application; Fees; Excep-
167 tions.

168 (a) A security alarm system may not be installed or operated in
169 this state unless the security alarm system is either installed by an
170 alarm installation company or is installed by the owner or occupant

171 of a residence in his or her residence. Any alarm user may contract
172 with any alarm installation company for the sale, installation, main-
173 tenance, repair or service of the alarm system to be installed on the
174 user's premises; provided however, no permit for the performance of
175 said work shall be issued by any city or town unless the alarm instal-
176 lation company provides proof of required licenses in accordance
177 with Chapters 141 and 147 and liability insurance in accordance
178 with Section 8 of said Chapter 141. Any alarm user may contract
179 with any monitoring company to provide monitoring of the alarm
180 system; provided an alarm response manager is designated by said
181 company to act as the primary contact for the alarm administrator in
182 that jurisdiction. No landlord of a premises demised for commercial
183 or business purposes shall unreasonably withhold or delay consent
184 for the tenant to install security alarm systems within the demised
185 premises.

186 (b) An alarm user, including any alarm system owned or operated
187 by the city, municipality or political subdivision of the Common-
188 wealth, shall not operate or cause to be operated an alarm system at
189 its alarm site without a valid city or municipal alarm registration;
190 provided however, that city, municipal or Commonwealth alarm
191 sites shall register without payment of a registration fee. This
192 chapter shall not apply to:—

193 (1) the use of alarm systems by law enforcement personnel for
194 law enforcement purposes;

195 (2) alarm systems installed in motor vehicles, boats or aircraft not
196 permanently affixed;

197 (3) persons engaged solely in the manufacture, sale or repair of
198 alarm systems or devices from a fixed location who do not install,
199 maintain, repair or service any alarm system at a user's premises, or
200 who do not design or plan an alarm system for a specific location;

201 (4) any electronic supervisory signal that is not transmitted over a
202 public communication system that monitors temperature, humidity
203 or other condition not directly related to the detection of an unautho-
204 rized intrusion into a premises or an attempted robbery at a
205 premises;

206 (5) a fire alarm system; or

207 (6) an alarm which does not provide audible or visual indication
208 outside of the protected premise and only results in notification to
209 private responders.

210 (c) A separate alarm registration is required for each alarm site
211 and shall be valid for a period of two (2) years. A registration fee of
212 up to twenty-five dollars shall be paid by the alarm user with sub-
213 mission of a completed alarm registration application to the alarm
214 administrator within ten (10) business days after the alarm system
215 installation or alarm system takeover. The alarm administrator shall
216 notify each alarm user either in writing or electronically of the need
217 to renew at least thirty (30) days prior to the registration expiration
218 date. Failure to renew shall be classified as use of a non-registered
219 alarm system subject to penalties listed in section six (6). A renewal
220 fee of ten (10) dollars shall be payable by alarm users who renew
221 prior to registration expiration.

222 (d) Upon receipt of a completed alarm registration application and
223 alarm registration fee, the alarm administrator shall register the
224 applicant unless the applicant has:—

225 (1) failed to pay a fine assessed under Section 6 of this chapter;

226 (2) had an alarm registration for the alarm site suspended or
227 revoked, and the violation causing that suspension or revocation has
228 not been corrected; or

229 (3) provided any false statement of material fact for the purpose
230 of obtaining an alarm registration.

231 (e) Each alarm registration application must include the following
232 information:—

233 (1) the name, complete address, including apartment or suite
234 number, and telephone numbers of the person, or representative,
235 who will be the registration holder and be responsible for the proper
236 maintenance and operation of the alarm system and payment of fees
237 and fines assessed under this chapter;

238 (2) the classification of the alarm site as either residential,
239 including any apartment, condominium, or mobile home, or com-
240 mercial with a description of the type of business conducted at the
241 commercial alarm site;

242 (3) for each alarm system located at the alarm site, the classifica-
243 tion of the alarm system, including but not limited to burglary,
244 holdup, duress, video or audio surveillance, or panic alarms and for
245 each classification whether such alarm is audible or silent;

246 (4) mailing, and or billing address, if different from the address of
247 the alarm site;

248 (5) any dangerous or special conditions present at the alarm site;

249 (6) names and telephone numbers of at least two individuals who
250 are able and have agreed to:— (i) receive notification of an alarm
251 system activation at any time; (ii) respond to the Alarm Site; and
252 (iii) upon request can grant access to the alarm site and deactivate
253 the alarm system if necessary;

254 (7) the name, address, Chapter 141 and Chapter 147 license num-
255 bers and telephone number of the alarm installation company, or
256 companies, including the name of the alarm response manager, per-
257 forming the alarm system installation, conversion or takeover and of
258 the alarm installation company, or person, responsible for providing
259 repair service to the alarm system;

260 (8) the name, address, and telephone number of the monitoring
261 company if different from the alarm installation company, including
262 the name of the alarm response manager for the company;

263 (9) signed certification from the alarm user stating the
264 following:— (i) the date of the installation, conversion or takeover
265 of the alarm system, whichever is applicable; (ii) that a set of written
266 operating instructions for the alarm system, including written guide-
267 lines on how to avoid false alarms, including the risks and benefits
268 of enhanced call verification and enabled ANSI/SIA CP-01 Control
269 Panel Standard panels, have been left with the applicant by the alarm
270 installation company; and (iii) that the alarm installation company or
271 monitoring company has trained the applicant in proper use of the
272 alarm system.

273 (10) that law enforcement response may be influenced by factors
274 including, but not limited to, the availability of police units, priority
275 of calls, weather conditions, traffic conditions, emergency condi-
276 tions, or staffing levels.

277 (f) An alarm registration number shall be issued for each alarm
278 registration and cannot be transferred or assigned to another person
279 or alarm site. An alarm user shall inform the monitoring company of
280 the alarm registration number assigned and inform the alarm admin-
281 istrator, and the monitoring company, in writing, of any change that
282 alters any of the information listed on the alarm registration applica-
283 tion within ten (10) business days of such change.

284 Section 3. Duties of Alarm User.

285 (a) It shall be the responsibility of an alarm user to:—

286 (1) obtain an alarm registration for the alarm system as required
287 in Section 2 and maintain current contact information, as necessary;

288 (2) maintain the alarm site and the alarm system in a manner that
289 will minimize or eliminate false alarms;

290 (3) make every reasonable effort to have a responder to the alarm
291 system's location when requested by the law enforcement agency in
292 order to:— (i) deactivate an alarm system; (ii) provide access to the
293 alarm site; or (iii) provide alternative security for the alarm site;

294 (4) not activate an alarm system for any reason other than an
295 occurrence of an event that the alarm system was intended to report;
296 and

297 (5) where appropriate, instruct employees or others who may have
298 occasion to activate an alarm that alarm systems are to be activated
299 only in emergency situations to summon an immediate police
300 response, including instruction in the operation of setting, activation
301 and resetting of the alarm system.

302 (b) An alarm user shall be required to have the alarm system
303 adjusted, or cause the alarm system to be adjusted, so that an alarm
304 signal audible on the exterior of an alarm site will sound for no
305 longer than ten (10) minutes after being activated.

306 (c) An alarm user shall have a licensed alarm installation com-
307 pany inspect the alarm system after two (2) false alarms in a one (1)
308 year period. The alarm administrator may waive a required inspec-
309 tion if he determines that a false alarm(s) could not have been related
310 to a defect or malfunction in the alarm system. After four (4) false
311 alarms within a one (1) year period, the alarm user shall have a
312 licensed alarm installation company provide additional user training,
313 as appropriate, and review a false alarm prevention checklist
314 regarding techniques available to reduce the incidence of false
315 alarm, such as enhanced call verification and ANSI/SIA CP-01 Con-
316 trol Panel Standards. Except for fire, panic, hold-up, duress or med-
317 ical alarm signals, an alarm user may request in writing that an alarm
318 installation company or monitoring company modify the alarm
319 system to be more false alarm resistant with the implementation of
320 any specific technique(s).

321 (d) An alarm user shall not use automatic voice dialers.

322 (e) An alarm user shall maintain at each alarm site, a set of
323 written operating instructions for each alarm system.

324 Section 4. General Provisions for Alarm Installation Company
325 and Monitoring Company.

326 (a) No person, firm or corporation shall enter into, engage or
327 work at the security system alarm business or occupation of
328 installing, repairing or maintaining security systems, unless such
329 person, firm or corporation shall be licensed by the state examiners
330 of electricians in accordance with Chapter 141 and unless such
331 person, firm or corporation shall also be licensed by the commis-
332 sioner of public safety in accordance with the provisions of sections
333 fifty-seven to sixty-one, inclusive, of Chapter 147. For purposes of
334 this chapter, a person is unlicensed if the person does not have the
335 requisite licenses required by Chapter 141 and sections fifty-seven to
336 sixty-one, inclusive, of Chapter 147 concerning the scope of the
337 work to be performed under the contract with an alarm user. As a
338 matter of public policy, contracts entered into on or after the effec-
339 tive date of this chapter by an unlicensed alarm installation com-
340 pany, shall be unenforceable in law or equity by the unlicensed
341 alarm installation company; and by an uncertified monitoring com-
342 pany, shall be unenforceable in law or equity by the uncertified mon-
343 itoring company and whereby a person may collect in restitution, no
344 less than all monies paid by a person to said monitoring company.

345 (b) No alarm system designated to transmit emergency messages
346 directly to the police department shall be worked on, tested or
347 demonstrated without obtaining prior permission from the police
348 chief, his designee or the alarm administrator.

349 (c) No alarm installation company or monitoring company shall
350 take responsibility for the collection or payment of municipal regis-
351 tration fees or false alarm fines levied against any alarm user.

352 (d) The alarm installation company shall provide written and oral
353 instructions to each of its alarm users in the proper use and operation
354 of any alarm system installed after the effective date of this chapter.
355 Instructions shall include all information necessary to turn the alarm
356 system on and off and review of an alarm user false alarm preven-
357 tion checklist to avoid false alarms. No alarm installation company
358 shall install a device to activate a holdup alarm, which is a single
359 action, non-recessed button unless a waiver is granted by the alarm
360 administrator. An alarm administrator may, where appropriate,
361 require the use of alarm control panels which meet the ANSI/SIA
362 CP-01 Control Panel Standard on new installations, panel replace-
363 ments or upgrades; provided however that no alarm installation com-
364 pany or alarm user shall be required to activate or be prohibited from

365 activating any feature available on said panel, except in accordance
366 with Section 10 (b) (3) of this chapter, and no alarm installation
367 company or monitoring company shall be required to utilize
368 enhanced call verification, except in accordance with Section 10 (b)
369 (5) of this chapter.

370 (e) Prior to providing any monitoring services, a monitoring com-
371 pany shall satisfy the certification requirements of the commissioner
372 as provided for in Section 14. A monitoring company shall:—

373 (1) report alarm signals by using telephone numbers designated
374 by the alarm administrator;

375 (2) attempt to determine the validity of any alarm signal prior to
376 initiating an alarm dispatch request, except a duress or holdup alarm
377 activation, before initiating an alarm dispatch request. An exemption
378 or waiver shall be granted by the alarm administrator for specific
379 applications or circumstances.

380 (3) communicate alarm dispatch requests to the city, municipality
381 or district in a manner and form determined by the alarm adminis-
382 trator;

383 (4) communicate cancellations to the city, municipality or district
384 in a manner and form determined by the alarm administrator;

385 (5) communicate any available information regarding location on
386 all alarm signals related to the alarm dispatch request;

387 (6) communicate the nature of the alarm, including burglary, rob-
388 bery, panic, duress, silent, audible, interior or perimeter;

389 (7) after an alarm dispatch request, attempt to advise the law
390 enforcement agency if the monitoring company knows that the alarm
391 user or the responder is on the way to the alarm site;

392 (8) attempt to contact the alarm user, responder or alarm installa-
393 tion company within 24 hours via mail, fax, telephone or other elec-
394 tronic means when an alarm dispatch request is made; and

395 (9) upon the effective date of this chapter, a monitoring company
396 must maintain in a secure and confidential manner for a period of no
397 less than one (1) year from the date of the alarm dispatch request,
398 records relating to alarm dispatch requests. Records must include the
399 name, address and telephone number of the alarm user, the alarm
400 system zone(s) activated, the time of alarm dispatch request and evi-
401 dence of an attempt to determine the validity of any alarm signal
402 prior to initiating an alarm dispatch request. The alarm administrator
403 may make written request for copies of such records for individually

404 named alarm users. If the request is made within sixty (60) days of
405 an alarm dispatch request, the monitoring company shall furnish
406 requested records within three (3) business days of receiving the
407 request. If the records are requested between sixty (60) days to one
408 (1) year after an alarm dispatch request, the monitoring company
409 shall furnish the requested records within thirty (30) days of
410 receiving the request.

411 (f) An alarm installation company and monitoring company shall
412 designate an individual as the alarm response manager for the com-
413 pany who will manage alarm related issues and act as the point of
414 contact for the alarm administrator. The appointed individual must
415 be knowledgeable of the general provisions of this chapter, as well
416 as have the knowledge and authority to deal with false alarm issues
417 and respond to requests from the alarm administrator. The name,
418 phone number, and email address of the designated alarm response
419 manager must be provided to the alarm administrator by the alarm
420 user upon registration and renewal.

421 Section 5. General Provisions Relating to Municipalities,
422 Authority of Alarm Administrator, Recordkeeping.

423 (a) This chapter supersedes any local law or ordinance that
424 requires any licensure, registration, certification, training, bonding,
425 or insurance for the performance of security system work regulated
426 and licensed by the Commonwealth in accordance with Chapter 141
427 and Section 57 to 61 inclusive of Chapter 147. This chapter does not
428 preempt local governments from registering or regulating alarm
429 users. A city, municipality or district shall appoint an alarm adminis-
430 trator to issue alarm registrations, notices and renewals, to collect all
431 fees, fines and penalties assessed against any person who violates
432 the provisions of this chapter, to maintain contact lists of any alarm
433 installation company or monitoring company engaged in business in
434 their jurisdiction, to maintain a current alarm dispatch request call
435 number on file with the commissioner and to administer, control and
436 review false alarm reduction efforts in accordance with this chapter.
437 Alarm user registration fees shall be used by the city or municipality
438 for the general administration of this chapter, including the provision
439 of law enforcement responses other than specific responses to false
440 alarms.

441 (b) Two or more cities or municipalities may vote to form a dis-
442 trict and shall appoint an alarm administrator, whose compensation

443 shall be fixed by the district and paid for by each city and municipi-
444 pality comprising such district. A city, municipality or district may
445 designate an alarm advisory board to review false alarm reduction
446 efforts and report recommendations to the alarm administrator.

447 (c) An alarm administrator shall:—

448 (1) designate a manner, form and telephone numbers for the com-
449 munication of alarm dispatch requests; and

450 (2) establish a procedure to accept cancellation of alarm dispatch
451 requests.

452 (d) An alarm administrator shall establish a procedure to record
453 such information on alarm dispatch requests necessary to permit the
454 alarm administrator to maintain records, including, but not limited
455 to, the following information:—

456 (1) identification of the registration number for the alarm site;

457 (2) identification of the alarm site;

458 (3) date and time alarm dispatch request was received, including
459 the name of the monitoring company and the monitoring operator
460 name or number;

461 (4) date and time of law enforcement officer arrival at the alarm
462 site;

463 (5) zone and zone description, if available;

464 (6) weather conditions;

465 (7) name of alarm user's representative at alarm site, if any;

466 (8) identification of the responsible alarm installation company
467 and monitoring company;

468 (9) whether law enforcement officer was unable to locate the
469 address of the alarm site; and

470 (10) cause of alarm signal, if known.

471 (e) An alarm administrator shall establish a procedure for the noti-
472 fication to the alarm user of a false alarm. The notice shall include
473 the following information:—

474 (1) the date and time of law enforcement response to the false
475 alarm;

476 (2) the identification number of the responding law enforcement
477 officer; and

478 (3) a statement urging the alarm user to ensure that the alarm
479 system is properly operated, inspected, and serviced in order to
480 avoid false alarms and resulting fines.

481 (f) An alarm administrator may require a conference with an
482 alarm user and the alarm installation company and monitoring com-
483 pany responsible for the repair or monitoring of the alarm system to
484 review the circumstances of any false alarm. For these purposes, the
485 alarm user's registration must have a designated alarm installation
486 company and monitoring company contact on record with the alarm
487 administrator. In situations where physical presence of the alarm
488 installation company or monitoring company is not practical, a tele-
489 phone conference is acceptable.

490 (g) An alarm administrator may create, implement or identify an
491 alarm user awareness class. An alarm administrator may request the
492 assistance of industry associations, alarm companies and law
493 enforcement agencies in developing and implementing the class. The
494 class shall inform alarm users of the problems created by false
495 alarms and teach alarm users how to avoid generating false alarms.

496 (h) An alarm administrator may require an alarm user to remove a
497 holdup alarm device that is a single action, non-recessed button, or
498 have it replaced with an acceptable dual-action or recessed device
499 after the occurrence of a false holdup alarm caused by said device,
500 unless corrective action such as maintenance, including but not lim-
501 ited to relocation of said device, or education can prevent further
502 occurrences.

503 (i) An alarm administrator may require an alarm user to remove
504 the duress or panic alarm capability from their alarm system after the
505 occurrence of a false alarm caused by said device, unless corrective
506 action such as maintenance, including but not limited to relocation
507 of said device, or education can prevent further occurrences.

508 (j) An alarm administrator shall make a copy of this chapter or a
509 summary sheet of its provisions available to the alarm user upon reg-
510 istration.

511 (k) No city, municipality, district or political subdivision of this
512 state shall require any other certification, license, insurance policy or
513 registration from any monitoring company duly certified in accord-
514 dance with this chapter or any alarm installation company engaged
515 within their jurisdiction in licensed security system, including alarm
516 system, business or work as defined in Chapter 141 and Sections 57
517 through 61, inclusive, of Chapter 147.

518 (l) An alarm administrator may make inquiry to the commissioner
519 of public safety to confirm the issuance to the alarm installation

520 company of a security system license in accordance with Sections 58
521 and 59 of Chapter 147 and to the state examiners of electricians to
522 confirm the issuance to an alarm installation company a certificate A
523 or C in accordance with section three of Chapter 141. Any unli-
524 censed person advertising or engaging in this work shall be immedi-
525 ately reported to the commissioner of public safety and the state
526 examiners of electricians and prosecuted to the full extent of the law.

527 Section 6. Control of Signals Emitted By Alarm Systems; Fines.

528 (a) An alarm user shall not intentionally cause or permit any false
529 alarm. A city or municipality may impose a fine for the signaling of
530 a false alarm by a security alarm system in accordance with the
531 following schedule:— (i) fifty dollars if the alarm site has more than
532 three false alarms in the preceding 12-month period, (ii) seventy-five
533 dollars if the alarm site has more than four false alarms in the pre-
534 ceding 12-month period, (iii) one-hundred dollars if the alarm site
535 has more than five false alarms in the preceding 12-month period,
536 (iv) two-hundred dollars if the alarm site has more than six false
537 alarms in the preceding 12-month period, or (v) three-hundred dol-
538 lars if the alarm site has more than seven false alarms in the pre-
539 ceding 12-month period.

540 (b) A city, municipality or district may impose a fine of one-hun-
541 dred dollars for the operation of an unregistered alarm system and
542 any Person operating an unregistered alarm system will be subject to
543 a fine of one hundred dollars for each false alarm, in addition to any
544 other fines. An alarm administrator may waive this additional fine
545 for an unregistered alarm system if the alarm user submits an appli-
546 cation for alarm registration within ten (10) days of notification of
547 such violation.

548 (c) An alarm user may have the option of attending an alarm user
549 awareness class in lieu of paying one assessed fine.

550 (d) If cancellation of an alarm dispatch request occurs prior to law
551 enforcement arriving at the scene, no false alarm will be assessed.

552 (e) An alarm installation company shall be assessed a fine of
553 twenty-five dollars if the officer responding to the false alarm deter-
554 mines that an on-site employee of the alarm installation company
555 directly caused the false alarm; provided that the false alarm will not
556 be assessed against the alarm user.

557 (f) A monitoring company shall be issued a fine of twenty-five
558 dollars for each failure to attempt to determine the validity of any

559 alarm signal prior to initiating an alarm dispatch request, unless an
560 exemption or waiver has been granted for the site.

561 (g) An alarm installation company or monitoring company shall
562 be issued a fine of fifty dollars if the alarm administrator determines
563 that an alarm installation company or monitoring company
564 employee knowingly made a false statement concerning the inspec-
565 tion of an alarm site or the performance of an alarm system.

566 (h) An alarm user, alarm installation company or monitoring com-
567 pany shall be deemed harmless and shall not be issued a fine for a
568 response caused by erroneous electronic data that was later deter-
569 mined not to have been issued from the alarm site. Such events, may
570 occur when electronic signals are misinterpreted by alarm receiving
571 equipment, typically are the result of excessive noise or interference
572 in the communications path to the monitoring company and are
573 beyond their control.

574 (i) Notice of the right of appeal within thirty (30) days under this
575 chapter shall be included in writing with any fines assessed.

576 Section 7. Notification.

577 (a) An alarm administrator shall notify the alarm user in writing
578 after each false alarm. The notification shall include:— the amount
579 of the fine for the false alarm, notice that the alarm user can attend
580 alarm user awareness class to waive a fine, the fact that response
581 will be suspended after the eighth (8th) false alarm, excluding
582 duress, holdup and panic alarms, and a description of the appeals
583 procedure available to the alarm user.

584 (b) An alarm administrator shall notify the alarm user and alarm
585 installation company or monitoring company in writing (10) busi-
586 ness days before the alarm response is to be suspended. This notice
587 of suspension will also include the amount of the fine for each false
588 alarm and a description of the appeals procedure available to the
589 alarm user and the alarm installation company or monitoring com-
590 pany.

591 Section 8. Suspension of Response.

592 (a) An alarm administrator may suspend law enforcement
593 response to an alarm site by revoking the alarm registration if it is
594 determined that:—

595 (1) the alarm user has eight (8) or more false alarms in a twelve
596 (12) month period;

597 (2) there is a statement of a material fact known to be false in the
598 application for a registration;

599 (3) the alarm user has failed to make timely payment of a fine
600 assessed under Section 6 or fee assessed under Section 2; or

601 (4) the alarm user has failed to submit a written certification from
602 an alarm installation company, that complies with the requirements
603 of this chapter, stating that the alarm system has been inspected and
604 repaired, if necessary, and additional education on false alarm pre-
605 vention techniques or training has been conducted by the alarm
606 installation company, as appropriate.

607 (b) A person commits an offense if said person operates an alarm
608 system either without a valid current registration or during the
609 period in which the alarm registration is revoked, and is subject to
610 enforcement and penalties in this chapter, unless such operation did
611 not result in the notification to a law enforcement agency.

612 (c) Unless there is separate indication that there is a crime in
613 progress, the law enforcement authority may refuse law enforcement
614 response to an alarm dispatch request at an alarm site for which the
615 alarm registration is revoked.

616 Section 9. Appeals.

617 (a) If the alarm administrator assesses a fine or denies the
618 issuance, renewal or reinstatement of an alarm registration, the alarm
619 administrator shall send written notice of the action, a statement sup-
620 porting a rationale for said action and a statement of the right to an
621 appeal to either the affected applicant or alarm user, and the alarm
622 installation company and monitoring company.

623 (b) The alarm user, alarm installation company or monitoring
624 company may appeal an assessment of a fine or the revocation of an
625 alarm registration to the alarm administrator by setting forth in
626 writing the reasons for the appeal within fifteen (15) business days
627 after notice of the fine, failure to issue or renew, or of revocation.

628 (c) A person, alarm user, alarm installation company or moni-
629 toring company objecting to a decision of the alarm administrator
630 may appeal in accordance with Section 21D of Chapter 40 of the
631 General Laws for resolution of said dispute in district court having
632 jurisdiction in the city, town, or district; provided that such appeal
633 shall be filed in such court within twenty days following receipt of
634 notification by said authority. The court shall hear all pertinent evi-

635 dence and determine facts and upon the facts so determined annul
636 such action or make such decision as law or equity may require.

637 (d) Filing of a request for appeal shall stay any action by the
638 alarm administrator and shall stay any deadline requiring payment of
639 a fine, until the law enforcement authority has completed its review.
640 If a request for appeal is not made within the twenty (20) business
641 day period, the action of the alarm administrator is final.

642 (e) Alarm administrator or law enforcement authority shall adjust
643 the recorded number of false alarms based on:—

644 (1) Evidence that a false alarm was caused by an Act of God;

645 (2) Evidence that a false alarm was caused by action of the tele-
646 phone company;

647 (3) Evidence that a false alarm was caused by a power outage
648 lasting longer than four (4) hours;

649 (4) Evidence that the alarm dispatch request was not a false alarm;

650 (5) Evidence that a request by the initiating agency to cancel the
651 dispatch was received by the law enforcement authority prior to the
652 arrival of the law enforcement officer on scene;

653 (6) Evidence that the law enforcement officer response did not
654 occur or was not completed in a timely fashion;

655 (7) In determining the number of false alarms, multiple alarms
656 occurring in any twenty-four (24) hour period shall be counted as
657 one false alarm; to allow the alarm user time to take corrective
658 action unless the false alarms are directly caused by the alarm user;
659 or:—

660 (8) Evidence of good cause by the alarm user, alarm installation
661 company or monitoring company.

662 Section 10. Reinstatement.

663 (a) A Person whose Alarm Registration has been revoked may, at
664 the discretion of the alarm administrator, have the alarm registration
665 reinstate if the person:—

666 (1) pays a reinstatement fee of fifty dollars;

667 (2) pays, or otherwise resolves, all outstanding citations and fines;

668 (3) provides satisfactory evidence to the alarm administrator that
669 the alarm system has been inspected and repaired, as appropriate, by
670 the alarm installation company; and if additional education or
671 training in the proper use of the alarm system was necessary, it was
672 provided by the alarm installation company to an alarm user; and

673 (4) complies with any district court order.

674 (b) In addition, the alarm administrator may require one or more
675 of the following as a condition for reinstatement:—

676 (1) proof that an employee of the alarm installation company or
677 monitoring company caused the false alarm;

678 (2) a certificate showing that the Alarm User has successfully
679 completed the Alarm User Awareness Class;

680 (3) a written statement from an alarm installation company that
681 the alarm system has been inspected, that the cause has been identi-
682 fied and that appropriate corrective action has been taken, including
683 but not limited to, the required use of select feature(s) on a
684 ANSI/SIA CP-01 Control Panel;

685 (4) confirmation that motion detectors are of an appropriate type
686 for the environment;

687 (5) confirmation that the alarm installation company or moni-
688 toring company will utilize a procedure referred to as enhanced call
689 verification prior to an alarm dispatch request of a law enforcement
690 agency.

691 Section 11. Enforcement and Penalties.

692 (a) The alarm administrator and law enforcement authority, shall
693 be charged with the enforcement of this chapter. They shall have all
694 necessary powers to require compliance therewith, including the
695 power to institute and prosecute proceedings in the district
696 court/superior court department of the trial court. All fines, penalties
697 or assessments in actions under this chapter, brought by an alarm
698 administrator, shall be paid to the general fund of the city or munici-
699 pality in which the violation occurred. The amount distributed under
700 this chapter by an alarm administrator to any city or municipality
701 with a district agreement shall not be less than one hundred percent
702 of the total actually assessed by said city or town.

703 (b) Except as otherwise provided in this chapter, a person who
704 violates this act is guilty of a misdemeanor, punishable by imprison-
705 ment for not more than 90 days or by a fine of not more than \$1,000
706 or both. Any city, municipality, district or political subdivision of the
707 state may seek a criminal complaint in the district court/superior
708 court department of the trial court for a violation of this chapter or
709 for failure to pay the fines assessed, may proceed with non-criminal
710 disposition of the matter in accordance with Section 21D of Chapter
711 40 of the General Laws.

712 Section 12. Confidentiality of Registration information;
713 Licensee's employees.

714 (a) Notwithstanding any special or general law to the contrary, all
715 information contained in and gathered through the alarm registration
716 applications, records relating to alarm dispatch requests, and applica-
717 tions for appeals shall be held in strict confidence by all employees
718 or representatives of the municipality or district, and by any third-
719 party administrator or employees of a third-party administrator with
720 access to such information.

721 (b) A violation of this section may give rise to a claim of interfer-
722 ence with advantageous relations or interference with contractual
723 relations consistent with section ten (10)(c) of Chapter 258 regarding
724 exceptions to public employee indemnification. Furthermore, no
725 city, municipality, district or state agency shall be authorized to
726 request any list of alarm users under contract from any alarm instal-
727 lation company or monitoring company.

728 (c) Any person who is or has been an employee of a alarm instal-
729 lation company licensee shall not divulge to anyone other than his
730 employer or former employer, or as the employer shall direct, except
731 as he may be required by law, any information acquired by him
732 during his employment in respect to any of the work to which he
733 shall have been assigned by the employer. Any employee violating
734 the provisions of this section and any employee who willfully makes
735 a false report to his employer in respect to any work is guilty of a
736 misdemeanor.

737 (d) Any employee of an alarm installation company licensee who
738 willfully sells, divulges or otherwise discloses information to other
739 than clients, except as he may be required by law, any information
740 acquired by him or them during employment by the client is guilty
741 of a misdemeanor and shall, at minimum, be subject to immediate
742 suspension of any license issued by the state examiners of electri-
743 cians and revocation of license upon satisfactory proof of the
744 offense. Such revocation shall be reported by the state examiners of
745 electricians to the commissioner of the department of public safety
746 for an immediate revocation of certificate of clearance.

747 Section 13. Government Immunity.

748 (a) Alarm Registration shall not create a contract, duty or obliga-
749 tion, either expressed or implied, of law enforcement response. Any
750 and all liability and consequential damage resulting from the failure

751 to respond to a notification is hereby disclaimed and governmental
752 immunity as provided by the General Laws is retained. By applying
753 for an alarm registration, the alarm user acknowledges that law
754 enforcement response may be influenced by factors such as:— the
755 availability of police units, priority of calls, weather conditions,
756 traffic conditions, emergency conditions, staffing levels and prior
757 response history.

758 (b) City or municipal ordinances in conflict with this chapter are
759 hereby repealed to the extent of such conflict.

760 Section 14. Duties of Commissioner, Regulations.

761 The commissioner of the department of public safety and each
762 alarm administrator are charged with enforcement of this chapter.
763 The commissioner may make, adopt, amend, repeal and enforce nec-
764 essary rules and regulations consistent with law and promulgated in
765 accordance with the provisions of chapter thirty A for the proper
766 performance of duties and to assure proper registration, certification
767 or licensure, including compliance with the provisions of Sections
768 57 to 61 inclusive of Chapter 147; provided the commissioner may
769 certify a resident agent registered with the secretary of state on
770 behalf of any monitoring company, not already licensed under
771 Chapter 147, consistent with said Sections 57 to 61 inclusive and
772 shall maintain a registry of each monitoring company so certified or
773 licensed as in satisfactory compliance therewith. The commissioner
774 or his agent shall have the necessary powers to require compliance
775 herewith, including the power to institute and prosecute proceedings
776 in the superior court department of the trial court.

777 Section 15. Severability.

778 The provisions of this chapter are severable, and if any of its pro-
779 visions shall be held unconstitutional by any court of competent
780 jurisdiction, the decision of such court shall not affect or impair any
781 of the remaining provisions.

1 SECTION 2. Effective date of Act.

2 Chapter 147A of the General Laws, shall take effect on March 31,
3 2009, notwithstanding any alarm system not serviced or in operation
4 for more than two years, which shall receive an inspection and
5 where appropriate, service, prior to mandatory alarm user registra-
6 tion on and after March 31, 2009. For a period of 180 days following
7 the effective day of this act, alarm administrators shall tend to the

8 administrative aspects of implementation and issue public notice of
9 said law in lieu of enforcement.