



**NORTH CAROLINA
ALARM SYSTEMS LICENSING BOARD**



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MEMORANDUM – September 2009

TO: ASLB Licensees

FROM: Terry Wright, ASL Director

Terry Wright

The purpose of this informational mailing is to update licensees on amendments to G.S. 74D.

On August 28, 2009, Governor Perdue signed Senate Bill 1073, which made amendments to the Alarm Systems Licensing Act. The changes in the law are effective October 1, 2009. Some of the changes to the law are listed below.

1. Effective October 1, 2009 there will no longer be a requirement to send a fingerprint card when renewing a license or registration. The Board does have the authority to request the fingerprint card if there is a discrepancy in the criminal record. Specifically"§ **74D-2.1. Criminal background checks.**

(a) Authorization. – Upon receipt of an application for a license or registration, the Board shall conduct a background investigation to determine whether the applicant meets the requirements for a license or registration as set out in G.S. 74D-2(d). The Department of Justice may provide a criminal record check to the Board for a person who has applied for a new or renewal license or registration through the Board. The Board shall provide to the Department of Justice, along with the request, the fingerprints of a new applicant, and the Department of Justice shall provide a criminal record check based upon the applicant's fingerprints. The Board may request a criminal record check from the Department of Justice for a renewal applicant based upon the applicant's fingerprints in accordance with policy adopted by the Board. The Board shall provide any additional information required by the Department of Justice and a form signed by the applicant consenting to the check of the criminal record and to the use of the fingerprints and other identifying information required by the State or national repositories. The applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The Department of Justice may charge each applicant a fee for conducting the checks of criminal history records authorized by this subsection.

The Board may require a new or renewal applicant to obtain a criminal record report from one or more reporting services designated by the Board to provide criminal record reports. Applicants are required to pay the designated reporting service for the cost of these reports.

(b) Confidentiality. – The Board shall keep all information obtained pursuant to this section confidential in accordance with applicable State law and federal guidelines, and the information shall not be a public record under Chapter 132 of the General Statutes.

2. Under the previous statute you were allowed 20 days to register employees. G.S. 74D-8(a) (1) has been changed to now allow 30 days to register an employee. Also, the Board has the authority to charge a late fee for late renewal registration. The application is considered late if submitted more than 30 days after the expiration of the registration permit. Prior to assessing a fee the Board would have to adopt rules establishing the late fee through the Rules Review Commission.

3. Effective October 1, 2009, it will be a violation of the statute to fail or refuse to cooperate with the Board or its agents during an investigation of any complaint, allegation, or suspicion of wrong doing. Failure to properly make any disclosure to the Board or provide documents or information required by this chapter or rules adopted by the Board, or engage in conduct constituting dereliction of duty or otherwise deceived, defrauded, or harmed the public in the course of professional activities or services.

4. The sale, installation, or service of an alarm system by an unlicensed or unregistered person shall constitute a threat to the public safety, and any contract for the sale, installation, or service of an alarm system shall be deemed void and unenforceable.

5. An alarm systems business may not maintain any action in any court of the State for the collection of compensation for performing an act for which a license or registration is required by this Chapter without alleging and proving that the alarm systems business is appropriately licensed and the employee or agent of the alarm systems business is appropriately registered upon entering into a contract with the consumer. An alarm systems installation, maintenance, or monitoring contract entered into with a consumer shall be void if the consumer confirms through records maintained by the Board that the alarm systems business is not properly licensed or the consumer establishes through records maintained by the Board that the person enticing the consumer to enter into the contract is not properly registered by the Board. The sale, installation or service of an alarm system by an unlicensed or unregistered employee shall be deemed an unfair and deceptive trade practice and shall be actionable under Chapter 75 of the General Statutes.

6. A person licensed under this Chapter may hire a consultant to troubleshoot a location or installation for a period of time not to exceed 48 hours in a one month period if the licensee submits a report to the Board within 30 days from the date of the consultation designating the consultant as a temporary consultant.