

## **Title 19: Insurance**

### **Part 7: State Fire Marshal**

#### **Part 7 Chapter 1: Mississippi Electronic Protection Licensing Act Rules and Regulation.**

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#### **Rule 1.01: Purpose**

The purpose of this Regulation is to set forth the rules and regulations to establish a statewide uniform procedures and qualifications for the licensure of individuals and companies to provide electronic protective systems to the general public.

Source: *Miss. Code Ann.* §73-69-7 (Rev. 2023)

#### **Rule 1.02: Authority**

This Regulation is promulgated by the Commissioner of Insurance, through his power as State Fire Marshal, as required pursuant to the provision of the Mississippi Electronic Protection Licensing Act ("Act") Mississippi Code Annotated § 73-69-1 et seq., and Senate Bill 2697, 2014 Regular Session, as approved by the Governor of Mississippi as well as the provisions of Mississippi Department of Insurance Regulation No. 88-101, said regulation being the Rules of Practice and Procedure before the Mississippi Insurance Department, of which the State Fire Marshal's Office is a division.

Source: *Miss. Code Ann.* §73-69-7 (Rev. 2023)

#### **Rule 1.03: Scope**

This Regulation shall apply to individuals and companies who offer electronic protective systems, or services relating to such alarms or systems.

This Regulation and the Act shall supersede any existing county or municipal ordinance, rule or regulation requiring certification or licensure of companies and persons engaged in alarm

contracting and such ordinances, rules and regulations shall be null, void and of no effect. Further, no county or municipality shall enact any new ordinance, rule or regulation regulating companies and persons subject to licensure pursuant to this Regulation and the Act.

Source: *Miss. Code Ann.* §73-69-27 (Rev. 2023)

#### **Rule 1.04: Definitions**

As used in this Regulation, the following terms shall be defined as follows:

- A. Alarm Contracting - Providing an electronic protective system to another by any means, including, but not limited to, the sale, lease, rent, design, planning with the intent to pre-wire, pre-wiring, installation, maintenance, repair testing, modification, improvement, alteration, inspection or servicing of an electronic protective system, or; holding oneself or one's company out for hire to perform any such task; or otherwise offering to perform any such task for compensation directly.
- B. Alarm contracting company - An entity that holds a Class A license issued by the State Fire Marshal.
- C. "Alarm verification" means an attempt by a monitoring company or its representative to contact a burglar alarm location or a burglar alarm user by telephone or other electronic means to determine whether a burglar alarm signal is valid in an attempt to avoid unnecessary police response before requesting law enforcement to be dispatched to the location. Alarm verification further means that at least a second call shall be made to a different number if the first attempt fails to reach an alarm user. All persons licensed to monitor alarms in Mississippi shall employ alarm verification standards as defined in the latest version of ANSI/CSAA CS-V-01, for all burglar alarm signals except for hold-up alarms.
- D. Board - the Electronic Protection Advisory Licensing Board.
- E. Burglar alarm/ burglar alarm system or "intrusion detection system" or "electronic protective system" - an alarm, alarm system or portion of such an alarm or system that is intended to detect or warn of an intrusion or other emergency in a structure. Such systems shall be certified per the latest version of ANSI/SIA CP01.
- F. Chief Deputy State Fire Marshal - the individual appointed by the Commissioner of Insurance/State Fire Marshal who, along with his employees, is designated by the Commissioner of Insurance/State Fire Marshal to implement and enforce this chapter and to maintain, among other duties, the Electronic Protection Division of the State Fire Marshal's Office.
- G. Company - proprietorship, partnership, corporation, limited liability company or other entity. For purposes of this Regulation, other entity may include a business office physically located within the boundaries of this State.

- H. Department - the Mississippi Department of Insurance.
- I. Designated agent - an owner or employee who holds a Class B license of an alarm contracting company who has been assigned the responsibility of submitting any notice required by the State Fire Marshal.
- J. Supervision - on-site direct supervision by a qualified license holder for the duties being performed.
- K. Electronic protective system - a device or series or assembly of interconnected devices which, when activated by automatic or manual means, produces an audible, visual or electronic signal intended to detect or warn of a threat to a structure or emergency to or from its occupants. This term shall include a burglar alarm system, intrusion detection system, closed-circuit video system or electronic access control system, or a portion or combination of such alarms or systems. However, the term "electronic protective system" shall not include an alarm system installed in a motor vehicle; a burglar alarm system, or household fire warning system sold at a retail store as part of a multiproduct offering to an individual end user for self-installation; or a single station fire alarm system sold at retail to an individual end user for self-installation or installed by a designated representative of a retailer as part of the retail transaction or installed by a fire department, the State Fire Marshal Office, a public agency, a volunteer fire association or their designated representatives.
- L. Employee - a person who performs services for wages or salary.
- M. Employer - a person or entity who hires another to perform services for a wage or salary.
- N. Individual license - a Class B, C, D, or H license issued by the State Fire Marshal.
- O. Licensee - a person or entity to which a license is granted.
- P. Officer - the president, vice-president, secretary, treasurer, comptroller or any other person who performs functions for an alarm contracting company, corresponding to those performed by those officers.
- Q. Operating location - a physical address that houses or maintains records of clients. It is recommended that such location have electrical service, allow for display of the company's license, and be capable of hosting meetings with clients and government officials.
- R. Person - a natural person or individual.
- S. Principal - a person or entity that owns at least twenty percent (20%) of an alarm contracting company regardless of the form of organization.

- T. Salesperson - a person who solicits another on behalf of an alarm contracting company, door-to-door personal interaction, or a person who participates in the design, planning, specification or layout of an electronic protective system on behalf of an alarm contracting company.
- U. Closed video system - an electronic protective system that provides video surveillance of events, primarily by means of transmission, recording, or transmission and recording of visual signals through the use of cameras, receivers, monitors and other visual imaging systems.
- V. "Electronic access control system" means an electronic protective system that is powered by the building's primary power source and is used as a process to grant or deny an individual access to a specific area or object based upon their possession of an item (which requires a decoder), a code or physical characteristic (biometrics).
- W. "Smoke alarm" means a single or multiple-station alarm responsive to smoke.
- X. "Single-station alarm" means a detector comprising an assembly that incorporates sensor, control components and an alarm notification appliance in one unit operated from a power source either located in the unit or obtained at the point of installation.
- Y. "Multiple station alarm" means two (2) or more single-station alarm devices that can be interconnected so that actuation of one causes all integral or separate audible alarms to operate, or one (1) single-station alarm device having connections to other detectors or to a manual fire alarm box.
- Z. "Heat detector" means a fire detector that detects either abnormally high temperature or rate-of-temperature rise, or both.

Source: *Miss. Code Ann.* §73-69-5 (Rev. 2023)

#### **Rule 1.05: Licensing Requirements**

The State Fire Marshal shall issue licenses to companies and individuals who offer electronic protective systems to the general public. All licenses shall be valid for a period of one (1) year from its date of issuance and shall be renewed annually, on or before the anniversary date. The licensing procedure and requirements are as follows:

- A. Class A license - a company license for alarm contracting. To apply for this license, an applicant must provide the following information and meet the following conditions.
  - 1. Documentation that the company is an entity duly authorized to conduct business within this state;

2. Documentation that the company holds a general liability and errors and omissions insurance policy, or a surety bond, in an amount not less than Three Hundred Thousand Dollars (\$300,000);
3. Documentation that the company carries a current and valid workers' compensation insurance policy as required by state law;
4. The name of the company's designated agent;
5. Documentation that one (1) employee for the company holds a Class B license at each operating location;
6. A sworn statement that no officer or principal has been convicted of a felony, has received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge;
7. Submission of the license and application fee as set forth in the Act;
8. Documentation that the company is located within the physical boundaries of the state;
9. Beginning on July 1, 2014, in order to assist the Office of the State Fire Marshal in determining an applicant's suitability for a license under this chapter, a Class A applicant, upon request from the State Fire Marshal, shall submit a set of fingerprints for all officers and principals with the submission of an application for license or at such time as deemed necessary by the State Fire Marshal. The Office of the State Fire Marshal shall forward the fingerprints to the Department of Public Safety for the purpose of conducting a criminal history record check. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. Fees related to the criminal history record check shall be paid by the applicant to the State Fire Marshal and the monies from such fees shall be deposited in the special fund in the State Treasury designated as the Electronic Protection Licensing Fund.
10. The name of each company providing monitoring services.
11. If the action by the State Fire Marshal is to nonrenew or to deny an application for license, the State Fire Marshal shall notify the applicant or licensee and advise, in writing, the applicant or licensee of the reason for the denial or nonrenewal of the applicant's or licensee's license. The applicant or licensee may make written demand upon the State Fire Marshal within ten (10) days for a hearing before the State Fire Marshal to determine the reasonableness of the State Fire Marshal's action. The hearing shall be held within thirty (30) days.

12. The State Fire Marshal's Office shall perform an inspection of the physical location prior to the issuance of the Class A license.
- B. Class B License - Alarm System Technician -an individual license which shall authorize its holder to design, plan, specify, lay out, sell, pre-wire, install, maintain, repair, test, inspect or service and electronic protective system while in the employ of an alarm contracting company. The licensing procedures and requirements are as follows:
1. Documentation that the applicant has completed a minimum of the Electronic Security Association's Level 1, Advanced Intrusion Systems, and Fire Alarm installation Methods, and also documentation that the applicant has successfully completed a minimum of Electronic Security Association, Level 2 A and Level 2 B Burglar Alarm training course or the Electronic Security Association, Fire Alarm Installation Methods and Advanced Intrusion Systems training courses, or equivalent training approved by the State Fire Marshal;
  2. Documentation proving residency within a radius of one hundred fifty (150) miles of the office to which the applicant is assigned;
  3. Two (2) suitable passport size color photographs of the applicant acceptable to the State Fire Marshal;
  4. A sworn statement that the applicant has not been convicted of a felony, has received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge;
    - a. If an applicant has been convicted of a felony, received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge, and if it has been ten (10) or more years since the date of the application for the license and the successful completion or service of any sentence, deferred adjudication or period of probation or parole, the license may be issued if:
      - i. The felony committed was not a crime of violence or a sex offense as defined in the Mississippi Criminal Code; and,
      - ii. The Office of the State Fire Marshal holds a review of the license application, taking into consideration the seriousness and circumstances of the offense and subsequent arrest. The State Fire Marshal may deny a license of an applicant who meets the criteria in subparagraph (a) if the State Fire Marshal believes the seriousness of the offense justifies the denial of the license.
  5. Beginning on July 1, 2014, in order to assist the Office of the State Fire Marshal in determining an applicant's suitability for a license under this chapter, an applicant shall submit a set of fingerprints with the submission of an application

for license. The Office of the State Fire Marshal shall forward the fingerprints to the Department of Public Safety for the purpose of conducting a criminal history record check. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. Fees related to the criminal history record check shall be paid by the applicant to the State Fire Marshal and the monies from such fees shall be deposited in the special fund in the State Treasury designated as the Electronic Protection Licensing Fund.

6. Submission of the license and application fee as set forth in the Act.
  7. If the action by the State Fire Marshal is to nonrenew or to deny an application for license, the State Fire Marshal shall notify the applicant or licensee and advise, in writing, the applicant or licensee of the reason for the denial or nonrenewal of the applicant's or licensee's license. The applicant or licensee may make written demand upon the State Fire Marshal within ten (10) days for a hearing before the State Fire Marshal to determine the reasonableness of the State Fire Marshal's action. The hearing shall be held within thirty (30) days.
- C. Class C license - Alarm System Installer - an individual license which shall authorize its holder to design, plan, specify, lay out, pre-wire, install, maintain, repair, test, inspect or service an electronic protective system while in the employ of an alarm contracting company. The licensing procedures and requirements are as follows:
1. Documentation showing that the applicant has successfully completed, at a minimum, Electronic Security Association, Level 1 Certified Alarm/Security Technician training course, or equivalent training approved by the State Fire Marshal;
  2. Two (2) suitable passport size color photographs of the applicant acceptable to the State Fire Marshal;
  3. A sworn statement that the applicant has not been convicted of a felony, has received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge;
    - a. If an applicant has been convicted of a felony, received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge, and if it has been ten (10) or more years since the date of the application for the license and the successful completion or service of any sentence, deferred adjudication or period of probation or parole, the license may be issued if:
      - i. The felony committed was not a crime of violence or a sex offense as defined in the Mississippi Criminal Code; and,

- ii. The Office of the State Fire Marshal holds a review of the license application, taking into consideration the seriousness and circumstances of the offense and subsequent arrest. The State Fire Marshal may deny a license of an applicant who meets the criteria in subparagraph (a) if the State Fire Marshal believes the seriousness of the offense justifies the denial of the license.
  4. Beginning on July 1, 2014, in order to assist the Office of the State Fire Marshal in determining an applicant's suitability for a license under this chapter, an applicant shall submit a set of fingerprints with the submission of an application for license. The Office of the State Fire Marshal shall forward the fingerprints to the Department of Public Safety for the purpose of conducting a criminal history record check. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. Fees related to the criminal history record check shall be paid by the applicant to the State Fire Marshal and the monies from such fees shall be deposited in the special fund in the State Treasury designated as the Electronic Protection Licensing Fund.
  5. Submission of the license and application fee as set forth in the Act.
  6. If the action by the State Fire Marshal is to nonrenew or to deny an application for license, the State Fire Marshal shall notify the applicant or licensee and advise, in writing, the applicant or licensee of the reason for the denial or nonrenewal of the applicant's or licensee's license. The applicant or licensee may make written demand upon the State Fire Marshal within ten (10) days for a hearing before the State Fire Marshal to determine the reasonableness of the State Fire Marshal's action. The hearing shall be held within thirty (30) days.
- D. Class D license - Alarm System Salesperson - an individual license which shall authorize its holder to design, plan, specify, lay out or sell an electronic protective system while in the employ of an alarm contracting company. The licensing requirements and procedures are as follows:
1. Documentation that the applicant has completed, at a minimum Electronic Security Association training course Understanding Electronic Security Systems training course,, or equivalent training approved by the State Fire Marshal;
  2. Two (2) suitable passport size color photographs of the applicant acceptable to the State Fire Marshal;
  3. A sworn statement that the applicant has not been convicted of a felony, has received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge;



- a. If an applicant has been convicted of a felony, received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge, and if it has been ten (10) or more years since the date of the application for the license and the successful completion or service of any sentence, deferred adjudication or period of probation or parole, the license may be issued if:
      - i. The felony committed was not a crime of violence or a sex offense as defined in the Mississippi Criminal Code; and,
      - ii. The Office of the State Fire Marshal holds a review of the license application, taking into consideration the seriousness and circumstances of the offense and subsequent arrest. The State Fire Marshal may deny a license of an applicant who meets the criteria in subparagraph (a) if the State Fire Marshal believes the seriousness of the offense justifies the denial of the license.
  4. Beginning on July 1, 2014, in order to assist the Office of the State Fire Marshal in determining an applicant's suitability for a license under this chapter, an applicant shall submit a set of fingerprints with the submission of an application for license. The Office of the State Fire Marshal shall forward the fingerprints to the Department of Public Safety for the purpose of conducting a criminal history record check. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. Fees related to the criminal history record check shall be paid by the applicant to the State Fire Marshal and the monies from such fees shall be deposited in the special fund in the State Treasury designated as the Electronic Protection Licensing Fund.
  5. Submission of the license and application fee as set forth in the Act.
  6. If the action by the State Fire Marshal is to nonrenew or to deny an application for license, the State Fire Marshal shall notify the applicant or licensee and advise, in writing, the applicant or licensee of the reason for the denial or nonrenewal of the applicant's or licensee's license. The applicant or licensee may make written demand upon the State Fire Marshal within ten (10) days for a hearing before the State Fire Marshal to determine the reasonableness of the State Fire Marshal's action. The hearing shall be held within thirty (30) days.
- E. Class H license - Alarm Helper- an individual license which authorizes its holder to pre-wire or assist a Class B or Class C license holder install or service an electronic protective system while under the direct supervision of a licensed Class B or Class C holder in the employ of an alarm contracting company. The licensing requirements and procedures are as follows:

1. Two (2) suitable passport size color photographs of the applicant acceptable to the State Fire Marshal;
2. A sworn statement that the applicant has not been convicted of a felony, has received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge;
  - a. If an applicant has been convicted of a felony, received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge, and if it has been ten (10) or more years since the date of the application for the license and the successful completion or service of any sentence, deferred adjudication or period of probation or parole, the license may be issued if:
    - i. The felony committed was not a crime of violence or a sex offense as defined in the Mississippi Criminal Code; ~~and~~,
    - ii. The Office of the State Fire Marshal holds a review of the license application, taking into consideration the seriousness and circumstances of the offense and subsequent arrest. The State Fire Marshal may deny a license of an applicant who meets the criteria in subparagraph (a) if the State Fire Marshal believes the seriousness of the offense justifies the denial of the license; and
    - iii. The applicant must submit a sworn statement that the applicant will be supervised by an appropriately classed individual.
3. Beginning on July 1, 2014, in order to assist the Office of the State Fire Marshal in determining an applicant's suitability for a license under this chapter, an applicant shall submit a set of fingerprints with the submission of an application for license. The Office of the State Fire Marshal shall forward the fingerprints to the Department of Public Safety for the purpose of conducting a criminal history record check. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. Fees related to the criminal history record check shall be paid by the applicant to the State Fire Marshal and the monies from such fees shall be deposited in the special fund in the State Treasury designated as the Electronic Protection Licensing Fund.
4. Submission of license fee.
5. If the action by the State Fire Marshal is to nonrenew or to deny an application for license, the State Fire Marshal shall notify the applicant or licensee and advise, in writing, the applicant or licensee of the reason for the denial or nonrenewal of the applicant's or licensee's license. The applicant or licensee may make written demand upon the State Fire Marshal within ten (10) days for a hearing before the

State Fire Marshal to determine the reasonableness of the State Fire Marshal's action. The hearing shall be held within thirty (30) days.

- F. Notification Requirements - all licensees shall notify the State Fire Marshal in the manner prescribed by the State Fire Marshal within ten (10) days of the following:
  - 1. Any change in home or business address;
  - 2. Any separation from an employer, employee, or change in employer;
  - 3. Any conviction for a felony or entry of a plea of guilty or nolo contendere to a felony charge or receipt of a first-time offender pardon.
- G. Reciprocity - State Fire Marshal may enter into reciprocal agreements with other states for mutual recognition of individual license holders, provided that state will award licenses to residents of this state and as long as that state's requirements are not less stringent than those set forth under the Act or this Regulation.
- H. Renewal licenses - All renewal licensees must submit documentation showing satisfactorily completion of the twelve (12) hours of continuing education required pursuant to the Act and Section 7 of this Regulation.
- I. Reinstatement Fee - As required pursuant to the Act, any individual that fails to timely renew their license shall be charged a reinstatement fee penalty in addition to the renewal fee. That penalty shall be an amount double of their license renewal fee. However, the Commissioner of Insurance in his discretion may reduce the amount of said penalty, upon the applicant filing with the Department a written request showing good cause for the failure to timely renew. For the purposes of this provision, good cause shall be limited to health or medical issues, military service, or other reasonable and just causes as determined by the Commissioner.
- J. Class A License Number Displays - All Class A contracting companies are required to display their state issued alarm license number on all company vehicles and documents. Compliance in this section must be made in the following manner and within the following time period:
  - 1. All company stationary, business cards, contracts and other company documents must include the Class A license number in at least 12 point type and in bold print. All Class A contracting companies must have their license number on all company documents within eighteen (18) months of the adoption of this amended Regulation.
  - 2. All marked company vehicles must include the Class A license number. The license number must be at least three (3) inches in height, clearly visible on the rear and both sides of the vehicle, and shall be in a contrasting color. All Class A contracting companies must have their license number on all company vehicles.

3. In the interest of public safety, Deputy State Fire Marshals, who are certified law enforcement officers, are duly authorized to stop and conduct inspections of Class A contracting company vehicles to verify compliance with Miss. Code Ann. §§ 73-69-1, 73-69-11, and these Rules and Regulations.

Source: *Miss. Code Ann.* §73-69-9; §73-69-11 (Rev. 2023)

**Rule 1.06:** Exceptions to Licensure

- A. The requirement for licensure for alarm contracting as stated in Rule 1.05 of this Regulation shall not apply to the following:
  1. Any company, natural person, or employee of the company or natural person, licensed to perform electrical work by the State Licensing Board of Contractors. This exception from licensure shall apply to the installation of wire, conduit, or other wire raceways, its associated boxes or fittings ;
  2. Any owner, management company or public institution and such person's or entity's employees while such person or entity is designing, installing, inspecting, repairing, servicing, recording, adjusting or testing closed circuit television alarm systems, on the premises of the owner or public institution during the normal course and scope of his duties;
  3. Any owner, management company or public institution and such person's or entity's employees while such person or entity is designing, installing, inspecting, repairing, servicing or testing a burglar alarm system only on the premises of the owner or public institution during the normal course and scope of his duties;
  4. Any retailer that sells alarm systems as part of a multiproduct offering including any company and its affiliates, contractors, agents and employees that only sell alarm systems over the Internet or via a website, by telephone or in retail settings. This exception to licensure shall not apply to sales that take place door-to-door or physically inside or at or on a consumer's premises;
  5. Any retailer or installer of smoke alarm warning systems, or single-station heat detectors, sold and installed to detect or warn of smoke or fire and intended for use in a residential one- or two-family dwelling or wholly within the confines of an individual living unit in a residential multifamily structure;
  6. Any company, or its agents that monitor burglar alarm systems, intrusion detection systems, or electronic protection systems but that does not directly install such systems.
  7. Any professional engineer licensed by the Mississippi Board of Registration for Professional Engineers and Land Surveyors;

8. Any owner, management company or public institution and such person's or entity's employees while such person or entity is designing, installing, inspecting, repairing, servicing, recoding, adjusting or testing telemedicine, store-and-forward telemedicine services, remote patient-monitoring services or mediation adherence-management services during the normal course and scope of his duties.
- B. The requirement for licensure for alarm system contracting as stated in Rule 1.05 of this Regulation shall not apply to an officer or employee of the United States, while engaged in the performance of his official duties within the course and scope of his employment with the United States, this state, or any political subdivision of either.
- C. No person or company shall aid, abet, facilitate or otherwise assist any unlicensed person or company in engaging in alarm contracting, including, but not limited to, the sale of an electronic protective system as defined in this act when such person or company knew or should have known that the person or company thus assisted was unlicensed.

Source: *Miss. Code Ann.* §73-69-15 (Rev. 2023)

**Rule 1.07: Continuing Education Requirements**

Every individual seeking to receive a renewal license under the Act or this Regulation shall satisfactorily complete twelve (12) hours of study in approved courses during each twelve-month period. Each one-hour credit shall be awarded for fifty minutes of attendance of an approved course. No more than four (4) of the required hours of study may be obtained through online courses.

- A. Documentation - It is the responsibility of each individual to maintain records documenting continuing education activity and to submit this documentation at the time of license renewal.
- B. Approved Courses - Only those courses approved by the State Fire Marshal shall fulfill the requirements of the Act and this Regulation.
  1. State Fire Marshal Approved Courses - To be approved by the State Fire Marshal, the course or program must be one that educates on the electronic life safety, security and systems industry. Programs geared toward specific products and/or sales will not qualify as continuing education. For any course to be approved as a continuing education class must be submitted to the State Fire Marshal with a course outline and receive approval prior to the actual class being held.
  2. Electronic Security Association and NTS/NBFAA Courses - Any course offered by the Electronic Security National Training School (NTS), which is a member

service of the National Burglar and Fire Alarm Association (NBFAA), shall qualify as an approved course.

3. Licenses and Certification - Credit shall be awarded for earning a license and/or certification in the electronic life safety, security and systems industry from an entity other than Electronic Security Association and NBFAA provided the State Fire Marshal approves such certification counting toward continuing education requirements. Any certification or license earned during the renewal cycle will qualify for twelve hours provided the State Fire Marshal has approved the license and/or certification.
  4. College/University Course - Credit may be granted for successful completion of a college/university course in a security industry topic area upon submission of the course outline to and approval by the State Fire Marshal. A three or four credit course shall be equivalent to twelve credits as required under this Section.
  5. Training Meetings - Credit may be granted for attending training meetings of the Electronic Security Association and the National Burglar and Fire Alarm Association and/or the Mississippi Alarm Association, not to exceed more than six (6) credit hours per calendar year.
  6. Other Credits - The State Fire Marshal may, at his discretion, approve continuing education credits for volunteer service, teaching of classes, publication of articles, or for any other class, work or activity performed that the State Fire Marshal approves as satisfaction of the continuing education requirements. It is the responsibility of the individual person to receive such approval from the State Fire Marshal.
- C. Failure to Complete Requirements - The failure of any individual to timely complete or submit their continuing education requirements shall result in denial of their renewal license until such continuing education requirements are met.
- D. Continuing Education Reciprocity - An individual's satisfaction of his or her home state continuing education requirements for licensure shall constitute satisfaction of this state's continuing education requirements if the individual's home state recognizes the satisfaction of its continuing education requirements imposed upon individuals from this state on the same basis.

Source: *Miss. Code Ann.* §73-69-7 (Rev. 2023)

#### **Rule 1.08: Violations and Penalties**

The State Fire Marshal may impose, after giving notice of hearing to the licensee by serving a written statement of charges on the licensee at least twenty (20) days prior to hearing, penalties for violations under the Act and this Regulation. Violations and penalties are set forth as follows:

A. Class I offenses:

1. Failure of an alarm contracting company or closed circuit television company to timely notify the State Fire Marshal of certain changes in the status of the licensee as required by the Act and Rule 1.05 (F) of this Regulation.
2. Failure of an alarm contracting company to do any of the following:
  - a. Clearly display the company's license at its place of business; or
  - b. Replace a required Class B license holder or its designated agent and to timely notify the State Fire Marshal as required by the Act and Rule 1.05 (F) of this Regulation; or
  - c. Clearly display the company's license number on both sides and the rear of all company vehicles as required by these regulations.
3. Failure of an individual license holder to maintain his license on his person and to present it for inspection;
4. Assisting an unlicensed person or company to engage in alarm contracting as prohibited;
5. Refuse to admit the State Fire Marshal or his designated representative to an operating location or refuse to cooperate in the purposes of such admittance as required.

B. Class I Penalties - may be any or all of the following:

1. Written reprimand by the State Fire Marshal. Such reprimand shall be a part of the record of the licensee and shall be maintained by the State Fire Marshal for a period of three (3) years, during such time the reprimand may be taken into consideration during any subsequent disciplinary action;
2. Probation of licensure for not more than twelve (12) months. Such probation may include placement of restrictions on the alarm contracting activities and the license of the offender. Any subsequent offense committed during probation will make the offender subject to penalties for a Class II offense;
3. A fine of not more than Five Hundred Dollars (\$500.00) per offense.

C. Class II Offenses:

1. Commission of a second Class I offense;

2. A Class I offense committed during a probation of one's licensure for a Class I offense.

D. Class II Penalties - may be any or all of the following:

1. Any penalty authorized for a Class I offense;
2. Suspension of licensure for not more than twenty-four (24) months;
3. A fine of not more than One Thousand Dollars (\$1,000.00) per offense.

E. Class III Offenses:

1. The signature of or submission by an applicant or licensee of any document to the State Fire Marshal when the applicant or licensee knew that document contained false or intentionally misleading information;
2. Engaging in alarm contracting without a license;
3. Engaging in alarm contracting during suspension of one's license;
4. The repeated willful commission of Class I or Class II offenses;
5. Failure by an alarm contracting company to maintain a general liability and errors and omissions insurance policy as required, or to maintain a workers' compensation insurance policy as required by state law;
6. Engaging in false, misleading or deceptive acts or practices.

F. Class III Penalties - may be any or all of the following:

1. Any penalty authorized for a Class I or Class II offense;
2. Revocation of licensure;
3. A fine of not more than Five Thousand Dollars (\$5,000.00) per offense.

G. Additional Penalties - in addition to the penalties stated, the State Fire Marshal may:

1. Issue in any court of competent jurisdiction an injunction without bond enjoining any person from violating or continuing to violate the provisions of this Regulation or the Act; and,
2. In the suit for an injunction, may demand of the defendant a penalty of Fifty Dollars (\$50.00) per day for each violation, reasonable attorney fees and court costs.



3. Any person who knowingly and willfully violates any of the provisions of the Residential Alarm Licensing Act or any rules and regulations made hereunder shall be liable to the State of Mississippi for a civil penalty of not more than Five Thousand Dollars (\$5,000.00) for each such violation. Each violation of a provision of this chapter or a rule or regulation made hereunder shall constitute a separate violation with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed Five Hundred Thousand Dollars (\$500,000.00) for any related series of violations occurring within one (1) year from the date of the first violation.
4. In addition to any other penalty provided in the statutes and regulations, an alarm contracting company, individual director, officer or agent of an alarm contracting company who knowingly and willfully fails to obtain the applicable license under this chapter and who is required to obtain such license under this chapter, and who may knowingly and willfully violate any provisions of this chapter or any rules and regulations made hereafter with respect to, including, but not limited to, the sale, lease, rent, design or planning with the intent to pre-wire, pre-wiring, installation, maintenance, repair, testing modification, improvement, alteration, inspection or servicing of an electronic protective system, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.

H. Alarm Contracting Company - Cancellation of contract:

1. An alarm contracting company who sells an electronic protective system to a consumer shall immediately return the lockout, installer or programming code of the electronic protective system to the factory default setting when the consumer cancels the contract with the alarm contracting company and contracts with another alarm contracting company provided all contractual obligations are fulfilled. This requirement extends to all components of the electronic protective system that must be reset to make it usable to other companies, including but not limited to radio links.
2. Any violation of Rule 1.07 (F)(1) by an alarm contracting company will result in the company's license being revoked and a civil fine of not less than Five Hundred Dollars (\$500.00) but not more than Two Thousand Dollars (\$2,000.00) per occurrence.

Source: *Miss. Code Ann.* §73-69-23; §73-69-25 (Rev. 2023)

**Rule 1.09:** Electronic Protection Advisory Board

The Electronic Protection Licensing Advisory Board ("Board") is created pursuant to the Act to assist the State Fire Marshal with the rules and regulations of the Act.

A. Members of the Board - the members and their terms shall be as follows:

1. Three members appointed by the Governor, one from each Supreme Court District. Each member shall possess a valid Class A or Class B license and may be appointed from a list submitted by the Mississippi Alarm Association. The initial terms shall be staggered, with one appointment serving for two (2) years, one for three (3) years, and one for four (4) years. After the initial staggered terms, the subsequent terms shall be for four (4) years.
2. One member appointed by the State Fire Marshal from a list of nominees submitted to the State Fire Marshal by the Mississippi Alarm Association. This member shall act as a representative of the Alarm Manufacturing Industry and the appointment shall be for four (4) years.
3. Two (2) members appointed by the Governor at his discretion, one (1) shall be a law enforcement officer and one (1) shall be from the private sector. Each of these appointments shall be for (4) years, concurrent with the term of the Governor.
4. One (1) member shall be an employee of the Office of the State Fire Marshal designated by the State Fire Marshal. The member's term shall be for four (4) years and shall be concurrent with the term of the State Fire Marshal. This member shall serve as chairman of the Board.

B. Terms - after the initial terms, each member shall serve a term of (4) years. No members shall serve more than two (2) terms except for the member designated by the State Fire Marshal in Rule 1.08(A)(4).

C. Vacancies - a vacancy on the Board shall be filled in the manner of the original appointment for the remainder of the term.

D. Meetings - the board shall meet ever quarter, or upon the call of the chairman or upon the written request of any three (3) members of the Board. Notice of any such meeting shall be given in writing to members and the public by publication on the Department of Insurance's website at least fourteen (14) days in advance.

E. Quorum - a quorum shall be met if four (4) or more members of the board meet for the transaction of business.

F. Reimbursement of Expenses - each appointed Board member shall be reimbursed for travel and related expenses incurred, not to exceed those expenses authorized for reimbursement by the Department, for the period that the member engages in Board business. However, said reimbursement must be submitted and approved by the Department, and no expenses will be initially provided for any meeting prior to July 1, 2007.

G. Liability of Members - no member shall be liable to civil action for any act performed in good faith in the execution of his duties as a board member.

Source: *Miss. Code Ann.* §73-69-21 (Rev. 2023)

**Rule 1.10: Severability**

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: *Miss. Code Ann.* §73-69-7 (Rev. 2023)

**Rule 1.11: Effective Date**

This Regulation supersedes prior versions of this Regulation, and shall become effective September 1, 2024.

Source: *Miss. Code Ann.* §73-69-1, et seq. (Rev. 2023)