

**NYS Security and Fire Alarm Law**  
**March 2008**

**Here are the pertinent items required for adhering to NYS Law Article 6D, Title 19 Security and Fire Alarm Installer, if you are a NYC Licensed Master Electrician.**

Visit [www.dos.state.ny.us/lcns/install1.htm](http://www.dos.state.ny.us/lcns/install1.htm) for the entire law

**195.2 Need for license**

- (a) An individual, firm, company partnership or corporation must be licensed:
  - (1) if it installs, maintains or services alarm systems, including such items as the detectors, control devices and alarm communication systems; or
  - (2) if it holds itself out to the public as being able to do so.
- (b) A security and fire alarm installers license is required for the installation, maintenance or servicing of the following:
  - (1) a closed circuit television system (CCTV) if such system is used, either full-time or part-time, for the detection or monitoring of intrusion, break-in, theft, movement, sound or fire; and
  - (2) electrical entry systems which detect and/or provide notification of intrusion, break-in, theft, movement, sound or fire regardless of the number of entry points.
- (c) A license is not required for the installation, maintenance or servicing of the following:
  - (1) sprinkler systems;
  - (2) conduits and associated wires of an alarm system, including line-voltage connections to an outlet, junction box, or electrical distribution panel;
  - (3) security or fire alarm systems in motor vehicles, water vessels or aircraft;
  - (4) battery-operated smoke detection devices; and
  - (5) a security or fire alarm system if the alarm system has been purchased by a property owner or proprietor, and the alarm system is to be installed, maintained or serviced by him or his employees on his property or at his place of business; and
  - (6) a single-door, card-access entry system that does not detect and/or provide notification of intrusion, break-in, theft, movement, sound, or fire.
- (d) Employees of a licensed security and fire alarm installer do not have to be licensed to assist with the installation, maintenance or servicing of security or fire alarm systems if they have been issued identification cards in the form prescribed by the Secretary of State.
- (e) Master electricians.
  - (1) A master electrician must be licensed as a security and fire alarm installer to install, maintain or service a security or fire alarm system in any municipality where he or she is not licensed as a master electrician. (2) A master electrician does not need to be licensed as a security and fire alarm installer but must be

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registered with the Secretary of State to install, maintain or service a security or fire alarm systems in a municipality where he or she is licensed as a master electrician.

#### **§195.3 Qualifying officers or managers**

An individual (qualifier) may make an application for licensure on behalf of a company, firm, partnership or corporation:

(a) In the case of a company, firm or partnership, such application must be accompanied by evidence that the qualifier is a principal in the company to be licensed. Such individual must meet all applicable licensing requirements.

(b) In the case of a corporation the qualifier may be an officer or employee of the corporation. In addition to meeting all applicable licensing requirements, such individual must direct and control the operation of the corporation. Such direction and control must be real and substantial and take place on a day to day basis.

#### **§195.4 Standards**

Installation, maintenance and servicing of fire alarm systems shall be done in accordance with prevailing industry standards.

#### **§195.5 License must be displayed**

(a) The license to engage in the business of installing, servicing or maintaining a security or fire alarm system shall be conspicuously displayed at the principal location. A photocopy of the business license issued to the principal location must be conspicuously displayed at each secondary location of the business.

(b) Licensee shall maintain, at the principal office, a current list of all such secondary locations.

(c) Licensee shall file with the Department of State, by registered or certified mail, the location of such secondary locations, within five business days of their opening.

(d) Licensee shall post the name of the person in charge at each business location.

#### **§195.6 Use of trade or corporate name**

No licensee or applicant may use a trade or corporate name which, in the opinion of the Department of State, is so similar to the trade name or corporate name of any licensee that confusion to the public will result there from.

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**§195.7 Transitional licenses**

- (a) The Department of State shall issue a transitional business license for a two-year period to an applicant who has not completed the educational requirement described in section 196.2 or 196.8 of this Title.
- (b) Nonrenewable transitional licenses will be issued by the Department of State from
- (c) October 1, 1992 until April 1, 1995.
  - (c) All required education must be concluded by the expiration date of the transitional license and evidence of satisfactory completion must be submitted to the Division of Licensing Services.
  - (d) Applicants for a transitional license, who do not qualify for the experience exemption, must take and pass the examination.

**§195.8 Fingerprinting**

(a) Qualifying Licensee(s). Applicants for a business of installing, maintaining or servicing security or fire alarm systems license can be fingerprinted by employees of the Department of State, Division of Licensing Services at designated locations and at appointed times.

(1) The fingerprints of any applicant for licensure may also be taken and recorded by local and State Police, or sheriffs and chiefs of police.

(2) Each fingerprint card must be signed and authenticated by the official who took the fingerprints, with his/her title of office.

(b) Any employee who assists with the installation, maintenance or service of security or fire alarm systems must be fingerprinted, and the employer must submit the fingerprint cards to the Division of Licensing Services within 24 hours of such employment.

(c) Further requirements. All fingerprinting must be performed at the office of the licensee by the person who qualifies as the licensee or by a designated person who is employed by the entity and who has been previously fingerprinted.

(1) The designation of such person(s) to take fingerprints must be made in writing by the qualifying licensee and filed with the Albany Office of the Division of Licensing Services, Department of State.

(2) The form of certification on the fingerprint pattern card as to the taking of the fingerprints of an employee shall be signed by the person authorized to take such fingerprints as provided by this section and shall not be signed by any other person.

(3) One set of fingerprint cards must be retained by the employer and attached to the front of the employee statement of each person hired.

(4) Along with the employee statement and fingerprint card, a copy of the fingerprint transmittal form which accompanies the fingerprint card must be attached to each employee personnel folder.

(5) Individuals possessing a current security guard registration need only complete an employee statement to be retained in the employee's personnel folder, in lieu of fingerprinting.

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(6) Fingerprinting procedures for all employees classified as "security guards" must be performed in accordance with regulations stipulated in General Business Law, article 7A (Security Guard Law).

**§195.9 Supervisory responsibility**

A licensee has an affirmative duty to provide supervision to employees and for all business activities. Such supervision shall consist of regular, frequent and consistent personal guidance, instruction, oversight and superintendence by the qualifying license holder with respect to the general business conducted by the firm and all matters relating thereto.

**§195.10 Business and employee records**

(a) Each business licensed under this Part shall keep and maintain for a period of three years records of all transactions performed by the business.

(b) A licensee under this Part must keep and maintain records of employees of the firm until each employee has not been in the licensee's employ for a period of at least three full years. Such records shall include employee statement, employee application, employee business and employment I.D. number, length of employment and payroll records.

(c) All records must be retained for longer periods in the event there is any litigation pending concerning such records and/or employee. Litigation shall include investigation or administrative action by the Department of State, initiated by complaint from the general public or by the department.

(d) A business which is licensed to install, maintain or service security or fire alarm systems must maintain employee and business records at a central location within New York State. This is applicable to all company and personnel records pertaining exclusively to the conduct of business in this state.

(e) Each licensee shall prepare and retain a statement of services and charges which has been agreed upon between the licensee and the consumer, a copy of which must be presented to the consumer. The consumer must be presented with a copy of any document signed by the licensee and consumer. Any agreement signed by a representative of the licensee and the consumer for services to be performed must be retained by the licensee in the business records of the firm.

(f) In conjunction with any transaction, each licensee shall identify any and all employees who work on the installation, service, or maintenance of a security or fire alarm system.

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**§195.11 I.D. cards**

(a) Employee identification cards issued by licensee. Each employee of a business which is licensed to install, maintain or service security or fire alarm systems shall be issued a company identification card as described herein.

(1) The form of the employee identification card shall be as follows:

(i) The identification card shall be approximately 3 3/8" x 2 1/8 ".

(ii) On the identification card, the employer shall place a current color photograph of the employee's head and neck. The photograph shall be approximately 1" x 1 1/4" in size. The photograph shall, at all times, be a true likeness of the employee's actual appearance.

(iii) Employee identification cards shall be constructed of a solid, durable material such as plastic, for example, or be laminated with a clear, durable laminate.

(iv) The following information must appear on one side of the identification card:

(a) The following informational statement:

"Employee of

(Licensee's Business Name)

(Licensee's Area Code and Telephone Number)

(Licensee's Unique License Identification Number)";

(b) the employee's name;

(c) the following statement:

"This business is licensed by the New York State Department of State to install, service and maintain security or fire alarm systems. For information, call (518) 474-4429."; and

(d) the employee's photograph.

(v) Identification cards must have the required information and photograph. However, employers may arrange the information and photograph to suit their own needs or preferences.

(vi) Employers may include additional information on their employee identification cards.

(2) Termination of Employment. Upon termination of employment, each employee of a business licensed to install, maintain or service security or fire alarm systems shall surrender his/her identification card within five business days to the employer. The identification card of the terminated employee shall be placed in the individual's personnel file.

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**§195.15 Employee statements**

(a) Each business licensed to install, maintain or service security or fire alarm systems shall obtain a complete employee statement from each employee at the time of hiring.

(b) The employee statement shall be a form prescribed by the Department of State, and shall set forth, whether or not the employee has ever been convicted of an offense (other than a minor motor vehicle offense); and at least the following information:

(1) employee's full name and residence address;

(2) the business or occupation engaged in for the three years immediately preceding the date of the filing of this statement, setting forth the place or places where such business or occupation was engaged in and the name or names of employers, if any;

(3) that he/she has not been convicted of a felony involving fraud, bribery, perjury or theft or any other misdemeanors or offenses indicated in §69-o(2) of this article;

(4) such further information as the Department of State may by rule require to show the good character, competency and integrity of the person executing the statement.

(c) Immediately upon the verification of an employee's statement, the holder of a license by whom such person has been or is to be employed shall cause two sets of fingerprints of the two hands of such person to be recorded in such manner as the Department of State may by rule prescribe. The holder to a license shall immediately stamp in indelible ink the employee's statement and each set of fingerprints with the name, year and license number of such holder and a number, which number shall be determined by the number of such statements furnished to such holder and shall be in numerical sequence.

(d) The holder of a license shall affix one set of such fingerprints to the employee's statement in such manner that the prints can be examined without disclosing the contents of the employee's statement and shall retain such statement and prints so long as he shall be licensed under this article by the Department of State.

(e) The holder of a license shall file the other set of fingerprints with the Department of State by forwarding the same by registered mail to the office of the Division of Licensing Services, 84 Holland Avenue, Albany, NY 12208, in accordance with the schedule stipulated in §195.8 of this Part.

**§195.16 Advertising**

All advertising placed by an individual or a business licensed under this article must contain the following statement: "licensed by the N.Y.S. Department of State."

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**§195.17 Statement of licensure**

All documents or receipts issued by an individual or business licensed pursuant to this article must contain the identification number issued to such individual or business and the phrase "licensed by the N.Y.S. Department of State".