To ensure that entities providing alarm monitoring services operate with sound and consistent nationwide licensing standards.

IN THE SENATE/HOUSE OF REPRESENTATIVES OF THE UNITED STATES

Date

Mr. ------------------ , introduced the following bill; which was read twice and referred to the Committee on -------------------

A BILL

To ensure that nationwide Alarm Monitoring Organizations operating interstate, regionally or nationwide, can provide alarm monitoring services across state lines pursuant to sound and consistent licensing standards, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Alarm Monitoring Model Licensing Act of 2013.

SEC. 2. FINDINGS.

The Congress hereby finds –

(a) That electronic monitoring in the United States protects a substantial segment of this country’s infrastructure such as public utilities, ports, financial institutions, government buildings, businesses, and the homes of millions of citizens.

(b) That electronic Alarm Monitoring Organizations operate consistent with national standards and predominantly provide
their services on a regional or nationwide basis with facilities and operations in one state or a few states and frequently serving a large number of customers in some or all states.

(c) That duplicative requirements for testing and for fingerprint analysis and verification by the various states and other public agencies impose unnecessary expenditures of time, travel for testing, money, and other resources which increase costs to taxpayers, consumers and employers, and impede the ability of Alarm Monitoring Organizations to serve customers efficiently and provide homeland security.

(d) That because Alarm Monitoring Organizations have become an increasingly important private sector partner in the provision of homeland security, there exists a need for Alarm Monitoring Organizations to operate across state lines without licensing or regulatory restrictions that impede the interstate provision of electronic alarm monitoring services.

SEC. 3. PURPOSES. The purposes of this Act are –

(a) To permit the monitoring of alarm signals and systems by Alarm Monitoring Organizations operating monitoring facilities meeting national standards, whether located in one or more states and to provide alarm monitoring to all states by achieving licensing in one “Home State” which meets the Model Licensing Standard.

(b) To ensure protection of the safety interests of alarm monitoring customers while achieving increased efficiencies and reduced costs by eliminating duplicative or inconsistent requirements by state or local governmental jurisdictions regulating Alarm Monitoring Organizations doing business in several or all states.

(c) To establish model licensing and regulatory standards for Alarm Monitoring Organizations to create uniformity in the licensing and regulation of Alarm Monitoring Organizations by the states by allowing Alarm Monitoring Organizations to use a license from any state that has a licensing act consistent with this Model Act and operates consistent with national standards.

(d) To increase competition in the provision of alarm monitoring services by facilitating the entry of Alarm Monitoring Organizations into additional states by such organizations already licensed in one state without meeting redundant regulations.

SEC. 4. DEFINITIONS.
(a) The term “alarm monitoring” means the receipt of and response to and/or storage of burglar, fire, or other signals transmitted from the alarm system(s) and/or other security equipment at a protected property or other conditions which could jeopardize life or property at a protected property.

(b) The term “alarm monitoring facility” means the facility or facilities that provide alarm monitoring services for government, commercial and/or residential purposes, including proprietary alarm monitoring facilities.

(c) The term “Alarm Monitoring Organization” is any organization listed by a nationally recognized testing laboratory (NRTL) and that operates proprietary alarm monitoring facilities or is in the business of alarm monitoring for alarm dealers or properties owned by customers.

(d) The term “local governmental jurisdiction” is any political subdivision or body politic of a state that has the authority to regulate Alarm Monitoring Organizations.

(e) The term “proprietary alarm monitoring facilities” means alarm monitoring facilities which —

(1) provide alarm monitoring services for a specific company’s facilities, franchises, its personnel or for its own line of business or for property which it owns or in which it has an interest; and

(2) are not utilized to provide such services to the public or for general commercial purposes.

(f) The term “alarm system” means a device or series of devices that emit or transmit signals to an alarm monitoring facility for the purposes of notifying emergency personnel and those designated to respond to each event.

(g) The term “covered employee” means an employee of the alarm monitoring facility who is required to obtain an Alarm Monitoring Organization employee license or registration in the home state and who actually performs the alarm monitoring and notifies designated responders.

(h) The term “home state” means the state in which the Alarm Monitoring Organization has its headquarters, its principal monitoring facility, or holds a monitoring license in a state which meets the model licensing standard.
The term “organization” means an entity, whether an individual, sole proprietorship, partnership, company, or corporation or business unit thereof.

The term “principal” means the owner, sole proprietor, or every partner or executive officer of the organization who is actively working in or employed by the Alarm Monitoring Organization.

SEC. 5. FEDERAL LICENSING AND REGULATION.

(a) STATE ADOPTION of or compliance with MODEL LICENSING STANDARD. A state may meet the requirements of or adopt the Model Licensing Standard maintained in Section 6 of this Act to oversee Alarm Monitoring Organizations licensed in such state.

(b) EQUITABLE TREATMENT OF ALARM MONITORING ORGANIZATIONS. Alarm Monitoring Organizations licensed or registered in any state that has met the requirements of or adopted the Model Licensing Standard in Section 6 of this Act may provide alarm monitoring services which shall be deemed approved to meet the requirement for monitoring alarm systems and signals in any other state or local governmental jurisdiction, so long as such Alarm Monitoring Organizations notify such state or local governmental jurisdiction that they are operating in such jurisdiction, and provides such state or local governmental jurisdiction documentation demonstrating it is in compliance with the Model Licensing Standard requirements of the home state.

(c) PROHIBITION. No state or local governmental jurisdiction may restrict an Alarm Monitoring Organization licensed in a state meeting this Model Act by imposing additional requirements or restrictions on alarm monitoring or on Alarm Monitoring Organizations, except as expressly provided in this Act.

(d) DISPUTE RESOLUTION. Disputes arising under this Act shall be resolved by an appropriate district court of the United States.

(e) STATE AUTHORITY PRESERVED. Any state shall have the authority to enjoin an Alarm Monitoring Organization from doing business in such state for any violation of the Model Licensing Standard or for good cause shown.

(f) STATE AUTHORITY REGARDING GENERALLY APPLICABLE FEES. Nothing in this section shall prevent a state or local governmental jurisdiction from requiring Alarm Monitoring Organizations to pay licensing fees that apply generally to all instate Alarm Monitoring Organizations. Alarm Monitoring
Organization employees shall be licensed or registered exclusively by the home state.

SEC. 6. MODEL LICENSING STANDARD.

The Model Licensing Standard shall include the following provisions —

(a) PRINCIPAL and EMPLOYEE REQUIREMENTS

(1) PRINCIPALS. All Principals of the Alarm Monitoring Organization shall be at least 18 years of age. Each Principal of the Alarm Monitoring Organization shall meet the standards for an alarm monitoring license or registration in this Act; be of good moral character; and shall not have —

(A) been convicted by any court of jurisdiction of any felony, unless at least 10 years have passed from the time of discharge from any sentence imposed for a felony;

(B) been in violation of the home state’s requirements and programs for chemical, alcohol, or narcotics addiction or dependency in the past year and not presently addicted or dependent;

(C) been declared as currently being mentally incompetent by any court of competent jurisdiction;

(D) been dishonorably discharged from the armed forces within the prior 10 years; nor

(E) had an alarm monitoring license or registration permanently revoked or denied, or currently under suspension.

(2) QUALIFIED MANAGER. — The Alarm Monitoring Organization shall have a designated agent who shall —

(A) have full responsibility for the operation of the alarm monitoring facilities;

(B) have passed an examination approved by the Home State, or who meets the requirements of the home state for licensure;

(C) meet the requirements of paragraph (1), (A) through (E), and provide a notarized statement to that effect; and
(D) be responsible for ensuring that the Alarm Monitoring
Organization fulfills the obligations regarding employee records
as set forth in subsection (a)(4), and make such records, or
copies thereof, available to an appropriate state official upon
request.

(3) COVERED EMPLOYEES.

(A) QUALIFICATIONS. Covered employees of an Alarm Monitoring
Organization shall—

(i) apply for a license from or register with the home state as
a covered employee prior to beginning employment;

(ii) have a valid employee license or registration document (or
its equivalent) for alarm monitoring personnel issued by the
home state as a condition of continued employment;

(iii) be at least 18 years of age; and

(iv) meet the requirements of paragraph (1), (A) through (E),
and provide a sworn statement to that effect.

(B) REQUIRED INFORMATION. No person seeking to be a covered
employee may be employed by an Alarm Monitoring Organization
until completing, signing, and furnishing to such organization
on license application forms of the home state, or substantially
equivalent forms, the following information—

(i) the employee’s full name, age, and residence address;

(ii) all employers or occupations engaged in for the 5 years
immediately preceding the date of application, including the
names and addresses of such employers;

(iii) a sworn statement that the applicant has not had an alarm
monitoring license or registration revoked, denied, or currently
under suspension and meets the basic standards to be licensed or
registered;

(iv) any conviction of a felony or Class A misdemeanor;

(v) any dishonorable discharge from the armed forces; and

(vi) any other information readily available to the employee
that may be required by the licensing or registering home state
to show good character, competency, and integrity.
(C) FINGERPRINTS. Each applicant shall submit to home state, along with the applicable fees, two complete sets of fingerprints that are verified to be those of the applicant.

(D) EMPLOYEE IDENTIFICATION CREDENTIAL. If the home state does not provide credentials to a covered employee then the Alarm Monitoring Organization shall furnish an employee credential satisfactory to the covered employee’s home state to each covered employee within 14 days of the issuance of clearance.

(E) PERSONNEL TRAINING.

(i) IN GENERAL. All covered employees shall complete training for proficiency in standards, procedures, and operating requirements of their specific job responsibilities within three months of being employed or before they begin unsupervised monitoring of alarm systems, whichever is first.

(ii) COVERED EMPLOYEES. All covered employees of an Alarm Monitoring Organization whose responsibilities include actually monitoring alarms and dispatching emergency personnel shall have completed a course which includes a minimum of –

(I) 16 hours of on-the-job training covering public safety, facility safety, and the facility’s automation system; and

(II) 40 hours of performing alarm monitoring while under direct supervision by training or supervisory personnel.

(4) ALARM MONITORING ORGANIZATION RECORDS.

(A) RECORD RETENTION AND ACCOUNTABILITY REQUIREMENTS. The Alarm Monitoring Organization shall maintain all records as required by its home state.

(B) NOTIFICATION OF RESIGNATION OR TERMINATION. When an employee resigns or is terminated, the Alarm Monitoring Organization shall notify the home state of such resignation or termination within 30 days.

(C) LIABILITY INSURANCE. - To the extent that its home state requires an Alarm Monitoring Organization to acquire comprehensive liability insurance in an amount less than five million dollars, such organization shall acquire a minimum aggregate coverage of five Million Dollars.