

---

SENATE BILL 6296

---

State of Washington

59th Legislature

2006 Regular Session

By Senators Delvin, Benton, Pflug, Mulliken, Deccio, Stevens, Carrell and Honeyford

Read first time 01/10/2006. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to alarm system companies; amending RCW 18.170.010,  
2 18.170.020, 18.170.070, 18.170.080, 18.170.090, 18.170.110, 18.170.120,  
3 18.170.130, 18.170.160, and 18.170.300; adding a new section to chapter  
4 9.96A RCW; adding new sections to chapter 18.170 RCW; prescribing  
5 penalties; and providing an effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 18.170.010 and 2004 c 50 s 1 are each amended to read  
8 as follows:

9 The definitions in this section apply throughout this chapter  
10 unless the context clearly requires otherwise.

11 (1) "Alarm response runner" means a person employed by a private  
12 security company or alarm system company to respond to alarm system  
13 signals.

14 (2) "Alarm system" means an alarm system, burglar alarm signal  
15 device, burglar alarm, robbery alarm, television camera, still camera,  
16 or an assembly of equipment and devices used to detect or signal the  
17 presence of an emergency, any unauthorized intrusion, movement, or exit  
18 at a protected premises, other than in a vehicle, to which law  
19 enforcement, emergency services, private security guards, or alarm

1 system employees are expected to respond. The system's functions  
2 include, solely or in combination: Burglary detection, fire detection,  
3 access control, or closed circuit television.

4 (3) "Alarm system company" includes any individual, firm,  
5 corporation, partnership, association, company, society, manager,  
6 contractor, subcontractor, bureau, agency, service, office, or an agent  
7 of any of the foregoing licensed under this chapter and engaged in  
8 providing the services of: (a) Surveying the property for purposes of  
9 installing an alarm system; (b) physically installing, servicing,  
10 maintaining, repairing, or monitoring an alarm system for the customer;  
11 or (c) responding to a distress call or an alarm sounding from an alarm  
12 system.

13 (4) "Alarm system employee" means a person who personally provides  
14 alarm system services, an individual registered to perform installation  
15 and repair of alarm systems, an individual who acts as an alarm system  
16 installer for purposes of this chapter if the individual installs,  
17 maintains, or repairs an alarm system, an alarm response runner, or an  
18 individual who acts as an alarm system monitor for purposes of this  
19 chapter if the individual monitors an alarm system or detection device.

20 (5) "Armed private security guard" means a private security guard  
21 who has a current firearms certificate issued by the commission and is  
22 licensed as an armed private security guard under this chapter.

23 ~~((+2))~~ (6) "Armored vehicle guard" means a person who transports  
24 in an armored vehicle under armed guard, from one place to another  
25 place, valuables, jewelry, currency, documents, or any other item that  
26 requires secure delivery.

27 ~~((+3) "Burglar alarm response runner" means a person employed by a~~  
28 ~~private security company to respond to burglar alarm system signals.~~

29 ~~(4) "Burglar alarm system" means a device or an assembly of~~  
30 ~~equipment and devices used to detect or signal unauthorized intrusion,~~  
31 ~~movement, or exit at a protected premises, other than in a vehicle, to~~  
32 ~~which police or private security guards are expected to respond.~~

33 ~~(+5))~~ (7) "Chief law enforcement officer" means the elected or  
34 appointed police administrator of a municipal, county, or state police  
35 or sheriff's department that has full law enforcement powers in its  
36 jurisdiction.

37 ~~((+6))~~ (8) "Classroom instruction" means instruction that takes  
38 place in a setting where individuals receiving training are assembled

1 together and learn through lectures, study papers, class discussion,  
2 textbook study, or other means of organized formal education  
3 techniques, such as video, closed circuit, or other forms of electronic  
4 means, and as distinguished from on-the-job education or training.

5 ~~((7))~~ (9) "Commission" means the criminal justice training  
6 commission established in chapter 43.101 RCW.

7 ~~((8))~~ (10) "Department" means the department of licensing.

8 ~~((9))~~ (11) "Director" means the director of the department of  
9 licensing.

10 ~~((10))~~ (12) "Employer" includes any individual, firm,  
11 corporation, partnership, association, company, society, manager,  
12 contractor, subcontractor, bureau, agency, service, office, or an agent  
13 of any of the foregoing that employs or seeks to enter into an  
14 arrangement to employ any person as a private security guard or an  
15 alarm system employee.

16 ~~((11))~~ (13) "Firearms certificate" means the certificate issued  
17 by the commission.

18 ~~((12))~~ (14) "Licensee" means a person granted a license required  
19 by this chapter.

20 ~~((13))~~ (15) "Person" includes any individual, firm, corporation,  
21 partnership, association, company, society, manager, contractor,  
22 subcontractor, bureau, agency, service, office, or an agent or employee  
23 of any of the foregoing.

24 ~~((14))~~ (16) "Postassignment or on-the-job training" means  
25 training that occurs in either an assisted field environment or in a  
26 classroom instruction setting, or both.

27 ~~((15))~~ (17) "Preassignment training" means the classroom training  
28 completed prior to being assigned to work independently.

29 ~~((16))~~ (18) "Principal corporate officer" means the president,  
30 vice-president, treasurer, secretary, comptroller, or any other person  
31 who performs the same functions for the corporation as performed by  
32 these officers.

33 ~~((17))~~ (19) "Private security company" means a person or entity  
34 licensed under this chapter and engaged in the business of providing  
35 the services of private security guards on a contractual basis.

36 ~~((18))~~ (20) "Private security guard" means an individual who is  
37 licensed under this chapter and principally employed as or typically  
38 referred to as one of the following:

- 1 (a) Security officer or guard;
- 2 (b) Patrol or merchant patrol service officer or guard;
- 3 (c) Armed escort or bodyguard;
- 4 (d) Armored vehicle guard;
- 5 (e) ~~((Burglar))~~ Alarm response runner; or
- 6 (f) Crowd control officer or guard.

7 ~~((+19))~~ (21) "Qualifying agent" means an officer or manager of a  
8 corporation who meets the requirements set forth in this chapter for  
9 obtaining a license to own or operate a private security company or an  
10 alarm system company.

11 ~~((+20))~~ (22) "Sworn peace officer" means a person who is an  
12 employee of the federal government, the state, a political subdivision,  
13 agency, or department branch of a municipality, or other unit of local  
14 government, and has law enforcement powers.

15 **Sec. 2.** RCW 18.170.020 and 1991 c 334 s 2 are each amended to read  
16 as follows:

17 (1) The requirements of this chapter do not apply to:

18 ~~((+1))~~ (a) A person who is employed exclusively or regularly by  
19 one employer and performs the functions of a private security guard  
20 solely in connection with the affairs of that employer, if the employer  
21 is not a private security company;

22 ~~((+2))~~ (b) A sworn peace officer while engaged in the performance  
23 of the officer's official duties; ~~((or~~

24 ~~+3))~~ (c) A sworn peace officer while employed by any person to  
25 engage in off-duty employment as a private security guard, but only if  
26 the employment is approved by the chief law enforcement officer of the  
27 jurisdiction where the employment takes place and the sworn peace  
28 officer does not employ, contract with, or broker for profit other  
29 persons to assist him or her in performing the duties related to his or  
30 her private employer;

31 (d) An officer or employee of the United States or of this state or  
32 a political subdivision thereof, while engaged in the performance of  
33 the officer's official duties;

34 (e) The installation, servicing, monitoring, or responding to an  
35 alarm device that is installed in a motor vehicle, aircraft, or boat;

36 (f) A person or company entity who owns, installs, or monitors  
37 alarm systems, on his or her own property whether owned or leased, or,

1 if he or she does not charge for the system or its installation,  
2 installs it for the protection of his or her personal property located  
3 on the property of another, and does not install or monitor the system  
4 as a normal company practice on the property of another; or

5 (g) A person or company entity whose sale of an alarm system is  
6 exclusively over-the-counter or by mail order.

7 (2) Engineers and architects properly licensed by the state are  
8 exempt from the registration and licensing requirements of this chapter  
9 for the purposes of designing or planning alarm systems.

10 (3) Individuals, corporations, partnerships, associations,  
11 organizations, or similar entities licensed by the state electrical  
12 licensing unit of the department of labor and industries may install  
13 conduit or wire for a system if they do not connect any devices or have  
14 access to plans or designs for the complete system.

15 (4) This chapter does not supersede any state law that establishes  
16 standards or qualifications for electricians or for electrical work  
17 involved in the installation of burglar alarm systems.

18 (5) This chapter does not authorize an individual to perform  
19 electrical work that otherwise requires an electrician's license under  
20 any state law.

21 (6) The licensing requirements in this chapter do not apply to an  
22 electrician who is: (a) Currently licensed in that occupation under  
23 state law; (b) acting only within the scope of that occupation; and (c)  
24 not installing alarm systems.

25 (7) An electrician may not personally provide alarm services unless  
26 the electrician is licensed and registered under this chapter.

27 NEW SECTION. Sec. 3. An applicant must meet the following minimum  
28 requirements to obtain an alarm system employee license:

29 (1) Be at least eighteen years of age;

30 (2) Be a citizen of the United States or a legal resident alien;

31 (3) Not have been convicted of a crime in any jurisdiction if the  
32 director determines that the applicant's particular crime directly  
33 relates to a capacity to perform the duties of an alarm technician and  
34 the director determines that the license should be withheld to protect  
35 the citizens of the state, notwithstanding the restoration of  
36 employment rights act, chapter 9.96A RCW;

1 (4) Submit a receipt showing payment for a background check through  
2 the Washington state patrol and the federal bureau of investigation;

3 (5) Be employed by or have an employment offer from a licensed  
4 alarm system company;

5 (6) Pay the fee established by the director; and

6 (7) Submit a completed application that includes proper  
7 identification on a form prescribed by the director for each company of  
8 employment.

9 NEW SECTION. **Sec. 4.** (1) In addition to meeting the minimum  
10 requirements to obtain a license as an alarm system employee, an  
11 applicant, or, in the case of a partnership, each partner, or, in the  
12 case of a corporation, the qualifying agent must meet the following  
13 requirements to obtain a license to own or operate an alarm system  
14 company:

15 (a) Be at least twenty-one years of age;

16 (b) Meet the insurance requirements of this chapter; and

17 (c) Pay any additional fees established by the director.

18 (2) If the qualifying agent upon whom the licensee relies to comply  
19 with subsection (1) of this section ceases to perform his or her duties  
20 on a regular basis, the licensee must promptly notify the director by  
21 certified or registered mail. Within sixty days of sending  
22 notification to the director, the licensee must obtain a substitute  
23 qualifying agent who meets the requirements of this section. The  
24 director may extend the period for obtaining a substitute qualifying  
25 agent.

26 (3) A company license issued under this section may not be assigned  
27 or transferred without prior written approval of the director.

28 (4) Any individual, corporation, partnership, association,  
29 organization, or similar entity doing business as an alarm system  
30 company in multiple locations within this state must have branch office  
31 certificates for each of its offices located in this state. The  
32 director shall grant branch office certificates for each branch, which  
33 must be displayed at the branch office, upon payment of an appropriate  
34 fee.

35 (5) No license to own or operate an alarm system company may be  
36 issued to an applicant if the name of the company portrays the company

1 as a public law enforcement agency, or in association with a public law  
2 enforcement agency, or includes the word "police."

3 **Sec. 5.** RCW 18.170.070 and 1995 c 277 s 5 are each amended to read  
4 as follows:

5 (1) The director shall issue a private security guard license card  
6 to each licensed private security guard (~~and~~), an armed private  
7 security guard license card to each armed private security guard, and  
8 an alarm system employee license to each licensed alarm system  
9 employee.

10 (a) The license card may not be used as security clearance.

11 (b) A private security guard shall carry the license card whenever  
12 he or she is performing the duties of a private security guard and  
13 shall exhibit the card upon request.

14 (c) An armed private security guard shall carry the license card  
15 whenever he or she is performing the duties of an armed private  
16 security guard and shall exhibit the card upon request.

17 (d) An alarm system employee shall carry the license card whenever  
18 he or she is performing the duties of an alarm system employee and  
19 shall exhibit the card upon request.

20 (2) The director shall issue a license certificate to each licensed  
21 private security company. The director shall issue a license  
22 certificate to each licensed alarm system company.

23 (a) Within seventy-two hours after receipt of the license  
24 certificate, the licensee shall post and display the certificate in a  
25 conspicuous place in the principal office of the licensee within the  
26 state.

27 (b) It is unlawful for any person holding a license certificate to  
28 knowingly and willfully post the license certificate upon premises  
29 other than those described in the license certificate or to materially  
30 alter a license certificate.

31 (c) Every advertisement by a licensee that solicits or advertises  
32 business shall contain the name of the licensee, the address of record,  
33 and the license number as they appear in the records of the director.

34 (d) The licensee shall notify the director within thirty days of  
35 any change in the licensee's officers or directors or any material  
36 change in the information furnished or required to be furnished to the  
37 director.

1       **Sec. 6.** RCW 18.170.080 and 1991 c 334 s 8 are each amended to read  
2 as follows:

3       A licensed private security company or a licensed alarm system  
4 company shall file and maintain with the director a certificate of  
5 insurance as evidence that it has comprehensive general liability  
6 coverage of at least twenty-five thousand dollars for bodily or  
7 personal injury and twenty-five thousand dollars for property damage.

8       **Sec. 7.** RCW 18.170.090 and 1995 c 277 s 6 are each amended to read  
9 as follows:

10       (1) A licensed private security company or a licensed alarm system  
11 company may issue an employee a temporary registration card of the type  
12 and form provided by the director, but only after the employee has  
13 completed preassignment training, if required, and submitted a full and  
14 complete application for a private security guard license or an alarm  
15 system employee license to the department. The application must be  
16 mailed to the department within three business days after issuance of  
17 the temporary registration card. The temporary registration card is  
18 valid for a maximum period of sixty days and does not authorize a  
19 person to carry firearms during the performance of his or her duties as  
20 a private security guard. The temporary registration card permits the  
21 applicant to perform the duties of a private security guard or an alarm  
22 system employee for the issuing licensee.

23       (2) Upon expiration of a temporary registration card or upon the  
24 receipt of a permanent registration card or notification from the  
25 department that a permanent license is being withheld from an  
26 applicant, the applicant shall surrender his or her temporary  
27 registration card to the licensee.

28       (3) The director may suspend the authority to use temporary  
29 registration cards for a period of one year for any private security  
30 guard company or alarm system company that fails to comply with the  
31 provisions of this section. After the suspension period, the director  
32 may reinstate the company's use of temporary registration cards after  
33 receipt of a written request from the company.

34       **Sec. 8.** RCW 18.170.110 and 2000 c 171 s 39 are each amended to  
35 read as follows:

36       (1) A private security company or an alarm system company shall



1 notify the director within thirty days after the death or termination  
2 of employment of any employee who is a licensed private security guard  
3 (~~(e)~~), armed private security guard, or alarm system employee by  
4 returning the license to the department with the word "terminated"  
5 written across the face of the license, the date of termination, and  
6 the signature of the principal or the principal's designee of the  
7 private security guard company.

8 (2) A private security company shall notify the department within  
9 seventy-two hours and the chief law enforcement officer of the county,  
10 city, or town in which the private security guard (~~(e)~~), armed private  
11 security guard, or alarm system employee was last employed immediately  
12 upon receipt of information affecting his or her continuing eligibility  
13 to hold a license under the provisions of this chapter.

14 (3) A private security guard company shall notify the local law  
15 enforcement agency whenever an employee who is an armed private  
16 security guard discharges his or her firearm while on duty other than  
17 on a supervised firearm range. The notification shall be made within  
18 ten business days of the date the firearm is discharged.

19 **Sec. 9.** RCW 18.170.120 and 1995 c 277 s 9 are each amended to read  
20 as follows:

21 (1) Any person from another state that the director determines has  
22 selection, training, and other requirements at least equal to those  
23 required by this chapter, and who holds a valid license, registration,  
24 identification, or similar card issued by the other state, may apply  
25 for a private security guard license card (~~(e)~~), armed private  
26 security guard license card, or alarm system employee card on a form  
27 prescribed by the director. Upon receipt of a processing fee to be  
28 determined by the director, the director shall issue the individual a  
29 private security guard license card (~~(e)~~), armed private security  
30 guard license card, or alarm system employee card.

31 (2) A valid private security guard license, registration,  
32 identification, or similar card issued by any other state of the United  
33 States is valid in this state for a period of ninety days, but only if  
34 the licensee is on temporary assignment as a private security guard for  
35 the same employer that employs the licensee in the state in which he or  
36 she is a permanent resident.

1 (3) A person from another state on temporary assignment in  
2 Washington may not solicit business in this state or represent himself  
3 or herself as licensed in this state.

4 **Sec. 10.** RCW 18.170.130 and 1995 c 277 s 10 are each amended to  
5 read as follows:

6 (1) Applications for licenses required under this chapter shall be  
7 filed with the director on a form provided by the director. The  
8 director may require any information and documentation that reasonably  
9 relates to the need to determine whether the applicant meets the  
10 criteria.

11 (2) After receipt of an application for a license, the director  
12 shall conduct an investigation to determine whether the facts set forth  
13 in the application are true and shall request that the Washington state  
14 patrol compare the fingerprints submitted with the application to  
15 fingerprint records available to the Washington state patrol. The  
16 Washington state patrol shall forward the fingerprints of applicants  
17 for an armed private security guard license to the Federal Bureau of  
18 Investigation for a national criminal history records check. The  
19 director may require that fingerprint cards of licensees be  
20 periodically reprocessed to identify criminal convictions subsequent to  
21 registration.

22 ~~(3) ((The director shall solicit comments from the chief law  
23 enforcement officer of the county and city or town in which the  
24 applicant's employer is located on issuance of a permanent private  
25 security guard license.~~

26 ~~(4))~~) A summary of the information acquired under this section, to  
27 the extent that it is public information, shall be forwarded by the  
28 department to the applicant's employer.

29 **Sec. 11.** RCW 18.170.160 and 1995 c 277 s 11 are each amended to  
30 read as follows:

31 (1) After June 30, 1992, any person who performs the functions and  
32 duties of a private security guard in this state without being licensed  
33 in accordance with this chapter, or any person presenting or attempting  
34 to use as his or her own the license of another, or any person who  
35 gives false or forged evidence of any kind to the director in obtaining  
36 a license, or any person who falsely impersonates any other licensee,

1 or any person who attempts to use an expired or revoked license, or any  
2 person who violates any of the provisions of this chapter is guilty of  
3 a gross misdemeanor.

4 (2) After January 1, 1992, a person is guilty of a gross  
5 misdemeanor if he or she owns or operates a private security company in  
6 this state without first obtaining a private security company license.

7 (3) After June 30, 1992, the owner or qualifying agent of a private  
8 security company is guilty of a gross misdemeanor if he or she employs  
9 an unlicensed person to perform the duties of a private security guard  
10 without issuing the employee a valid temporary registration card if the  
11 employee does not have in his or her possession a permanent private  
12 security guard license issued by the department. This subsection does  
13 not preclude a private security company from requiring applicants to  
14 attend preassignment training classes or from paying wages for  
15 attending the required preassignment training classes.

16 (4) After June 30, 1992, a person is guilty of a gross misdemeanor  
17 if he or she performs the functions and duties of an armed private  
18 security guard in this state unless the person holds a valid armed  
19 private security guard license issued by the department.

20 (5) After June 30, 1992, it is a gross misdemeanor for a private  
21 security company to hire, contract with, or otherwise engage the  
22 services of an unlicensed armed private security guard knowing that he  
23 or she does not have a valid armed private security guard license  
24 issued by the director.

25 (6) Any person who performs the functions and duties of an alarm  
26 system employee in this state without being licensed in accordance with  
27 the provisions of this chapter, or any person presenting or attempting  
28 to use as his or her own the license of another, or any person who  
29 gives false or forged evidence of any kind to the director in obtaining  
30 a license, or any person who falsely impersonates any other licensee,  
31 or any person who attempts to use an expired or revoked license, or any  
32 person who violates any of the provisions of this chapter is guilty of  
33 a gross misdemeanor.

34 (7) The owner or qualifying agent of an alarm system company is  
35 guilty of a gross misdemeanor if the owner or qualifying agent employs  
36 any person to perform the duties of an alarm system employee without  
37 the employee having in the employee's possession a permanent alarm  
38 system employee license issued by the department.

1       (8) It is a gross misdemeanor for a person to possess or use any  
2 vehicle or equipment displaying the word "police" or "law enforcement  
3 officer" or having any sign, shield, marking, accessory, or insignia  
4 that indicates that the equipment or vehicle belongs to a public law  
5 enforcement agency.

6       ~~((+7))~~ (9) It is a gross misdemeanor for any person who performs  
7 the functions and duties of a private security guard or an alarm system  
8 employee to use any name that includes the word "police" or "law  
9 enforcement" or that portrays the individual or a business as a public  
10 law enforcement agency.

11       ~~((+8))~~ (10) It is the duty of all officers of the state and  
12 political subdivisions thereof to enforce the provisions of this  
13 chapter. The attorney general shall act as legal adviser of the  
14 director, and render such legal assistance as may be necessary in  
15 carrying out the provisions of this chapter.

16       **Sec. 12.** RCW 18.170.300 and 2004 c 50 s 3 are each amended to read  
17 as follows:

18       (1) The director has the authority to negotiate reciprocity  
19 agreements with other states allowing licensed security officers from  
20 Washington to work in those other states.

21       (2) The director has the right to enter into reciprocity agreements  
22 with other jurisdictions whose requirements for alarm system companies  
23 are equal to the requirements of this chapter.

24       NEW SECTION. **Sec. 13.** A new section is added to chapter 9.96A RCW  
25 to read as follows:

26       This chapter is not applicable to the department of licensing with  
27 respect to issuing an alarm system employee license under section 3 of  
28 this act.

29       NEW SECTION. **Sec. 14.** Sections 3 and 4 of this act are each added  
30 to chapter 18.170 RCW.

31       NEW SECTION. **Sec. 15.** This act takes effect one year after the  
32 date of passage of this act.

--- END ---