

# Commonwealth of Pennsylvania



## Sunrise Evaluation Report

This questionnaire is designed to obtain information, which will assist the Department of State in evaluating the need for regulation of an occupation or profession and in analyzing proposed legislation seeking to establish a new regulation under the Department of State, Bureau of Professional and Occupational Affairs. Please read each question carefully and provide complete responses to all questions. If you think a given question is not applicable, you must explain why. Once a complete evaluation form has been submitted to the Department of State, it will be treated as a public document pursuant to the Pennsylvania Open Records Law.

### Department of State

Pedro A. Cortés  
Secretary of the Commonwealth

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The Department of State may oppose any legislation which proposes the regulation of any unregulated professional or occupational group or which proposes to expand the scope of practice of any regulated professional or occupational group until the Department has received and reviewed a completed original and ten (10) copies of his Sunrise Evaluation Report. Accordingly, **the proponent(s) of such a bill are advised to answer the following questions as thoroughly and completely as possible.** Please feel free to attach supplemental sheets of plain white typing paper if you are unable to provide complete responses in the spaces provided herein.

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- (1) Provide the name, address and telephone number and representative of organizations know to be advocating or opposing the legislation.

Advocating – The Pennsylvania Burglar and Fire Alarm Association, 3718 West Lake Road, Erie PA 16505.

Dale R. Eller  
Executive Director  
Pennsylvania Burglar & Fire Alarm Association  
3718 West Lake Road  
Erie, PA 16505  
P: 800-458-8512 (PA) or 814-838-3093 (Outside PA)  
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E: [INFO@PBFAA.COM](mailto:INFO@PBFAA.COM)

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- (2) Fully describe the extent to which members of the general public are advocating or opposing the legislation.

When our association has discussed the proposed legislation with most interested parties there is surprise that this industry is not regulated. Support would be garnered from individuals and various groups representing law enforcement and fire safety officials, consumers and other public safety professionals. Some local governments and educational institutions will also support the initiative.

At this time there is no opposition to licensure which we are aware of.

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- (3) Provide the number of Pennsylvania practitioners in each organization, which advocates or opposes the legislation.

The membership of PBFAA is supporting this legislation. The PBFAA has a membership of 146 companies, representing an estimated 2730 employees.

PBFAA member companies provide electronic life safety and security system services to nearly a half million Pennsylvania businesses and private residences across the Commonwealth.

(a) Explain whether the aggregate number of licenses in any given occupation or profession would be sufficient to ensure a reasonable cost to each individual licensee.

Three types of Contractor Licenses:

- (1) Security Alarm License: for those Contractors that sell, install, service, inspect, test, or maintain burglar alarm systems, residential fire alarm systems, electronic access control systems, video surveillance systems, personal emergency response systems or that provide monitoring of burglar alarm systems, electronic access control systems, video surveillance systems, or personal emergency response systems.
- (2) Fire Alarm Systems License: for those Contractors that sell, install, service, inspect, test, or maintain commercial fire alarm system(s) or that provides monitoring of fire alarm systems.
- (3) Monitoring License: for those Contractors that provide monitoring only of burglar alarm systems, fire alarm systems, electronic access control systems, video surveillance systems, or personal emergency response systems.

Two types of Agent Licenses:

- (1) Qualified Agent: An individual whose qualifications have been demonstrated to the Board for overseeing and supervising the operations of the Contractor License holder of any classification or combination of classifications for only one (1) Contractor.
- (2) Alarm Agent License: All individuals that sell, install, service, inspect, test, or maintain alarm systems must hold a Alarm Agent License

(b) Is the membership within the occupation or profession to be regulated generally united in support of a need for licensure?

The Pennsylvania Burglar and Fire Alarm Association which is a trade association that promotes the use of reliable electronic life safety and asset protection systems is united in support of licensing in PA. The Association is the voice of the industry and most trained practitioners are members.

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(4) Document any threat to public health, safety or general well being that would result from the unregulated practice of the occupation or profession that is subject to proposed regulation.

The basic nature of the Life Safety Industry puts the public trust in life safety systems that the industry installs. Oversight would only improve the performance and reliability the public relies on. This industry has been identified by Homeland Security as an “At Risk” business for infiltration for terroristic activity.

In addition, due to the adoption of the Statewide Building Code, it has become necessary to install code required systems and those installing companies to be trained and qualified to install these systems. Licensure would also address the following concerns:

1. Lack of minimum standards and training.
2. Lack of background checks for individuals who are charged with the duty of securing homes, businesses, medical offices and other buildings housing people, there valuable property and sensitive information.
3. Lack of minimum education and competency testing
4. Lack of disciplinary procedures or means of keeping incompetent or criminal actors out of the industry to the disadvantage of the public.
5. Lack of enforcement of ethical and competency standards
6. Public confusion as to competency and integrity of professionals in the industry.
7. Random and inconsistent licensing at the local level is costly and burdensome to the profession and adds to consumer confusion.

(a) Indicate clearly how the proposed regulation will ameliorate those threats.

Licensing provides more consumer protection through ensuring that qualified persons obtain licensure while ensuring that the applicants have sufficient knowledge in the electronic life safety and security systems trade. Poorly installed systems could result in loss of property and lives. Additionally, licensure would bring the following specific benefits to the Commonwealth:

1. Contractor Licenses, Qualified Agent Licenses and Alarm Agent Licenses would afford the public assurance of the competency and integrity of the professionals in the industry.
2. Clear criminal background checks would be required to work in the industry.
3. Specific Educational Requirements for the Alarm Agent would assure competence and consumer confidence
4. Administration and Enforcement of standards would ensure continued consumer confidence and professional integrity.
5. A disciplinary process would afford consumers redress for complaints.
6. Licensing would be uniform throughout the entire Commonwealth.

(b) Provide evidence of “net” benefit when weighed against the following possible effects:

(i) Restriction upon the opportunity to enter a given occupation or profession,

Licensure will ensure that new entrants into the Life Safety Business will have the education, supervision and background checks needed to serve the public. This also will instill a level of confidence to the consumer and will also ensure that the Alarm companies in PA are governed by a board which will administer and enforce the act, investigate applications and establish minimum qualifications for licensure. Without licensure, anyone can advertise and perform alarm installing services no matter their competence or possible criminal background.

(ii) Restricted supply of practitioners,

The license will set minimum standards to operate as a life safety company. The benefit to the residents and businesses of Commonwealth greatly outweigh the minimal burden of licensure.

(iii) Increased cost of services passed on to consumers.

Most of the states surrounding PA have licensing and there have been no examples of where the customers have seen an exorbitant increase in cost of services. This should be the same in Pennsylvania. Additionally, the cost should not increase due to the removal of any local municipal license requirements.

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(5) Describe the functions performed by the occupation or profession which the legislation proposes to regulate, or whose scope of practice the legislation proposes to expand, including the extent to which practitioners of this occupation or profession work under supervision and the nature of that supervision, the degree of independent judgment which they are required to exercise, the level of skill and expertise required to exercise that judgment and the level of education and experience which they possess.

Persons or companies that sell, install, service, inspect, test or maintain Burglar Alarm systems, Fire Alarm systems, electronic access controls systems, video surveillance, personal emergency response and monitoring of same. Additionally, installation of the systems often requires

interfacing with low voltage power sources, emergency backup systems and state of the art communications networks.

(6) Identify any current statutory or case law, which limits what practitioners of this occupation or profession are permitted to do or how they are permitted to hold themselves out to the public.

There are no known state level limitations in Pennsylvania at this time. There are sporadic and non-uniform local licensing requirements.

(a) Whether current legal remedies offer inadequate protection to the public and, if so, explain.

No. Consumers have no reliable means of identifying competent and honest alarm professionals. Additionally, there is no professional disciplinary system to handle consumer complaints.

(c) Explain any extent to which the public can control its own exposure to harm or risk of harm.

- Ask for Referrals
- Ask the company if they belong to the industry Associations

(c) Identify any public or private resource groups, organizations or information centers that may be able to inform the public about potential threats or risks associated with the unregulated practice of a given occupation or profession.

The Attorney General and other law enforcement agencies, the Better Business Bureau.

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(7) Explain the extent to which the functions which the legislation proposes to authorize for practitioners of this occupation or profession differ from similar functions performed by practitioners of other occupations or professions.

There are few industries like ours that are regulated by the state. Our professionals are technicians who install technology to protect people, their valuable property and sensitive information.

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(8) Identify the client group with which practitioners of this occupation or profession deal or would deal and the degree to which these clients have the knowledge and the opportunity to evaluate the qualifications of practitioners of this occupation or profession.

Our clients are residential, commercial, industrial, governmental, education and other institutional consumers who desire or are required to have alarm, security and surveillance systems installed and monitored to protect individuals, property and sensitive data. The ability of each consumer to evaluate the qualifications of our practitioners is widely varied. Our practitioners have been recognized by many insurance providers, who require professional installations and monitoring for their clients and discount programs. Additionally, the Uniform Construction Code contains provisions regulating alarm systems, to which our professionals must adhere. PBFAA has been recognized by the Commonwealth's Department of Labor and Industry as an approved provider for UCC Continuing Education.

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(9) Provide a description and examples of the typical work settings of practitioners of this occupation or profession.

The industry protects residential homes, commercial and industrial buildings, institutional facilities, educational institutions, medical facilities and government facilities. We are the security provider to critical infrastructures and are part of Homeland Security.

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(10) Describe the public's need for the services of the practitioners of this occupation or profession or for the expanded scope of practice of practitioners of this occupation or profession.

1. Professional competence is required to provide adequate Fire and Security Monitoring and maintenance of Systems, as well as compliance with applicable installation codes
2. The demand for low voltage electrical systems is increasing in the residential market

3. Insurance rebates or discounts are available when Burglar Alarm and Fire Alarm systems are professionally installed.
4. Public confusion as to competency and integrity of professionals in the industry would be eliminated.
5. Convicted felons would be prohibited from entering the profession and accessing homes, buildings and sensitive information.

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(11) Does the legislation propose to license, certify, register or otherwise regulate this occupation or profession?

Yes, Licensure for Security, Fire and Monitoring Contractors; and Qualified Agents and Alarm Agents.

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(12) Would persons who are not so licensed, certified, registered or otherwise regulated be prohibited from performing the functions which practitioners of this occupation or profession would be permitted to perform or from holding themselves out to the public in the manner in which practitioners of this occupation or profession so licensed, certified, registered or otherwise regulated would be permitted to hold themselves out.

Yes, we are seeking a “practice” act.

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(13) Describe the impact of the legislation on the supply of practitioners of this occupation or profession, including the degree to which existing practitioners would be precluded from practice.

Impact would be minimal. The legislation includes an examination exemption provision. The licensing is not designed to curtail practitioners from entering this industry but rather seeks to ensure that the practitioners have sufficient technical knowledge of the industry. The minimum training standards are similar to those found in other states. The inclusion of criminal background checks will help to prohibit unwanted persons from entering the profession.

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(14) Explain the effect of the legislation on the cost of the goods or services provided by practitioners of this occupation or profession.

Impact would be minimal. In the surrounding states where licensing is enacted there have been no examples of increases in cost of goods or services. This should be the same in Pennsylvania. PBFAA's training would be consistent with the Commonwealth's Workforce Development initiative.

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(15) Identify the physical, emotional or financial harm to clients because of inappropriate, erroneous or incompetent service by practitioners of this occupation or profession.

- Improper and inadequate design of systems
  - False Alarms, additional burden on law enforcement
  - Inconsistent sales, service and install standards
  - Lack of accountability and disciplinary redress
  - Lack of consumer protection and compliance with UCC standards
  - Lack background checks allow anyone to enter the profession.
  - No enforcement of standards.
  - False sense of security and/or uncertainty as to the integrity and honest of persons in the industry.
  - Loss of lives and property as well as identity theft
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(16) Would/do clients have direct access to practitioners of this occupation or profession?

Yes

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(17) Would the proposed legislation have the effect of making practitioners of this occupation or profession eligible for third party insurance payments or government grants for which they are currently ineligible?

Consumers should have greater access to insurance discount programs if installations and monitoring are performed by licensed entities. Practitioners may see a reduction in their liability insurance if they can show state accreditation through licensure. The training required for licensure would be consistent with the Commonwealth's Work Force Development initiative.

(18) Fully identify the minimum education, expertise and examination requirements proposed in the legislation, including a comparison of those minimum requirements to the minimum requirements in other states, the adequacy of those minimum requirements and the rationale for any exemptions or waivers from those minimum requirements.

**Alarm Agent Educational Requirements:**

As part of the requirements for licensure all Alarm Agent Licensees would be required to successfully complete the prescribed training in at least one of the three disciplines governed by the License.

- a) Security Alarm License Educational Requirements: Requires satisfactory completion of the:
  - NBFAA Level One Certified Alarm Technician Course, and one of the following NBFAA advanced courses –
  - NBFAA Advanced Burglar Alarm Technician Course, or the
  - NBFAA Electronic Access Control Course, or the
  - NBFAA Video System Technologies Course
  - Or 40 hours of training approved by the Board. Satisfactory completion of such training shall be indicated by successfully completing 70% or more of the multiple choice questions on a proctored, Board approved - open book, multiple-choice test.
  
- b) Fire Alarm Systems License Educational Requirements: Requires satisfactory completion of the:
  - NBFAA Level One Certified Alarm Technician Course, and the
  - NBFAA Fire Alarm Installation Methods Course,
  - Or 40 hours of training approved by the Board. Satisfactory completion of such training shall be indicated by successfully completing 70% or more of the multiple choice questions on a proctored, Board approved - open book, multiple-choice test.

Please see the attached documentation regarding NBFAA training programs.

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(19) Identify the institutions offering accredited and non-accredited programs to prepare practitioners to enter this occupation or profession or to exercise the functions, which would be authorized by the expanded scope of practice.

NBFAA or other agencies approved by the Board such as Trade Schools, Vocational Technical Schools or Community Colleges. The PBFAA training would be consistent with the Commonwealth's Workforce Development initiative.

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(20) Explain the requirements for renewal of a license, certificate, registration or other form of regulation, including continuing education.

The license shall expire biennially. Renewal Fees would be based upon the costs of regulating the professional as found in standard BPOA licensing model. The cost of the same is unknown at this time. We are proposing 24 Hours of continuing education over each two-year licensing period.

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(21) Describe the extent to which a private organization provides credentials to, sets standards for, or imposes sanctions on practitioners of this occupation or profession.

NBFAA –NBFAA is the recognized training provided in the life safety industry. PBFAA has been recognized by the Commonwealth’s Department of Labor and Industry as an approved provider for UCC Continuing Education.

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(22) Explain the extent to which amendments to, or stronger enforcement of, existing statutes might serve as an alternative to the legislation.

Many of the local ordinances which include the life safety industry are not specific to the life safety industry. In many cases, our industry misplaced in a broad definition of electrical contractors or the telecommunications industry professionals, with requirements not specific to the life safety industry.

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(23) If the legislation would create a new board or commission, explain the extent to which this occupation or profession could be regulated by an existing board or commission.

Licensure provides for the establishment of the Electronic Life Safety and Security Systems Board with powers and duties to provide for and regulate the licensing of individuals; to establish minimum qualifications for examination and licensing; to issue licenses, renew licenses, reinstate licenses, fail to renew, suspend and revoke licenses; to administer and enforce;

to investigate applications for eligibility; to enforce regulations; to maintain and keep records; to submit annually the estimate of financial requirements; to establish and maintain a database; to hold one examination for each of the specific classifications of licenses; to request investigations; to notify the secretary and board members of meeting dates and agenda items; to educate the public regarding the requirements of being a licensed Contractor and to establish procedures to take disciplinary actions.

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(24) Provide the estimated biennial fiscal impact of the legislation.

We estimate the cost to be approximately \$200 per licensee.

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(25) Establish why no alternatives to regulation will adequately protect the public.

1. Lack of educational requirements and testing leave the public with no reliable means of identify the competence or integrity of professional accessing their property charged with the duty of protecting them.
2. Lack of a disciplinary process fails to afford needed consumer protection against bad actors.
3. Lack of insurance requirements leave the public at risk
4. Lack criminal background checks allows convicted felons to possibly access individuals, their property and sensitive data.

(a) Identify any other states in which the subject occupation or profession is regulated and the manner in which the regulation has resulted in greater protection of the public health, safety or general well being.

41 other states have some form of similar licensing program. Please see attached list describe the various programs in those states.

(b) As an Appendix to this report, provide copies of the regulations from those other states.

Please see the attached.