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By: **Delegate McHale**

Introduced and read first time: February 8, 2002

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Regulation of Alarm Systems - Registration of Alarm System Contractors,**  
3 **Monitors, and Users**

4 FOR the purpose of repealing certain provisions of law that relate to negligent or  
5 accidental activation of alarm systems; repealing certain provisions of law that  
6 relate to defective alarm systems; requiring certain law enforcement units to  
7 adopt certain regulations; requiring certain law enforcement units to treat  
8 certain information as confidential; providing that a local law supersedes  
9 certain provisions under certain circumstances; requiring alarm system  
10 contractors, monitors, and users to register with the appropriate law  
11 enforcement unit under certain circumstances; requiring certain persons to post  
12 certain notice in a certain manner of a user's obligation to register; requiring  
13 persons selling or leasing an alarm system to provide certain notification to  
14 certain law enforcement units; requiring monitors to provide certain reports to  
15 certain law enforcement units; prohibiting certain alarm systems, contractors,  
16 and monitors from causing contact with or summoning police under certain  
17 circumstances; establishing certain false alarm fees under certain  
18 circumstances; providing for waiver of certain false alarm fees under certain  
19 circumstances; providing for injunctive relief under certain circumstances;  
20 authorizing administrative and judicial review of the imposition of certain false  
21 alarm fees, certain civil penalties, and revocation of certain registrations under  
22 certain circumstances; providing for the issuance of certain civil citations under  
23 certain circumstances; establishing certain civil penalties; defining certain  
24 terms; and generally relating to the registration of alarm system contractors,  
25 monitors, and users of alarm systems and the regulation of alarm systems.

26 BY repealing and reenacting, with amendments,  
27 Article - Criminal Law  
28 Section 9-607 and 9-611  
29 Annotated Code of Maryland  
30 (As enacted by Chapter \_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
31 2002)

32 BY repealing and reenacting, without amendments,  
33 Article - Criminal Law

1 Section 9-608  
2 Annotated Code of Maryland  
3 (As enacted by Chapter \_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
4 2002)

5 BY repealing  
6 Article - Criminal Law  
7 Section 9-609 and 9-610  
8 Annotated Code of Maryland  
9 (As enacted by Chapter \_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
10 2002)

11 BY adding to  
12 Article - Criminal Law  
13 Section 9-610 through 9-620  
14 Annotated Code of Maryland  
15 (As enacted by Chapter \_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
16 2002)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Criminal Law**

20 9-607.

21 (a) In this part the following words have the meanings indicated.

22 (b) (1) "Alarm system" means [a burglary alarm system, robbery alarm  
23 system, or automatic fire alarm system] A DEVICE OR SERIES OF DEVICES THAT  
24 EMITS, TRANSMITS, OR RELAYS:

25 (I) AN AUDIBLE, VISUAL, OR ELECTRONIC ALARM SIGNAL THAT IS  
26 ELECTRONICALLY PROGRAMMED TO CAUSE CONTACT WITH OR SUMMON POLICE; OR

27 (II) AN AUDIBLE OR VISUAL ALARM SIGNAL THAT IS INTENDED TO  
28 ELICIT A POLICE RESPONSE AT THE ALARM SYSTEM USER'S PROPERTY WHEN  
29 ACTIVATED.

30 (2) "ALARM SYSTEM" DOES NOT INCLUDE:

31 (I) ANY DEVICE INSTALLED IN A VEHICLE, AS DEFINED IN THE  
32 MARYLAND VEHICLE LAW; OR

33 (II) THE TELEPHONE LINES THAT CARRY THESE SIGNALS.

34 (c) (1) "[Alarm system contractor] CONTRACTOR" means a person [who  
35 installs, maintains, monitors, alters, or services alarm systems] ENGAGED IN THE

1 BUSINESS OF INSTALLING, MAINTAINING, ALTERING, INSPECTING, ADMINISTERING,  
2 SELLING, OR SERVICING ALARM SYSTEMS.

3 (2) "[Alarm system contractor] CONTRACTOR" does not include a person  
4 who only manufactures or sells alarm systems.

5 (d) ["Alarm user" means:

6 (1) a person in control of an alarm system within, on, or around any  
7 building, structure, facility, or site; or

8 (2) the owner or lessee of an alarm system.

9 (e) (1) "False alarm" means [a request for immediate assistance from a law  
10 enforcement unit or fire department regardless of cause that is not in response to an  
11 actual emergency situation or threatened suggested criminal activity.

12 (2) "False alarm" includes:

13 (i) a negligently or accidentally activated signal;

14 (ii) a signal that is activated as the result of faulty, malfunctioning,  
15 or improperly installed or maintained equipment; and

16 (iii) a signal that is purposely activated in a nonemergency  
17 situation] AN ALARM SYSTEM SIGNAL:

18 (I) THAT RESULTS IN A POLICE RESPONSE TO THE USER'S  
19 PROPERTY; AND

20 (II) FOR WHICH NO EVIDENCE IS FOUND, AFTER REASONABLE  
21 INVESTIGATION, OF ANY CRIMINAL ACTIVITY, PROPERTY DAMAGE, OR MEDICAL  
22 EMERGENCY THAT WOULD JUSTIFY A POLICE RESPONSE.

23 [(3)] (2) "False alarm" does not include:

24 (i) a signal activated by unusually severe weather conditions or  
25 other causes beyond the control of the alarm user or alarm system contractor; [or]

26 (ii) a signal activated within 60 days after a new installation of an  
27 alarm system;

28 (III) AN ALARM SIGNAL THAT IS CANCELED BY THE MONITOR OR  
29 USER BEFORE A RESPONDING POLICE OFFICER ARRIVES AT THE ALARM LOCATION;  
30 OR

31 (IV) AN ALARM SIGNAL THAT OCCURS WITHIN 30 DAYS OF THE  
32 ORIGINAL INSTALLATION OF THE ALARM SYSTEM.

33 [(f)] (E) "Law enforcement unit" means the Department of State Police, the  
34 police department of a county or municipal corporation, and a sheriff's department or

1 other governmental law enforcement unit having employees authorized to make  
2 arrests.

3 (F) "MONITOR" MEANS A PERSON ENGAGED IN THE BUSINESS OF  
4 MONITORING ALARM SYSTEMS FOR THE PURPOSE OF REPORTING AN ALARM  
5 SYSTEM'S ACTIVATION TO THE APPROPRIATE LAW ENFORCEMENT UNIT.

6 (G) "PERSON" MEANS:

7 (1) AN INDIVIDUAL;

8 (2) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE,  
9 FIDUCIARY, OR REPRESENTATIVE OF ANY KIND; OR

10 (3) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER  
11 ENTITY OF ANY KIND.

12 (H) "UNMONITORED SYSTEM" MEANS AN ALARM SYSTEM FOR WHICH THE  
13 USER DOES NOT EMPLOY A MONITOR.

14 (I) (1) "USER" MEANS:

15 (I) THE OWNER OR LESSEE OF AN ALARM SYSTEM;

16 (II) THE OWNER OR LESSEE OF A DWELLING UNIT, PLACE OF  
17 BUSINESS, OR OTHER PREMISES THAT HAS BEEN EQUIPPED WITH AN ALARM  
18 SYSTEM; OR

19 (III) ANY OTHER PERSON THAT USES AN ALARM SYSTEM.

20 (2) "USER" DOES NOT INCLUDE THE OWNER OR MANAGER OF A TENANT  
21 BUILDING WITH RESPECT TO AN ALARM SYSTEM THAT IS USED SOLELY BY A TENANT  
22 OF THAT BUILDING.

23 [(g) "Signal" means the activation of an alarm system that requests a response  
24 by a law enforcement unit or a fire department.]

25 9-608.

26 (a) A person may not intentionally activate a signal for a nonemergency  
27 situation.

28 (b) A person who violates this section is guilty of a misdemeanor and on  
29 conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding  
30 \$500 or both.

31 [9-609.

32 (a) This section does not apply:

1 (1) to alarm systems activated by weather conditions or causes beyond  
2 the control of the alarm user;

3 (2) in Frederick County if the Board of County Commissioners of  
4 Frederick County adopts regulations under Article 25, § 211A of the Code providing  
5 for the registration of alarm system contractors and alarm users, the issuance of civil  
6 citations, and penalties for a violation of a regulation; or

7 (3) in Calvert County if the Board of County Commissioners of Calvert  
8 County adopts regulations under Article 25, § 236D of the Code providing for the  
9 registration of alarm system contractors and alarm users, the issuance of civil  
10 citations, and penalties for a violation of a regulation.

11 (b) An alarm system that is activated more than once within a 12-hour period  
12 when a premises with an alarm system is unoccupied and that is not in response to an  
13 actual emergency situation or threatened suggested criminal activity constitutes one  
14 false alarm if:

15 (1) access to the building is provided to the alarm system contractor; and

16 (2) an alarm system contractor or an employee of an alarm system  
17 contractor responds to the activated alarm system.

18 (c) (1) A law enforcement unit or fire department may issue a civil citation  
19 to an alarm user for the negligent or accidental activation of an alarm system as a  
20 result of faulty, malfunctioning, or improperly installed or maintained equipment or  
21 for a false alarm if the number of activations or false alarms to which the law  
22 enforcement unit or fire department responds exceeds:

23 (i) three responses within a 30-day period; or

24 (ii) eight responses within a 12-month period.

25 (2) A civil citation issued under this section shall assess a penalty of \$30  
26 for each negligent or accidental activation or false alarm.]

27 [9-610.

28 (a) In this section, "defective alarm system" means an alarm system that  
29 activates:

30 (1) more than three false alarms within a 30-day period; or

31 (2) eight or more false alarms within a 12-month period.

32 (b) (1) A law enforcement unit or fire department that responds to false  
33 alarms from a defective alarm system shall provide written notice of the defective  
34 condition to the alarm user.

35 (2) The alarm user, within 30 days after receiving the notice, shall:

1 (i) 1. if qualified, inspect the alarm system; or  
2 2. have the alarm system inspected by an alarm system  
3 contractor; and

4 (ii) within 15 days after the inspection, file with the law  
5 enforcement unit or fire department that issued the notice a written report that  
6 contains the:

7 1. result of the inspection;  
8 2. probable cause of the false alarms; and  
9 3. recommendations or action taken to eliminate the false  
10 alarms.

11 (c) An alarm user may not use a defective alarm system after receiving a  
12 written notice under subsection (b) of this section.

13 (d) A person who violates subsection (c) of this section is guilty of a  
14 misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a  
15 fine not exceeding \$500 or both.]

16 [9-611.] 9-609.

17 (a) In this section, "audible alarm system" means an alarm system that, when  
18 activated, emits an audible noise from an annunciator.

19 (b) An audible alarm system shall be equipped to:

20 (1) automatically silence the annunciator within 30 minutes after  
21 activation; and

22 (2) allow an accidental or negligent activation to be halted or reset.

23 (c) An alarm system contractor may not sell, lease, rent, or offer to sell, lease,  
24 or rent an audible alarm system that does not comply with the requirements of this  
25 section.

26 (d) A person who violates this section is subject to a civil penalty of \$100 for  
27 each violation.

28 9-610.

29 (A) THE APPROPRIATE LAW ENFORCEMENT UNIT SHALL ADOPT  
30 REGULATIONS TO CARRY OUT THIS SUBTITLE.

31 (B) THE REGULATIONS SHALL INCLUDE:

1 (1) THE FORM OF APPLICATION FOR AND REQUIRED INFORMATION TO  
2 BE GIVEN FOR REGISTRATIONS, RENEWALS OF REGISTRATIONS, AND NOTIFICATION  
3 REPORTS REQUIRED UNDER THIS SUBTITLE;

4 (2) REASONABLE FEES FOR REGISTRATIONS, RENEWALS OF  
5 REGISTRATIONS, AND REINSTATEMENTS OF REVOKED REGISTRATIONS UNDER THIS  
6 SUBTITLE;

7 (3) CRITERIA FOR REVOKING A REGISTRATION REQUIRED BY THIS  
8 SUBTITLE, INCLUDING:

9 (I) THE FAILURE TO PAY A PENALTY IMPOSED UNDER THIS  
10 SUBTITLE; OR

11 (II) ANY OTHER VIOLATION OF THIS SUBTITLE OR A REGULATION  
12 ADOPTED UNDER THIS SUBTITLE;

13 (4) CRITERIA FOR REINSTATING REGISTRATION AFTER REVOCATION;

14 (5) PROCEDURES FOR FILING AND HEARING ADMINISTRATIVE APPEALS  
15 UNDER THIS SUBTITLE;

16 (6) PROCEDURES FOR POLICE RESPONSES TO AN ALARM LOCATION;  
17 AND

18 (7) PROVISIONS FOR THE ESTABLISHMENT OF AN ALARM REDUCTION  
19 SCHOOL.

20 (C) THE APPROPRIATE LAW ENFORCEMENT UNIT SHALL TREAT AS  
21 CONFIDENTIAL ANY INFORMATION OBTAINED THROUGH AN INVESTIGATION OF AN  
22 APPLICANT FOR REGISTRATION UNDER THIS SUBTITLE.

23 (D) IF A COUNTY OR BALTIMORE CITY HAS A PUBLIC LOCAL LAW OR  
24 ORDINANCE COMPARABLE IN SUBJECT MATTER TO THIS SUBTITLE, THE PUBLIC  
25 LOCAL LAW OR ORDINANCE SUPERSEDES THE PROVISIONS OF THIS SECTION.

26 9-611.

27 (A) A CONTRACTOR SHALL REGISTER WITH THE APPROPRIATE LAW  
28 ENFORCEMENT UNIT BEFORE UNDERTAKING TO INSTALL, MAINTAIN, ALTER,  
29 INSPECT, ADMINISTER, SELL, OR SERVICE AN ALARM SYSTEM IN THE STATE.

30 (B) FOR PURPOSES OF THE PENALTIES IMPOSED BY THIS SUBTITLE, EACH  
31 EVENT THAT VIOLATES THIS SECTION CONSTITUTES A SEPARATE OFFENSE.

32 9-612.

33 (A) A MONITOR SHALL REGISTER WITH THE APPROPRIATE LAW  
34 ENFORCEMENT AGENCY BEFORE UNDERTAKING TO MONITOR AN ALARM SYSTEM IN  
35 THE STATE.

1 (B) FOR PURPOSES OF THE PENALTIES IMPOSED BY THIS SUBTITLE, EACH  
2 CONTACT BY AN UNREGISTERED MONITOR ON BEHALF OF A USER CONSTITUTES A  
3 SEPARATE OFFENSE.

4 9-613.

5 (A) A USER SHALL REGISTER WITH THE APPROPRIATE LAW ENFORCEMENT  
6 UNIT BEFORE THE USER'S ALARM SYSTEM CAUSES CONTACT WITH POLICE OR  
7 RESULTS IN A POLICE RESPONSE AT THE USER'S PROPERTY.

8 (B) FOR PURPOSES OF THE PENALTIES IMPOSED BY THIS SUBTITLE, EACH  
9 EVENT THAT VIOLATES THIS SECTION CONSTITUTES A SEPARATE OFFENSE.

10 9-614.

11 (A) (1) A PERSON WHO SELLS OR LEASES ALARM SYSTEMS SHALL POST  
12 CONSPICUOUSLY IN THE PERSON'S PLACE OF BUSINESS NOTICE OF A USER'S  
13 OBLIGATION TO REGISTER UNDER THIS SUBTITLE.

14 (2) IF A SALE OR LEASE TRANSACTION OCCURS OUTSIDE THE PERSON'S  
15 PLACE OF BUSINESS, OR THE PERSON DOES NOT MAINTAIN A PLACE OF BUSINESS IN  
16 A COMMERCIAL ESTABLISHMENT, THIS NOTICE SHALL BE PROVIDED TO THE USER,  
17 IN WRITING, BEFORE THE USER TAKES POSSESSION OF THE ALARM SYSTEM.

18 (3) (I) USER NOTIFICATION TO REGISTER UNDER THIS SUBTITLE  
19 SHALL BE VERIFIED BY THE USER WITHIN 30 DAYS AFTER THE DATE OF  
20 INSTALLATION OR SALE OF AN ALARM SYSTEM.

21 (II) IF THE USER FAILS TO PROVIDE VERIFICATION, A PERSON WHO  
22 SELLS OR LEASES ALARM SYSTEMS SHALL NOTIFY THE USER BY CERTIFIED OR  
23 REGISTERED MAIL OF THE USER'S OBLIGATION TO REGISTER UNDER THIS SUBTITLE.

24 (4) THE WORDING, SIZE, AND PLACEMENT OF THE NOTICE SHALL BE AS  
25 THE APPROPRIATE LAW ENFORCEMENT UNIT DIRECTS.

26 (B) (1) IF THE PERSON SELLING OR LEASING AN ALARM SYSTEM IS NOT  
27 UNDER CONTRACT TO MONITOR THAT ALARM SYSTEM, THE PERSON SHALL PROVIDE  
28 NOTIFICATION OF THE TRANSACTION TO THE APPROPRIATE LAW ENFORCEMENT  
29 UNIT.

30 (2) THE NOTIFICATION SHALL:

31 (I) BE MADE WITHIN 10 DAYS AFTER THE SALE OR LEASE; AND

32 (II) CONTAIN:

33 1. THE USER'S NAME, ADDRESS, AND TELEPHONE NUMBER;

34 2. THE MAKE AND MODEL OF THE ALARM SYSTEM;



1 FALSE ALARMS IN 12-MONTH PERIOD FEE

2 1ST AND 2ND \$ 0

3 3RD 50

4 4TH100

5 5TH150

6 6TH200

7 7TH250

8 8TH300

9 9TH400

10 10TH 500

11 11TH 600

12 12TH 700

13 13TH 800

14 14TH AND ABOVE 1,000

15 (C) (1) THE APPROPRIATE LAW ENFORCEMENT UNIT SHALL WAIVE ONE  
16 FALSE ALARM FEE IF:

17 (I) THE USER RECEIVES A CERTIFICATION OF COMPLETION FROM  
18 AN ALARM REDUCTION SCHOOL PROVIDED OR APPROVED BY THE APPROPRIATE LAW  
19 ENFORCEMENT UNIT; OR

20 (II) THE USER:

21 1. HAS THE ALARM SYSTEM INSPECTED BY A REGISTERED  
22 CONTRACTOR OR MONITOR; AND

23 2. OBTAINS FROM THE CONTRACTOR OR MONITOR A  
24 CERTIFICATION THAT THE ALARM SYSTEM HAS BEEN INSPECTED AND IS  
25 FUNCTIONING PROPERLY.

26 (2) IF A FALSE ALARM FEE IS WAIVED UNDER THIS SUBSECTION AND  
27 THE USER IS SUBJECT TO A SUBSEQUENT FALSE ALARM FEE, THAT SUBSEQUENT  
28 FEE WILL BE ASSESSED AS IF THE PREVIOUS FEE HAD NOT BEEN WAIVED.

29 (D) ANY UNPAID FEE:

30 (1) BECOMES A LIEN ON THE PROPERTY OF THE USER IN THE SAME  
31 MANNER AS TAXES; AND

32 (2) MAY BE COLLECTED IN THE SAME MANNER AS PROVIDED FOR THE  
33 COLLECTION OF TAXES.

34 (E) IF A USER DOES NOT RECEIVE A REAL PROPERTY TAX BILL, THEN TWO  
35 UNPAID FEES ARE GROUNDS FOR REVOCATION OF THE USER'S REGISTRATION.

1 9-617.

2 (A) IF A USER HAS FIVE FALSE ALARMS IN A 12-MONTH PERIOD, THE  
3 APPROPRIATE LAW ENFORCEMENT AGENCY MAY PETITION THE COURT FOR  
4 INJUNCTIVE RELIEF.

5 (B) THE RELIEF SOUGHT MAY INCLUDE AN ORDER TO:

6 (1) REQUIRE THE USER TO REPAIR THE ALARM SYSTEM;

7 (2) REQUIRE THE USER, MONITOR, CONTRACTOR, OR OTHER QUALIFIED  
8 PERSON TO DISCONNECT THE ALARM SYSTEM; OR

9 (3) REQUIRE THE MONITOR OR CONTRACTOR TO DISCONTINUE ITS  
10 SERVICES TO THE USER.

11 9-618.

12 (A) (1) A CONTRACTOR, MONITOR, OR USER MAY APPEAL THE ASSESSMENT  
13 OF A FALSE ALARM FEE OR CIVIL PENALTY IN WRITING TO THE APPROPRIATE  
14 APPEALS BOARD.

15 (2) ON GOOD CAUSE SHOWN BY THE CONTRACTOR, MONITOR, OR USER,  
16 THE APPROPRIATE APPEALS BOARD MAY WAIVE THE FEE OR PENALTY.

17 (3) IF THE FEE OR PENALTY IS WAIVED UNDER THIS SUBSECTION AND  
18 THE CONTRACTOR, MONITOR, OR USER IS SUBJECT TO A SUBSEQUENT FALSE ALARM  
19 FEE OR CIVIL PENALTY, THAT SUBSEQUENT FEE OR PENALTY WILL BE ASSESSED AS  
20 IF THE PREVIOUS FEE OR PENALTY HAD NOT BEEN WAIVED.

21 (B) (1) ANY PERSON WHOSE REGISTRATION HAS BEEN REVOKED UNDER  
22 THIS SUBTITLE MAY APPEAL IN WRITING TO THE APPROPRIATE APPEALS BOARD.

23 (2) ON GOOD CAUSE SHOWN, THE APPEALS BOARD MAY RESCIND THE  
24 REVOCATION.

25 (C) ANY DECISION OF THE APPROPRIATE APPEALS BOARD UNDER THIS  
26 SECTION MAY BE APPEALED TO A COURT AS PROVIDED IN THE MARYLAND RULES.

27 9-619.

28 (A) A PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE MAY BE ISSUED  
29 A CIVIL CITATION.

30 (B) THE ISSUANCE OF A CIVIL CITATION TO ENFORCE THIS SECTION DOES  
31 NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR  
32 ENFORCEMENT ACTION AUTHORIZED BY LAW.

1 9-620.

2 (A) (1) AN UNREGISTERED USER OF AN UNMONITORED SYSTEM THAT  
3 CAUSES CONTACT WITH OR SUMMONS POLICE IS SUBJECT TO A CIVIL PENALTY OF  
4 \$500 FOR EACH OFFENSE.

5 (2) AFTER THE THIRD OFFENSE UNDER PARAGRAPH (1) OF THIS  
6 SUBSECTION, AN UNREGISTERED USER OF AN UNMONITORED SYSTEM THAT CAUSES  
7 CONTACT WITH OR SUMMONS POLICE IS SUBJECT TO A CIVIL PENALTY OF \$1,000.

8 (B) (1) A CONTRACTOR, MONITOR, OR OTHER PERSON WHO VIOLATES ANY  
9 PROVISION OF THIS SUBTITLE OR A REGULATION ADOPTED UNDER THIS SUBTITLE IS  
10 SUBJECT TO A CIVIL PENALTY OF \$500 FOR EACH OFFENSE.

11 (2) AFTER THE THIRD OFFENSE UNDER PARAGRAPH (1) OF THIS  
12 SUBSECTION, A CONTRACTOR, MONITOR, OR OTHER PERSON WHO VIOLATES ANY  
13 PROVISION OF THIS SUBTITLE OR A REGULATION ADOPTED UNDER THIS SUBTITLE IS  
14 SUBJECT TO A CIVIL PENALTY OF \$1,000.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2002.