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Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Tennessee Alarm Systems Contractors Board
Division:	Division of Regulatory Boards Department of Commerce and Insurance
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/RuleTitle per row)

Chapter Number	Chapter Title
0090-01	General Provisions
Rule Number	Rule Title
0090-01-.02	Definitions
0090-01-.03	Restrictions and Exclusions
0090-01-.06	Qualifying Agent Requirements
0090-01-.09	Fees
0090-01-.10	Renewal of Certification and License
0090-01-.11	Identification Cards
0090-01-.14	Board's Request for Information

Chapter Number	Chapter Title
0090-03	Evaluation of Requisite Education
Rule Number	Rule Title
0090-03-.03	Repeated Courses
0090-03-.04	Standards for Acceptance of Coursework

Chapter Number	Chapter Title
0090-04	Evaluation of Experience Requirements
Rule Number	Rule Title
0090-04-.01	Experience Requirements

Chapter Number	Chapter Title
0090-05	Continuing Education
Rule Number	Rule Title
0090-05-.02	Standards for Acceptance of Continuing Education Courses
0090-05-.03	Repeated Courses

Chapter 0090-01
General Provisions

Amendments

Paragraph (9) of rule 0090-01-.02 Definitions is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, paragraph (9) shall read:

- (9) 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.

Authority: T.C.A. §§62-32-304(b), and 62-32-307(a).

Rule 0090-01-.02 Definitions is amended by adding new paragraphs (17), (18), and (19) as follows:

- (17) Service - The inspection, maintenance or repair of an alarm system.
- (18) Burglar alarm System – an alarm or monitoring system, including but not limited to access control, which has the primary function of detecting and/or responding to emergencies other than fire.
- (19) Access Control - Electronic, electrical, or computer-based devices, designed to detect or signal an alarm, which 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;
 - (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.

Authority: T.C.A. §§62-32-304(b), and 62-32-307(a).

Paragraph (3) of Rule 0090-01-.03 Restrictions and Exclusions is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, paragraph (3) shall read:

- (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 Board:
 - (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) such exclusion is only available to contractors who hold Contractors Licenses as follows: Mechanical (MC), HVAC (HVAC), and/or Electrical Contractor (E and E-B only).

Authority: T.C.A. §§62-32-303(1)(A) and (2), 62-32-305(7) and 62-32-307(a).

Rule 0090-01-.03 Restrictions and Exclusions is amended by adding new paragraphs (7) and (8) as follows:

- (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.

Authority: T.C.A. §§62-32-303(1)(A) and (2), 62-32-305(7) and 62-32-307(a).

Paragraph (9) of Rule 0090-01-.06 Qualifying Agent Requirements is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, paragraph (9) shall read:

- (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 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 Board and for providing the Board with all materials and information required by Tenn. Code Ann. §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 Board 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 0090-1-.05 Employee Registration Requirements.
 - (i) A designated qualifying agent shall notify the Board within thirty (30) days after a registrant's, applicant's or qualifying agent's conviction, that is known or should be known to the designated qualifying agent. The designated qualifying agent shall provide this notification for persons who are registered or required to be registered under the alarm systems contractor that employs the designated qualifying agent. The designated qualifying agent shall provide notification if the registrant, applicant or qualifying agent was convicted in any city, county, state, federal or military court of any crimes listed in Tenn. Code Ann. §62-32-303(8). 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 Board 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 Tenn. Code Ann. Title 62, Chapter 32, Part 3 or any of the Board's rules.

- (k) A designated qualifying agent shall be responsible for ensuring that notice of transfers and notice of terminations are filed with the Board within thirty (30) days of the transfers or terminations of any registered employees or qualifying agents who are employed by the alarm systems contractor.

Authority: T.C.A. §§ 62-32-303, 62-32-304(b), 62-32-307(a), 62-32-307(c), 62-32-307(d), 62-32-307(g), 62-32-307(i), 62-32-307(l), 62-32-313, 62-32-316(b), and 62-32-320.

Paragraph (1) of Rule 0090-01-.09 Fees is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, paragraph (1) shall read:

- (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

Authority: T.C.A. §§62-32-307(b), 62-32-313(a), 62-32-313(i), 62-32-314(a), and 62-32-318.

Paragraph (5) of Rule 0090-01-.09 Fees is amended by deleting the text of the paragraphs in its entirety and substituting instead the following language so that, as amended, paragraph (5) shall read:

- (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)

Authority: T.C.A. §§62-32-307(b), 62-32-313(a), 62-32-313(i), 62-32-314(a), and 62-32-318.

Paragraph (2) of Rule 0090-01-.10 Renewal of Certification and License is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, paragraph (2) shall read:

- (2) Each certificate and license 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.

Authority: T.C.A. §§62-32-307(a), 62-32-307(c), 62-32-313, and 62-32-317.

Paragraph (6) of Rule 0090-01-.10 Renewal of Certification and License is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, paragraph (6) shall read:

- (6) No Qualifying Agent license shall be renewed unless the Board has received satisfactory evidence of the completion of continuing education prior to renewal, in compliance with the minimum satisfactory standards set for in rule 0090-5-.01.

Authority: T.C.A. §§62-32-307(a), 62-32-307(c), 62-32-313, and 62-32-317.

Paragraph (4) of Rule 0090-01-.11 Identification Cards is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, paragraph (4) shall read:

- (4) If the identification card is lost, a statement requesting a duplicate card must be completed and submitted to the Board, along with two (2) recent passport size color photos and the fee as set out in rule 0090-1-.09.

Authority: T.C.A. §62-32-307(a).

Chapter 0090-1
General Provisions

New Rules

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0090-01-.14 Board's Request for Information

0090-01-.14 Board's Request for Information. Any alarm systems contractor, designated qualifying agent, qualifying agent, or registered employee must respond to all requests by the Board 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(e), (f), (g) and (h).

Chapter 0090-3
Evaluation of Requisite Education

Amendments

Rule 0090-03-.03 Repeated Courses is amended by deleting the rule in its entirety.

Authority: T.C.A. §62-32-307(a).

Rule 0090-03-.04 Standards for Acceptance of Coursework is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0090-03-.04 Standards for Acceptance of Coursework.

- (1) The Board shall have the authority to review and either accept or deny credit for courses based upon the criteria established in rule 0090-3-.01.
- (2) Educational courses submitted for approval shall list the following:
 - (a) Title of course.

- (b) Class length (in hours).
 - (c) Alarm classification to which course is applicable (i.e. burglar alarm, fire alarm, Closed Circuit Television, or monitoring).
 - (d) Synopsis of course.
 - (e) Reference materials used with the course.
 - (f) Author and employment affiliation.
 - (g) Related courses (if any).
- (3) Course material and information shall be submitted to the Board. The Board shall accept or reject the materials and information presented based upon their compliance with these rules.
 - (4) All correspondence regarding materials submitted for evaluation by the Board shall be considered public record. However, nothing in this rule shall adversely affect copyrighted material.
 - (5) The Board reserves the right to issue course approvals for periods of less than four (4) years.
 - (6) Course providers shall resubmit their courses for approval at least one hundred twenty (120) days prior to the applicable expiration date. Failure to meet this deadline may result in the non-approval of a course.

Authority: T.C.A. §§62-32-307(a) and (c), 62-32-313(c), 62-32-316(b) and 62-32-322(c).

Chapter 0090-4
Evaluation of Experience Requirements

Amendments

Paragraph (3) of Rule 0090-04-.01 Experience Requirements is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, paragraph (3) of rule shall read:

- (3) In order to meet experience requirements for a Qualifying Agent designation, the applicant must file with the Board a sworn statement stating that he or she has the minimum amount of experience for that designation along with a list of five (5) alarm installations in each classification for which application is made. If verification of the requisite number of years of Tennessee Alarm Contractor Employee Registration cannot be made using Board records, proof of experience will include documentation from previous employers (on employer or agency letterhead) stating the length of service with a detailed job description showing actual working experience in the alarm industry for the amount of time specified in Tenn. Code Ann. §62-32-313(1), (2) or (3), or documentation of a license, certification, or registration as an alarm systems contractor or an employee of an alarm systems contractor previously obtained in another state. A resume is not considered proof of experience.

Authority: T.C.A. §§62-32-307(a) and 62-32-313.

Chapter 0090-5
Continuing Education

Amendments

Rule 0090-05-.02 Standards for Acceptance of Continuing Education Courses is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0090-05-.02 Standards for Acceptance of Continuing Education Courses

- (1) The Board shall have the authority to review and either accept or deny approval for courses based upon the criteria established in rule 0090-3-.01, paragraph (4).
- (2) Educational courses submitted for approval shall list the following:
 - (a) Title of course.
 - (b) Class length (in hours).
 - (c) Alarm classification to which course is applicable (ie. burglar alarm, fire alarm, Closed Circuit Television or monitoring).
 - (d) Synopsis and objective(s) or course.
 - (e) Reference materials used with the course.
 - (f) Author of course and employment affiliation.
 - (g) Selection of criteria for students.
 - (h) Related courses.
- (3) Course materials and information shall be submitted to the Board for review. The Board shall accept or reject the course for continuing education credit. The Board may audit the course if deemed necessary for evaluation purposes.
- (4) All correspondence regarding materials submitted for evaluation by the board and/or its Sub-Committees shall be public record. However, nothing in this rule shall adversely affect copyrighted material.
- (5) These approved courses must certify the attendance and successful completion of the course for each of its students to the Board on an appropriate form.
- (6) A course approval shall continue in effect for four (4) years from the date on which the course is approved.
- (7) The Board reserves the right to issue course approvals for periods of less than four (4) years.
- (8) Course providers shall resubmit their courses for approval at least one hundred twenty (120) days prior to the applicable expiration date. Failure to meet this deadline may result in the non-approval of a course.

Authority: T.C.A. §§62-32-307(a) and (c), 62-32-313(k), and 62-32-316.

Chapter 0090-5
Continuing Education

New Rules

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0090-05-.03 Repeated Course

0090-05-.03 Repeated Course. Repeated courses will not be given credit for continuing education unless a period of two (2) years has passed between those courses.

Authority: T.C.A. §62-32-307(a) and 62-32-307(c).

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Steven Allensworth	X				
Steve Tucker	X				
Keith Harvey	X				
Vivian Hixson	X				
Karen Jones	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Alarm Systems Contractors Board on 06/24/2008, and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 04/30/2008

Notice published in the Tennessee Administrative Register on: 05/15/2008

Rulemaking Hearing(s) Conducted on: (add more dates). 06/24/2008

Date: 2-17-2009

Signature: [Handwritten Signature]

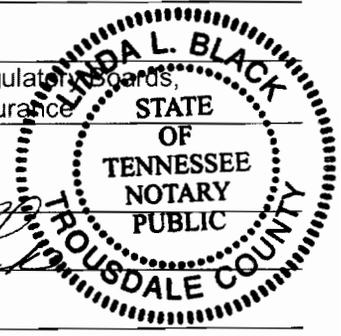
Name of Officer: Andrew H. Simpson

Title of Officer: Assistant General Counsel for Regulatory Boards,
Department of Commerce and Insurance

Subscribed and sworn to before me on: 2/17/09

Notary Public Signature: [Handwritten Signature]

My commission expires on: 5/6/2012



All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

[Handwritten Signature]

Robert E. Cooper, Jr.
Attorney General and Reporter

5-7-09

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

5/26/09
5/26/09
Tre Hargett

Tre Hargett
Secretary of State

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PUBLICATIONS

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

The Commission received three (3) written comments and one (1) comment was received during the public hearing.

There were three (3) written comments submitted via email and facsimile prior to the rulemaking hearing. Larry Wilson, owner of AAS Advanced Alarm Systems, submitted a written comment to express his concern about being notified thirty (30) days in advance of rulemaking hearings. Mr. Wilson also suggested that rates should not be increased in a time of such bad economic downturn; there was no response from the Board in regards Mr. Wilson's comment. The increase in application and renewal fees for alarm systems contractors, qualified agents (including designated qualified agents), and/or registered employees is necessary to increase revenue and adequately fund the Board.

John Isaac, of Blueprint Wiring Systems, Inc., submitted a written comment via email requesting further clarification on rule 0090-1-.03 paragraph 3(c). Mr. Isaac requested from the Board an explanation as to whether current exclusions are being "grandfathered" for companies who do not meet the proposed criteria; there was no response from the Board in regards to Mr. Isaac's comment. The exclusion set forth in 0090-10.03 paragraph 3(c) affects only those contractors who possess either of the licenses stated therein.

Floyd Kendall, of Anixter Inc., submitted a written comment via email and was present at the public rulemaking hearing requesting the Board to move "Access Control" from burglar classification to fire classification. Mr. Kendall stated this is necessary due to Access Control installations being inspected by fire departments, and that many of the installations fail because installers do not follow fire and life safety codes. The Board responded by agreeing with Mr. Kendall's comments and stated that any amendment to "Access Control" designation would require legislative and statutory modification.

Regulatory Flexibility Addendum

Pursuant to Public Chapter 464 of the 105th General Assembly, prior to initiating the rule making process as described in § 4-5-202(a)(3) and § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Economic Impact Statement:

1. Types and estimated number of small businesses directly affected:

All businesses, small or large, applying for company certification; and those businesses that currently possess an alarm systems contractors license.

2. Projected reporting, recordkeeping, and other administrative costs:

There is no additional projected reporting, recordkeeping, or other administrative costs associated with these proposed rules.

3. Probable effect on impacted small businesses and consumers:

All small businesses that apply for company certification and those businesses which are currently licensed as alarm system contractors will be affected by the increased responsibilities and increased fees contained in the amendments to the rules.

4. Less burdensome, intrusive, or costly alternative methods:

There is no known less burdensome, intrusive or costly alternative methods.

5. Comparison with federal and state counterparts:

These rules appear to comport with other similar state and federal laws.

6. Effect of possible exemption of small businesses:

There will be no exemptions created by these rules.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

These rulemaking hearing rules adopt new rules requiring any alarm systems contractor, qualified agent (including designated qualified agent), or registered employee to respond to any Board request for additional information or response to complaints within thirty (30) days of such request; and implementing a requirement that repeated courses will not be given credit for continuing education unless a period of two (2) years has passed between those courses. The Board amended its rules regarding definitions of terms, restrictions and exclusions, qualified agent requirements, fees, renewal of certification and license, identification cards, standards for acceptance of coursework, experience requirements, and standards for acceptance of continuing education courses.

1. The rules of the Alarm Systems Contractors Board are amended to reflect the following:

Rule 0090-1-.02 Definitions. The rule was amended to include an employee of a licensed contract security company in its definition for "Alarm Runner." The old rule designated a licensed alarm systems contractor as the only person whose responsibility is direct response to an alarm condition at the premises where the alarm signal originated.

Rule 0090-1-.02 Definitions. This rule was amended by adding three (3) new definitions: Service, Burglar Alarm System, and Access Control. The amendment defines "Service" as the inspection, maintenance or repair of an alarm system. The amendment defines "Burglar Alarm System" as an alarm or monitoring system, including but not limited to access control, having the primary function of detecting and/or responding to emergencies other than fire. The amendment defines "Access Control" as electronic, electrical, or computer-based devices, designed to detect or signal an alarm, which controls the access of a person, vehicle, or object through a door, gate, or entrance into a controlled area of residence or business, which would be considered a burglar alarm system for licensing and certification purposes. This definition excludes mechanical devices and operators for opening or closing commercial gates or doors.

Rule 0090-1-.03 Restrictions and Exclusions. The rule was amended to clarify which types of contractors qualify for an exclusion under T.C.A. § 62-32-305(7). The amendment limits the exclusion to contractors who hold Mechanical, HVAC and/or Electrical Contractors licenses. The old rule allowed contractors who hold any type of contractors license to qualify for the exclusion.

Rule 0090-1-03 Restrictions and Exclusions. This rule was amended by adding two (2) new exclusions for licensing under T.C.A., Title 62, Chapter 32, or the rules. The amendment excludes employees of contract security companies with active security guard registration, not engaging in the act of an alarm runner. The amendment also excludes telemarketers who do not have access to confidential information regarding existing or proposed alarm systems.

Rule 0090-1-.06 Qualifying Agent Requirements. This rule was amended to eliminate the requirements of a designated qualified agent to submit an affidavit stating he or she is an employee of an alarm systems contractor, and to reside within a sixty (60) mile radius from his or her alarm systems contractor employer. The amendment adds a requirement for a designated qualified agent to be responsible for ensuring that Notice of Transfers and Notice of Terminations are filed with the Board within thirty (30) days of the transfers or terminations of any registered employees or qualifying agents who are employed by the alarm systems contractor.

Rule 0090-1-.09 Fees. The rule was amended to increase application and renewal fees for alarm systems contractors, qualifying agents (including designated qualifying agents), and/or registered employees. The amendment increased company certification application fees from \$200.00 to \$500.00 dollars; qualified agent license application fees from \$100.00 to \$200.00 dollars; and employee registration application fees from \$80.00 to \$100.00 dollars. The amendment increased single classification company certification renewal fee from \$80.00 per year to \$250.00 every two (2) years; multiple classification company certification renewal fees from \$100.00 per year to \$400.00 dollars every two (2) years; single classification qualifying agent license from \$40.00 per year to \$100.00 dollars every two (2) years; multiple classification qualifying agent license from \$100.00 per year to \$200.00 dollars every two (2) years; and employee registration from \$25.00 per year to \$75.00 dollars every two (2) years.

Rule 0090-1-.10 Renewal and Certification and License. The rule was amended to increase the date of

certificate and license expiration following its issuance or renewal. The amendment increases the date of a license or certificate expiration from the twelfth (12th) month to the twenty-fourth (24th) month following its issuance or renewal.

Rule 0090-1-.10 Renewal and Certification and License. The rule was amended to clarify that no qualifying agent license shall be renewed unless the Board has received satisfactory evidence of completion of continuing education prior to renewal.

Rule 0090-1-.11 Identification Cards. The rule was amended by adding to the requirement that every licensed or registered individual who loses an identification card, must also submit, in addition to a statement requesting a duplicate card, two (2) recent passport size color photos and a fee set out in rule 0090-1-.09.

Rule 0090-1-.14: Board's Request for Information. This new rule states that any alarm systems contractor, qualifying agent, designated qualifying agent, or registered employee must respond to all requests by the Board for additional information or to any complaint initiated against any of the aforementioned persons within thirty (30) days of the date of request.

Rule 0090-3-.03 Repeated Courses. The rule was amended by deleting the rule in its entirety.

Rule 0090-3-.04 Standards for Acceptance of Coursework. The rule was amended to effectively eliminate the requirement of course approvals by the Board issued prior to July 1, 1994 which continued in effect until July 1, 1998, and course approvals by the Board after July 1, 1994 which continued in effect for four (4) years from July 1 in the year in which the course was approved.

Rule 0090-4-.01 Experience Requirements. The rule was amended to clarify experience requirements for a qualifying agent designation. The amendment states that in the instance where verification cannot

be made by using Board records, proof of experience would include documentation from previous employers on employer or agency letterhead or documentation of a license, certification, or registration as an alarm systems contractor or an employee of an alarm systems contractor previously obtained from another state.

Rule 0090-5-.02 Standards for Acceptance of Continuing Education Courses. The rule was amended to clarify that course approval shall continue in effect for four (4) years from the date on which the course is approved. The amendment eliminates the requirement that course approval issued prior to July 1, 1994 remains in effect until July 1, 1998. The amendment eliminates the requirement that course approval issued after July 1, 1994 shall continue in effect until four (4) years from July 1 in the year the course was approved.

Rule 0090-5-.03 Repeated Course. The new rule was adopted stating that no credit for continuing education will be given for repeated courses unless two (2) years has passed between those courses.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

The proposed amendments and new rules of the Board are made pursuant to Tenn. Code Ann. §§62-32-307(a) and (b).

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The amendments to the Alarm Systems Contractor rules will affect alarm systems contractors, qualifying agents (including designated qualifying agents), and registered employees of alarm contractors. A Notice of Rulemaking Hearing was filed on April 20, 2008, and published in the May 2008 Tennessee Administrative Record. A public hearing was held on June 24, 2008.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

I am unaware of any opinion of the attorney general or any judicial ruling which directly relates to these rules.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

These rules are expected to have no fiscal impact on the Department.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Cody Vest, Executive Director of the Tennessee Alarm Systems Contractors Board, and Andrew H. Simpson as having substantial knowledge and understanding of these rules.

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Andrew H. Simpson, Assistant General Counsel for Regulatory Boards, Department of Commerce and Insurance.

- (H) Office address and telephone number of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Department of Commerce and Insurance, Office of Legal Counsel, 500 James Robertson Parkway, 5th Floor, Davy Crockett Tower, Nashville, Tennessee 37243, (615) 253-7979.

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.