

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1061

Session of
1999

INTRODUCED BY BARLEY, L. I. COHEN, ZUG, GLADECK, FEESE, KAISER,
PRESTON, FICHTER, COLAFELLA, HARHAI, RUBLEY, E. Z. TAYLOR,
McILHATTAN, FLEAGLE, SEYFERT, GODSHALL, ORIE, TRELLO,
S. MILLER, ROSS, WOJNAROSKI, DeLUCA, VANCE, STEELMAN, THOMAS,
YOUNGBLOOD, MELIO, ARMSTRONG, GEIST, WILT, M. COHEN, MAHER,
STRITTMATTER, R. MILLER AND WASHINGTON, MARCH 24, 1999

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 15, 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 dialing devices; and making editorial
4 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 dialing devices.

10 (a) Automatic dialing devices and tape dialing devices.--A
11 person may not attach or use an automatic dialing device or
12 automatic tape dialing device without [doing all of] complying
13 with the following:

14 (1) [Providing] In the case of an automatic dialing
15 device or an automatic tape dialing device, providing the
16 disclosure under subsection (b).

1 (2) [Obtaining] In the case of an automatic tape dialing
2 device, obtaining prior written approval from a public safety
3 agency to use the automatic tape dialing device to alert the
4 public safety agency of an alarm condition. The public safety
5 agency shall not be responsible for any costs for the
6 installation and maintenance of any new dedicated telephone
7 line or equipment associated with the alarm termination.

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

15 (c) False alarms prohibited.--

16 [(1)] A person that owns, uses or possesses an alarm
17 device or automatic dialing device may not, after causing or
18 permitting three false alarms to occur in a consecutive 12-
19 month period, cause or permit a subsequent false alarm to
20 occur in the same consecutive 12-month period. [A person that
21 violates this paragraph commits a summary offense and shall,
22 upon conviction, be sentenced to pay a fine of not more than
23 \$300.

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

26 (i) Where the alarm originated.

27 (ii) Where the alarm was received by the:

28 (A) public service agency; or

29 (B) third person designated to notify the public
30 service agency.

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

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

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

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

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

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

15 (B) The prosecution is initiated by the
16 Pennsylvania State Police.

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

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

1 initial zero false alarm status for that period under subsection
2 (c).

3 (c.2) Grading.--An alarm user who violates this section
4 shall pay a fine of up to \$100 for a first offense, up to \$200
5 for a second offense and up to \$300 for a third or subsequent
6 offense.

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

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

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

15 (ii) When citation under subsection (a) is the
16 result of local police action, all fines connected with
17 that citation shall be payable to the ~~municipal~~ <—
18 ~~corporation under which the local police are organized. A~~ <—
19 RESTRICTED ACCOUNT ESTABLISHED WITHIN THE GOVERNING
20 MUNICIPALITY. FUNDS FROM THIS ACCOUNT SHALL BE USED
21 SOLELY FOR THE PURPOSE OF PROVIDING GRANTS TO POLICE,
22 FIRE AND EMERGENCY MEDICAL SERVICE ENTITIES, INSIDE OR
23 OUTSIDE OF THE MUNICIPALITY, WHICH ARE ACTIVELY ENGAGED
24 IN THE SERVICE OF THE MUNICIPALITY AND ARE DULY
25 RECOGNIZED BY THE GOVERNING BODY OF THE MUNICIPALITY.

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

30 (d) Suspension or revocation of approval.--The public safety

1 agency may refuse, revoke or suspend the approval granted under
2 subsection (a) if the public safety agency determines any of the
3 following:

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

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

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

8 (e) Local regulation of installers.--

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

19 (i) Denying or revoking local permits for failure to
20 comply with local ordinances.

21 (ii) Levying lawful taxes and fees.

22 (iii) Requiring the purchase of [a] business
23 privilege [license] licenses.

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

1 (E.1) EXCEPTION.--THIS SECTION DOES NOT APPLY TO A
2 MUNICIPALITY WHICH, AS OF THE EFFECTIVE DATE OF THIS SUBSECTION,
3 HAS IN EFFECT THE SAME OR A MORE RESTRICTIVE FALSE ALARM
4 ORDINANCE OR CODE.

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

8 "Alarm." A communication to a public safety agency
9 indicating that a crime, fire or other emergency warranting
10 immediate action by that public safety agency has occurred or is
11 occurring.

12 "Alarm device." A device designed to automatically transmit
13 an alarm:

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

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

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

19 "Automatic dialing device." A device which is interconnected
20 to a telephone line and preprogrammed to transmit the coded
21 signal of an alarm to a dedicated telephone trunk line or to
22 dial a predetermined telephone number to an alarm to a public
23 safety agency.

24 "Automatic tape dialing device." A device which is
25 interconnected to a telephone line and preprogrammed to transmit
26 a prerecorded voice message of a signal of an alarm to a
27 dedicated telephone trunk line or to dial a predetermined
28 telephone number to an alarm to a public safety agency.

29 "Dedicated telephone trunk line." A telephone line or lines
30 which serve a public safety agency which is dedicated to

1 receiving transmissions from an automatic dialing device.

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

5 "Person." An individual, corporation, partnership,
6 incorporated association or other similar entity.

7 "Public safety agency." The Pennsylvania State Police or any
8 municipal police or fire department.

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