

**RULES
OF
THE TENNESSEE DETECTION SERVICES LICENSING PROGRAM
ALARM SYSTEMS CONTRACTORS**

**CHAPTER 0090-01
GENERAL PROVISIONS**

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0090-01-.01 PURPOSE.

The purpose of these rules is to implement uniform procedures and qualifications throughout Tennessee for the certifying, licensing, registration, and regulation of alarm systems contractors and to protect the safety and security of persons and property by assuring the competence of individuals or companies offering alarm systems and services to the general public.

Authority: T.C.A. §§ 62-32-302 and 62-32-307(a). **Administrative History:** Original rule filed January 14, 1993; effective February 28, 1993.

0090-01-.02 DEFINITIONS.

- (1) **ACCESS CONTROL** – Electronic, electrical, or computer-based devices that is designed to detect or signal an alarm and controls the access of a person, vehicle, or object through a door, gate, or entrance into the controlled area of a residence or business. For licensing and certification purposes, access control would be considered a burglar alarm system. The term does not include:
 - (a) A mechanical device, such as a deadbolt or lock; or
 - (b) An operator for opening or closing a commercial gate or door or an accessory, such as a fixed or portal transmitter, if the operator or accessory is used only to activate the gate or door and is not monitored by an alarm system.
- (2) **ALARM RUNNER** – An employee of a licensed contract security company or alarm systems contractor whose primary responsibility is direct response to an alarm condition at the premises where the alarm signal originated.
- (3) **BRANCH OFFICE** – Any physical location at which an alarm systems contractor conducts any activity relating to the sale, installation, servicing and/or monitoring of alarm systems, including but not limited to offices where administrative, marketing and/or other alarm business functions are performed. The only exceptions shall be as follows:
 - (a) Warehouse facilities which are utilized solely for storage purposes; and
 - (b) Locations not accessible to the general public which have no signage, advertising or other outward indication to the public that the alarm systems contractor conducts its business there and from which no direct sales, marketing or installations take place.

(Rule 0090-01-.02, continued)

- (4) **BURGLAR ALARM SYSTEM** – An alarm or monitoring system, including but not limited to access control that has the primary function of detecting or responding to emergencies other than fire.
- (5) **CLERICAL EMPLOYEE** – An employee of an alarm systems contractor whose primary responsibility is maintenance of records, letters, or correspondence related to specific alarm systems.
- (6) **CLOSED CIRCUIT TELEVISION** – An alarm system that provides video surveillance of events primarily by means of transmission and recording of visual signals through the use of film, cameras, receivers, and other visual imaging systems. Closed circuit television systems may also include as secondary functions audio and related electrical signals.
- (7) **DESIGNATED QUALIFYING AGENT** – The qualifying agent designated by the certified contractor to be responsible for compliance with state law.
- (8) **LICENSURE** – The authority granted by the Commissioner for an individual to serve as a qualifying agent.
- (9) **MANAGERIAL EMPLOYEE** – An employee of an alarm systems contractor whose primary responsibility is supervising the activity of other employees.
- (10) **MONITORING CENTER EMPLOYEE** – An employee of an alarm systems contractor whose primary responsibility is to monitor alarm systems and/or receive signals and provide an appropriate response to an alarm condition.
- (11) **NATIONALLY RECOGNIZED TRAINING PROGRAM** – A course or educational training program, as further described in Chapter 0090-03 of these rules, for one or more segments of the alarm industry that is recognized for high quality training of alarm professionals.
- (12) **PORTABLE INVESTIGATIVE EQUIPMENT** – Surveillance equipment, devices and associated wiring that is not permanently attached to a building or other structure.
- (13) **REGISTRANT** – An individual employee of an alarm systems contractor, other than a qualified agent, who has been found to meet the requirements established by the Commissioner for his or her job classification.
- (14) **RESPONSIBLE CHARGE** – The duty of answering questions relevant to the technical and business decisions regarding alarm systems contracting in sufficient detail as to leave little doubt as to the qualifying agent's proficiency for the work performed and familiarity with the alarm systems contractor's day-to-day business operations.
- (15) **SALES REPRESENTATIVE** – An employee of an alarm systems contractor whose primary responsibility is direct contact with an existing or potential customer with the intent to sell alarm equipment or services.
- (16) **SERVICE** – The inspection, maintenance or repair of an alarm system.
- (17) **TECHNICAL EMPLOYEE** – An employee of an alarm systems contractor whose primary responsibility is the installation or service of equipment used in alarm systems.

Authority: T.C.A. §§ 62-32-303 and 62-32-307. **Administrative History:** Original rule filed January 14, 1993; effective February 28, 1993. Amendment filed October 17, 1994; effective December 30, 1994. Amendment filed May 24, 1996; effective August 4, 1996. Amendments filed May 26, 2009; effective

(Rule 0090-01-.02, continued)

August 9, 2009. Repeal and new rule filed March 30, 2012; effective June 28, 2012. Amendments filed March 22, 2023; effective June 20, 2023.

0090-01-.03 RESTRICTIONS AND EXCLUSIONS.

- (1) As used in these rules, the prohibited activities as set forth in T.C.A. § 62-32-304, paragraphs (a) through (k), and exclusions as set forth in T.C.A. § 62-32-305, paragraphs (1) through (11) are applicable.
- (2) Mechanical locks without electrical components and electro-mechanical locking devices securing a single entry point, which are not part of either an integrated system involving multiple access points or other alarm systems shall not be considered an “alarm system” as defined in T.C.A. § 62-32-303 paragraph (1).
- (3) A contractor qualifying for the exclusion under T.C.A. § 62-32-305(7) who intends to engage in the business of an alarm systems contractor shall file with the Commissioner:
 - (a) A notarized statement to the effect that the contractor derives less than fifty percent (50%) of its gross annual revenue from such business;
 - (b) A photocopy of the contractor’s license; and
 - (c) Proof that the contractor holds a license issued by the Tennessee Board for Licensing Contractors as a Mechanical (MC), HVAC (HVAC), or Electrical Contractor (E and E-B), or another mechanical, electrical, or HVAC license issued by the Tennessee Board for Licensing Contractors that, in the discretion of the Commissioner, demonstrates sufficient knowledge and ability to qualify to perform work as an alarm systems contractor.
- (4) Motor vehicle alarm systems are not subject to regulation under T.C.A., Title 62, Chapter 32, or these rules.
- (5) A licensed private investigator or investigations company may sell a closed circuit television system to a client without obtaining a certification from the Commissioner only under the following circumstances:
 - (a) The system was initially installed for a client on a temporary basis to aid in an investigation that was being performed by the licensed private investigator or investigations company; and
 - (b) The client subsequently made a request to purchase the system.
- (6) A unitized or self-contained alarm device with a single function (e.g. smoke or intrusion detector) that requires no wiring to install, that is not interconnected or linked to other alarm devices, and that does not send a signal outside the protected premises by means of buzzers, bells, sirens or remote communication shall not be considered an alarm system as defined in T.C.A. § 62-32-303(1).
- (7) An employee of a contract security company, licensed under T.C.A. § 62-35-102, who holds active security guard registration, may also act as an alarm runner, and is not subject to regulation under T.C.A., Title 62, Chapter 32, or these rules.
- (8) Telemarketers who do not have access to confidential information regarding an existing or proposed alarm system are not subject to regulation under T.C.A., Title 62, Chapter 32, or these rules.

(Rule 0090-01-.03, continued)

- (9) Manually activated fire suppression (extinguishing) systems and fire suppression systems not connected to a fire alarm system are not alarm systems as defined by T.C.A. § 62-32-303(1)(A). Fire alarm systems that activate fire suppression systems are considered alarm systems as defined by T.C.A. § 62-32-303(1)(A).
- (10) The manufacture and sale of mobile homes containing alarm systems do not require certification under the Alarm Contractors Licensing Act of 1991. The servicing and monitoring of such systems do require certification.
- (11) Non-profit organizations may furnish and/or install single station smoke detectors, which are not part of an alarm system, in a residential occupancy without obtaining a certification from the Commissioner.
- (12) For purposes of T.C.A. § 62-32-305(13), an affiliate of a hospital shall include, but is not limited to, nursing home facilities, mental health care facilities, home health care agencies, home care agencies, and any other governmental health agency. The Tennessee Home and Community Based Services Waiver Program shall be considered an affiliate of a hospital. Companies or organizations which offer medical monitoring services shall be exempt from licensure under this chapter only if such services are made available by a hospital or an affiliate of a hospital.
- (13) A certified alarm systems contractor possessing a classification to engage in one type of alarm system activity (e.g., fire or burglar) may engage in installations outside of the designated classification without obtaining an additional classification provided that such work is minor, incidental, and/or supplemental to the performance of work in the classification possessed by the certified alarm systems contractor. The submission of bids outside of an alarm systems contractor's certified classification shall not be deemed minor, incidental, and/or supplemental to the performance of work in the classification possessed by the certified alarm systems contractor.
- (14) A company installing, servicing, maintaining, and/or monitoring its own burglar and/or fire alarm system(s) on the premises of the company shall not be required to be certified by the Commissioner, so long as the following conditions are satisfied:
 - (a) The alarm system(s) shall be the exclusive property of, or leased by, the company;
 - (b) The alarm system(s) shall be designed to protect only premises owned or leased by the company;
 - (c) Personnel engaging in the installation, servicing, maintenance, and/or monitoring of the alarm system(s) shall be employees of the company; and
 - (d) If the company is engaged in the monitoring of its own alarm system(s), such monitoring shall be performed by the company's own employees upon the premises.
- (15) For purposes of T.C.A. § 62-32-303(2), the term "alarm systems contractor" shall not include individuals or entities who own contracts or lease documents relative to alarm equipment, installation, and/or monitoring and whose activities are limited as follows:
 - (a) The individual or entity does not actually sell, install, service, or monitor alarm systems; however, they may enter into subcontracts with Tennessee licensed alarm systems contractors for the provision of equipment servicing and/or monitoring services; and
 - (b) The individual or entity, its officers, employees, and/or agents do not have access to sensitive information relative to the system or the system user unless such officer,

(Rule 0090-01-.03, continued)

employee, and/or agent shall have undergone a criminal background check satisfactory to the Commissioner.

- (16) Red light violation monitoring systems are not alarm systems as defined in T.C.A. § 62-32-303(1).

Authority: T.C.A. §§ 62-32-303, 62-32-304, 62-32-305, and 62-32-307. **Administrative History:** Original rule filed January 14, 1993; effective February 28, 1993. Amendment filed October 17, 1994; effective December 30, 1994. Amendment filed May 24, 1996; effective August 4, 1996. Amendments filed May 26, 2009; effective August 9, 2009. Amendments filed March 30, 2012; effective June 28, 2012. Amendments filed March 22, 2023; effective June 20, 2023.

0090-01-.04 APPLICATION FOR CERTIFICATION, LICENSE OR REGISTRATION.

All companies or persons who seek to be certified, licensed, or registered must complete an application on forms prescribed by the Commissioner and submit the completed application forms to the Commissioner.

Authority: T.C.A. §§ 62-32-304 and 62-32-307(a). **Administrative History:** Original rule filed January 14, 1993; effective February 28, 1993. Amendments filed March 22, 2023; effective June 20, 2023.

0090-01-.05 EMPLOYEE REGISTRATION REQUIREMENTS.

- (1) All persons seeking registration with the Commissioner must comply with the requirements set out in T.C.A. §§ 62-32-307 and 62-32-312.
- (2) An employee registration applicant shall be deemed to have supplied the required sets of fingerprints if that applicant causes a private company contracted by the State to electronically transmit that applicant's classifiable prints directly to the Tennessee Bureau of Investigation (TBI) and Federal Bureau of Investigation (FBI) to forward an electronic report based on that applicant's fingerprints to the Commissioner. The employee registrant applicant or the alarm contractor employer on behalf of the applicant shall make the arrangements for the processing of his or her fingerprints with the company contracted by the State to provide electronic fingerprinting services directly and shall be responsible for the payment of any fees associated with processing of fingerprints to the respective agent authorized by the TBI and FBI.
 - (a) Provided, however, that the Commissioner may authorize the submission of three (3) sets of classifiable physical fingerprint cards, at the expense of the applicant and rolled by a qualified person acceptable to the Commissioner, for good cause.
- (3) All persons employed by an alarm systems contractor and required to be registered shall apply for registration with the Commissioner on such forms as prescribed by the Commissioner within thirty (30) days after employment, pay the applicable fees, and submit to a background check conducted by the Commissioner, including investigation by the Tennessee Bureau of Investigation and the Federal Bureau of Investigation.
- (4) The Commissioner may deny, suspend, or revoke any registration issued, or to be issued under this part, to any applicant or registrant who fails to satisfy the requirements of T.C.A. §§ 62-32-301 et seq. or the rules of the Commissioner.
- (5) A registered employee may not be employed by a certified company other than the company the employee originally registered with unless the employee and the qualifying agency submit a completed transfer form to the Commissioner.

(Rule 0090-01-.05, continued)

- (6) An employee's registration may be suspended or revoked, or civil penalties may be assessed, if the employee violates any rule of the Commissioner or any provision of T.C.A., Title 62, Chapter 32, Part 3.
- (7) If an active registered employee leaves the employment of a contractor the employee's registration will be placed in an "invalid" status until such time as the alarm employee registration is transferred to a certified alarm contractor or until the registration expires.
- (8) An applicant for registration shall respond promptly to all requests by the Commissioner for further information. Failure to provide requested information within thirty (30) days of a request from the Commissioner shall be a basis for the denial of an application.
- (9) Renewal
 - (a) A registration shall expire on the last day of the twenty-fourth (24th) month following its issuance or renewal and shall become invalid on such date unless renewed. A new application for employee registration, including a new application fee, as established by Rule 0090-01-.09 Fees, shall be required to be submitted if such renewal application is not timely submitted to the Commissioner by the date of the employee registrant's expiration date.
 - (b) An alarm systems contractor shall apply to the Commissioner for the renewal of the registration of each registrant employed by the contractor by submitting the required renewal application, including the requisite renewal fee as established by Rule 0090-01-.09 and two (2) frontal, color photographs for each renewal registration.
 - (c) Upon initial implementation of this part, all registered employee registration expiration dates will be set to coincide with the alarm systems contractor with whom they are affiliated as of the effective date of these rules. All registered employee renewals thereafter will be the last day of the twenty-fourth (24th) month following the issuance or renewal thereof per Rule 0090-01-.05(9)(a).
 - (d) An alarm employee registrant who has not met the requirements for renewal of registration by the expiration date of the registration shall cease acting as an alarm employee for any firm until all requirements for registration renewal, including the payment of any fees for late renewal, have been met.
 - (e) No alarm employee registrant shall receive a renewal when such registration has been in default for failure to comply with T.C.A. §§ 62-32-301 et seq. for a period of three (3) months. In such an event, the alarm employee, in order to qualify under the law, shall make new application and meet all current requirements to obtain a new registration.
- (10) A registration applicant is not eligible to transfer to another alarm systems contractor while still under application. An applicant who does not complete the application process to become a registrant prior to changing employment to another alarm systems contractor shall be required to reapply and shall submit a new application under the new alarm systems contractor, along with the appropriate application fees, classifiable fingerprints, and photos.
- (11) An active registrant who voluntarily changes employment to another alarm systems contracting company must submit a completed transfer form, two (2) photos, and the required fifty dollar (\$50.00) transfer fee.
- (12) Any registrant who works for more than one alarm systems contractor must complete a separate application for each employer, with all required documentation and fees. A separate identification badge will be issued under each company employer.

(Rule 0090-01-.05, continued)

- (13) Operators and/or dispatchers who monitor any type of alarm system must be licensed or registered with the Commissioner, as they are deemed to have access to sensitive information pursuant to T.C.A. § 62-32-312(a).
- (14) An employee of an alarm systems contractor which is required to be registered under this Act is not permitted to engage in alarm systems contracting unless such employee's application has been received by the Commissioner within thirty (30) working days of employment. "Working days" shall be defined as Monday through Friday and shall include any holidays which may fall on those days, except where the thirtieth day falls on a state or federal holiday, in which case the contractor shall have until 4:30 p.m. central time on the next day during which the State of Tennessee offices are open for business to file an application.

Authority: T.C.A. §§ 62-32-307, 62-32-312, 62-32-317, 62-32-318, and 62-32-320. **Administrative History:** Original rule filed January 14, 1993; effective February 28, 1993. Amendment filed May 24, 1996; effective August 4, 1996. Amendment filed May 11, 1998; effective July 25, 1998. Amendment filed October 6, 2004; effective December 20, 2004. Amendment filed March 30, 2012; effective June 28, 2012. Amendments and new rules filed February 26, 2016; effective May 26, 2016. Amendments filed June 7, 2016; effective September 5, 2016. Amendments filed March 22, 2023; effective June 20, 2023.

0090-01-.06 QUALIFYING AGENT REQUIREMENTS.

- (1) Any person desiring to be licensed as a qualifying agent shall make written application to the Commissioner on such forms as are prescribed by the Commissioner. The application shall be accompanied by an application fee as set by the Commissioner. An applicant shall receive a license if the requirements of T.C.A. § 62-32-313(a), (b), (c), and (d) as described in these rules have been met and all requisite fees have been paid.
- (2) A qualifying agent applicant shall be deemed to have supplied the required sets of fingerprints if that applicant causes a private company contracted by the State to electronically transmit that applicant's classifiable prints directly to the Tennessee Bureau of Investigation (TBI) and Federal Bureau of Investigation (FBI) to forward an electronic report based on that applicant's fingerprints to the Commissioner. The qualifying agent applicant shall make the arrangements for the processing of his or her fingerprints with the company contracted by the State to provide electronic fingerprinting services directly and shall be responsible for the payment of any fees associated with processing of fingerprints to the respective agent authorized by the TBI and FBI.
 - (a) Provided, however, that the Commissioner may authorize the submission of three (3) sets of classifiable physical fingerprint cards, at the expense of the applicant and rolled by a qualified person acceptable to the Commissioner, for good cause.
- (3) The classifications for qualifying agents are as follows:
 - (a) Fire alarm system;
 - (b) Burglar alarm system;
 - (c) Monitoring; and
 - (d) Closed circuit television.
- (4) An applicant for a qualifying agent's license shall apply for each classification in which the applicant will be serving as a qualifying agent for an alarm systems contractor.
- (5) An applicant for a qualifying agent license will be deemed to have met the criteria for a classification if the applicant has indicated on the application form the classification(s) for

(Rule 0090-01-.06, continued)

which application is made and has met all applicable requirements contained in Tenn. Code Ann. §§ 62-32-307(d), 62-32-312(d), (e) and 62-32-313.

- (6) An applicant for a qualifying agent license shall respond promptly to all requests by the Commissioner for further information. Failure to provide requested information within thirty (30) days of a request from the Commissioner shall be a basis for the denial of an application.
- (7) A qualifying agent may have his or her license revoked or suspended or civil penalties imposed upon him or her for any violation of these rules or Tenn. Code Ann., Title 62, Chapter 32, Part 3.
- (8) A qualifying agent must file a termination/transfer form with the Commissioner within thirty (30) days if the qualifying agent leaves the employment of the alarm systems contractor by which he or she is employed.
- (9) A designated qualifying agent must perform the following:
 - (a) A designated qualifying agent shall be in responsible charge of the alarm systems contractor by which he or she is employed.
 - (b) A designated qualifying agent shall be a full-time employee of the alarm systems contractor for whom he or she works.
 - (c) Before a designated qualifying agent begins to work as an employee of an alarm systems contractor, he or she shall notify his or her previous employer in writing that he or she is no longer the designated qualifying agent of the previous employer.
 - (d) A designated qualifying agent shall determine which employees of the alarm systems contractor will have access to records, diagrams, plans, or other sensitive information pertaining to monitored, installed, or proposed alarm systems.
 - (e) A designated qualifying agent shall be responsible for ensuring that any person required to be registered has submitted an application to the Commissioner and for providing the Commissioner with all materials and information required by T.C.A. § 62-32-312(d).
 - (f) A designated qualifying agent shall review a registered employee's application to ensure that the information submitted on the application is accurate.
 - (g) A designated qualifying agent shall notify the Commissioner within thirty (30) days after any change in business address for him or herself, the alarm systems contractor who employs the designated qualifying agent, or the registered employees or qualifying agents who are employed by the alarm systems contractor.
 - (h) A designated qualifying agent shall be responsible for ensuring that an accurate application for the renewal of registrants employed by the alarm systems contractor has been submitted in accordance with Rule 0090-01-.05 Employee Registration Requirements.
 - (i) A designated qualifying agent shall notify the Commissioner within thirty (30) days after any known arrest, conviction, or any arrest or conviction of which the designated qualifying agent should have known, of any registrant, applicant or qualifying agent under his or her supervision by any state, federal, or military court of any crime (except minor traffic violations). The designated qualifying agent shall provide this notification for persons who are registered, or required to be registered, under the alarm systems

(Rule 0090-01-.06, continued)

contractor that employs the designated qualifying agent. For the purposes of these rules, “conviction” means the entry of a guilty plea, no contest plea, or a verdict or decision rendered by a judge or jury.

- (j) A designated qualifying agent shall notify the Commissioner within ten (10) days after the designated qualifying agent has knowledge that the alarm systems contractor, a registrant, an applicant, or a qualifying agent has violated any provision of T.C.A. Title 62, Chapter 32, Part 3 or any of the Commissioner’s rules.
 - (k) A designated qualifying agent shall be responsible for ensuring that notice of transfers and notice of terminations are filed with the Commissioner within thirty (30) days of the transfers or terminations of any registered employees or qualifying agents who are employed by the alarm systems contractor.
- (10) A qualifying agent applicant is not eligible to transfer to another alarm systems contractor while still under application. An applicant who does not complete the application process to become a licensed qualifying agent prior to changing employment to another alarm systems contractor shall be required to reapply and shall submit a new application under the new alarm systems contractor, along with the appropriate application fees, classifiable fingerprints, and photos.
 - (11) Qualifying agent applicants who, prior to the issuance of their license, change from an alarm systems contractor employee to “independent” or from “independent” to an alarm systems contractor employee, shall be eligible to transfer one (1) time during the application process by submitting a completed transfer form without the fifty dollar (\$50.00) transfer fee. An applicant must submit a new application along with the appropriate fee for any additional transfers.
 - (12) A qualifying agent who voluntarily changes employment to another alarm systems contractor must submit a completed transfer form, two (2) photos, and the required fifty dollar (\$50.00) transfer fee.
 - (13) A designated qualifying agent shall respond in writing within twenty (20) business days to any complaint filed against the designated qualifying agent or the alarm systems contractor by which the designated qualifying agent is employed.

Authority: T.C.A. §§ 62-32-303, 62-32-304, 62-32-307, 62-32-313, 62-32-316, and 62-32-320.
Administrative History: Original rule filed January 14, 1993; effective February 28, 1993. Amendment filed October 17, 1994; effective December 30, 1994. Amendment filed May 24, 1996; effective August 4, 1996. Amendment filed May 11, 1998; effective July 25, 1998. Repeal and new rule filed October 6, 2004; effective December 20, 2004. Amendment filed May 26, 2009; effective August 9, 2009. Amendment filed March 30, 2012; effective June 28, 2012. Amendments and new rules filed February 26, 2016; effective May 26, 2016. Amendments filed June 7, 2016; effective September 5, 2016. Amendments filed March 22, 2023; effective June 20, 2023.

0090-01-.07 ALARM SYSTEMS CONTRACTOR REQUIREMENTS.

- (1) Any person desiring to be certified as an alarm systems contractor shall make written application to the Commissioner on such forms as are prescribed by the Commissioner. The application shall be accompanied by an application fee as set by the Commissioner. An applicant shall meet the requirements of T.C.A. § 62-32-314 to the satisfaction of the Commissioner.
- (2) Effective July 1, 1994, classification of alarm systems contractors are as follows:
 - (a) Fire alarm system;

(Rule 0090-01-.07, continued)

- (b) Burglar alarm system;
 - (c) Monitoring; and
 - (d) Closed Circuit Television.
- (3) The applicant for an alarm systems contractor shall apply for each classification in which it will be engaging in alarm systems contracting activity.
- (4) An applicant for an alarm systems contractor certification shall respond promptly to all requests by the Commissioner for further information. Failure to provide requested information within thirty (30) days of a request from the Commissioner shall be a basis for the denial of an application.
- (5) An alarm systems contractor shall submit an application for the renewal of registrants employed by the contractor in accordance with Rule 0090-01-.05 Employee Registration Requirements.
- (6) The certification of an alarm systems contractor can be suspended, revoked, or civil penalties can be assessed for any violation of these rules or T.C.A., Title 62, Chapter 32, Part 3.
- (7) An alarm systems contractor must have a designated qualifying agent who shall be responsible for the contractor's compliance with state law.
- (8) The contractor and the designated qualifying agent must file a termination/transfer form with the Commissioner within ten (10) days if the designated qualifying agent leaves the employment of the contractor or becomes a non-designated qualifying agent still in the employment of the contractor. The business entity must obtain a substitute designated qualifying agent within thirty (30) days after the prior designated qualifying agent ceases to serve as such, unless the Commissioner in his or her discretion extends this period for good cause for a period not to exceed three (3) months.
- (9) The contractor and the designated qualifying agent must file a termination/transfer form with the Commissioner within ten (10) days if a qualifying agent leaves the employment of the contractor or becomes a designated qualifying agent within the employment of the contractor.
- (10) The contractor or the designated qualifying agent must notify the Commissioner within thirty (30) days of any known arrest, conviction, or any arrest or conviction of which the contractor or designated qualifying agent should have known, of any designated qualifying agent, qualifying agent, or registered employee under its supervision by any state, federal, or military court of any crime (except minor traffic violations). For purposes of these rules, "conviction" means and includes the entry of a plea of guilty, plea of no contest, or a verdict rendered in open court by a judge or jury.
- (11) Upon application for certification and renewal, the contractor or the designated qualifying agent must file with the Commissioner a roster of all employees who are licensed or registered.
- (12) The requirements of T.C.A. § 62-32-316(d) shall apply to all forms of advertising including, but not limited to, print, radio, television, or internet advertising. The term "display" shall include verbal or audio broadcast of the certification number. Signs or letters attached to or in front of a building in which the alarm contractor's place of business is located need not contain the contractor's certification number if intended solely to notify the public of the location of the alarm systems contractor. If such sign contains any other wording regarding

(Rule 0090-01-.07, continued)

specific services and/or specials offered with regard to alarm systems, the sign will be deemed to be an advertisement and must contain the contractor's certification number.

- (13) "Regular place of business at a permanent fixed location," as used in T.C.A. § 62-32-314(a)(1), refers to the permanent physical location of the alarm systems contractor. The alarm systems contractor must provide the address of its physical location to the Commissioner upon initial application and within thirty (30) days of a change of business address. Post office boxes and mail drops do not satisfy this requirement.
- (14) An alarm systems contractor shall respond in writing within twenty (20) business days to any complaint filed against the contractor. Failure by an alarm systems contractor to respond to such complaint shall be grounds for discipline, including but not limited to, a civil penalty of up to five thousand dollars (\$5,000.00) and/or suspension or revocation of licensure in accordance with T.C.A. § 62-32-320.

Authority: T.C.A. §§ 62-32-307, 62-32-314, 62-32-316, and 62-32-320. **Administrative History:** Original rule filed January 14, 1993; effective February 28, 1993. Amendment filed October 17, 1994; effective December 30, 1994. Amendment filed May 24, 1996; effective August 4, 1996. Amendment filed May 11, 1998; effective July 25, 1998. Amendment filed March 30, 2012; effective June 28, 2012. Amendments and new rules filed February 26, 2016; effective May 26, 2016. Amendments filed March 22, 2023; effective June 20, 2023.

0090-01-.08 INSURANCE REQUIREMENTS.

- (1) No certification can be issued under this part until the applicant files with the Commissioner, on a form approved by the Commissioner, evidence of insurance that meets all of the requirements as set forth in T.C.A. § 62-32-315.
- (2) All Commissioner investigators and any other State of Tennessee Department of Commerce and Insurance investigators may request at any time proof of insurance from an alarm systems contractor. Failure by an alarm systems contractor to produce such proof immediately upon request shall be grounds for discipline, including but not limited to, a civil penalty of up to five thousand dollars (\$5,000.00) and/or suspension or revocation of licensure in accordance with T.C.A. § 62-32-320.

Authority: T.C.A. §§ 62-32-307(a), 62-32-315, and 62-32-320. **Administrative History:** Original rule filed January 14, 1993; effective February 28, 1993. Repeal and new rule filed October 6, 2004; effective December 20, 2004. Repeal and new rule filed March 30, 2012; effective June 28, 2012. Amendments filed March 22, 2023; effective June 20, 2023.

0090-01-.09 FEES.

- (1) Application Fees. An alarm systems contractor, qualifying agent (including designated qualifying agent) or registered employee of the alarm systems contractor shall pay the following non-refundable application fees:
 - (a) Company Certification application fee.....\$500.00
 - (b) Qualifying Agent License application fee..... \$200.00
 - (c) Employee Registration application fee.....\$100.00
- (2) Certification/License/Registration Fees. An alarm systems contractor or qualifying agent (including designated qualifying agent) shall pay the following certification/license fees when the alarm systems contractor or qualifying agent has been notified that his or her application has been approved:

(Rule 0090-01-.09, continued)

- (a) Company certification fee for each classification..... \$50.00
 - (b) Qualifying agent or designated qualifying agent license fee for each classification.....\$50.00
- (3) The following transfer fees and duplicate identification card fees shall be required upon notification that a licensee or registered employee has transferred to a certified alarm contractor other than the contractor indicated on the identification card, or upon receipt of a request for a duplicate identification card. An identification card being replaced must be returned to the Commissioner with a transfer form.
 - (a) Transfer Fee.....\$50.00
A qualifying agent, designated qualifying agent, and registered employee shall submit a transfer form supplied by the Commissioner with two (2) color passport-style photographs for a new identification card.
 - (b) Duplicate Identification Card Fee.....\$25.00
A certified company, qualifying agent, designated qualifying agent, and registered employee shall submit a request for a duplicate identification card with two (2) color passport-style photographs.
- (4) Adding Classifications. An alarm systems contractor, qualifying agent (including a designated qualifying agent), or registered employee shall pay the following fees when adding classifications:
 - (a) Company Certification (per classification)..... \$100.00
 - (b) Qualifying Agent License (per classification)..... \$100.00
- (5) Renewal Fees. An alarm systems contractor, qualifying agent (including a designated qualifying agent), or registered employee shall pay the following renewal fees:
 - (a)
 - 1. Single classification company certification
Biennial renewal fee \$250.00 (per location)
 - 2. Multiple classification company certification
Biennial renewal fee\$400.00 (per location)
 - (b)
 - 1. Single classification qualifying agent license
Biennial renewal fee\$100.00
 - 2. Multiple classification qualifying agent license
Biennial renewal fee \$200.00
 - (c) Employee Registration
Biennial renewal fee..... \$75.00 (per employee)
- (6) The examination fee shall be the fee charged by the entity administering the examination, subject to the Commissioner's approval.

Authority: T.C.A. §§ 62-32-307(b), 62-32-313, 62-32-314(a), and 62-32-318. **Administrative History:** Original rule filed January 14, 1993; effective February 28, 1993. Amendment filed October 17, 1994; effective December 30, 1994. Amendment filed May 24, 1996; effective August 4, 1996. Amendment filed May 11, 1998; effective July 25, 1998. Repeal and new rule filed October 6, 2004; effective December 20, 2004. Notice of withdrawal of rule 0090-01-.09(2)(c) filed October 26, 2004; effective December 20, 2004.

(Rule 0090-01-.09, continued)

Amendments filed May 26, 2009; effective August 9, 2009. Amendments and new rules filed February 26, 2016; effective May 26, 2016. Amendments filed March 22, 2023; effective June 20, 2023.

0090-01-.10 RENEWAL OF CERTIFICATION AND LICENSE.

- (1) As used in these rules, the requirements contained in T.C.A. § 62-32-317 are applicable.
- (2) Each certificate, license and registration shall expire on the last day of the twenty-fourth (24th) month following its issuance or renewal and shall become invalid on such date unless renewed.
- (3) Company certification, qualifying agent license, and alarm employee registration renewal notices shall all be mailed to the last known business address ninety (90) days prior to the expiration date of the license, certification, or registration. Such renewals must be received in the office of the Commissioner thirty (30) days prior to the expiration of such certification, license, or registration.
- (4) The Commissioner shall notify every company certificate holder, qualifying agent licensee, and alarm employee registrant by mail to the last known business address of the date of expiration of such certificate, license, or registration and the fee required for its renewal for two (2) years.
- (5) Applications for renewal of the company certification shall list all persons required to be licensed or registered in accordance with T.C.A. § 62-32-312(a).
- (6) No qualifying agent license shall be renewed unless the Commissioner has received satisfactory evidence of the completion of continuing education prior to renewal, in compliance with the minimum satisfactory standards set for in Rule 0090-05-.01.
- (7) A qualifying agent who has not met the requirements for renewal of a qualifying agent license by the expiration date of the license shall cease acting as a qualifying agent for any firm until the qualifying agent has established to the satisfaction of the Commissioner that all qualifications for renewal, including the payment of any fees for late renewal, have been met.
- (8) The fee to be paid for the renewal of a company certificate or qualifying agent license after the expiration date shall be increased ten percent (10%) for each month or fraction of a month that payment for renewal is delayed; provided that the maximum fee for a delayed renewal shall not exceed twice the normal fee.
- (9) No company certificate holder, qualifying agent licensee, or alarm employee registrant shall receive a renewal when such company, agent, or registrant has been in default in complying with T.C.A. §§ 62-32-301 et seq. for a period of three (3) months. In such an event, the alarm systems contractor, qualifying agent, or registrant, in order to qualify under the law, shall make new application and meet all current requirements to obtain a new certificate, license, or registration.
- (10) The alarm contractor, in order to renew its certification, shall submit to the Commissioner, on a Commissioner-approved form, a notarized statement of the contractor's designated qualifying agent, chief executive officer or any other authorized contractor representative, which identifies the number of employees required to be registered with the Commissioner as well as a list containing the name and registration number of each employee who is registered or required to be registered with the Commissioner.

Authority: T.C.A. §§ 62-32-307, 62-32-312, 62-32-313, and 62-32-317. **Administrative History:** Original rule filed January 14, 1993; effective February 28, 1993. Amendment filed May 24, 1996; effective August 4, 1996. Amendment filed May 11, 1998; effective July 25, 1998. Amendments filed May 26, 2009;

(Rule 0090-01-.10, continued)

effective August 9, 2009. Amendments filed March 30, 2012; effective June 28, 2012. Amendments and new rules filed February 26, 2016; effective May 26, 2016. Amendments filed March 22, 2023; effective June 20, 2023.

0090-01-.11 IDENTIFICATION CARDS.

- (1) The Commissioner shall issue to every individual licensed or registered by the Commissioner an identification card bearing at a minimum:
 - (a) The full correct name;
 - (b) A color passport-size photo;
 - (c) The registration or license number assigned by the Commissioner;
 - (d) The license or job classification; and
 - (e) The company affiliation.
- (2) It is the designated qualifying agent's responsibility to provide this information with the initial application, renewal application, employee registration application, notice of transfer, or request for duplicate identification card.
- (3) Individuals shall, while on the official business of an alarm systems contractor, wear their identification cards in a conspicuously visible location on their persons.
- (4) If the identification card is lost, a statement requesting a duplicate card must be completed and submitted to the Commissioner, along with two (2) recent passport-size color photos and the fee as set out in Rule 0090-01-.09.

Authority: T.C.A. § 62-32-307(a). **Administrative History:** Original rule filed January 14, 1993; effective February 28, 1993. Amendment filed May 24, 1996; effective August 4, 1996. Amendment filed May 26, 2009; effective August 9, 2009. Amendments filed March 22, 2023; effective June 20, 2023.

0090-01-.12 FINGERPRINTING.

- (1) All applicants for employee registration or qualifying agent license shall be subject to a Federal Bureau of Investigations (FBI)/Tennessee Bureau of Investigations (TBI) background investigation pursuant to T.C.A. §§ 62-32-312(e) and 62-32-313(b).
- (2) An applicant for employee registration or qualifying agent license required to submit fingerprints with his or her application for the purpose of allowing the Commissioner to forward the fingerprints to the TBI and FBI as required by T.C.A. §§ 62-32-312(e) and 62-32-313(b) shall make the arrangements for the processing of his or her fingerprints with the company contracted by the State to provide electronic fingerprinting services directly and shall be responsible for the payment of any fees associated with processing of fingerprints to the respective agent authorized by the TBI and FBI. The Commissioner shall notify every applicant in writing of the name, address, and telephone number of any company contracted by the State to provide such a service. All alarm employee registration and qualifying agent applicants shall comply with the following requirements regarding payment for the fingerprinting service:
 - (a) The Commissioner may authorize the submission of three (3) sets of classifiable physical fingerprint cards in lieu of electronic fingerprints, as required above, at the expense of the applicant and rolled by a qualified person acceptable to the Commissioner, for good cause;

(Rule 0900-01-.12, continued)

- (b) All sets of classifiable fingerprints required by this rule shall be furnished at the expense of the applicant;
 - (c) In the event the State no longer contracts with any company to provide an electronic fingerprinting service, then the applicant shall submit three (3) classifiable TBI and FBI fingerprint cards with his or her application and shall pay the Commissioner all processing fees established by the TBI and FBI.
 - (d) Applicants shall in all cases be responsible for paying application fees as established by the Commissioner regardless of the manner of fingerprinting.
- (3) In the event that an applicant furnishes unclassifiable fingerprints or fingerprints that are unclassifiable in nature to the Commissioner, or the TBI or FBI, the Commissioner may refuse to issue the requested license or registration. For the purposes of this rule, "unclassifiable fingerprints" means that the electronic scan or the print of the person's fingerprints cannot be read, and therefore cannot be used to identify the person. Should an applicant's fingerprints be rejected by the TBI or FBI, the applicant shall pay any fees assessed by the TBI or FBI for resubmission.
- (4) In the event that the fingerprints submitted by an applicant are rejected or otherwise unable to be processed by the TBI and/or the FBI, the applicant shall submit new fingerprints together with any additional fee(s) charged by the TBI and/or FBI for processing the new fingerprint card.

Authority: T.C.A. §§ 62-32-307, 62-32-312, 62-32-313, and 62-32-318. **Administrative History:** Original rule filed October 6, 2004; effective December 20, 2004. Amendment filed March 28, 2012; effective June 28, 2012. Amendments filed June 7, 2016; effective September 5, 2016. Amendments filed March 22, 2023; effective June 20, 2023.

0090-01-.13 ADDING CLASSIFICATIONS.

(1) Qualifying Agent License

If a licensed qualifying agent wishes to add an alarm systems contractor classification to his or her license, then he or she shall make written application to the Commissioner on such forms as are prescribed by the Commissioner. The application shall be accompanied by an application fee as set by the Commissioner. An applicant shall receive a license if the requirements of T.C.A. § 62-32-313(c) and (d) as described in these rules have been met and all requisite fees have been paid. Submission of classifiable fingerprints shall not be required to add a classification to an "active" qualifying agent license. If the licensee is qualified based on T.C.A. § 62-32-313(c)(1) or (2), the requirements of Rule 0090-05-.01(4) must be satisfied prior to the first renewal after adding the "fire" classification.

(2) Company Certification

If a certified alarm company wishes to add an alarm systems contractor classification to its certification, then the certified company shall make written application to the Commissioner on such forms as are prescribed by the Commissioner. The application shall be accompanied by an application fee as set by the Commissioner. The requested classification will be added to the company certification if the requirements of T.C.A. § 62-32-314(a)(4) have been met, the designated qualifying agent has applied for and been issued a license with the requested classification(s), and all requisite fees have been paid. Submission of additional city or county business tax licenses or insurance certificates will not be required to add a classification to an "active" company certification.

(Rule 0900-01-.13, continued)

- (3) Adding a classification will not change the expiration date of the qualifying agent license or company certification.

Authority: T.C.A. §§ 62-32-313, 62-32-314, and 62-32-316(b). **Administrative History:** Original rule filed October 6, 2004; effective December 20, 2004. Amendments filed June 7, 2016; effective September 5, 2016. Amendments filed March 22, 2023; effective June 20, 2023.

0090-01-.14 COMMISSIONER'S REQUEST FOR INFORMATION.

Any alarm systems contractor, designated qualifying agent, qualifying agent, or registered employee must respond to all requests by the Commissioner for additional information or for response to any complaint initiated against said alarm systems contractor, designated qualifying agent, qualifying agent, or registered employee within thirty (30) days of the date of the request.

Authority: T.C.A. § 62-32-307. **Administrative History:** Original rule filed May 26, 2009; effective August 9, 2009. Amendments filed March 22, 2023; effective June 20, 2023.

0090-01-.15 MILITARY APPLICANTS.

- (1) An applicant for certification, licensure, or registration meeting the requirements of T.C.A. § 4-3-1304(d)(1) may:
 - (a) Be issued a certification, license, or registration upon application and payment of all fees required for the issuance of such certification, license, or registration, if, in the opinion of the Commissioner, the requirements for certification, licensure, or registration of such other state are substantially equivalent to that required in Tennessee; or
 - (b) Be issued a temporary permit as described herein if the Commissioner determines that the applicant's certification, license, or registration does not meet the requirements for substantial equivalency, but that the applicant could perform additional acts, including, but not limited to, education, training, or experience, in order to meet the requirements for the certification, license, or registration to be substantially equivalent. The Commissioner may issue a temporary permit upon application and payment of all fees required for issuance of a regular certification, license, or registration of the same type which shall allow such person to perform services as if fully certified, licensed, or registered for a set period of time that is determined to be sufficient by the Commissioner for the applicant to complete such requirements.
 - 1. After completing those additional requirements and providing the Commissioner with sufficient proof thereof as may be required, a full certification, license, or registration shall be issued to the applicant with an issuance date of the original issuance of the temporary permit and an expiration date as if the full certification, license, or registration had been issued at that time.
 - 2. A temporary permit shall be issued for a period no longer than the length of a renewal cycle for a full certification, license, or registration of the same type.
 - 3. A temporary permit shall expire upon the date set by the Commissioner and shall not be subject to renewal except through the completion of the requirements for substantial equivalency as required by the Commissioner or by an extension of time granted for good cause by the Commissioner.
 - 4. Should an extension to a temporary permit cause the permit to be in effect longer than the renewal cycle of a full certification, license, or registration, then the holder of the temporary permit shall file a renewal application with such

(Rule 0090-01-.15, continued)

documentation and fees, including completion of continuing education, as are required by the Commissioner for all other renewals of a full certification, license, or registration of the same type.

- (c) Military education, training, or experience completed by a person described at T.C.A. § 4-3-1304(d)(1)(B)(ii)(a)–(c) shall be accepted toward the qualifications, in whole or in part, to receive any certification, license, or registration issued by the Commissioner if such military education, training, or experience is determined by the Commissioner to be substantially equivalent to the education, training, or experience required for the issuance of such certification, license, or registration.
- (2) Any certificate holder, licensee, or registrant who is a member of the National Guard or a reserve component of the armed forces of the United States called to active duty whose certification, license, or registration expires during the period of activation shall be eligible to be renewed upon the certificate holder, licensee, or registrant being released from active duty without:
 - (a) Payment of late fees or other penalties; or
 - (b) Obtaining continuing education credits when:
 - 1. Circumstances associated with the person's military duty prevented the obtaining of continuing education credits and a waiver request has been submitted to the Commissioner; or
 - 2. The person performs the certification, licensed, or registered occupation as part of such person's military duties and provides documentation sufficient to demonstrate such to Commissioner.
- (3) The certification, license, or registration shall be eligible for renewal pursuant to Paragraph (2) for six (6) months from the person's release from active duty.
- (4) Any person renewing under Paragraph (2) shall provide the Commissioner such supporting documentation evidencing activation as may be required by the Commissioner prior to the renewal of any certification, license, or registration license pursuant to Paragraph (2).

Authority: T.C.A. §§ 4-3-1304(d)(1) and 62-32-307(g). **Administrative History:** Original rule filed June 22, 2015; effective September 20, 2015. Amendments filed March 22, 2023; effective June 20, 2023.