

Business of Installing, Servicing or Maintaining Security or Fire Alarm Systems

(June 2011)

New York State
DEPARTMENT OF STATE
Division of Licensing Services
www.dos.state.ny.us

Andrew M. Cuomo
Governor

Cesar A. Perales
Secretary of State

Business of Installing, Servicing or Maintaining Security or Fire Alarm Systems

Article 6-D, General Business Law

Section

69-l	Definitions
69-m	License required
69-n	Powers of the Secretary of State
69-o	License after examination; application
69-p	License without examination
69-pp	Licensed master electrician waiver
69-q	Licenses; display; renewal; duplicates
69-r	Fees
69-s	Suspension and revocation of licenses
69-ss	Revocation, suspension, reprimands, fines; unlicensed activities
69-t	Hearing on charges; decision
69-u	Judicial review
69-v	Violations and penalties
69-vv	Civil penalties
69-w	Official acts used as evidence
69-x	Disposition of moneys derived from operation of article
69-y	Separability clause
69-z	Applicability

Security and Fire Alarm Systems, Rules and Regulations

Title 19 NYCRR

Part

195	Licensing Regulations for the Business of Installing, Servicing or Maintaining Security or Fire Alarm Systems
196	Approval of Security or Fire Alarm System Installer Courses

Business of Installing, Servicing or Maintaining Security or Fire Alarm Systems

§69-l. Definitions

As used in this article, unless the context requires otherwise:

1. "Department" means the Department of State.
2. "Person" means an individual, firm, company, partnership, limited liability company or corporation.
3. "Licensee" means a person as herein defined licensed to engage in the business of installing, servicing or maintaining security or fire alarm systems under this article.
4. "To engage in the business of installing, servicing or maintaining security or fire alarm systems" means and refers to a person who holds himself out directly or indirectly, as being able, or who offers or undertakes, by any means or method, to install, service or maintain a security or fire alarm system to detect intrusion, break-in, movement, sound or fire.
5. "Fee," "examination fee," "license fee" and "renewal fee" mean the fees required to accompany an application for examination or fingerprint processing for or issuance of any license, including any temporary, apprentice or renewal license, pursuant to this article. Such fee shall be non-refundable.

§69-m. License required

1. On and after October 1, 1992, no person shall engage in the business of installing, servicing or maintaining security or fire alarm systems or hold himself out as being able so to do unless he is licensed therefor pursuant to this article. Nothing herein shall prohibit a person licensed in accordance with the provisions of this article from employing individuals to assist in the installation, servicing or maintaining of security or fire alarm systems, provided such licensee issues identification cards on a form prescribed by the Secretary of State to each unlicensed individual.

2. Notwithstanding the provisions of subdivision one of this section, a license shall not be required of a person to engage in the business of installing, servicing or maintaining security or fire alarm systems if such an alarm system is to be installed in a motor vehicle, water vessel or aircraft or is a battery-operated smoke detection device. Furthermore, a property owner or proprietor who purchases or owns an alarm system to be installed by him or his employees onto his property or place of business shall not fall under the provisions of this article.

§69-n. Powers of the Secretary of State

In addition to the powers and duties elsewhere prescribed in this article, the Secretary of State shall have power:

1. To appoint an adequate number of assistants, inspectors and other employees as may be necessary to carry out the provisions of this article, to prescribe their duties, and to fix their compensation within the amount appropriated therefor.
2. To examine into the qualifications and fitness of applicants for licenses under this article.
3. To keep records of all licenses issued, suspended or revoked.
4. To prepare a manual of rules and regulations for the conduct of examinations and to furnish copies thereof to persons desiring the same upon payment of a reasonable fee therefor.
5. To adopt such rules and regulations not inconsistent with the provisions of this article, as may be necessary with respect to the form and con-

NYS Department of State Division of Licensing Services

tent of applications for licenses, the reception thereof, the investigation and examination of applicants and their qualifications, and the other matters incidental or appropriate to his powers and duties as prescribed by this article and for the proper administration and enforcement of the provisions of this article, and to amend or repeal any of such rules and regulations.

6. To create an advisory committee composed of at least four persons from different areas of the state who have been actively engaged in the business of installing, servicing or maintaining security or fire alarm systems for at least five years prior to their appointment and two persons from different areas of the state, one of whom shall be a fire service official and one of whom shall be a police officer. The advisory committee shall make recommendations to the Secretary of State with respect to the administration of this article.

§69-o. License after examination; application

1. After successfully passing the designated examination, any person over the age of 18 years, desiring a license to engage in the business of installing, servicing or maintaining security or fire alarm systems under this article, may make application to the Secretary of State therefor. The application shall be subscribed by the applicant and affirmed by him as true under the penalties of perjury. The application shall be in such form and shall contain such information relative to the applicant and his qualifications as may be prescribed by the Secretary of State. Each application shall be accompanied by:

- (a) Two recent photographs of the applicant of a size prescribed by the Secretary of State and two sets of fingerprints of the applicant to be recorded in such manner as the Secretary of State may prescribe by rule. The fingerprints shall be taken on a standard fingerprint card approved for fingerprinting by the state Division of Criminal Justice Services and shall be accompanied by the appropriate processing fee in proper form for the Division of Criminal Justice Services;
- (b) Evidence of education satisfactory to the Secretary of State which shall include evidence of the successful completion of a course of study in a school duly licensed pursuant to the Education Law or approved by the Board of Regents as a school qualified to instruct students in the field of security or fire alarm systems or can demonstrate to the satisfaction of the Secretary of State that he has successfully completed an approved industry sponsored training program; and
- (c) Evidence of having successfully passed the required examination.

2. After the filing of an applicant's fingerprint cards, the Secretary of State shall forward such fingerprints to the Division of Criminal Justice Services to be compared with the fingerprints on file with the Division of Criminal Justice Services in order to ascertain whether the applicant has been convicted of a felony involving fraud, bribery, perjury or theft pursuant to article 140, 155, 160, 165, 170, 175, 176, 180, 185, 190, 195, 200 or 210 of the Penal Law; or has a criminal action which has been pending for such a felony for under one year without a final disposition unless adjourned in contemplation of dismissal; provided, however, that for the purposes of this article, none of the following shall be considered criminal convictions or reported as such:

- (a) A conviction which has been vacated and replaced by a youthful offender finding pursuant to article 720 of the Criminal Procedure Law, or the applicable provisions of law of any other jurisdiction; or
- (b) A conviction, the records of which have been expunged or sealed pursuant to the applicable provisions of the laws of this state or of any other jurisdiction; or

- (c) A conviction for which a certificate of relief from disabilities or certificate of good conduct has been issued pursuant to the Correction Law.

The Division of Criminal Justice Services shall retain the fingerprint cards and return the report of such convictions or pending cases, if any, to the Secretary of State who shall retain them in a confidential file for no more than one year, after which time such report shall be destroyed.

The Secretary of State shall deny the application of any individual convicted of a felony involving fraud, bribery, perjury or theft pursuant to article 140, 155, 160, 165, 170, 175, 176, 180, 185, 190, 195, 200 or 210 of the Penal Law; or has a criminal action which has been pending for such a felony for under one year without a final disposition unless adjourned in contemplation of dismissal; provided, however, that for the purposes of this article, none of the following shall be considered criminal convictions or reported as such:

(i) A conviction which has been vacated and replaced by a youthful offender finding pursuant to article 720 of the Criminal Procedure Law, or the applicable provisions of law of any other jurisdiction; or

(ii) A conviction the records of which have been expunged or sealed pursuant to the applicable provisions of the laws of this state or of any other jurisdiction; or

(iii) A conviction for which a certificate of relief from disabilities or a certificate of good conduct has been issued pursuant to the Correction Law.

3. The Secretary of State shall prepare question papers which shall be the same for all applications at any given examination. The questions may be partly written and partly oral and shall not be confined to any specific method or system. In addition, a portion of the examination may include testing of practical skills through various exercises. No person shall receive a license hereunder who has not actually demonstrated to the Secretary of State his ability and fitness to engage in the business of installing, servicing or maintaining security or fire alarm systems in such practical tests as may be required by the Secretary of State.

4. Examinations shall be in the English language and shall be held at least quarterly and shall be given in at least four convenient places in the state.

5. There shall be an examination fee of \$15.

6. When an applicant has successfully passed the examination therefor, and has otherwise qualified for a license, the Secretary of State on payment of the fee prescribed by this article, shall issue to such applicant a license to engage in the business of installing, servicing or maintaining security or fire alarm systems.

§69-p. License without examination

1. Any person over the age of 18 years who shall present to the Secretary of State satisfactory evidence that he has been actually engaged in the business of installing, servicing or maintaining security or fire alarm systems in this state for at least two years within the period of three years immediately prior to October 1, 1992, shall be entitled to a license under this article without examination, provided that application therefor is accompanied by the requirements of paragraphs (a) and (b), respectively, of subdivision one of §69-o of this article and the required annual license fee, is filed with the Secretary of State.

2. The Secretary of State shall upon application and without examination, issue a license to any person over the age of 18 years who has been duly licensed by any other state, territory, protectorate or dependency of the United States to engage in the business of installing, servicing or main-

taining security or fire alarm systems upon compliance with standards and requirements not lower, in the judgment of the Secretary of State, than those of this state, provided, however, that such state extends similar reciprocity to licensees of this state. Such application shall be accompanied by the requirements of paragraphs (a) and (b), respectively, of subdivision one of §69-o of this article and the required license fee.

3. (a) If any person, eligible for any license, mentioned in this section, be in the military service at or during the time application for such license is required to be filed and license fee paid, according to the provisions of this section, the period within which said application may be filed and license fee may be paid, is extended in behalf of such person, until three months after the termination of said military service, any provision contained in this article to the contrary, notwithstanding.

(b) In the case of persons who are or were in the military service and have been or will be discharged under conditions other than dishonorable, the period of two years specified in subdivision one of this section need not be continuous. The length of time such person was engaged in the business of installing, servicing or maintaining security or fire alarm systems before entering the military service may be added to any period of time during which such person was or is engaged in the business of installing, servicing or maintaining security or fire alarm systems after the termination of military service.

§69-pp. Licensed master electrician waiver

1. Any person who is licensed by any municipality as a master electrician and who engages in the business of installing, servicing or maintaining security or fire alarm systems within such municipality shall be waived from the provisions of this article upon registration with the Secretary of State in accordance with the provisions of this section.

2. Each licensed master electrician seeking a waiver shall register with the Secretary of State on a form prescribed by the secretary. Such form shall include at least: the individual's name and home address, the business's name and address, a listing of jurisdictions in which the master electrician is licensed, a listing of all appropriate license numbers and such other information as the secretary shall deem necessary. No applicant for a waiver shall be required to meet the provisions of §69-o of this article.

3. Any waiver shall only apply for engaging in the business of installing, servicing or maintaining security or fire alarm systems in municipalities where such master electrician is licensed. However, should a licensed master electrician for any reason become unlicensed by any municipality, such master electrician shall immediately inform the Secretary of State of such action. The Secretary of State may suspend any waiver granted upon the basis of the master electrician license.

4. A master electrician who engages in the business of installing, servicing or maintaining security or fire alarm systems in municipalities where such master electrician is not duly licensed, shall be required to be licensed pursuant to this article.

5. A master electrician who is licensed in any municipality within the state shall be deemed to have satisfied the requirements of paragraphs (b) and (c) of subdivision one of §69-o of this article.

6. The fee for all waivers granted to any master electrician shall be established by the Secretary of State and shall not exceed \$50 every two years. Provided, however, that any person licensed pursuant to this article prior to the effective date of this section shall be exempt from the waiver fee for periods prior to October 1, 1994. Such waiver shall be valid for a two year period and be renewable for two year periods thereafter.

7. Any license issued by any municipality establishing a master electrician license after July 15, 1993 shall not be grounds for a waiver pursuant

to this section unless the secretary determines that the standards for such master electrician license are not lower than those of this article.

§69-q. Licenses; display; renewal; duplicates

1. All licenses shall be for a period of two years.
2. No license shall be assignable or transferable except as hereinafter provided.
3. (a) A license issued to a limited liability company or to a corporation to engage in the business of installing, servicing or maintaining security or fire alarm systems shall require that such business be operated under the direction and control of at least one member or manager of the limited liability company or a manager or managing officer of a corporation, who shall be required to meet the licensing requirements of this article on behalf of the licensee and who, in the case of a corporation, shall not be required to be an officer of the corporation. If such member, manager or managing officer, who shall have met the requirements of this article, ceases to act in the capacity of member, manager or managing corporate officer for any reason whatsoever, the licensee shall notify the department in writing within 14 days from such termination or cessation. The licensee may continue to conduct the business of installing, servicing or maintaining security or fire alarm systems for a period not to exceed 60 days from the date of such termination or cessation; the period of 60 days aforesaid may be extended upon application to the Secretary of State and for good cause for an additional period not to exceed 120 days; by the end of such period a new member, manager or managing officer must be designated who has met the licensing requirements of this article on behalf of the licensee.
- (b) The limited liability company or corporation shall be liable with respect to all actions taken by its member, manager or managing officer acting on behalf of such limited liability company or corporation.
4. A license to engage in the business of installing, servicing or maintaining security or fire alarm systems issued to an individual may be assigned or transferred for the remainder of the license period to a partnership, limited liability company or corporation if such individual is a member of such partnership, a member of the limited liability company or an officer of such corporation at the time of such assignment or transfer. A license issued to a partnership may be assigned or transferred for the remainder of the license period to any one member of such partnership, provided he obtains the consent of all of the other members of such partnership. The application for such transfer or assignment must be accompanied by the requirements of paragraphs (a) and (b) of subdivision one of §69-o of this article and by proof satisfactory to the department that the requirements herein provided have been complied with. No assignment or transfer shall become effective unless and until the endorsement has been made on the face of the license by the department and such license, so endorsed, has been returned to the assignee or transferee. All such endorsements shall be made without payment of any fee. A bona fide purchaser of such business from the holder of the license thereof may continue to use the license of the seller for a period of 30 days from the date of the sale, provided there is endorsed on the face thereof the name of the purchaser, the date of the sale, and the signature of the seller and the purchaser; and provided further within five days from the date of the sale, an application, in accordance with the provisions of this article, shall be presented by the purchaser to the Secretary of State for a license to conduct the business of installing, servicing or maintaining security or fire alarm systems.

5. Employees of a person licensed to conduct the business of installing, servicing or maintaining security or fire alarm systems shall not be required to be licensed provided that the nonlicensed employee have in his possession an identification card issued pursuant to §69-m of this article. A person licensed to conduct such business shall, however, be required to submit to the department a full set of fingerprints of any employee who assists in the installation, servicing or maintaining of security or fire alarm systems, which shall be forwarded by the department to the Division of Criminal Justice Services to be compared with the fingerprints on file with the division to determine whether such employee has been convicted of a felony involving fraud, bribery, perjury or the theft pursuant to article 140, 155, 160, 165, 170, 175, 176, 180, 185, 190, 195, 200 or 210 of the Penal Law or has a criminal action which has been pending for under one year without a final disposition unless adjourned in contemplation of dismissal. Employee fingerprints will be recorded in such manner as the Secretary of State may prescribe by rule. Such employee's fingerprints shall be taken on a standard fingerprint card approved for fingerprinting by the state Division of Criminal Justice Services and shall be accompanied by the appropriate processing fees in proper form for the Division of Criminal Justice Services. The Division of Criminal Justice Services shall return the fingerprint card and the report of such convictions to the department, who shall then notify the licensee that such employee has been convicted of such felony or has a criminal action pending pursuant to a schedule developed by the division in conjunction with the Secretary of State but not to be implemented prior to September 1, 1994. Upon submission of such fingerprints to the department, a person may be employed on a provisional basis to assist in the installation, servicing or maintaining of security or fire alarm systems. However, such employee may not continue in such a capacity if it is determined that such employee has been convicted of such a felony or has a criminal action pending.

6. A license to conduct the business of installing, servicing or maintaining security or fire alarm systems issued to an individual or to a partnership may be used after the death of the licensed individual or co-partner by his next of kin or duly appointed administrator or executor in the name of the estate for a period of not more than 60 days from the date of death of such individual or co-partner, provided that there is endorsed upon the face of the license after the name of the decedent the word "deceased," the date of death and the name of the next of kin, administrator or executor under whose authority the license is being used; the period of 60 days aforesaid may be extended upon application to the Secretary of State and for good cause shown for an additional period not to exceed 120 days. Any license so continued which shall expire during such period of 60 days or the extension thereof may be renewed by the next of kin, administrator or executor for the balance of such period or the extension thereof.

7. A license to conduct the business of installing, servicing or maintaining security or fire alarm systems shall be conspicuously posted upon the premises where the licensee is engaged in the business of installing, servicing or maintaining security or fire alarm systems.

8. Any license which has not been suspended or revoked, may, upon the payment of the renewal fee prescribed by this article, be renewed for additional periods of two years from its expiration, without further examination, upon the filing of an application for such renewal, on a form and with such additional information as prescribed by the Secretary of State.

9. Any person failing to file application and fee for renewal of a license within one year immediately following the expiration of his last license shall pay an additional fee of \$60, and if he fails to file application and fee for renewal within two years he shall be ineligible for such license until he shall have again met the requirements set forth in this article.

10. A duplicate license may be issued for one lost, destroyed or mutilated upon application therefor on a form prescribed by the Secretary of State and the payment of the fee prescribed therefor by this article. Each

such duplicate license shall have the word “duplicate” stamped across the face thereof and shall bear the same number as the one it replaces.

11. Notice in writing shall be given to the Secretary of State at his office in Albany by the holder of a license to conduct the business of installing, servicing or maintaining security or fire alarm systems of any change in address of the business or residence of the person engaged in such business together with the return of license, whereupon a properly signed endorsement will be made on the face of the license as to such change and the license then returned to the licensee. A change of address by a licensee without such notice and endorsement of license shall operate to cancel the license.

§69-r. Fees

1. The fee for a license to engage in the business of installing, servicing or maintaining security or fire alarm systems shall be \$200 plus an amount to be determined by the Division of Criminal Justice Services to cover the cost of the division’s fingerprint search and report. For each renewal thereof, the fee shall be \$100 plus an amount to be determined by the Division of Criminal Justice Services to cover the cost of the division’s fingerprint search and report.

2. The fee for taking an examination under this article shall be \$15; provided, however, that if the applicant qualifies for a license as the result of such examination, the fee paid for the privilege of taking such examination shall be included in the license fee for the license issued to him thereon.

3. The fee for issuing a duplicate license in substitution for one lost, destroyed, or mutilated shall be \$25.

4. The fee for changing a name or address shall be \$10.

5. The fees hereinabove set forth shall be those for licenses issued for the license period of two years or fraction of such period.

§69-s. Suspension and revocation of licenses

1. A license to engage in the business of installing, servicing or maintaining security or fire alarm systems may be suspended or revoked, or in lieu thereof a fine not exceeding \$1,000 per violation payable to the department may be imposed or a reprimand issued by the Secretary of State, for any one or more of the following causes:

- (a) Fraud or bribery in securing a license;
- (b) The making of any false statement as to a material matter in any application or other statement or certificate required by or pursuant to this article;
- (c) Incompetency;
- (d) Failure to display the license as provided in this article;
- (e) Violation of any provision of this article, or of any rule or regulation adopted hereunder;
- (f) Conviction of a felony involving fraud, theft, perjury or bribery or other cause which would permit disqualifications from receiving a license upon the original application.

2. Whenever the license to engage in the business of installing, servicing or maintaining security or fire alarm systems is revoked, such license shall not be reinstated or reissued until after the expiration of a period of five years from the date of such revocation.

§69-ss. Revocation, suspension, reprimands, fines; unlicensed activities

1. The secretary of state shall, before imposing any fine or reprimand on a person thereof, or before issuing any order directing the cessation of unlicensed activities, and at least ten days prior to the date set for the hear-

ing, notify in writing such person, or the person alleged to have engaged in unlicensed activities, of any charges made and shall afford such person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by delivery of same personally to the person charged, or by mailing same by certified mail to the last known business or other address provided by such person to the secretary of state, or by any method authorized by the civil practice law practice and rules for the service of a summons. The hearing on such charges shall be at such time and place as the department shall prescribe.

2. The department, acting by such officer or person in the department as the secretary of state may designate, shall have the power to subpoena and bring before the officer or person so designated any person in this state, and administer an oath to and take testimony of any person or cause his deposition to be taken. A subpoena issued under this section shall be regulated by the civil practice law and rules.

§69-t. Hearing on charges; decision

No license shall be suspended or revoked nor shall any fine or reprimand be imposed until after a hearing had before an officer or employee of the department designated for such purpose by the Secretary of State, upon notice to the licensee of at least 10 days. The notice shall be served either personally or by certified mail and shall state the date and place of hearing and set forth the ground or grounds constituting the charges against the licensee. The licensee shall have the opportunity to be heard in his defense either in person or by counsel and may produce witnesses and testify in his behalf. A stenographic record of the hearing shall be taken and preserved. The hearing may be adjourned from time to time. The person conducting the hearing shall make a written report of his findings and a recommendation to the Secretary of State for decision. The Secretary of State shall review such findings and the recommendation and, after due deliberation, shall issue an order accepting, modifying or rejecting such recommendation and dismissing the charges or suspending or revoking the license or in lieu thereof imposing a fine or reprimand upon the licensee. For the purpose of this article, the Secretary of State or any officer or employee of the department designated by him, may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents deemed pertinent to the subject of investigation.

§69-u. Judicial review

The action of the Secretary of State in suspending, revoking or refusing to issue or renew a license, or imposing a fine or reprimand on the holder thereof may be reviewed by a proceeding brought under and pursuant to article 78 of the Civil Practice Law and Rules.

§69-v. Violations and penalties

Any person who shall directly or indirectly engage in the business of installing, servicing or maintaining security or fire alarm systems or hold himself out to the public as being able so to do without a license therefor, or who shall violate any of the provisions of this article, or having had his license suspended or revoked, shall continue to engage in the business of installing, servicing or maintaining security or fire alarm systems or who, without a license to engage in the business of installing, servicing or maintaining security or fire alarm systems, directly or indirectly employs, permits or authorizes an unlicensed person to engage in the business of installing, servicing or maintaining security or fire alarm systems, shall be guilty of a misdemeanor and, upon conviction, shall be punishable by imprisonment of not more than six months, or by a fine of not more than \$1,000 or by both such fine and imprisonment upon the first conviction and by imprisonment of not more than one year or by a fine of not less than \$1,000 nor more than \$5,000 or by both such fine and imprisonment

upon a subsequent conviction. Each violation of this article shall be deemed a separate offense.

§69-vv. Civil penalties

Notwithstanding any inconsistent provision of law, with respect to violations of section sixty-nine-ss of this article, the secretary of state is authorized, upon the complaint of any person or on his or her own initiative, to investigate and prosecute violations of the provisions of such section by persons not licensed pursuant to this article and may impose a fine of up to one thousand dollars for the first violation; two thousand dollars for a second such violation; five thousand dollars for a third violation; and ten thousand dollars for a fourth violation and each subsequent violation. The attorney general, acting on behalf of the secretary of state, may commence an action or proceeding in a court of competent jurisdiction to obtain a judgment against such unlicensed person in an amount equal to that imposed as a fine.

§69-w. Official acts used as evidence

The official acts of the Secretary of State and department shall be *prima facie* evidence of the facts therein and shall be entitled to be received in evidence in all actions at law and other legal proceedings in any court or before any board, body or officer.

§69-x. Disposition of moneys derived from operation of article

Examination fees collected pursuant to this article shall be paid into the licensing examination services account pursuant to §97-aa of the State Finance Law. Processing fees for the fingerprint search conducted by the Division of Criminal Justice Services shall accompany the fingerprint cards and shall be deposited into the criminal justice improvement account pursuant to §97-bb of the State Finance Law. All remaining moneys derived from the operation of this article shall on or before the 10th day of each month be paid into the general fund of the state treasury to the credit of the state purposes account therein.

§69-y. Separability clause

If any part or provision of this article or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this article or the application thereof to other persons or circumstances and the legislature hereby declares that it would have enacted this article or the remainder thereof had the invalidity of such provision or application thereof been apparent.

§69-z. Applicability

1. The provisions of this article shall not be construed to limit in any way the authority of a city with a population of 1,000,000 or more to enact, implement and continue to enforce local laws and regulations governing home improvement contractors and their agents or employees that were in effect prior to the effective date of this article, or to enact, implement and enforce any amendments thereto after the effective date of this article.

2. The provisions of this article shall govern notwithstanding any other law to the contrary; provided, however, that local law shall govern with respect to inspection of fire alarms by a fire marshal or any other person designated under such local law; and provided, further, that this article shall not be held to invalidate any provision of the laws of this state or any

subdivision thereof unless there is a direct conflict between the provision of this article and the provision of such law or unless such law is duplicative of this article, in which case this article shall prevail, except as provided otherwise in subdivision one of this section. Except as provided in subdivision one of this section, no local law shall require any fee or license for the installation, servicing or maintaining of security or fire alarm systems, except that which is provided pursuant to this article.

TITLE 19 NYCRR SECURITY AND FIRE ALARM SYSTEMS

PART 195 LICENSING REGULATIONS FOR THE BUSINESS OF INSTALLING, SERVICING OR MAINTAINING SECURITY OR FIRE ALARM SYSTEMS

Section

195.1	Definitions
195.2	Need for license
195.3	Qualifying officers or managers
195.4	Standards
195.5	License must be displayed
195.6	Use of trade or corporate name
195.7	Transitional licenses
195.8	Fingerprinting
195.9	Supervisory responsibility
195.10	Business and employee records
195.11	I.D. cards
195.12	Employee and employer responsibility
195.13	License revocation and suspension
195.14	Criminal convictions
195.15	Employee statements
195.16	Advertising
195.17	Statement of licensure
195.18	Special licensure requirements under articles 7 & 7-A
195.19	Insurance
195.20	Enforcement

§195.1 Definitions

(a) Security or fire alarm system (alarm system). An aggregation of devices, equipment or services designed to signal the presence of intrusion, break-in, theft, movement, sound, fire, heat, smoke, explosion, etc. Such devices or equipment include, but are not limited to: signal initiating devices, signal transmitting devices, signal indicating devices or notification appliance. Not included herein are conduits for these systems and direct line voltage connections to an outlet, junction box, or power panel.

(b) Central station. An off premises monitoring facility with special receiving equipment, in communication with the transmission equipment for a subscriber's protected premises. The transmission equipment for the subscriber's protected premises may be owned by the central station, the subscriber or any other person. Personnel are generally in attendance on a continuous basis to observe, record and dispatch personnel to investigate various alarms or trouble signals. They may report alarm signals to police, fire or other agencies. Central stations may also provide response services to a protected premises with security personnel or with technicians to check and service the system.

(c) Installation of an alarm system includes, but is not limited to, the placing and connection of equipment and devices such as, control panels, batteries, smoke or heat detectors (excluding battery operated smoke detectors), motion detectors, switches, annunciators, sensors, sirens, horns, bells, microprocessors (controls, logic key pads), other communication equipment and similar devices. Installation also includes programming the client's control panel to include but not limited to programming or reprogramming for access codes, system protocol, bypass features, and hours of operation.

(d) Maintaining an alarm system includes, but is not limited to, the inspection of a device, component or system for the purpose of detecting and preventing problems with equipment and devices, such as, control panels, batteries, smoke or heat detectors, motion detectors, switches, annunciators, sensors, sirens, horns, bells, microprocessors (controls, logic key pads), other communication equipment and similar devices. Maintenance shall also include testing of alarm components, devices or systems for the purpose of establishing proper operating conditions. Maintaining an alarm system also includes inspection, testing, programming or reprogramming of the client's control panel to include but not limited to testing, programming or reprogramming for access codes, system protocol, bypass features, and hours of operation.

(e) Servicing an alarm system includes, but is not limited to, the repair, troubleshooting, or replacement of malfunctioning, failed or damaged equipment such as batteries, smoke or heat detectors, motion detectors, switches, annunciators, sensors, sirens, horns, bells, microprocessors (controls, logic key pads), other communication equipment and similar devices. Servicing an alarm system also includes testing, repair, troubleshooting, replacement, programming or reprogramming of the client's control panel to include but not limited to testing, repair, troubleshooting, replacement, and programming or reprogramming of access codes, system protocol, bypass features, and hours of operation.

(f) Assisting a licensed security or fire alarm system installer includes on-site and off-site participation in the installation, maintenance or servicing of a security or fire alarm system. Assisting also includes having access to or knowledge of the on-line or off-line condition of a security or fire alarm system installed, serviced or maintained by a licensed security or fire alarm systems installer. Assisting also includes having access to or knowledge of the access codes, system protocols, bypass features or hours of operation of a security or fire alarm system installed, serviced or maintained by a licensed security or fire alarm systems installer.

§195.2 Need for license

(a) An individual, firm, company partnership or corporation must be licensed:

(1) if it installs, maintains or services alarm systems, including such items as the detectors, control devices and alarm communication systems; or

(2) if it holds itself out to the public as being able to do so.

(b) A security and fire alarm installers license is required for the installation, maintenance or servicing of the following:

(1) a closed circuit television system (CCTV) if such system is used, either full-time or part-time, for the detection or monitoring of intrusion, break-in, theft, movement, sound or fire; and

(2) electrical entry systems which detect and/or provide notification of intrusion, break-in, theft, movement, sound or fire regardless of the number of entry points.

(c) A license is not required for the installation, maintenance or servicing of the following:

(1) sprinkler systems;

(2) conduits and associated wires of an alarm system, including line-voltage connections to an outlet, junction box, or electrical distribution panel;

(3) security or fire alarm systems in motor vehicles, water vessels or aircraft;

(4) battery-operated smoke detection devices; and

(5) a security or fire alarm system if the alarm system has been purchased by a property owner or proprietor, and the alarm system is to be installed, maintained or serviced by him or his employees on his property or at his place of business; and

(6) a single-door, card-access entry system that does not detect and/or provide notification of intrusion, break-in, theft, movement, sound, or fire.

(d) Employees of a licensed security and fire alarm installer do not have to be licensed to assist with the installation, maintenance or servicing of security or fire alarm systems if they have been issued identification cards in the form prescribed by the Secretary of State.

(e) Master electricians.

(1) A master electrician must be licensed as a security and fire alarm installer to install, maintain or service a security or fire alarm system in any municipality where he or she is not licensed as a master electrician.

(2) A master electrician does not need to be licensed as a security and fire alarm installer but must be registered with the Secretary of State to install, maintain or service a security or fire alarm systems in a municipality where he or she is licensed as a master electrician.

§195.3 Qualifying officers or managers

An individual (qualifier) may make an application for licensure on behalf of a company, firm, partnership or corporation:

(a) In the case of a company, firm or partnership, such application must be accompanied by evidence that the qualifier is a principal in the company to be licensed. Such individual must meet all applicable licensing requirements.

(b) In the case of a corporation the qualifier may be an officer or employee of the corporation. In addition to meeting all applicable licensing requirements, such individual must direct and control the operation of the corporation. Such direction and control must be real and substantial and take place on a day to day basis.

§195.4 Standards

Installation, maintenance and servicing of fire alarm systems shall be done in accordance with prevailing industry standards.

§195.5 License must be displayed

(a) The license to engage in the business of installing, servicing or maintaining a security or fire alarm system shall be conspicuously displayed at the principal location. A photocopy of the business license issued to the principal location must be conspicuously displayed at each secondary location of the business.

(b) Licensee shall maintain, at the principal office, a current list of all such secondary locations.

(c) Licensee shall file with the Department of State, by registered or certified mail, the location of such secondary locations, within five business days of their opening.

(d) Licensee shall post the name of the person in charge at each business location.

§195.6 Use of trade or corporate name

No licensee or applicant may use a trade or corporate name which, in the opinion of the Department of State, is so similar to the trade name or corporate name of any licensee that confusion to the public will result therefrom.

§195.7 Transitional licenses

(a) The Department of State shall issue a transitional business license for a two-year period to an applicant who has not completed the educational requirement described in section 196.2 or 196.8 of this Title.

(b) Nonrenewable transitional licenses will be issued by the Department of State from October 1, 1992 until April 1, 1995.

(c) All required education must be concluded by the expiration date of the transitional license and evidence of satisfactory completion must be submitted to the Division of Licensing Services.

(d) Applicants for a transitional license, who do not qualify for the experience exemption, must take and pass the examination.

§195.8 Fingerprinting

(a) Qualifying Licensee(s). Applicants for a business of installing, maintaining or servicing security or fire alarm systems license can be fingerprinted by employees of the Department of State, Division of Licensing Services at designated locations and at appointed times.

(1) The fingerprints of any applicant for licensure may also be taken and recorded by local and State Police, or sheriffs and chiefs of police.

(2) Each fingerprint card must be signed and authenticated by the official who took the fingerprints, with his/her title of office.

(b) Any employee who assists with the installation, maintenance or service of security or fire alarm systems must be fingerprinted, and the employer must submit the fingerprint cards to the Division of Licensing Services within 24 hours of such employment.

(c) Further requirements. All fingerprinting must be performed at the office of the licensee by the person who qualifies as the licensee or by a designated person who is employed by the entity and who has been previously fingerprinted.

(1) The designation of such person(s) to take fingerprints must be made in writing by the qualifying licensee and filed with the Albany Office of the Division of Licensing Services, Department of State.

(2) The form of certification on the fingerprint pattern card as to the taking of the fingerprints of an employee shall be signed by the person authorized to take such fingerprints as provided by this section and shall not be signed by any other person.

(3) One set of fingerprint cards must be retained by the employer and attached to the front of the employee statement of each person hired.

(4) Along with the employee statement and fingerprint card, a copy of the fingerprint transmittal form which accompanies the fingerprint card must be attached to each employee personnel folder.

(5) Individuals possessing a current security guard registration need only complete an employee statement to be retained in the employee's personnel folder, in lieu of fingerprinting.

(6) Fingerprinting procedures for all employees classified as "security guards" must be performed in accordance with regulations stipulated in General Business Law, article 7A (Security Guard Law).

§195.9 Supervisory responsibility

A licensee has an affirmative duty to provide supervision to employees and for all business activities. Such supervision shall consist of regular, frequent and consistent personal guidance, instruction, oversight and superintendence by the qualifying license holder with respect to the general business conducted by the firm and all matters relating thereto.

§195.10 Business and employee records

(a) Each business licensed under this Part shall keep and maintain for a period of three years records of all transactions performed by the business.

(b) A licensee under this Part must keep and maintain records of employees of the firm until each employee has not been in the licensee's employ for a period of at least three full years. Such records shall include employee statement, employee application, employee business and employment I.D. number, length of employment and payroll records.

(c) All records must be retained for longer periods in the event there is any litigation pending concerning such records and/or employee. Litigation shall include investigation or administrative action by the Department of State, initiated by complaint from the general public or by the department.

(d) A business which is licensed to install, maintain or service security or fire alarm systems must maintain employee and business records at a central location within New York State. This is applicable to all company and personnel records pertaining exclusively to the conduct of business in this state.

(e) Each licensee shall prepare and retain a statement of services and charges which has been agreed upon between the licensee and the consumer, a copy of which must be presented to the consumer. The consumer must be presented with a copy of any document signed by the licensee and consumer. Any agreement signed by a representative of the licensee and the consumer for services to be performed must be retained by the licensee in the business records of the firm.

(f) In conjunction with any transaction, each licensee shall identify any and all employees who work on the installation, service, or maintenance of a security or fire alarm system.

§195.11 I.D. cards

(a) Employee identification cards issued by licensee. Each employee of a business which is licensed to install, maintain or service security or fire alarm systems shall be issued a company identification card as described herein.

(1) The form of the employee identification card shall be as follows:

(i) The identification card shall be approximately 3 $\frac{3}{8}$ " x 2 $\frac{1}{8}$ ".

(ii) On the identification card, the employer shall place a current color photograph of the employee's head and neck. The photograph shall be approximately 1" x 1 $\frac{1}{4}$ " in size. The photograph shall, at all times, be a true likeness of the employee's actual appearance.

(iii) Employee identification cards shall be constructed of a solid, durable material such as plastic, for example, or be laminated with a clear, durable laminate.

(iv) The following information must appear on one side of the identification card:

(a) The following informational statement:

"Employee

of

(Licensee's Business Name)

(Licensee's Area Code and Telephone Number)

(Licensee's Unique License Identification Number)";

(b) the employee's name;

(c) the following statement:

"This business is licensed by the New York State Department of State to install, service and maintain security or fire alarm systems. For information, call (518) 474-4429."; and

(d) the employee's photograph.

(v) Identification cards must have the required information and photograph. However, employers may arrange the information and photograph to suit their own needs or preferences.

(vi) Employers may include additional information on their employee identification cards.

(2) Termination of Employment. Upon termination of employment, each employee of a business licensed to install, maintain or service security or fire alarm systems shall surrender his/her identification card within five business days to the employer. The identification card of the terminated employee shall be placed in the individual's personnel file.

§195.12 Employee and employer responsibility

(a) Any person who is or has been an employee of a holder of a license shall not divulge to anyone other than his employer, except as may be required by law, any information acquired by him/her during such employment in respect to any of the work to which he/she shall have been assigned by such employer.

(b) It is the duty and obligation of an employer of any individual believed to have violated this section to divulge all known facts and circumstances to the Secretary of State or such person in the Department of State who may be designated.

§195.13 License revocation and suspension

Any person, firm, company, partnership, corporation or organization licensed under article 6-D of the General Business Law which has its license revoked or suspended by the Department of State shall be ineligible to employ assistants to install, maintain or service security or fire alarm systems for the period of the revocation or suspension.

§195.14 Criminal convictions

Any applicant or qualifier convicted of any felony or misdemeanor may be denied licensure or subjected to license revocation and suspension. Departmental discretion shall be exercised pursuant to the standards articulated in article 23-A of the Correction Law.

§195.15 Employee statements

(a) Each business licensed to install, maintain or service security or fire alarm systems shall obtain a complete employee statement from each employee at the time of hiring.

(b) The employee statement shall be a form prescribed by the Department of State, and shall set forth, whether or not the employee has ever been convicted of an offense (other than a minor motor vehicle offense); and at least the following information:

(1) employee's full name and residence address;

(2) the business or occupation engaged in for the three years immediately preceding the date of the filing of this statement, setting forth the place or places where such business or occupation was engaged in and the name or names of employers, if any;

(3) that he/she has not been convicted of a felony involving fraud, bribery, perjury or theft or any other misdemeanors or offenses indicated in §69-o(2) of this article;

(4) such further information as the Department of State may by rule require to show the good character, competency and integrity of the person executing the statement.

(c) Immediately upon the verification of an employee's statement, the holder of a license by whom such person has been or is to be employed shall cause two sets of fingerprints of the two hands of such person to be recorded in such manner as the Department of State may by rule prescribe. The holder to a license shall immediately stamp in indelible ink the employee's statement and each set of fingerprints with the name, year and license number of such holder and a number, which number shall be determined by the number of such statements furnished to such holder and shall be in numerical sequence.

(d) The holder of a license shall affix one set of such fingerprints to the employee's statement in such manner that the prints can be examined without disclosing the contents of the employee's statement and shall retain such statement and prints so long as he shall be licensed under this article by the Department of State.

(e) The holder of a license shall file the other set of fingerprints with the Department of State by forwarding the same by registered mail to the office of the Division of Licensing Services, P.O. Box 22001, Albany, NY 12201-2001, in accordance with the schedule stipulated in §195.8 of this Part.

§195.16 Advertising

All advertising placed by an individual or a business licensed under this article must contain the following statement: "licensed by the N.Y.S. Department of State."

§195.17 Statement of licensure

All documents or receipts issued by an individual or business licensed pursuant to this article must contain the identification number issued to such individual or business and the phrase "licensed by the N.Y.S. Department of State".

§195.18 Special licensure requirements under Articles 7 & 7-A

(a) A business licensed pursuant to article 6-D of the General Business Law (licensed business) which employs security guards as that term is defined in General Business Law, article 7-A will be required to be licensed pursuant to Private Investigator, Watch, Guard or Patrol Agency License Law (General Business Law, article 7) and to comply with the security guard registration requirements of the Security Guard Act (General Business Law, article 7-A). An example of such security guard employment is the use of security personnel to respond to an alarm and secure a protected premises.

(b) A licensed business which does not provide security response service to the protected premises or otherwise employs security guards, but which provides response service with technicians only to check or service the alarm system, will not require licensure under article 7 of the General Business Law.

§195.19 Insurance

(a) All businesses licensed pursuant to this Article who employ security guards as that term is defined in General Business Law, article 7-A must maintain insurance as defined: all security guard companies other than public entities which are self-insured shall file with the department a

certificate of insurance evidencing comprehensive general liability coverage from an insurance company licensed to do business in this State for death and personal injury, which coverage shall include false arrest or false imprisonment, malicious prosecution, libel, slander, and violation of right of privacy, in the minimum amount of \$100,000 per occurrence and \$300,000 in the aggregate. The certificate shall provide that the insurance shall not be modified or canceled unless 30 days prior notice shall be given to the department.

(b) After the effective date of this article, no security guard company shall knowingly have in its employ a security guard unless such coverage is in force and such certificate is filed with the department. Public entities which are self-insured shall file a statement to that effect satisfactory to the secretary in lieu of a certificate of insurance.

§195.20 Enforcement

All employees of the security guard company shall be subject to the enforcement provisions contained in article 7 of the General Business Law.

PART 196 APPROVAL OF SECURITY OR FIRE ALARM SYSTEM INSTALLER COURSES

Section

- 196.1 Basic course requirements
- 196.2 Equivalency—prelicensing education
- 196.3 Course approval
- 196.4 Approved entities
- 196.5 Correspondence courses for hardship cases
- 196.6 Approval of correspondence courses
- 196.7 Request for approval of courses of study
- 196.8 Security or fire alarm system installer courses
- 196.9 Instruction time
- 196.10 Attendance
- 196.11 Examinations
- 196.12 Certificates of successful completion
- 196.13 Facilities
- 196.14 Retention of examination papers
- 196.15 Change in approved course of study
- 196.16 Auditing
- 196.17 Suspensions and denials of course approval
- 196.18 Open to public
- 196.19 Revocation of course approval
- 196.20 Advertisements
- 196.21 Employment recruitment
- 196.22 Policy concerning course cancellation and tuition refund
- 196.23 Faculty approval and qualifications

§196.1 Basic course requirements

Individuals desiring to satisfy the education requirements to become licensed security or fire alarm system installers must satisfactorily complete five courses prescribed by section 196.8 of this Part identified as: Module 1, Module 2, Module 3, Module 4 and Module 5. Module 1, Module 2, Module 3 and Module 4 will consist of a program of 15 classroom hours. Module 5 will consist of a program of 21 classroom hours.

§196.2 Equivalency—prelicensing education

The criteria for determining acceptance of courses completed prior to January 1, 1993 shall be that the course or courses have substantially covered
NYS Department of State Division of Licensing Services

the same subject matter, classroom hours of attendance and completed standards as prescribed by the regulations as a prerequisite of licensing. Applications for past course evaluation shall be accompanied by an official transcript or other documentation showing the subjects taken and hours of instruction devoted to each subject and the hours attended by said applicant together with the date completed. The department may request additional supportive documentation to determine course equivalency. Equivalency credit will be granted in 15 hour segments for courses deemed by the department as equivalent to Module 1, Module 2, Module 3 and Module 4. Equivalency credit will be granted in 21 hour segments for courses deemed by the department as equivalent to Module 5. If an applicant receives partial credit towards the 81 hour education requirement, the applicant may choose any of the five approved modules to complete the requirement.

§196.3 Course approval

In order to be credited towards the education requirement, courses completed on or after January 1, 1993 must be approved by the Department of State as to method and content.

§196.4 Approved entities

Security or fire alarm system installer course offerings may be presented for department approval: by a school duly licensed pursuant to the Education Law or approved by the Board of Regents as a school qualified to instruct students in the field of security or fire alarm systems; or by an industry sponsored training program. No person or entity applying for course approval may use a trade or corporate name which, in the opinion of the Department of State, may be misleading or cause confusion to members of the public. Each approved entity must provide the Department of State with the identity of an education coordinator who will be responsible for compliance with the regulations.

§196.5 Correspondence courses for hardship cases

Correspondence courses containing the same subject matter and requiring substantially the same assignment work can be approved for individuals who by reason of hardship cannot physically attend a classroom setting. A hardship case is defined to include any individual who, by reason of a permanent physical disability, cannot attend the location where classes are conducted. Any individual desiring to complete the required educational courses by means of correspondence courses shall make a request in writing to the Bureau of Educational Standards of the Division of Licensing Services, setting forth the basis of the alleged hardship. The department shall require said request to be supported by statements of doctors and/or other persons having knowledge of the facts.

§196.6 Approval of correspondence courses

Correspondence courses containing the same subject matter and requiring substantially the same assignment work as described in section 196.8 of this Part may be presented for prior approval to the Bureau of Educational Standards of the Division of Licensing Services. An organization submitting an application for such consideration will be required to provide a full, concise and acceptable method as to how the final examinations will be conducted and submit the textbooks that will be used in the course.

§196.7 Request for approval of courses of study

Applications for consideration for approval to conduct courses of study in the security or fire alarm system installer field to be given to satisfy the requirements for licensure covering the subjects described in section 196.8 of this Part shall be made 60 days before the proposed course is to be con-

ducted and on a form prescribed by the department which shall include the following:

(a) name and business address of the proposed school which will present the courses;

(b) if applicant is a partnership, the name and home address of each partner;

(c) if applicant is a corporation, the name and home address of every person who owns five percent or more of the shares of the corporation;

(d) the name, home and business address and telephone number of the education coordinator who will be responsible for administering these regulations;

(e) locations where classes will be conducted;

(f) title of each course to be conducted;

(g) detailed outline of each course, together with the time sequence of each segment;

(h) final examination to be presented for each course including the answer key;

(i) description of materials that will be distributed;

(j) the books that will be used for the outline and the final exams; and

(k) all items included on each test form must be consistent with content specifications indicated for each course. Weighing of significant content areas should fall within the hours indicated. All reference sources used to support each correct answer must be included. Linkage to each answer must be indicated with a footnote showing page number and subject matter consistent with outlines.

§196.8 Security or fire alarm system installer courses

(a) The education qualifications for the New York State security or fire alarm system installer license requires the completion of the following courses of study:

Module 1 Installations: Standards, Codes and Techniques

Module 2 Control Panels and Alarm Transmissions

Module 3 Security Systems

Module 4 Fire Technology

Module 5 Service and Maintenance of Alarm Systems

(b) The following are the required subjects and hours to be included in the courses of study:

MODULE #1 INSTALLATIONS: STANDARDS, CODES AND TECHNIQUES

Subject Matter	Time
I. STANDARDS AND CODES	1 HOUR
II. NATIONAL ELECTRICAL CODE (NEC)-NFPA 70	4 HOURS
III. BASIC ELECTRICITY	<u>10 HOURS</u>
	Total 15 Hours

Final Examination

MODULE #2 CONTROL PANELS AND ALARM TRANSMISSIONS

Subject Matter	Time
I. CONTROL DEVICES	6 HOURS
II. JOB PLANNING AND RECORD KEEPING	1 HOUR
III. ALARM TRANSMISSION	<u>8 HOURS</u>
	Total 15 Hours

Final Examination

MODULE #3 SECURITY SYSTEMS

Subject Matter	Time
I. HISTORY OF ALARM SYSTEMS—LICENSE LAW	.5 HOUR
II. MOTION DETECTION	8 HOURS
III. PERIMETER SYSTEMS	2.5 HOURS
IV. SPECIALTY SYSTEMS	.5 HOUR
V. CCTV SYSTEMS	1 HOUR
VI. ACCESS CONTROL	1.75 HOURS
VII. FALSE ALARM PREVENTION	<u>.75 HOUR</u>
	Total 15 Hours

Final Examination

MODULE #4 FIRE TECHNOLOGY

Subject Matter	Time
I. FIRE DETECTION AND DETECTOR APPLICATION	1 HOUR
II. FIRE ALARM SYSTEMS	13.5 HOURS
III. JOB SAFETY	<u>.5 HOUR</u>
	Total 15 Hours

Final Examination

MODULE #5 SERVICE AND MAINTENANCE OF ALARM SYSTEMS

Subject Matter	Time
I. OVERVIEW AND PROFESSIONAL CONDUCT	1 HOUR
II. TESTING AND TROUBLESHOOTING	7 HOURS
III. PANELS, ALARM DEVICES AND COMMUNICATIONS	9 HOURS
IV. SPECIALTY ITEMS	1 HOUR
V. MAINTENANCE, INSPECTION AND FALSE ALARM REPORTING	<u>3 HOURS</u>
	Total 21 Hours

Final Examination

§196.9 Instruction time

To meet the minimum statutory requirement, attendance shall be computed on the basis of an hour equaling 50 minutes. The instruction periods may be longer than 50 minutes. Course offerings must include a break in instruction of ten minutes for every hour of instruction. The time of the breaks shall be left to the discretion of the individual education coordinators, but shall not be considered optional, nor may they be used to release the class earlier than scheduled.

§196.10 Attendance

To satisfactorily complete any course offered for study for the completion of Module 1, Module 2, Module 3 or Module 4, a person must physically attend 12 hours of each 15 hour course offering, exclusive of sessions devoted to examinations. To satisfactorily complete any course offered for study for the completion of Module 5, a person must physically attend 18 hours of each 21 hour course offering, exclusive of sessions devoted to examinations. Final examinations may not be presented to any students who have not completed the attendance requirements. Attendance records for all students enrolled in approved courses must be retained for a minimum of two years from the date such courses were completed.

§196.11 Examinations

(a) All final examinations shall be written and presented within a reasonable time after the completion of the course work. No examination may be used unless it is approved by the department. If a make up examination

is offered, this exam must also be submitted to the Department of State for approval. Examinations for all approved courses must be reflective of the required course outline.

(b) Examinations must be periodically changed.

(c) A mark of 70% must be achieved by a student on the final examination in order for a certificate of completion to be issued. Students who fail to achieve a mark of at least 70% on the final examination may, at the discretion of the approved entity, be allowed to take another final examination.

§196.12 Certificates of successful completion

A certificate of successful completion, approved by the department, for the security or fire alarm system installer course of study, approved by the department, shall be issued to a person who completes same when he or she shall have attended the required aggregate number of hours of such course of study, provided such student shall have also received a passing mark in the examinations for all subjects given. The certificate must indicate the name of approved entity, the name of course that has been completed, that the student's attendance record was satisfactory and in conformity with the law, and that such course was completed on a stated date.

§196.13 Facilities

Each course shall be conducted in such premises and in such facilities as shall be necessary to properly present the course. The sponsor must provide a certificate of occupancy, and fire and health permits for the specific facility to be used and must attest that the facility is in full compliance with the Federal Americans with Disabilities Act.

§196.14 Retention of examination papers

All persons and organizations conducting approved courses of study shall retain examination papers for persons attending for a period of two years after the completion thereof, and such papers shall at all time during such period be available for inspection by duly authorized representatives of the department.

§196.15 Change in approved course of study

There shall be no change or alteration in any approved course of study of any subject or in any instruction staff without prior written notice to and approval by the department.

§196.16 Auditing

A duly authorized designee of the department may audit any course offered, and may verify attendance and inspect the records of attendance of the course at any time during its presentation or thereafter.

§196.17 Suspensions and denials of course approval

Within 60 days after the receipt of the application for approval, the department shall inform the entity as to the status of the application or whether additional information is needed to determine the acceptability of the offering. The department may deny, suspend, or revoke the approval of a course, instructor, or location, if it is determined that they are not in compliance with the law and rules, or if the offering does not adequately reflect and present current installer knowledge. If disciplinary action is taken, a written order of suspension, revocation or denial of approval will be issued. Anyone who objects to such denial, suspension or revocation shall have the opportunity to appeal to the Secretary of State or designee.

§196.18 Open to public

All courses approved pursuant to this Part shall be open to all members of the public regardless of the membership of the prospective student in any professional society or organization.

§196.19 Revocation of course approval

The Department of State may revoke approval of any course or deny the renewal of any course:

(a) which fails to comply with any of the provisions of this Part; or

(b) where the sponsor has obtained, used, or attempted to obtain or use, New York State Department of State security or fire alarm system installer examination questions; or

(c) where students of any approved course have demonstrated, during any annual period, a performance record substantially below the statewide average for first time examination candidates.

§196.20 Advertisements

Any educational institution or other organization offering approved courses may not make or publish any false or misleading statement regarding employment opportunities which may be available as a result of the successful completion of a course or acquisition of a license.

§196.21 Employment recruitment

Educational institutions or other organizations offering approved courses or employees of such institutions or organizations are prohibited from any recruitment activities which may result in the offering of employment of students. No recruitment activities for employment are to be allowed by the education coordinators whatsoever.

§196.22 Policy concerning course cancellation and tuition refund

A sponsor which requests approval of courses from the Department must provide its policy relating to course cancellation and tuition refunds to its students prior to the acceptance of any fees from that student.

§196.23 Faculty approval and qualifications

An individual who wishes to teach Department of State approved security or fire alarm system installer courses must provide evidence of having obtained a New York State security or fire alarm system installer license or provide evidence of having obtained a passing grade on the New York State security or fire alarm system installer examination.