

FEB 3 1999
STATE GOVERNMENT

WITHDRAWN
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HOUSE FILE 203
BY BRADLEY, CONNORS, and
SUNDERBRUCH

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the licensure or regulation of alarm system,
2 bail enforcement, private investigative, or private security
3 businesses, and providing a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 203

1 Section 1. Section 80A.1, Code 1999, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 0A. "Alarm system agency" means a person
4 engaged in the alarm system business.

5 NEW SUBSECTION. 0B. "Alarm system business" means the
6 business of providing, for a fee or other valuable
7 consideration, the installation of electronic or mechanical
8 alarm signal devices, burglar alarms, television cameras or
9 still cameras, or electronic access control systems used to
10 manually or automatically signal or detect burglary, breaking
11 and entering, shoplifting, pilferage, theft, or hold-up; and
12 the servicing or monitoring of such systems, or the design of
13 such installations, including surveys of premises to be
14 protected.

15 Sec. 2. Section 80A.2, Code 1999, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 10. A person engaged in the business of
18 over-the-counter sales of alarm systems for installation by
19 the purchaser.

20 Sec. 3. Section 80A.3, subsections 1 and 2, Code 1999, are
21 amended to read as follows:

22 1. A person shall not operate a an alarm system business,
23 bail enforcement business, private investigation business, or
24 private security business, or otherwise employ persons in the
25 operation of such a business located within this state unless
26 the person is licensed by the commissioner in accordance with
27 this chapter.

28 2. A license issued under this chapter, other than an
29 alarm system business license, expires two years from the date
30 issued. An alarm system business license expires four years
31 from the date issued.

32 Sec. 4. Section 80A.4, subsection 3, Code 1999, is amended
33 by striking the subsection.

34 Sec. 5. Section 80A.5, subsection 3, Code 1999, is amended
35 to read as follows:

1 3. The fee for a two-year license for a bail enforcement
2 business, a private investigative agency, or a private
3 security agency, or for a four-year license for an alarm
4 system business, is one hundred dollars.

5 Sec. 6. NEW SECTION. 80A.6A BACKGROUND INVESTIGATIONS.

6 Each employee of an applicant or licensee regulated by this
7 chapter shall possess the qualifications required by section
8 80A.4, subsection 1. An agent shall not employ an individual
9 to work in any business regulated by this chapter until the
10 agency has completed a background investigation into the
11 character of the employee. The background investigation shall
12 include a criminal record check with local law enforcement
13 agencies, and the submission of fingerprints to the department
14 of public safety for the purpose of conducting a state and
15 federal criminal record check on the applicant. Each
16 fingerprint submission shall include a fee as established by
17 the department by rule to offset the cost of such checks.

18 Sec. 7. Section 80A.7, subsection 1, Code 1999, is amended
19 to read as follows:

20 1. The department shall issue to each licensee in the bail
21 enforcement business, private investigation business, or
22 private security business, and to each employee of the
23 licensee, an identification card in a form approved by the
24 commissioner. The application for a permanent identification
25 card shall include a temporary identification card valid for
26 fourteen days from the date of receipt of the application by
27 the applicant.

28 Sec. 8. Section 80A.7, Code 1999, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 5. An alarm system agency shall issue an
31 identification card to each employee engaged in the alarm
32 system business. The identification card shall include the
33 name of the employee and the employee's picture as well as the
34 name, address, and telephone number of the agency. Alarm
35 system employees shall have their identification card in their

1 immediate possession when engaged in the alarm system
2 business, and shall produce such card upon request of their
3 clients, prospective clients, or law enforcement agencies.

4 Sec. 9. Section 80A.10, subsection 1, paragraph a, Code
5 1999, is amended to read as follows:

6 a. Five thousand dollars in the case of an agency licensed
7 to conduct only an alarm system business, a bail enforcement
8 business, private security business, or a private
9 investigation business.

10 Sec. 10. Section 80A.10A, Code 1999, is amended to read as
11 follows:

12 80A.10A LICENSEE'S PROOF OF FINANCIAL RESPONSIBILITY.

13 Notwithstanding the minimum bond amount that must be filed
14 in accordance with section 80A.10, a license shall not be
15 issued unless the applicant furnishes proof acceptable to the
16 commissioner of the applicant's ability to respond in damages
17 for liability on account of accidents or wrongdoings occurring
18 subsequent to the effective date of the proof, arising out of
19 the ownership and operation of a private security business,
20 private investigation business, or bail enforcement business.
21 An alarm system business shall hold and maintain a liability
22 insurance policy in the amount of one million dollars.

23 Sec. 11. Section 80A.16, subsection 2, paragraph c, Code
24 1999, is amended to read as follows:

25 c. Falsely advertises that the person is a licensed alarm
26 system agent, private investigator, private security agent, or
27 bail enforcement agent.

28 Sec. 12. Section 80A.16, subsection 3, Code 1999, is
29 amended to read as follows:

30 3. A person who is subject to the licensing requirements
31 of this chapter and who engages in an alarm system business, a
32 private investigation business, or private security business
33 as defined in this chapter, without possessing a current valid
34 license as provided by this chapter, is guilty of a serious
35 misdemeanor.

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EXPLANATION

2 This bill provides for the mandatory licensure of alarm
3 system businesses by the department of public safety, and
4 makes many of the provisions of Code chapter 80A, which
5 applies to the licensing of private investigative agencies and
6 security agents, applicable to an alarm system business. The
7 bill provides that an alarm system business refers to a
8 business providing, for a fee or other valuable consideration,
9 the design, installation, monitoring, and servicing of
10 electronic or mechanical alarm signal devices, burglar alarms,
11 television cameras or still cameras, or electronic access
12 control systems, which are used to manually or automatically
13 signal or detect burglary, breaking and entering, shoplifting,
14 pilferage, theft, or hold-up. The bill contains an exception
15 from the licensure requirements for individuals engaged in the
16 business of over-the-counter sales of alarm systems for
17 installation by the purchaser. The bill provides that a
18 licensing fee payable to the department of public safety of
19 \$100 will be imposed, and that a license, if granted, will
20 remain in force for a four-year duration.

21 | The bill provides that each employee of an applicant or
22 licensee regulated by Code chapter 80A will be subject to a
23 background investigation into the character of the employee.
24 This would apply to all licensees under the chapter, including
25 bail enforcement businesses and private investigation
26 businesses in addition to alarm system businesses.
27 Previously, Code section 80A.4, subsection 3, provided that
28 the eligibility criteria applicable to licensees in subsection
29 1 of that section also applied to employees. The criteria
30 included such factors as not having been convicted of a felony
31 or aggravated misdemeanor, not having a history of repeated
32 acts of violence, not having been convicted of illegally
33 using, carrying, or possessing a dangerous weapon, among
34 others. The bill deletes that subsection, but moves these
35 provisions applicable to employees to a new section and

1 combines them with a background investigation requirement.
2 The background investigation will include a criminal record
3 check with local law enforcement agencies, and the submission
4 of fingerprints to the department of public safety for a state
5 and federal criminal record check. The bill provides that a
6 fee for the fingerprint submission shall be established by the
7 department of public safety by rule.

8 The bill additionally provides that alarm system agencies
9 will be required to issue an identification card to each
10 employee, to be retained in the employee's possession at all
11 times in which the employee is engaged in the alarm system
12 business. The requirement contained in Code section 80A.10,
13 subsection 1, paragraph "a", regarding the posting of a \$5,000
14 surety bond is made applicable to alarm system businesses, and
15 the bill provides that an alarm system business will be
16 required to maintain a liability insurance policy in the
17 amount of \$1 million. The bill further provides that the
18 criminal penalty provisions of Code section 80A.16 regarding
19 violating provisions of the chapter, making false statements
20 on an application, and false advertisement of licensure, are
21 applicable to alarm system businesses.

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