

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1061

Session of
1999

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STRITTMATTER AND R. MILLER, MARCH 24, 1999

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 20, 1999

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for control of alarm
3 devices and automatic ~~tape~~ dialing devices; and making <—
4 editorial changes.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 7511 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 7511. Control of alarm devices and automatic ~~tape~~ dialing <—
10 devices.

11 (a) Automatic ~~tape dialing devices~~ DIALING DEVICES AND TAPE <—
12 DIALING DEVICES.--A person may not attach or use an automatic
13 DIALING DEVICE OR AUTOMATIC tape dialing device without [doing <—
14 all of] COMPLYING WITH the following: <—

15 (1) [Providing] IN THE CASE OF AN AUTOMATIC DIALING <—
16 DEVICE OR AN AUTOMATIC TAPE DIALING DEVICE, PROVIDING the

disclosure under subsection (b).

(2) **[Obtaining]** IN THE CASE OF AN AUTOMATIC TAPE DIALING <—
DEVICE, OBTAINING prior written approval from a public safety agency to use the automatic tape dialing device to alert the public safety agency of an alarm condition. The public safety agency shall not be responsible for any costs for the installation and maintenance of any new dedicated telephone line or equipment associated with the alarm termination.

(b) Disclosure.--A person seeking approval under subsection (a) shall disclose the telephone number of a person to be contacted if the automatic tape dialing device is activated and <—
all relevant facts concerning the design and layout of the premises to be protected by the automatic tape dialing device. <—
The person shall inform the public safety agency of any change in the information required by this subsection as soon as practicable.

(c) False alarms prohibited.--

[(1)] A person that owns, uses or possesses an alarm device or automatic tape dialing device may not, after <—
causing or permitting three false alarms to occur in a consecutive 12-month period, cause or permit a subsequent false alarm to occur in the same consecutive 12-month period.

[A person that violates this paragraph commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$300.

(2) Venue for prosecution of an offense under this subsection shall lie at any of the following places:

(i) Where the alarm originated.

(ii) Where the alarm was received by the:

(A) public service agency; or

1 (B) third person designated to notify the public
2 service agency.

3 (3) Notwithstanding 42 Pa.C.S. § 3733 (relating to
4 deposits into account) or any other law, the disposition of
5 fines shall be as follows:

6 (i) The fine shall be paid to the municipality if
7 all of the following apply:

8 (A) The public safety agency which responded to
9 the false alarm serves the municipality.

10 (B) The prosecution is initiated by the public
11 safety agency under clause (A) or by the
12 municipality.

13 (ii) The full amount of the fine shall be paid to
14 the Commonwealth if all of the following apply:

15 (A) The Pennsylvania State Police is the public
16 safety agency which responded to the false alarm.

17 (B) The prosecution is initiated by the
18 Pennsylvania State Police.

19 (C) There is no prosecution under subparagraph
20 (i).] A fourth false alarm and each subsequent false
21 alarm in any consecutive 12-month period shall
22 constitute a separate violation of this section.

23 (c.1) Corrective action.--A person may take corrective
24 action by certifying that an on-site inspection of the secured
25 premise was conducted by a certified alarm provider and that
26 either the alarm user has been instructed in the alarm systems
27 operation, the faulty equipment has been repaired or the cause
28 of the false alarm has been determined and corrected. The
29 certification must be provided in hard copy form, within five
30 working days of issuance of a citation, to the issuing public

1 safety agency. Upon providing the certification of corrective
2 action, the alarm user shall be regarded as returning to the
3 initial zero false alarm status for that period under subsection
4 (c).

5 (c.2) Grading.--An alarm user who violates this section
6 shall pay a fine of up to \$100 for a first offense, up to \$200
7 for a second offense and up to \$300 for a third OR SUBSEQUENT <—
8 offense.

9 (c.3) Disposition of fines.--

10 (1) The fines imposed and collected under subsection
11 (c.2) shall not be subject to 42 Pa.C.S. § 3733 (relating to
12 deposits into account). The fines imposed and collected under
13 subsection (c.2) shall be distributed as follows:

14 (i) When citation under subsection (a) is the result
15 of Pennsylvania State Police action, all fines connected
16 with that citation shall be payable to the Commonwealth.

17 (ii) When citation under subsection (a) is the
18 result of local police action, all fines connected with
19 that citation shall be payable to the municipal
20 corporation under which the local police are organized.

21 (2) The fines shall not apply to false alarms resulting
22 from acts beyond the alarm user's control, including, but not
23 limited to, telephone interruptions, power interruptions or
24 acts of God.

25 (d) Suspension or revocation of approval.--The public safety
26 agency may refuse, revoke or suspend the approval granted under
27 subsection (a) if the public safety agency determines any of the
28 following:

29 (1) The request for approval contains a statement of
30 material fact which is false.

1 (2) The person failed to comply with this section.

2 (3) The person violated subsection (c).

3 (e) Local regulation of installers.--

4 (1) [General rule.--]Except as set forth in paragraph
5 (2), nothing in this section shall prohibit a municipality
6 from requiring any individual who installs alarms in [such]
7 the municipality to acquire a license[,]
8 for such low voltage applications, to meet educational requirements [or] and to
9 pass an examination relating to [competence to perform such
10 installations] the National Burglar and Fire Alarm
11 Association Level 1 Alarm Technician Certification. Nothing
12 in this section shall preclude municipalities from doing any
13 of the following:

14 (i) Denying or revoking local permits for failure to
15 comply with local ordinances.

16 (ii) Levying lawful taxes and fees.

17 (iii) Requiring the purchase of [a] business
18 privilege [license] licenses.

19 (2) [Limitation.--]A municipality may not require a
20 licensed electrical contractor to acquire a separate or
21 additional license or certification to install alarms if the
22 electrical contractor is licensed by the municipality and has
23 passed an examination in the National Electrical Code, a
24 similar code or local electrical code and has at least two
25 years' experience as an electrical contractor.

26 (f) Definitions.--As used in this section, the following
27 words and phrases shall have the meanings given to them in this
28 subsection:

29 "Alarm." A communication to a public safety agency
30 indicating that a crime, fire or other emergency warranting

1 immediate action by that public safety agency has occurred or is
2 occurring.

3 "Alarm device." A device designed to automatically transmit
4 an alarm:

5 (1) directly to a public safety agency; or

6 (2) to a person that is instructed to notify the public
7 safety agency of the alarm.

8 "Alarm user." Any person, firm, partnership, cooperation or
9 other entity who uses an alarm system at its alarm site.

10 "Automatic ~~tape~~ dialing device." A device which is <—
11 interconnected to a telephone line and preprogrammed to transmit
12 {the coded} ~~a prerecorded voice message of a~~ signal of an alarm <—
13 to a dedicated telephone trunk line or to dial a predetermined
14 telephone number to an alarm to a public safety agency.

15 "AUTOMATIC TAPE DIALING DEVICE." A DEVICE WHICH IS <—
16 INTERCONNECTED TO A TELEPHONE LINE AND PREPROGRAMMED TO TRANSMIT
17 A PRERECORDED VOICE MESSAGE OF A SIGNAL OF AN ALARM TO A
18 DEDICATED TELEPHONE TRUNK LINE OR TO DIAL A PREDETERMINED
19 TELEPHONE NUMBER TO AN ALARM TO A PUBLIC SAFETY AGENCY.

20 "Dedicated telephone trunk line." A telephone line or lines
21 which serve a public safety agency which is dedicated to
22 receiving transmissions from an automatic ~~tape~~ dialing device. <—

23 "False alarm." The activation of an alarm device to which a
24 public safety agency responds when a crime, fire or other
25 emergency has not occurred.

26 "Person." An individual, corporation, partnership,
27 incorporated association or other similar entity.

28 "Public safety agency." The Pennsylvania State Police or any
29 municipal police or fire department.

30 Section 2. This act shall take effect in 60 days.