

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 06-05-16

Rule ID(s): 6196

File Date: 6/7/16

Effective Date: 9/5/16

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, board or entity in accordance with § 4-29-121(b).

Agency/Board/Board:	Alarm Systems Contractors Board
Division:	Division of Regulatory Boards Department of Commerce and Insurance
Contact Person:	Ashley N. Thomas
Address:	Davy Crockett Tower 500 James Robertson Pkwy Nashville, Tennessee
Zip:	37243
Phone:	615-741-3072
Email:	Ashley.thomas@tn.gov

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 to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0090-01	General Provisions
Rule Number	Rule Title
0090-01-.05	Employee Registration Requirements
0090-01-.06	Qualifying Agent Requirements
0090-01-.12	Fingerprinting
0090-01-.13	Adding Classifications

(Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to http://sos.tn.gov/sites/default/files/forms/Rulemaking_Guidelines_August2014.pdf)

Chapter 0090-01

General Provisions

Amendments

Rule 0090-01-.05 Employee Registration Requirements is amended by deleting paragraph (2) and substituting instead the following language:

- (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 board. 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 board 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 board, for good cause.

Authority: T.C.A. §§ 62-32-307, 62-32-312, 62-32-318, and 62-32-320.

Rule 0090-01-.05(10) is amended by deleting the phrase "fingerprint cards" and substituting instead the language "classifiable fingerprints" so that, as amended, the paragraph shall read:

- (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.

Authority: T.C.A. §§ 62-32-307, 62-32-312, 62-32-318, and 62-32-320.

Rule 0090-01-.06 is amended by deleting paragraph (2) and substituting instead the following language:

- (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 board. 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 board 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 board, for good cause.

Rule 0090-01-.06(10) is amended by deleting the phrase "fingerprint cards" and substituting instead the language "classifiable fingerprints" so that, as amended, the paragraph shall read:

- (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.

Authority: T.C.A. §§ 62-32-303, 62-32-304, 62-32-307, 62-32-313, 62-32-316, and 62-32-320.

Rule 0090-01-.12 is amended by deleting the rule in its entirety and substituting instead the following language:

- (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 Tenn. Code Ann. §§ 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 board 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 board 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 board 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 board, for good cause;
- (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 board 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 board 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 board, or the TBI or FBI, the board 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, 62-32-313(b), and 62-32-318.

Rule 0090-01-.13(1) is deleting the phrase "fingerprint cards" and substituting instead the language "classifiable fingerprints" so that, as amended, the paragraph shall read:

(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 Board on such forms as are prescribed by the Board. The application shall be accompanied by an application fee as set by the Board. 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.

Authority: T.C.A. §§ 62-32-313, 62-32-314, and 62-32-316(b).

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Vivian L. Hixson	X				
McKenzie C. Roberts	X				
Karen D. Jones				X	
William Scott Crockett	X				
John Keith Harvey				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Alarm Systems Contractors Board on 03/19/2015, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 4/26/16

Signature: Ashley Thomas

Name of Officer: Ashley N. Thomas

Title of Officer: Assistant General Counsel



Subscribed and sworn to before me on: 4/26/16

Notary Public Signature: Vanessa Huntsman

My commission expires on: 11/21/17

All proposed 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.

Herbert H. Slatery III

Herbert H. Slatery III
Attorney General and Reporter

5/26/2016
Date

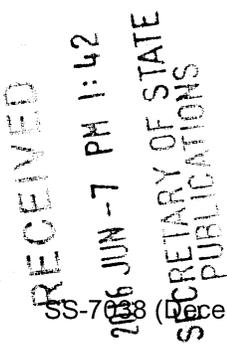
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Filed with the Department of State on: 6/7/16

Effective on: 9/15/16

Tre Hargett

Tre Hargett
Secretary of State



Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

1. The extent to which the rule may overlap, duplicate, or conflict with other federal, state, and local governmental rules:

There will be no overlap, duplication, or conflict with other federal, state or local governmental rules because the Board is the sole authority for establishing minimum requirements for fingerprinting of its licensees for a TN license.

2. Clarity, conciseness, and lack of ambiguity in the rule:

The rules are clear in purpose and intended application and not subject to varying interpretations.

3. The establishment of flexible compliance and reporting requirements for small businesses:

The amended rules create a less discretionary requirement for the submission of fingerprint applications by requiring electronic fingerprints, however it does provide for the board to allow fingerprint cards on a limited basis if authorized by the board.

4. The establishment of friendly schedules or deadlines for compliance and reporting requirements for small businesses:

There is no variation in reporting requirements for establishments in Tennessee of any size.

5. The consolidation or simplification of compliance or reporting requirements for small businesses:

These amendments address the requirement for obtaining electronic fingerprints and this rule simplifies the requirement in that the applicant can more easily obtain such by obtaining through a third party who will submit on their behalf.

6. The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule:

This amended rule by the board does not address performance standards.

7. The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs:

The amended rules intends to decrease barriers to obtain a license under this board. This amended rule provides a cheaper means in obtaining an electronic fingerprint. The current rule allows the state to process such for a cost of \$60. The amendment requiring the applicant to obtain through a third party costs \$38, which is a decrease of \$22 per applicant in obtaining such licensure.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

There is no expected impact on local government by the promulgation of this amendment.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 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 rules amend the requirements for the submissions of fingerprints are required as a part of the application process for employee registration and qualifying applicants. Currently, the board rules allow applicants to submit physical fingerprint cards for processing. This amendment would only allow electronic fingerprints to be submitted and those must no longer be submitted to the Board but either directly to the TBI or to an approved vendor to provide to the TBI. This change was made necessary due to the TBI recently stating that it will no longer accept physical fingerprint cards from the board.

- (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;

There is no known federal law, regulation or state law mandating promulgation of this rule.

- (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;

All future employee registrants and qualifying agent applicants will be affected by these rules. Their position is unknown. The board members urge adoption of these rules.

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

There are no known opinions of the attorney general and reporter or any judicial ruling that directly relates to this rule.

- (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;

There is no probable state increase or decrease in local government revenues and expenditures resulting from the promulgation of these rules.

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

Ashley N. Thomas
Assistant General Counsel
Division of Regulatory Boards
Department of Commerce and Insurance

Cody Vest
Executive Director – Alarm Systems Contractor Board
Division of Regulatory Boards
Department of Commerce and Insurance

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

Ashley N. Thomas
Assistant General Counsel

Division of Regulatory Boards
Department of Commerce and Insurance

Cody Vest
Director – Alarm Systems Contractor Board
Division of Regulatory Boards
Department of Commerce and Insurance

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

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615-253-3703
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- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

These rules are being promulgated due to a memorandum dated February 3, 2015 from Brad Truitt, Tennessee Compact Office on behalf of the Tennessee Bureau of Investigations. The memo states that effective March 1, 2015, all agencies submitting fingerprints for civil purposes (which applies to this board in all cases) will no longer submit physical fingerprint cards for processing. The memo states that third party vendors may be used to convert physical cards into electronic format. There are also vendors who can take electronic prints directly from the hand. The current rules of the board require physical fingerprint cards for application. Given that the TBI will no longer accept such, it is necessary to amend the application requirements regarding fingerprinting to reflect acceptable processing by the TBI.

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Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Board:	Alarm Systems Contractors Board
Division:	Division of Regulatory Boards Department of Commerce and Insurance
Contact Person:	Ashley N. Thomas
Address:	Davy Crockett Tower 500 James Robertson Pkwy Nashville, Tennessee
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Revision Type (check all that apply):

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

Chapter Number	Chapter Title
0090-01	General Provisions
Rule Number	Rule Title
0090-01-.05	Employee Registration Requirements
0090-01-.06	Qualifying Agent Requirements
0090-01-.12	Fingerprinting
0090-01-.13	Adding Classifications

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to http://sos.tn.gov/sites/default/files/forms/Rulemaking_Guidelines_August2014.pdf)

Chapter 0090-01
General Provisions
Amendments

Rule 0090-01-.05 Employee Registration Requirements is amended by deleting paragraph (2) and substituting instead the following language:

~~(2) An employee registration applicant shall either obtain electronically scanned fingerprints placed on standard FBI/TBI applicant cards through a company that has contracted with the State of Tennessee to provide a fingerprinting service or the applicant shall provide the Board with three (3) sets of classifiable fingerprints on standard FBI/TBI applicant cards for processing by the TBI/FBI.~~

(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 board. 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 board 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 board, for good cause.

Authority: T.C.A. §§ 62-32-307, ~~62-32-307(a), 62-32-307(b), 62-32-307(g), 62-32-307(l), 62-32-312, 62-32-312(d), 62-32-318, and 62-32-320.~~

Rule 0090-01-.05(10) is amended by deleting the phrase "fingerprint cards" and substituting instead the language "classifiable fingerprints" so that, as amended, the paragraph shall read:

(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, ~~fingerprint cards~~ classifiable fingerprints, and photos.

Authority: T.C.A. §§ 62-32-307, ~~62-32-307(a), 62-32-307(b), 62-32-307(g), 62-32-307(l), 62-32-312, 62-32-312(d), 62-32-318, and 62-32-320.~~

Rule 0090-01-.06 is amended by deleting paragraph (2) and substituting instead the following language:

~~(2) A qualifying agent applicant shall either obtain electronically scanned fingerprints through a company that has contracted with the State of Tennessee to provide a fingerprinting service or the applicant shall provide the Board with three (3) sets of classifiable fingerprint cards for processing by the TBI/FBI.~~

(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 board. 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 board 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 board, for good cause.

Rule 0090-01-.06(10) is amended by deleting the phrase "fingerprint cards" and substituting instead the language "classifiable fingerprints" so that, as amended, the paragraph shall read:

- (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, fingerprint cards classifiable fingerprints, and photos.

Authority: T.C.A. §§ 62-32-303, 62-32-304, ~~62-32-304(b)~~, 62-32-307, ~~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, ~~62-32-316(b)~~, and 62-32-320.

Rule 0090-01-.12 is amended by deleting the rule in its entirety and substituting instead the following language:

- (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 Tenn. Code Ann. §§ 62-32-312(e) and 62-32-313(b).
- ~~(2) In order to expedite the application process, an applicant may obtain electronically scanned fingerprints on standard FBI/TBI cards through any company that has contracted with the State of Tennessee to provide an electronic fingerprinting service. The applicant shall be GENERAL PROVISIONS CHAPTER 0090-01 (Rule 0900-01-.12, continued) June, 2012 (Revised) 14 deemed to have provided the Board with sets of classifiable prints if he or she causes a private company contracted by the State to electronically transmit the applicant's classifiable prints directly to the FBI and TBI and to forward a classifiable hard copy of the applicant's fingerprints to the Board on standard FBI/TBI applicant cards. The Board shall notify each applicant in writing of the name, address, and telephone number of any company contracted by the State to provide such service. All qualifying agent and registered employee applicants shall comply with the following requirements regarding payment for the fingerprinting service:~~
- ~~(a) If the applicant chooses to use the services of a company that has contracted with the State to provide an electronic fingerprinting service, then the applicant shall make the arrangements for the processing of his or her fingerprints with the company directly and shall be responsible for payment of any fees associated with the processing of fingerprints to the respective agency.~~
- ~~(b) If the applicant chooses to request that the Board process the fingerprint cards, then the applicant shall submit three (3) sets of classifiable fingerprint cards, on cards provided by the Board, with his or her application for processing through the FBI and TBI. The applicant shall pay to the Board all processing fees established by the TBI and FBI.~~
- ~~(c) In the event that the contracting company no longer contracts with the State to provide an electronic fingerprinting service, then the applicant shall submit three (3) classifiable fingerprint FBI/TBI cards with his or her application and shall pay to the Board all processing fees established by the TBI and FBI.~~

- (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 board 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 board 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 board 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 board, for good cause;
- (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 board 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 board regardless of the manner of fingerprinting.
- (3) In the event that a qualifying agent or employee registration an applicant furnishes unclassifiable fingerprints or fingerprints that are unclassifiable in nature to the board, or the TBI or FBI, the board 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 an applicant's fingerprint cards are rejected by the TBI or the FBI two (2) times, the applicant shall submit new fingerprint cards along with payment of any fees charged by the TBI or FBI for processing of such fingerprints prior to the third submission. that the fingerprints submitted by an applicant are rejected or otherwise unable to be processed by the TBI and/or 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, 62-32-307(a), 62-32-307(d), 62-32-307(g), 62-32-312, 62-32-312(d)(1), 62-32-312(e), 62-32-313, 62-32-313(b), and 62-32-318.

Rule 0090-01-.13(1) is deleting the phrase "fingerprint cards" and substituting instead the language "classifiable fingerprints" so that, as amended, the paragraph shall read:

(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 Board on such forms as are prescribed by the Board. The application shall be accompanied by an application fee as set by the Board. An applicant shall receive a license if the requirements of ~~Tenn. Code Ann.~~ 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 ~~fingerprint cards~~ classifiable fingerprints shall not be required to add a classification to an "active" qualifying agent license. If the licensee is qualified based on ~~Tenn. Code Ann.~~ 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.

Authority: T.C.A. §§ 62-32-313(c), 62-32-313(d), 62-32-313(e), 62-32-314(a)(4), 62-32-314(c), 62-32-314(d), and 62-32-316(b).

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Vivian L. Hixson	X				
McKenzie C.Roberts	X				
Karen D. Jones				X	
William Scott Crockoft	X				
John Keith Harvey				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Alarm Systems Contractors Board on 03/19/2015, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: _____

Signature: _____

Name of Officer: Ashley N. Thomas

Title of Officer: Assistant General Counsel

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

All proposed 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.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State