

D.C. Code,
sec. 45-1699.411

AN ACT

3-232

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish standards governing the use of security alarm systems in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Security Alarm Systems Regulations Act of 1980".

Sec. 2. Purpose. The purpose of this act is to regulate the sale, lease, rental, installation, service, repair, maintenance, and use of security alarm systems and components thereof, and to license security alarm dealers and agents within the boundaries of the District of Columbia.

Sec. 3. Definitions. As used in this act, the term:

(1) "Alarm agent" means any employee of a security alarm dealer whose duties include the installation, inspection, maintenance, service, or repair of security alarm systems.

(2) "Central alarm station" means a facility operated by a security alarm dealer for the purpose of receiving

CODIFICATION
D.C. Municipal
Regulations
(DCMR);
Note,
D.C. Code,
sec. 1-226

olumbia
1980 by
Ray,
ed by Council
1980

alarm signals from a subscriber and relaying information concerning such signals to the Metropolitan Police Department for response to the scene.

(3) "Chief of Police" means the Chief of Police of the Metropolitan Police Department.

(4) "Day" means calendar day, unless otherwise defined.

(5) "District" means the District of Columbia government.

(6) "False alarm" means any security alarm signal communicated to the Metropolitan Police Department which is not in response to actual or attempted burglary, holdup, assault, or unlawful entry requiring immediate police response. False alarms include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning, or improperly installed or maintained equipment and signals which are purposely activated to summon the police in non-emergency situations. False alarms shall not include signals willfully activated by security alarm users upon good faith belief that an actual or attempted burglary, hold up, assault, or unlawful entry is about to occur or signals activated by unusually severe weather conditions or other causes which are identified and determined by the Mayor to be beyond the control of the user or security alarm dealer.

(7) "Mayor" means the Mayor of the District of Columbia or the Mayor's designated agent.

(8) "Metropolitan Police Department" means the Metropolitan Police Department of the District of Columbia.

(9) "Notice" means written notice, served personally upon the addressee or a representative designated by him or by law to receive service of papers, or mailed by United States mail, postage prepaid, addressed to the person to be notified at his last known address. Service of such notice shall be effective upon completion of personal service, or upon placing the same in the custody of the United States Postal Service for delivery. Proof of service may be by written acknowledgment of the party served or his or her representative, by return receipt if served by registered or certified mail, or by certificate of the person making the service personally or by mail. The term "notice" shall not have the above meaning when used in the term "notice of violation".

(10) "Person" means any individual, firm, partnership, association, company, corporation, or organization of any kind.

(11) "Scene" means the premises upon which a security alarm is located.

(12) "Security alarm dealer" means any person engaged in the business of selling, leasing, renting, installing, inspecting, maintaining, servicing, or repairing security alarm systems or components thereof, or receiving alarm signals from a subscriber and relaying information concerning such signals to the Metropolitan Police Department for response to the scene.

(13) "Security alarm system" means any device or system which transmits a signal visibly, audibly, electronically, mechanically, or by combination of these methods to indicate actual or attempted burglary, hold up, assault, or unlawful entry at a premises requiring an immediate response to the scene by the Metropolitan Police Department. Security alarm system includes devices activated automatically, such as burglary alarms, and devices activated manually, such as hold-up alarms but shall not include telephonic lines maintained and operated by public utilities under the regulation of the Public Service Commission over which such signals might be transmitted.

(14) "Subscriber" means any user who employs the services of a central alarm station.

(15) "User" means any person owning and operation a security alarm system, regardless of whether the security

alarm system was purchased or obtained within the boundaries of the District of Columbia.

Sec. 4. Prohibition of prerecorded transmittals. No person shall transmit or cause to be transmitted a prerecorded message to report any burglary, holdup, or other emergency directly to the Metropolitan Police Department by means of any telephone device, telephone attachment, security alarm system, or other device. Any person violating this section shall be subject to a fine of up to one hundred dollars (\$100) for each such offense.

Sec. 5. Licensing of security alarm dealers. (a) No person shall engage in the business of a security alarm dealer within the boundaries of the District of Columbia without first obtaining from the Mayor a license to be known as a security alarm dealer's license. Such license shall be required in addition to any other license or registration required by law. Any person who engages in the business of a security alarm dealer within the boundaries of the District of Columbia without having obtained such a license shall be subject to a fine of up to three hundred dollars (\$300) for each such violation.

(b) Application for a security alarm dealer's license shall be made to the Mayor on a form prescribed by the Mayor. The information provided by each applicant shall be

under oath and shall include, but shall not be limited to, the following:

(1) The name, address, and telephone number of the applicant;

(2) The name, address, and telephone number of the security alarm business, the type of business organization, and the names and addresses of the president, vice president, secretary, treasurer, manager, or other principal officers responsible for the operation of the business or local branch of the business, as applicable;

(3) That if the applicant plans to install, inspect, maintain, repair or service any security alarm system, such applicant must comply with the provisions of section 7(1).

(c) Each person whose name is required to be listed on the application shall furnish the Mayor with sets of his or her fingerprints, which shall become part of the application and shall be compared and recorded by the Chief of Police. The Chief of Police shall submit such fingerprints to the Federal Bureau of Investigation and to such other authorities as the Chief of Police may deem advisable for comparison and record checking, and shall make such other investigation as the Chief of Police determines to be relevant. The Chief of Police shall cause such fingerprints

to be returned to the Metropolitan Police Department upon completion and record checking by other agencies. The Chief of Police shall report the results of the investigation to the Mayor, who shall determine whether a license shall be issued.

(d) Each application required by this section shall be accompanied by a non-refundable fee to be established by the Mayor; Provided, That such fee shall, in the judgement of the Mayor, reimburse the District for the cost of services provided under this section. The term of the license shall be determined by the Mayor.

(e) A security alarm dealer's license may be denied, suspended, or revoked upon any one (1) or more of the following grounds:

(1) That the applicant made a false statement of a material fact in the application;

(2) That the applicant or licensee has violated any provision of this act, or any other applicable act or regulation governing such licenses; or

(3) That the applicant or licensee or other person specified in subsection (b) has been convicted of a felony within the last ten (10) years, or of a misdemeanor involving unlawful entry or the unlawful taking of the property of another within the last five (5) years, unless

the Mayor determines that the issuance or continuance of a license would not constitute a significant risk to the community. The Mayor shall consider the following factors in determining whether a significant risk exists: (A) the nature of the crime and its relationship to the duties and circumstances of participation in the business; (B) information pertaining to the degree of rehabilitation of the convicted person; and (C) the time elapsed since conviction.

(f) The Mayor may refuse to license, or may suspend or revoke any license in accordance with the provisions of this act, by notifying the applicant or licensee in writing and setting forth reasons authorized by subsection (e) for such suspension or revocation. The Mayor may order a suspension for a period not to exceed six (6) months. Any person whose license has been revoked may not apply for reissuance until six (6) months after the date of revocation. Reissuance shall be subject to payment of the same fee required for obtaining an original license.

(g) Whenever the Mayor proposes to deny, suspend, or revoke a license, he shall serve upon the applicant or licensee written notice which shall:

- (1) State the nature of the proposed action;

(2) Set forth facts which constitute the basis for the proposed action;

(3) Advise the applicant or licensee that he has the opportunity to submit information, within ten (10) days of service of the notice of proposed action, bearing on such proposed action for consideration by the Mayor;

(4) Advise the applicant or licensee that unless information is submitted pursuant to this section, the notice of proposed action shall constitute the notice of final action ten (10) days after service of such notice.

(h) In conjunction with the authority granted by this section, the Mayor shall have the authority to enter into agreements of assurance of compliance or discontinuance prior, or as an alternative, to denial, suspension, or revocation of license.

(i) Prior to any final action by the Mayor to suspend or revoke a license pursuant to this section, the license shall remain effective until its normal expiration date.

(j) Any person upon whom a notice of final action has been served may file with the Board of Appeals and Review, established by Organization Order No. 112, dated August 11, 1955 (C.D. 55-1500; D.C. Code, title 1, appendix), a written demand for a hearing. Any such hearing shall be held in accordance with the provisions of the District of Columbia

Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), and the Rules of Procedure of the Board of Appeals and Review adopted May 17, 1974.

Sec. 6. Licensing of security alarm agents. (a) No person shall act as an alarm agent within the boundaries of the District of Columbia without first obtaining a license to be known as a security alarm agent's license. A person to whom a security alarm dealer's license has been issued may obtain an alarm agent's license without payment of any additional license fee. Any person who violates this section shall pay a fine of not more than three hundred dollars (\$300). Security alarm agents' licenses shall be issued in the form of an identification card.

(b) Application for a security alarm agent's license shall be made to the Mayor on a form prescribed by the Mayor. The information provided by the applicant shall be under oath and shall include, but shall not be limited to, the following:

(1) The name, address, and telephone number of the applicant;

(2) The name, address, and telephone number of the security alarm business by whom the applicant will be employed; and

(3) A signed statement by the owner or manager of the particular alarm business indicating that employment has been offered to the applicant.

(c) Each applicant for a security alarm agent's license shall furnish the Mayor with sets of his or her fingerprints, which shall be processed in the manner set forth in section 5(c).

(d) Each application required by this section shall be accompanied by a non-refundable fee to be established by the Mayor; Provided, That such fee shall, in the judgement of the Mayor, reimburse the District for the cost of services provided under this section. The term of the license shall be determined by the Mayor.

(e) Each security alarm agent, and each security alarm dealer whose duties include the installation, inspection, maintenance, servicing, or repair of security alarm systems, shall carry on his or her person at all times while engaged in such duties a valid licensee identification card. Such identification card shall include the name of the alarm agent, a photograph of the alarm agent, and an identification number. Such card shall be displayed upon request. Identification cards are not transferable, and must be surrendered to the Mayor upon termination of

employment as an alarm agent or suspension or revocation of an alarm agent's license.

(f) Security alarm agents' licenses shall be subject to denial, suspension, or revocation on the grounds set forth in section 5(e). Procedures for the denial, suspension, or revocation of such a license shall be as set forth in section 5(f), (g), (h), (i), and (j).

Sec. 7. Duties of security alarm dealers. (a) Security alarm dealers shall maintain in a secure and confidential manner records of all sales, leases, rentals, or installations of security alarm systems and of service calls for security alarm systems. Such records shall include the name of the alarm user, the address of the premises at which the alarm system is located, the date of installation or service call, and such other information as the Mayor may require. Such records shall be maintained for a period of no less than one (1) year, unless specific records are required to be maintained for a longer period by the Mayor.

(b)(1) Security alarm dealers shall provide to users complete oral and written instructions and demonstrations in the proper care and use of any alarm or alarm system sold to or installed for a user.

(2) Warranties provided by security alarm dealers to users shall be in writing. Security alarm dealers shall also provide users with copies of written warranties by the manufacturer which are enforceable by the user.

(3) Security alarm dealers shall inform alarm users that the use of security alarms within the boundaries of the District of Columbia is governed by law.

(4) Upon the sale or installation of an alarm system, security alarm dealers shall obtain from the alarm user a written acknowledgment that the requirements set forth in subsection (b) have been met. Such acknowledgment shall be signed by the user and maintained as part of the records required to be kept by subsection (a).

(c) Security alarm dealers who contract with a user to respond to the scene of an alarm activation shall post on the premises, in a conspicuous place visible from outside the premises, a sticker or other sign indicating the name and telephone number of the security alarm dealer. When an alarm system has been activated the security alarm dealer shall have an alarm agent present at the premises within one (1) hour after being requested to do so by the Metropolitan Police Department, unless good cause is shown.

(d) Security alarm dealers have an affirmative duty to adequately train and supervise security alarm agents in

their employ. Any security alarm dealers which installs, inspects, maintains, repairs or services any security alarm system must employ or otherwise engage the services of at least one (1) person who possesses, at a minimum a current master electrician limited license which is valid in the District.

Section 8. Duties of security alarm users. (a) A security alarm system user shall not cause or permit any false alarm.

(b) It shall be the responsibility of alarm users to instruct any employees or others who may have occasion to activate an alarm that alarm systems are to be activated only in emergency situations to summon an immediate police response. Alarm users shall also instruct appropriate employees as to the operation of the alarm system; to include setting, activation, and resetting of the alarm.

(c) Alarm users shall be responsible for seeing that alarm systems are maintained in good working order and that defects which could cause false alarms are promptly repaired.

(d) Users of security alarm systems who have not contracted with a security alarm dealer for an alarm agent to respond to the scene of alarm activations shall indicate the telephone numbers of at least two (2) responsible

persons who are capable of deactivating and resetting the alarm system and of assisting the police to secure the premises, if necessary, and who may be notified by the Metropolitan Police Department to respond to the scene by either: (1) posting the names of such persons on a sticker or other sign on the premises in a conspicuous place visible from outside the premises; or (2) filing the names with the Mayor as defined by regulation. Such person or persons shall respond to the scene within one-half (1/2) hour after being requested to do so by the Metropolitan Police Department, unless good cause is shown.

Sec. 9. Standards for security alarm systems. (a)

No person shall install or maintain an audible alarm system which creates a sound capable of being mistakenly identified as that of an emergency vehicle siren or a civil defense warning siren.

(b) The Mayor is authorized to deactivate any exterior audible alarm system which continues to emit a sound for more than one-half (1/2) hour.

(c) No person shall install or maintain a security alarm system which does not have some safeguard which allows reasonable delay to halt or recall an accidental alarm activation before the alarm is communicated to the Metropolitan Police Department for response to the scene.

Sec. 10. Exceptions. (a) This act shall not apply to the use of security alarm systems by law enforcement personnel for law enforcement purposes.

(b) This act shall not apply to security alarm systems installed in motor vehicles, boats, or aircraft.

(c) This act shall not apply to security alarm systems which do not communicate directly or indirectly with the Metropolitan Police Department to request a police response, but which are designed solely to alert security personnel or others directly connected with or employed by the owner or operator of the protected premises or a security agency who are required to respond to the scene of the activation prior to initiating a call for police services.

(d) This act shall not apply to persons engaged solely in the manufacture or sale of security alarm systems or components thereof from a fixed location.

(e) This act shall not apply to telephone answering services which receive alarm activation signals and relay information to the Metropolitan Police Department, but do not function in any other manner as a security agency or security alarm dealer.

(f) This act shall not apply to electricians who may have occasion to deal with electrical components of alarm

systems, but who are not security alarm dealers or alarm agents, or acting in any such capacity.

(g) This act shall not apply to any security alarm system used, operated, or installed in any premises or place owned, leased, occupied, or under the control of the Governments of the United States or the District of Columbia, nor to any officer, agent, or employee of either government while acting or employed in his official capacity.

Sec. 11. Inspection(s). The Mayor is authorized to inspect the facilities of any security alarm dealer, central alarm station, or commercial user or subscriber during reasonable business hours to determine whether the requirements of this act are being met. Information obtained pursuant to such inspections shall be kept confidential and used only in conjunction with the enforcement of this act or for other authorized purposes.

Sec. 12. Penalties, generally. (a) Unless otherwise specified, any person who violates a provision of this act shall be fined not less than ten dollars (\$10) nor more than twenty-five dollars (\$25).

(b) All fines levied pursuant to this act are civil in nature.

Sec. 13. Notice of violation. (a) The Mayor may issue a notice of violation to any person who violates a provision of this act.

(b) A notice of violation shall:

- (1) state the nature of the violation; and
- (2) describe the procedures provided in this section and section 14.

(c) A notice of violation shall be the summons and complaint for purposes of this act. A duplicate of the notice of violation shall be served personally on the person to whom it is issued as provided in subsection (d). The original or a facsimile thereof shall be filed with the Office of the Corporation Counsel and shall be deemed a record kept in the ordinary course of business and shall be prima facie evidence of the facts contained therein.

(d) A notice of violation shall be served personally upon the alleged violator. If the alleged violator is not present the notice of violation shall be served by affixing such notice to the place of business (in the case of a security alarm dealer or agent) or to the scene (in the case of a security alarm user) in a conspicuous place.

(e) A person shall answer a notice of violation within fifteen (15) days by:

(1) depositing and forfeiting collateral in an amount established by rule or order of the Mayor; or

(2) depositing collateral in an amount established by rule or order of the Mayor and requesting the Superior Court of the District of Columbia to set a trial date.

(f) The Mayor shall prescribe the form for the notice of violation. A Mayor's rule or order establishing the amount of collateral shall become effective at expiration of thirty (30) days unless the Council of the District of Columbia shall, during such period, adopt a resolution disapproving or modifying such Mayor's rule or order. If the Council of the District of Columbia adopts a resolution modifying such rule or order, the rule or order shall take effect as so modified.

Sec. 14. Trial. (a) Unless otherwise provided, the conduct of any civil trial commenced pursuant to section 13 shall be governed by the Rules of the Superior Court of the District of Columbia.

(b) In such trial, the complaint of a violation of this act shall be brought in the name of the District of Columbia by the Corporation Counsel. The burden of proof shall be upon the District of Columbia and no violation of this act may be established except upon proof by a preponderance of the evidence.

Sec. 15. Collection of fines and fees. (a) All fines, collateral and fees collected pursuant to this act shall be paid into the general fund of the District of Columbia.

(b) A fine or collateral is due and payable under this act upon default or a finding at trial in favor of the District or upon the failure of a person to answer a notice of violation within fifteen (15) days as provided in section 13(e).

(c) Failure of a person to pay a fine or collateral when due shall cause such fine or collateral to be due and payable in twice the original amount not to exceed three hundred dollars (\$300).

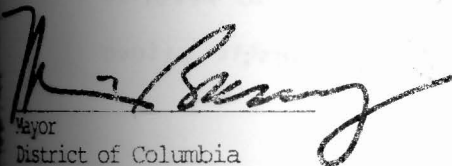
(d) The District of Columbia shall have a lien upon any amount due and payable as a fine or collateral pursuant to this act. However, no such lien shall be effective unless: (1) the District shall have filed in the Office of the Recorder of Deeds of the District of Columbia, in a docket provided for such liens, a written statement containing the name and address of the violator and the date and approximate place of the violation; and (2) the District shall have given notice of the filing of such lien to the violator. Thereafter, the District is authorized to file suit in the amount of its lien.

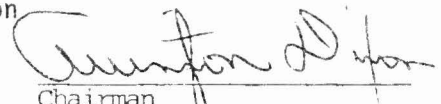
Sec. 16. Miscellaneous provisions. (a) In accordance with the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1034; D.C. Code, sec. 1-1501 et seq.) the Mayor shall issue such rules and procedures as are necessary to implement this act. Except as provided by the Mayor, the Metropolitan Police Department shall be responsible for the enforcement of this act and the issuance of any notice of violation pursuant to section 13.

(b) If any portion of this act is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining provisions.

Sec. 17. Effective Date. This act shall take effect after a thirty (30) day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto, as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-147(c)(1)).

Intro. as Bill 3-67 on 1-23-79 by Chairman Dixon
at the request of the Mayor


Mayor
District of Columbia


Chairman
Council of the District of Columbia

Certified voting record not
provided by Council

Transmitted to the Mayor: July 30, 1980

APPROVED: July 31, 1980