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**TITLE 24**

**Professions and Occupations**

**CHAPTER 12. SECURITY SYSTEMS AND PROTECTIVE SERVICES**

**Subchapter I. Licensure [Subchapter designation effective upon fulfillment of 76 Del. Laws, c. 179, § 8]**

§ 1201. Definitions [Effective until fulfillment of 76 Del. Laws, c. 179, § 8]

(a) "Officers or employees of the business" shall include all persons associated with a security business except stockholders of a corporation whose stock is publicly traded.

(b) "Security business" shall mean the sale of a security system where the vendor installs the device, or the monitoring or service of a security system on protected premises.

(c) "Security system" shall mean sensor-based devices designed to detect or signal the intrusion on or unauthorized use of equipment, residence, structure or leasehold. This section shall not include any electronic software programs designed to protect computational devices, electronic article surveillance equipment or money dye systems.

[64 Del. Laws, c. 281, § 1](http://delcode.delaware.gov/sessionlaws/ga132/chp281.shtml); [64 Del. Laws, c. 377, § 1.](http://delcode.delaware.gov/sessionlaws/ga132/chp377.shtml);

§ 1201. Definitions [Effective upon fulfillment of 76 Del. Laws, c. 179, § 8]

(a) "Officers or employees of the security business" shall include all persons associated with a security business except stockholders of a corporation whose stock is publicly traded.

(b) "Security business" means a person or entity in the business of selling, providing, installing, maintaining, servicing, repairing, altering, replacing or providing monitoring services at a security system site. Every security business shall have a registered agent pursuant to § 132 of Title 8.

(c) "Security system" shall mean a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement authority response, including local alarm systems. "Security system" does not include an alarm installed in a vehicle or in someone's person unless the vehicle or the personal alarm is permanently located at a site.

[64 Del. Laws, c. 281, § 1](http://delcode.delaware.gov/sessionlaws/ga132/chp281.shtml); [64 Del. Laws, c. 377, § 1](http://delcode.delaware.gov/sessionlaws/ga132/chp377.shtml); [76 Del. Laws, c. 179, §§ 1-3.](http://delcode.delaware.gov/sessionlaws/ga144/chp179.shtml);

§ 1202. License requirement; operation without license.

(a) No persons shall operate a security business without having obtained a license, as provided herein, to conduct such business. The Division of Revenue shall not issue a license to a security business under the authority of Chapter 23 of Title 30 without the approval of the Superintendent of the Delaware State Police.

(b) Operating a security business without a license shall be punishable pursuant to § 1214 of this title. Each day a person operates a security business without a license may be counted as a separate violation.

[64 Del. Laws, c. 281, § 1.](http://delcode.delaware.gov/sessionlaws/ga132/chp281.shtml);

§ 1203. Qualifications of applicants.

(a) In addition to the requirements of the Division of Revenue, an applicant for a license to operate as a security business in this State shall furnish the following information to the Superintendent of the State Police:

(1) The name and address of the security business and the location or locations where it intends to operate within the State;

(2) If the applicant is a corporation, the application shall state the date and place of incorporation, the name and address of its resident agent if incorporated in Delaware with a principal place of business outside the State, the location of the applicant's principal place of business and a list of the principal corporate officers with their business and home addresses;

(3) If the applicant intends to operate as a partnership, the application shall list each of the partners with their business and home addresses;

(4) A statement as to the length of time the applicant has been engaged in the security business and where engaged, and the date when the security business commenced operation in this State or when the security business intends to commence such operation;

(5) The specific nature of the security business;

(6) Each applicant's full name, business address and telephone number, home address and telephone number and date and place of birth;

(7) The name and address of the applicant's present place or places of employment for the past 3 years and the length of time so employed, stating the principal source of income for any individual not regularly employed in 1 business;

(8) A list of all felony and misdemeanor convictions in any jurisdiction of all individuals listed in the application;

(9) One set of classifiable fingerprints recorded in the manner required by the Superintendent of State Police;

(10) A statement as to whether the individual has ever been denied a license or permit in any jurisdiction to engage in the security business or has had such license or permit revoked or suspended;

(11) If neither the applicant nor any other person named above will operate the business on a daily basis, the name and home address of the person who will be responsible for the operation of the business with information on training or experience in the field of security systems or protective services; and

(12) The Superintendent may require that the application include any other information which the Superintendent may reasonably deem necessary to determine whether the applicant or individual signing the application meets the requirements of this statute or to establish the truth of the facts set forth in the application.

(b) If the applicant is an individual and does not reside or operate any business or is not employed within the State, or in the event the applicant is a form of partnership and no owner or general partner resides, operates a business or is employed within the State, then the application must also be subscribed and sworn to by the individual having the authority and responsibility for the management and operations of the security business with this State.

(c) If the applicant is a corporation, the application shall be subscribed and sworn to by at least 1 principal corporate officer, either the president, vice-president, treasurer, secretary or comptroller. If the applicant is a corporation and none of its principal corporate officers are responsible for the management and operation of the security business within the State, the application shall also be subscribed and sworn to by the individual having the authority and responsibility for the management and operations of the security business within the State.

(d) An application for a license to operate a security business shall be signed by at least 1 person 18 years of age or older.

(e) The Division may conduct a criminal history background check pursuant to the procedures set forth in Chapter 85 of Title 11 for the purposes of licensing any individual pursuant to this chapter.

[64 Del. Laws, c. 281, § 1](http://delcode.delaware.gov/sessionlaws/ga132/chp281.shtml); [70 Del. Laws, c. 186, § 1](http://delcode.delaware.gov/sessionlaws/ga138/chp186.shtml); [73 Del. Laws, c. 252, § 11.](http://delcode.delaware.gov/sessionlaws/ga141/chp252.shtml);

§ 1204. Review of applicants.

The Superintendent shall review each application for a license to operate a security business. The Superintendent shall investigate the character of each applicant and each officer of the corporation or partner named in the application to the extent the Superintendent deems necessary. If the Superintendent finds that all parties whose names have been submitted are of good character and that the business is organized for a legitimate purpose, the Superintendent may approve the issuance of a business license by the Division of Revenue to the applicant.

(1) Evidence of a lack of good character shall include:

a. A record of arrests and/or convictions for crimes involving offenses against the person, dishonesty or fraud; and

b. A record of complaints filed with the Division of Consumer Protection or Better Business Bureau regarding the applicant, officers or partners in the business or the proposed manager of the business.

(2) Evidence of a lack of a legitimate purpose shall include:

a. A total lack of training or experience in the installation of burglar alarms or alarm systems by any person named in the application; and

b. Failure to obtain a bond as required by § 1212 of this title.

(3) The Superintendent may conduct a criminal history background check pursuant to the procedures set forth in Chapter 85 of Title 11 for the purposes of licensure review pursuant to this chapter.

[64 Del. Laws, c. 281, § 1](http://delcode.delaware.gov/sessionlaws/ga132/chp281.shtml); [69 Del. Laws, c. 291, § 98(c)](http://delcode.delaware.gov/sessionlaws/ga137/chp291.shtml); [70 Del. Laws, c. 186, § 1](http://delcode.delaware.gov/sessionlaws/ga138/chp186.shtml); [73 Del. Laws, c. 252, § 12.](http://delcode.delaware.gov/sessionlaws/ga141/chp252.shtml);

§ 1205. Renewal and transferability of license.

Each license shall expire 2 years after the date of issuance. No license issued pursuant to this chapter shall be assigned or transferred, either by operation of law or otherwise.

[64 Del. Laws, c. 281, § 1.](http://delcode.delaware.gov/sessionlaws/ga132/chp281.shtml);

§ 1206. Change in ownership or site of business; revocation of license.

(a) In the event of any change in the membership of the firm or in the officers or directors of any association or corporation or any change in the address of any office or location of such business, the Superintendent shall be notified in writing of such change within 5 days thereafter. Failure to give such notification shall be sufficient cause for revocation of the license.

(b) Each new member of the firm or of the officers or directors of any association or corporation shall provide the information required by § 1203 of this title. The Superintendent shall then review each application as provided in § 1204 of this title. If the Superintendent finds that the applicant is not of good character, the Superintendent shall revoke the license. In the event that a license is revoked pursuant to this subsection, the license holder shall be afforded a hearing before the Superintendent and shall have the right to appeal to the Secretary of the Department of Safety and Homeland Security in conformity with the state Administrative Procedures Act [Chapter 101 of Title 29].

[64 Del. Laws, c. 281, § 1](http://delcode.delaware.gov/sessionlaws/ga132/chp281.shtml); [70 Del. Laws, c. 186, § 1](http://delcode.delaware.gov/sessionlaws/ga138/chp186.shtml); [74 Del. Laws, c. 110, § 138.](http://delcode.delaware.gov/sessionlaws/ga142/chp110.shtml);

§ 1207. Posting of license.

(a) Before any applicant shall exercise any rights under the license issued to the applicant, such license, or a certified copy thereof, shall be posted and at all times thereafter, while the same is in force, be displayed in a conspicuous place in the principal office and in each bureau, agency, subagency, office or branch office for which it is issued.

(b) No person holding any license approved by the Superintendent under this chapter shall:

(1) Post or permit such license to be posted upon premises other than those described therein or to which it may be transferred pursuant to this chapter;

(2) Fail to maintain such license in a conspicuous place in such offices or places of business; or

(3) Knowingly alter, deface or destroy any such license or permit the alteration, defacement or destruction thereof.

[64 Del. Laws, c. 281, § 1](http://delcode.delaware.gov/sessionlaws/ga132/chp281.shtml); [70 Del. Laws, c. 186, § 1.](http://delcode.delaware.gov/sessionlaws/ga138/chp186.shtml);

§ 1208. Employee identification cards.

(a) Any person operating a security business shall provide the Superintendent with a list of the names, addresses, Social Security numbers and 1 set of classifiable fingerprints recorded in the manner required by the superintendent of employees as hired, except persons subject to the exceptions of subsection (j) of this section.

(b) No individual shall function as a security agent or perform the duties described in subsection (c) of this section without first obtaining the identification card required by this section.

(c) Owners, principal corporate officers, partners, employees and managers of all security businesses shall be required to obtain identification cards if they are directly engaged in selling, installing, altering, servicing, moving, maintaining, repairing, replacing, monitoring, responding to or causing others to respond to security systems within the State.

(d) Security agents who are employed by persons who were engaged in the security business on June 25, 1984, shall have 60 days to file an application for an identification card under this section and may continue to function as a security agent pending a final determination of such application.

(e) A temporary identification card may be issued by a security business licensed under this statute to any of its security agents or any individual required to obtain an identification card prior to the issuance of a permanent identification card for any such individual by the business. The form, requirements and conditions for issuance and use of temporary identification cards shall be prescribed by the Superintendent.

(f) The temporary or permanent identification card shall be carried by any individual required to obtain an identification card under this statute whenever such individual is engaged in the security business and shall be exhibited upon request.

(g) The Superintendent may refuse to approve an identification card if the identification card applicant has been convicted of a felony or a misdemeanor in any jurisdiction and the Superintendent finds that such conviction reflects unfavorably on the fitness of such applicant to engage in the security business or to be employed by the security business.

(h) The permanent and temporary identification card issued by the business shall include the name and description identifying the cardholder, the name of the security agent's employer and the number of any other information which is required or which the business may wish to include.

(i) No permanent identification card or temporary identification card issued pursuant to this chapter shall be transferable. Temporary identification cards issued by a security business must be surrendered to the business by the cardholder upon termination of employment.

(j) Persons, individuals, owners, principal corporate officers, partners, employees, and managers who do not perform functions at an end-user's premises are not subject to the requirements of subsections (a) through (i) of this section if their duties are limited to selling electronic security equipment or services at a retail store location, online, or by telephone.

[64 Del. Laws, c. 281, § 1](http://delcode.delaware.gov/sessionlaws/ga132/chp281.shtml); [79 Del. Laws, c. 62, § 1.](http://delcode.delaware.gov/sessionlaws/ga147/chp062.shtml);

§ 1209. Employee identification cards -- Renewal; notice of changes.

(a) Identification cards approved by the Superintendent shall expire and be renewable on the fifth anniversary date of the birth of the applicant next following the date of its issuance, unless the birth date is February 29, in which event the license shall expire and be renewable on February 28 every fifth year.

(b) The Superintendent may refuse to renew an identification card for any grounds set forth in § 1204 or § 1208 of this title.

(c) A security business shall notify the Superintendent within 10 days after the termination of employment of, or association of, any cardholder of such security business.

[64 Del. Laws, c. 281, § 1](http://delcode.delaware.gov/sessionlaws/ga132/chp281.shtml); [73 Del. Laws, c. 370, § 1.](http://delcode.delaware.gov/sessionlaws/ga141/chp370.shtml);

§ 1210. Request for hearing upon receipt of notice of denial of an identification card or license.

After receipt of written notice from the Superintendent of denial or approval for a license or an identification card, the applicant shall be afforded a hearing before the Superintendent and shall have the right to appeal to the Secretary of the Department of Safety and Homeland Security in conformity with the state Administrative Procedures Act [Chapter 101 of Title 29].

[64 Del. Laws, c. 281, § 1](http://delcode.delaware.gov/sessionlaws/ga132/chp281.shtml); [74 Del. Laws, c. 110, § 138.](http://delcode.delaware.gov/sessionlaws/ga142/chp110.shtml);

§ 1211. Suspension or revocation of identification cards; notices.

(a) Identification cards may be suspended or revoked by the Superintendent on the grounds that the holder is not considered of good character.

(b) In the event that the Superintendent suspends or revokes an identification card, the cardholder, upon receipt of the notice of suspension or revocation, shall cease to perform any services related to the security business.

(c) Both the identification cardholder and the security business which employs the cardholder or with which the cardholder is associated shall be notified by the Superintendent of the suspension or revocation of an identification card.

[64 Del. Laws, c. 281, § 1](http://delcode.delaware.gov/sessionlaws/ga132/chp281.shtml); [70 Del. Laws, c. 186, § 1.](http://delcode.delaware.gov/sessionlaws/ga138/chp186.shtml);

§ 1212. Issuance of license; copies; fee; bond.

If the application for a license is approved by the Superintendent, the Division of Revenue shall issue and deliver to the applicant, a license to conduct business and to maintain 1 or more bureaus, agencies or offices for the conduct of such business at the locations stated in the application. As many copies of the license as there are to be offices, bureaus, agencies or branch offices shall be supplied upon:

(1) Payment by the applicant to the Division of Revenue of a license fee of $150; and

(2) Execution by the applicant and delivery to the Department of Safety and Homeland Security of a bond with a surety company authorized to be surety in this State and approved as to form, manner of execution and sufficiency by the Superintendent, payable to the State, and which shall be for the benefit of any persons injured by the wilful, malicious or wrongful act of the applicant, in the amount of $10,000. The bond shall be conditioned for the faithful and honest conduct of such business by the applicant.

[64 Del. Laws, c. 281, § 1](http://delcode.delaware.gov/sessionlaws/ga132/chp281.shtml); [74 Del. Laws, c. 110, § 138.](http://delcode.delaware.gov/sessionlaws/ga142/chp110.shtml);

§ 1213. Delay of suspension or revocation of license or identification card during public emergency.

(a) Under circumstances in which the Superintendent determines that a public emergency exists or that the public health, welfare or safety may be jeopardized, the Superintendent may, upon application by the licensee or any third party affected by such termination, revocation or suspension, extend the time for the termination, revocation or suspension.

(b) After the Superintendent has issued a notice of intent to revoke or suspend a security business license or to revoke or suspend a security agent identification card, the licensee or identification cardholder may request that the license or identification card remain in effect subject to the terms of a written order of consent to be issued by the Superintendent. Denial of a request for consent order negotiations shall not be subject to judicial review.

[64 Del. Laws, c. 281, § 1](http://delcode.delaware.gov/sessionlaws/ga132/chp281.shtml); [70 Del. Laws, c. 186, § 1.](http://delcode.delaware.gov/sessionlaws/ga138/chp186.shtml);

§ 1214. Prohibited acts; penalties.

(a) It shall be unlawful for a person to:

(1) Conduct a security business without a license;

(2) Fail to obtain an identification card as required by § 1208 of this title;

(3) Wilfully and knowingly fail to notify subscribers of a security business of the suspension of a security business or the suspension or revocation of its license;

(4) Wilfully and knowingly fail to file the surety bond required by § 1212 of this title;

(5) Wilfully and knowingly fail to surrender a revoked license certificate or to surrender an identification card;

(6) Wilfully and knowingly submit false information of a material nature in any application or renewal application for a security business license or for an identification card.

(b) Any person found guilty of violating this section shall be subject to a fine not to exceed $500 or imprisonment for a period not to exceed 90 days or both.

[64 Del. Laws, c. 281, § 1.](http://delcode.delaware.gov/sessionlaws/ga132/chp281.shtml);

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**TITLE 24**

**Professions and Occupations**

**CHAPTER 12. SECURITY SYSTEMS AND PROTECTIVE SERVICES**

**Subchapter II. False Alarms [Effective upon fulfillment of 76 Del. Laws, c. 179, § 8]**

§ 1221 Purpose [Effective upon fulfillment of 76 Del. Laws, c. 179, § 8]

(a) The purpose of this subchapter is to encourage security system users and security businesses to properly use and maintain the operational effectiveness of security systems in order to improve the reliability of security systems and reduce or eliminate false alarms.

(b) This subchapter governs security systems intended to summon law enforcement response, requires registration by security system users, establishes a system of administration, and provides for the enforcement of penalties for violations of this section.

[76 Del. Laws, c. 179, § 4.](http://delcode.delaware.gov/sessionlaws/ga144/chp179.shtml);

§ 1222 Definitions [Effective upon fulfillment of 76 Del. Laws, c. 179, § 8]

The following words and phrases, when used in this subchapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Alarm" means a security system signal that is created by the activation of a security system.

(2) "Arming station" means a device that allows control of a security system.

(3) "Automatic voice dialer" means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law-enforcement authority, public safety or emergency services agency requesting dispatch.

(4) "Cancellation" means the process where response to a security system dispatch request is terminated when a security business for the security system site notifies the responding law-enforcement agency, prior to arrival at the security system site, that there is not an existing situation at the security system site requiring law-enforcement authority response.

(5) "Conversion" means the transaction or process by which a security business begins the servicing and/or monitoring of a previously unmonitored security system or a security system previously serviced and/or monitored by another security business.

(6) "Duress alarm" means a silent security system signal generated by the entry of a designated code into an arming station in order to signal that the security system user is being forced to turn off the system and requires law-enforcement response.

(7) "False alarm" means a security system dispatch request to a law-enforcement authority, when no emergency of actual or threatened criminal activity requiring immediate response exists. This definition includes signals activated by negligence, accident, mechanical failure, and electrical failure; signals activated intentionally in nonemergency situations; and signals for which the actual cause is unknown. There is a rebuttable presumption that an alarm is false if personnel responding from a law-enforcement authority do not discover any evidence of unauthorized entry, criminal activity, or other emergency after following normal police procedures in investigating the incident. An alarm is not false if the security system user proves that:

a. An individual activated the alarm based on a reasonable belief that an emergency or actual or threatened criminal activity requiring immediate response existed;

b. The security system was activated by a violent condition of nature, including but not limited to tornadoes, floods, earthquakes and lightning, or by an electrical surge that caused physical damage to the system, as evidenced by testimony of a licensed security system contractor who has conducted an on-site inspection and personally observed the damage to the system;

c. If the security system user experienced a power outage, causing the alarm to activate upon restoration of power, as evidenced by written documentation provided by Delmarva Power or other applicable provider; or,

d. Where there has been a cancellation as defined in paragraph (4) of this section.

(8) "Holdup alarm" means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

(9) "Law-enforcement authority" means any authorized representative of a law-enforcement agency.

(10) "Local security system" means any security system, which is not monitored, that annunciates an alarm only at the security system site.

(11) "Monitoring" means the process by which a security business receives signals from a security system and relays a security system dispatch request for the purpose of summoning law enforcement to the security system site.

(12) "Monitoring station" means an office or entity whereby a security business conducts monitoring of security systems for purposes of dispatch and notification. A monitoring station shall provide a toll-free, 24-hour telephone number for use by a responding law-enforcement agency.

(13) "Panic alarm" means an audible security system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law-enforcement response.

(14) "Person" means an individual, corporation, partnership, association, organization, or similar entity.

(15) "Responder" means an individual capable of reaching the security system site within 30 minutes and having access to the security system site, the code to the security system, and the authority to approve repairs to the security system.

(16) "Security business" is as defined in § 1201 of this title.

(17) "Security system" is as defined in § 1201 of this title.

(18) "Security system administrator" means a person or persons designated by the state with authority to administer, control and review false alarm reduction efforts and administer the provisions of this section.

(19) "Security system dispatch request" means a notification to a law-enforcement authority that a security system, either manual or automatic, has been activated at a particular security system site.

(20) "Security system registration" means authorization granted by the security system administrator to a security system user to operate a security system.

(21) "Security system site" means a single fixed premises or location served by a security system or systems. Each unit, if served by a separate security system in a multi-unit building or complex, shall be considered a separate security system site.

(22) "Security system user" means any person or entity, which has contracted for monitoring, repair, installation or maintenance services from a security business for a security system, or which owns or operates a security system which is not monitored, maintained or repaired under contract.

(23) "Takeover" means the transaction or process by which a security system user takes over control of an existing security system, which was previously controlled by another security system user.

(24) "Verify" means at least two attempts by a security business, or its representative, to contact the security system site and/or security system user by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether a security system signal is valid before requesting law-enforcement dispatch, in an attempt to avoid an unnecessary security system dispatch request.

(25) "Zones" means division of devices into which a security system is divided to indicate the general location from which a security system signal is transmitted.

[76 Del. Laws, c. 179, § 4.](http://delcode.delaware.gov/sessionlaws/ga144/chp179.shtml);

§ 1223 Registration [Effective upon fulfillment of 76 Del. Laws, c. 179, § 8]

(a) A security system user shall not operate, or cause to be operated, a security system at its security system site without obtaining a valid security system registration. A separate security system registration is required for each security system site.

(b) The security system registration application form must be submitted to the security system administrator within 30 days after the security system at a particular site has been activated or within 30 days after a security system takeover. Failure to submit a timely application will result in a nonregistered security system. Use of a nonregistered security system shall be a violation of this chapter.

(c) Each security system application must include the following information:

(1) The name, complete address (including apartment/suite number) and telephone numbers of the person who will be the registration holder and be responsible for the proper maintenance and operation of the security system;

(2) The name and complete address of the security system site, the classification of the security system site as either residential (includes apartment, condominium, mobile home, etc.) or commercial, and the name, address and telephone number of the person responsible for that security system site;

(3) For each security system located at the security system site, the classification of the security system (i.e. burglary, holdup, duress, panic alarms, etc.) and for each classification whether such alarm is audible or silent;

(4) The mailing address, if different from the address of the security system site;

(5) Any dangerous or special conditions present at the security system site;

(6) The names and addresses of at least 2 individuals who are able to, and have agreed to:

a. Receive notification of a security system activation at any time and who can respond to the security system site and, upon request, gain access to the security system site and deactivate the security system if necessary; or,

b. Receive notification of a security system activation at any time and who has access to the security system user for purposes of deactivating the security system, if necessary.

(7) Type of business conducted at a commercial security system site;

(8) Signed certification from the security system user stating the following:

a. The date of installation, conversion or takeover of the security system, whichever is applicable;

b. The name, address and telephone number of the security system inspection company or companies performing the security system installation; conversion or takeover and of the security system installation company responsible for providing repair service to the security system;

c. The name, address and telephone number of the monitoring company if different from the security system installation company;

d. That a set of written operating instructions for the security system, including written guidelines on how to avoid false alarms, has been left with the applicant by the security system installation company; and,

e. That the alarm installation company has trained the applicant in proper use of the security system, including instructions on how to avoid false alarms.

(9) Acknowledgment that any delay in law-enforcement authority response time may be influenced by factors including, but not limited to priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

(d) Any false statement of material fact made by an applicant for the purpose of obtaining a security system registration shall be sufficient cause for refusal to issue a registration.

(e) A security system registration shall not be transferable to another person or security system site. A security system user shall inform the security system administrator of any change that alters any of the information listed on the security system registration application within 5 days of such change.

[76 Del. Laws, c. 179, § 4.](http://delcode.delaware.gov/sessionlaws/ga144/chp179.shtml);

§ 1224 Duties of the security system user [Effective upon fulfillment of 76 Del. Laws, c. 179, § 8]

(a) A security system user shall maintain the security system site and the security system in a manner that will minimize or eliminate false alarms.

(b) A security system user shall maintain at each security system site a set of written operating instructions for each security system.

(c) A security system user that is using a security business for monitoring shall provide that security business at least 2 different telephone numbers to verify an alarm.

(d) A security system user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of a security system site will sound for no longer than 10 minutes after being activated.

(e) A security system user shall not use an automatic voice dialer.

(f) Violations of subsections (a), (b), (c) and (d) of this section shall result in an assessment of a civil penalty against the security system user in the amount of $50. A violation of subsection (e) of this section shall result in the assessment of a civil penalty against the security system user in the amount of $100.

[76 Del. Laws, c. 179, § 4.](http://delcode.delaware.gov/sessionlaws/ga144/chp179.shtml);

§ 1225 Duties of security businesses [Effective upon fulfillment of 76 Del. Laws, c. 179, § 8]

(a) A security business shall provide written and oral instructions to each of its security system users for every security system site on the proper use and operation of its security systems. Such instructions shall specifically include all instructions necessary to turn the security system on and off and instructions on the avoidance of false alarms.

(b) A security business shall be responsible for the prevention of false alarms during installations, servicing, repairs and maintenance of security systems.

(c) A security business shall ensure that battery backup power is installed during new installations of security systems.

(d) A security business shall not use an automatic voice dialer.

(e) A security business providing monitoring services shall attempt to verify an activated alarm signal by contacting at least 2 different telephone numbers provided by a security system user who has authority to cancel the dispatch before a security system dispatch request is made, unless the security system administrator has waived the 2-call dispatch requirement. This subsection shall not apply to duress and holdup alarms.

(f) A security business that issues security system dispatch requests must maintain for a period of at 1 year from the date of a security system dispatch request, records relating to security system dispatch requests. Records must include name, address and telephone number of the security system user, the security system zone or zones activated, the time of a security system dispatch request and evidence of its efforts to verify. These records shall immediately be made available to the security system administrator or any police officer at any time during normal business hours.

(g) A security business providing monitoring services shall provide the relevant police department or departments with a toll-free telephone number for contacting monitoring station dispatchers and for obtaining information as provided in subsection (f) of this section.

(h) A security business shall not make a security system dispatch request if monitoring equipment indicates a security system malfunction.

(i) All security businesses shall have an office located in the State of Delaware with an operational telephone that shall be answered during regular business hours.

(j) After completion of the installation of a security system, an employee of the security business responsible for installing the security system shall review with the security system user a false alarm prevention checklist approved by the security system administrator.

(k) A security business responsible for monitoring a security system at a registered security system site shall not make a security system dispatch request to a law-enforcement authority in response to a burglar alarm signal, excluding panic, duress and holdup signals, during the first 7 days following a security system installation. The security system administrator may grant a security system user's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption.

(l) A security business responsible for monitoring a security system at a registered security system site shall:

(1) Report alarm signals by using telephone numbers designated by the security system administrator;

(2) Communicate security system dispatch requests to law-enforcement;

(3) Communicate cancellations to the law-enforcement authority;

(4) Ensure that all security system users of security systems equipped with a duress, holdup or panic alarm are given adequate training as to the proper use of the duress, holdup or panic alarm;

(5) Communicate any available information (north, south, front, back, floor, etc.) about the location on all alarm signals related to the security system dispatch request;

(6) Communicate the type of alarm activation (silent or audible, interior or perimeter);

(7) Provide a security system user registration number when requesting law-enforcement dispatch;

(8) After a security system dispatch request, promptly advise the law-enforcement authority if the monitoring company knows that the security system user or the responder is on the way to the security system site;

(9) Attempt to contact the security system user within 24 hours via mail, fax, telephone, or other electronic means when an security system dispatch is made; and,

(10) Upon the effective date of this section, monitoring companies must maintain for a period of at least 1 year from the date of the security system dispatch request, records relating to security system dispatch requests. Records must include the name, address and telephone number of the security system user, the security system zones or zones activated, the time of security system dispatch request and evidence of an attempt to verify. The security system administrator may request copies of such records for individually named security system users. If the request is made within 60 days of an security system dispatch request, the monitoring company shall furnish requested records within 3 business days of receiving the request. If the records are requested between 60 days to 1 year after security system dispatch request, the monitoring company shall furnish the requested records within 30 days of receiving the request.

(11) A security system installation company and/or monitoring company that purchases security system accounts from another person shall notify the security system administrator of such purchase and provide details as may be reasonably requested by the security system administrator.

[76 Del. Laws, c. 179, § 4.](http://delcode.delaware.gov/sessionlaws/ga144/chp179.shtml);

§ 1226 Duties and authority of the security system administrator [Effective upon fulfillment of 76 Del. Laws, c. 179, § 8]

(a) All security system administrators shall have an office located in the State of Delaware with an operational telephone that shall be answered during regular business hours.

(b) The Department of Safety and Homeland Security, or its designee, shall:

(1) Designate a manner, form and telephone number for the communication of security system dispatch requests; and

(2) Establish a procedure to accept cancellation of security dispatch requests, which shall be used by the security system administrator to enforce the provisions of this section.

(c) The security system administrator shall establish a procedure to record such information on security system dispatch requests necessary to permit the security system administrator to maintain records, including, but not limited to, the information listed below:

(1) Identification of the registration number for the security system site;

(2) Identification of the security system site;

(3) Date and time security system dispatch request was received, including the name of the monitoring company and the monitoring operator name or number;

(4) Date and time of law-enforcement authority arrival at the security system site;

(5) Zone and zone description, if available;

(6) Weather conditions;

(7) Name of security system user's representative at the security system site, if any;

(8) Identification of the responsible security system installation company or monitoring company;

(9) If the law-enforcement authority was unable to locate the address of the security system site; and,

(10) Cause of the alarm signal, if known.

(d) The security system administrator shall establish a procedure for the notification of a false alarm to the security system user. The notice shall include the following information:

(1) The date and time of law-enforcement authority response to the false alarm;

(2) A statement urging the security system user to ensure that the security system is properly operated, inspected and serviced in order to avoid false alarms and resulting fines.

(e) The security system administrator may require a conference with a security system user and the security system installation company and/or monitoring company responsible for the repair or monitoring of the security system to review the circumstances of each false alarm.

(f) The security system administrator may require a security system user to remove a holdup alarm that is a single action, nonrecessed button, if a false holdup alarm has occurred.

[76 Del. Laws, c. 179, § 4.](http://delcode.delaware.gov/sessionlaws/ga144/chp179.shtml);

§ 1227 False alarms [Effective upon fulfillment of 76 Del. Laws, c. 179, § 8]

No security system user shall cause, allow or permit the security system to give 3 false alarms at a security system site within a calendar year.

[76 Del. Laws, c. 179, § 4.](http://delcode.delaware.gov/sessionlaws/ga144/chp179.shtml);

§ 1228 Penalties [Effective upon fulfillment of 76 Del. Laws, c. 179, § 8]

A security system user in violation of § 1227 of this title shall be subject to a civil penalty as follows:

(1) Fourth false alarm: $50 civil penalty;

(2) Fifth false alarm: $75 civil penalty;

(3) Sixth false alarm: $100 civil penalty;

(4) Seventh and any false alarm thereafter within a calendar year: $250 civil penalty for each offense.

[76 Del. Laws, c. 179, § 4.](http://delcode.delaware.gov/sessionlaws/ga144/chp179.shtml);

§ 1229 Civil Penalties and appeals [Effective upon fulfillment of 76 Del. Laws, c. 179, § 8]

(a) *Summons and notice of violation.* — A summons for payment of a violation of this subchapter may be executed by mailing such summons to the security system user at the address where the security system is located.

(b) *Payment.* — Persons electing to pay a civil penalty shall make payments to the entity designated on the summons for payment. Procedure for payment under this section shall be by regulation of the Department of Safety and Homeland Security, or by regulation, code or ordinance of the applicable municipality or county.

(c) *Procedure to contest a violation.* — A security system user receiving a summons pursuant to this subchapter may request a hearing to contest the violation by notifying, in writing, the entity designated on the summons within 30 days of the date of the mailing of the summons. Upon receipt of a timely request for a hearing, an administrative hearing shall be scheduled pursuant to regulations set forth by the Department of Safety and Homeland Security and the security system user shall be notified of the hearing date by first class mail. The hearing may be informal and shall be held in accordance with the regulations of the Department of Safety and Homeland Security. Costs for such hearing shall not be assessed against the prevailing party.

(d) *Appeal of administrative hearing.* — Either party may elect to appeal an administrative decision to the Justice of the Peace Court, which shall have exclusive jurisdiction to hear the appeal. An appeal to the Justice of the Peace Court shall be the final right of appeal.

(e) *Failure to pay and successfully contest the violation.* — If the security system user fails to pay the civil penalty, to respond to the summons within the time specified on the summons, and/or to successfully contest the civil penalty, the Department of Safety and Homeland Security, or its designee, may establish procedures for the collection of these civil penalties, and may enforce the civil penalty by civil action in the Justice of the Peace Court, including seeking judgment and execution on a judgment against the security system user.

[76 Del. Laws, c. 179, § 4.](http://delcode.delaware.gov/sessionlaws/ga144/chp179.shtml);

§ 1230 Confidentiality [Effective upon fulfillment of 76 Del. Laws, c. 179, § 8]

In the interest of public safety, all information contained in and gathered through the security system registration applications shall be confidential information.

[76 Del. Laws, c. 179, § 4.](http://delcode.delaware.gov/sessionlaws/ga144/chp179.shtml);