

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)
3RD CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1031

By: Cozort, Sullivan and
Graves of the House

and

Weedn of the Senate

3RD CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to professions and occupations and state government; amending 59 O.S. 1991, Sections 1800.2, 1800.5, 1800.8 and 1800.10, which relate to the Alarm Industry Act; clarifying language; modifying certain definition; modifying certain powers and duties of the Alarm Industry Committee; specifying and modifying requirements for company licenses and individual licenses; amending 74 O.S. 1991, Section 324.11a, which relates to smoke detectors required for certain buildings and structures; requiring smoke detectors be installed in certain buildings and structures; modifying definition; requiring the tenant or lessee to determine if certain smoke detectors are operational; requiring landlords to install and explain testing method of certain smoke detectors; requiring owner of certain rental property to install specific fire detectors for deaf or hearing impaired individuals under certain conditions; requiring local authorities to issue smoke detector installation order under certain circumstances; requiring smoke detectors installed after certain date to be continuously powered by property's electrical service; requiring actuation of certain smoke detectors under certain circumstances; providing penalties for certain violations; prohibiting political subdivisions from enacting stricter laws on fire alarms pursuant to this act than state; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 1991, Section 1800.2, is amended to read as follows:

Section 1800.2 As used in ~~this act~~ the Alarm Industry Act:

1. "Alarm industry" means the sale, except as provided in Section ~~3~~ 1800.3 of this ~~act~~ title, installation, maintenance, alteration, repair, replacement or service of alarm systems or service involving receipt of alarm signals for the purpose of

employee response and investigation of such signals or any combination of the foregoing activities;

2. "Alarm system" means one or more devices designed either to detect and signal an unauthorized intrusion or entry or to signal a fire or other emergency condition, which signals are responded to by public law enforcement officers, fire department personnel, private guards or security officers;

3. "Board" means the State Board of Health;

4. "Committee" means the Alarm Industry Committee;

5. "Commissioner" means the Commissioner of Health;

6. "Licensee" means any person licensed pursuant to the Alarm Industry Act; and

7. "Person" means ~~a~~ an individual, sole proprietorship, firm, partnership, association, corporation, or other similar entity.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 1800.5, is amended to read as follows:

Section 1800.5 The Alarm Industry Committee shall have the following duties and powers:

1. To assist the Commissioner of Health in licensing and otherwise regulating persons engaged in an alarm industry business;

2. To determine qualifications of applicants pursuant to the Alarm Industry Act;

3. To prescribe and adopt forms for license applications and initiate mailing of such application forms to all persons requesting such applications;

4. To assist the Commissioner in the denial, suspension or revocation of licenses as provided by the Alarm Industry Act;

5. To charge and collect such fees as are prescribed by the Alarm Industry Act;

6. To assist the State Board of Health in establishing and enforcing standards governing the materials, services and conduct of the licensees and their employees in regard to the alarm industry;

7. To assist the Board in promulgating rules ~~and regulations~~ necessary to carry out the administration of the Alarm Industry Act;

8. To investigate alleged violations of the provisions of the Alarm Industry Act and of any rules and regulations promulgated by the Board thereunder;

9. To assist the Oklahoma State Board of Health in establishing categories of licenses for the Alarm Industry Act and application requirements for each category including but not limited to individual license, experience requirements, fingerprints, photographs, examinations, and fees;

10. To assist the Commissioner in providing for grievance and appeal procedures pursuant to the Oklahoma Administrative Procedures Act for any person whose license is denied, revoked or suspended; and

11. To have such other powers and duties as ~~is~~ are necessary to implement the Alarm Industry Act.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 1800.8, is amended to read as follows:

Section 1800.8 A. An application for a company license shall include:

1. The address of the principal office of the applicant and the address of each branch office of the applicant located within this state;

2. The name per business location under which the applicant intends to do business as a licensee;

3. A statement as to the extent and scope of the applicant's alarm industry business and all other businesses in which the applicant is engaged in this state;

4. A recent photograph of a type prescribed by the Board of the applicant, if the applicant is a sole proprietor, or of each officer and of each partner or shareholder who owns a twenty-five percent (25%) or greater interest in the applicant, if the applicant is an entity;

5. Two classifiable sets of fingerprints of the applicant, if the applicant is a sole proprietor, or of each officer and of each

partner or shareholder who owns a twenty-five percent (25%) or greater interest in the applicant, if the applicant is an entity; and

6. Such other information, statements or documents as may be required by the Board.

B. An applicant for an individual license shall provide such documents, statements or other information as may be required by the State Board of Health, including two classifiable sets of fingerprints of the applicant.

C. Fees for license and renewal issued pursuant to the Alarm Industry Act shall be adopted by the Board pursuant to Section 1-106.1 of Title 63 of the Oklahoma Statutes. Provided, the fees provided for in this subsection shall not exceed Two Hundred Fifty Dollars (\$250.00). An applicant shall pay the license fee at the time he makes application.

SECTION 4. AMENDATORY 59 O.S. 1991, Section 1800.10, is amended to read as follows:

Section 1800.10 A. A license shall not be altered or assigned.

B. A company license shall be posted in a conspicuous place in each alarm industry business location of the licensee.

C. A company licensee shall notify the Committee within fourteen (14) days of any change of information furnished on his application for license or on his license including, but not limited to, change of ownership, address, business activities, or any developments related to the qualifications of the licensee or the individual described in Section ~~7~~ 1800.7 of this ~~act~~ title. If the licensee for any reason ceases to engage in an alarm industry business in this state, the licensee shall notify the Committee within fourteen (14) days of such cessation. If the required notice of cessation is not given to the Committee within fourteen (14) days, the license may be suspended or revoked by the Commissioner on recommendation of the Committee.

D. No person shall represent falsely that he is licensed or employed by a licensee.

E. Each company licensee shall maintain a record containing such information relative to his employees as may be required by the Board.

SECTION 5. AMENDATORY 74 O.S. 1991, Section 324.11a, is amended to read as follows:

Section 324.11a A. Any person, partnership, corporation, organization, the state, or city, town, county, or other subdivision of this state, owning a building or structure used as a one- or two-family dwelling, hospital, church, theater, hotel, motel, apartment house, rooming house, dormitory, rest home, nursing home, day nursery, convalescent home, auditorium, or child care institution, existing or constructed in the State of Oklahoma, including "manufactured home" as that term is defined in Section 1102 of Title 47 of the Oklahoma Statutes, shall install in such building or structure a smoke detector or detectors in accordance with the nationally recognized codes, standards, or practices adopted by the State Fire Marshal Commission to safeguard life and property from the hazards of smoke and fire.

B. For the purpose of this section, the term smoke detector means a device which is:

1. Designed to detect visible or invisible products of combustion; ~~and~~
2. Designed with an alarm audible to the rooms it serves; ~~and~~
3. Powered by either battery, alternating current, or other power source; and
4. Tested and listed for use as a smoke detector by ~~Underwriters Laboratories, Inc., Factory Mutual Research Corporation, or United States Testing Company, Inc.~~ a recognized testing laboratory.

C. Any person, partnership, corporation, state, municipality, county, or other subdivision of this state who is a lessor of a residential rental property shall equip each dwelling with a workable smoke detector.

D. Any person, partnership, corporation, state, municipality, county, or other subdivision of this state who is a lessor of a residential rental property shall explain to the lessee or tenant

the method of testing the smoke detector to ensure that it is in working order. The responsibility for checking a smoke detector to find out whether such detector is in working order is with the tenant or lessee leasing or renting a one- or two-family dwelling, including an apartment in each apartment house, and not with the person, partnership, corporation, state, municipality, county, or other subdivision of this state who is a lessor of the residential rental property to the lessee or tenant.

E. Where a dwelling is not occupied by the owner and is occupied by an individual who is deaf or hearing impaired, the owner shall, upon written request by or on behalf of such individual, provide and install a smoke detector with a light signal sufficient to warn the deaf or hearing-impaired individual of the danger of fire.

F. After investigating a fire in any dwelling described in subsection A of this section, the local investigating authority shall issue to the owner a smoke detector installation order in the absence of the required smoke detectors.

G. Any residential property newly constructed, reconstructed or substantially remodeled after January 1, 1994, shall have a smoke detector installed that is continuously powered by the property's electrical service. If more than one detector is required to be installed, the detectors shall be wired so that the actuation of one detector will actuate all the detectors within each property unit.

H. Any person who violates any provisions of subsections A, C, E, F or G of this section, upon conviction, is guilty of a misdemeanor and may be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), including any person who tampers with, removes, destroys, disconnects or removes power from any installed smoke detector, except in the course of inspection, maintenance or replacement of the detector.

I. Nothing in this section shall be construed to allow any political subdivision in this state to enact laws imposing upon owners of any dwelling described in subsection A of this section a

greater duty with regard to the installation, testing, repair and replacement of smoke detectors than is required by this section.

J. The State Fire Marshal Commission shall prescribe, adopt, and promulgate the rules ~~and regulations~~ necessary to effectuate the provisions of this section which shall include a practical time table for compliance with the provisions of this act.

~~D.~~ K. Municipalities may enact ordinances in order to enforce the rules ~~and regulations~~ of the State Fire Marshal Commission as provided by this section.

SECTION 6. This act shall become effective September 1, 1993.

44-1-7233

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