

Introduced by Senator HillFebruary 25, 2015

An act to amend Section 7590.1 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 468, as introduced, Hill. Alarm Companies: limited liability companies.

Existing law, California Revised Uniform Limited Liability Company Act, authorizes a limited liability company to have any lawful purpose, except as specified, and authorizes a domestic or foreign limited liability company to render services that may be lawfully rendered only pursuant to a license, certificate, or registration authorized by the Business and Professions Code if the provisions of that code authorize a limited liability company or foreign limited liability company to hold that license, certificate, or registration.

Existing law, the Alarm Company Act, provides for the licensure and regulation of alarm company operators by the Bureau of Security and Investigative Services within the Department of Consumer Affairs and makes a violation of the act a crime. Existing law, until January 1, 2016, authorizes an alarm company operator to conduct a business as a limited liability company if the alarm company operator holds a valid license issued to that exact same limited liability company. For purposes of the act, existing law, until January 1, 2016, defines a "licensee" to include a limited liability company.

This bill would extend the operation of that definition provision to January 1, 2020. Because a violation of the act by a limited liability company would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7590.1 of the Business and Professions
- 2 Code, as amended by Section 2 of Chapter 291 of the Statutes of
- 3 2012, is amended to read:
- 4 7590.1. The following terms as used in this chapter have the
- 5 meaning expressed in this article:
- 6 (a) "Person" means any individual, firm, company, association,
- 7 organization, partnership, limited liability company, or corporation.
- 8 (b) "Department" means the Department of Consumer Affairs.
- 9 (c) "Director" means the Director of Consumer Affairs.
- 10 (d) "Bureau" means the Bureau of Security and Investigative
- 11 Services.
- 12 (e) "Chief" means the Chief of the Bureau of Security and
- 13 Investigative Services.
- 14 (f) "Employer" means a person who employs an individual for
- 15 wages or salary, lists the individual on the employer's payroll
- 16 records, and withholds all legally required deductions and
- 17 contributions.
- 18 (g) "Employee" means an individual who works for an
- 19 employer, is listed on the employer's payroll records, and is under
- 20 the employer's direction and control.
- 21 (h) "Employer-employee relationship" means an individual who
- 22 works for another and where the individual's name appears on the
- 23 payroll records of the employer.
- 24 (i) "Licensee" means a business entity, whether an individual,
- 25 partnership, limited liability company, or corporation licensed
- 26 under this chapter.
- 27 (j) "Qualified manager" means an individual who is in active
- 28 control, management, and direction of the licensee's business, and
- 29 who is in possession of a current and valid qualified manager's
- 30 certificate pursuant to this chapter.

1 (k) “Registrant” means any person registered or who has applied
2 for registration under this chapter.

3 (l) “Branch office” means any location, other than the principal
4 place of business of the licensee, which is licensed as set forth in
5 Article 11 (commencing with Section 7599.20).

6 (m) “Branch office manager” means an individual designated
7 by the qualified manager to manage the licensee’s branch office
8 and who has met the requirements as set forth in Article 11
9 (commencing with Section 7599.20).

10 (n) “Alarm system” means an assembly of equipment and
11 devices arranged to signal the presence of a hazard requiring urgent
12 attention and to which police are expected to respond.

13 (o) “Alarm agent” means a person employed by an alarm
14 company operator whose duties include selling on premises,
15 altering, installing, maintaining, moving, repairing, replacing,
16 servicing, responding, or monitoring an alarm system, or a person
17 who manages or supervises a person employed by an alarm
18 company to perform any of the duties described in this subdivision
19 or any person in training for any of the duties described in this
20 subdivision.

21 (p) “Deadly weapon” means and includes any instrument or
22 weapon of the kind commonly known as a blackjack, slungshot,
23 billy, sandclub, sandbag, metal knuckles; any dirk, dagger, pistol,
24 revolver, or any other firearm; any knife having a blade longer
25 than five inches; any razor with an unguarded blade; or any metal
26 pipe or bar used or intended to be used as a club.

27 (q) “Firearms permit” means a permit issued by the bureau,
28 pursuant to Article 6 (commencing with Section 7596), to a
29 licensee, a qualified manager, or an alarm agent, to carry an
30 exposed firearm while on duty.

31 (r) (1) “Advertisement” means:

32 (A) Any written or printed communication for the purpose of
33 soliciting, describing, or promoting the licensed business of the
34 licensee, including a brochure, letter, pamphlet, newspaper,
35 periodical, publication, or other writing.

36 (B) A directory listing caused or permitted by the licensee which
37 indicates his or her licensed activity.

38 (C) A radio, television, or similar airwave transmission which
39 solicits or promotes the licensed business of the licensee.

40 (2) “Advertisement” does not include any of the following:

1 (A) Any printing or writing used on buildings, vehicles,
2 uniforms, badges, or other property where the purpose of the
3 printing or writing is identification.

4 (B) Any printing or writing on communications, memoranda,
5 or any other writings used in the ordinary course of business where
6 the sole purpose of the writing is other than the solicitation or
7 promotion of business.

8 (C) Any printing or writing on novelty objects used in the
9 promotion of the licensee’s business where the printing of the
10 information required by this chapter would be impractical due to
11 the available area or surface.

12 (s) “Residential sales agreement” means and includes an
13 agreement between an alarm company operator and an owner or
14 tenant for the purchase of an alarm system to be utilized in the
15 personal residence of the owner or tenant.

16 (t) “Firearm permit” means and includes “firearms permit,”
17 “firearms qualification card,” “firearms qualification,” and
18 “firearms qualification permit.”

19 (u) This section shall remain in effect only until January 1, ~~2016~~,
20 2020, and as of that date is repealed, unless a later enacted statute,
21 that is enacted before January 1, ~~2016~~, 2020, deletes or extends
22 that date.

23 SEC. 2. Section 7590.1 of the Business and Professions Code,
24 as added by Section 3 of Chapter 291 of the Statutes of 2012, is
25 amended to read:

26 7590.1. The following terms as used in this chapter have the
27 meaning expressed in this article:

28 (a) “Person” means any individual, firm, company, association,
29 organization, partnership, limited liability company, or corporation.

30 (b) “Department” means the Department of Consumer Affairs.

31 (c) “Director” means the Director of Consumer Affairs.

32 (d) “Bureau” means the Bureau of Security and Investigative
33 Services.

34 (e) “Chief” means the Chief of the Bureau of Security and
35 Investigative Services.

36 (f) “Employer” means a person who employs an individual for
37 wages or salary, lists the individual on the employer’s payroll
38 records, and withholds all legally required deductions and
39 contributions.

1 (g) “Employee” means an individual who works for an
2 employer, is listed on the employer’s payroll records, and is under
3 the employer’s direction and control.

4 (h) “Employer-employee relationship” means an individual who
5 works for another and where the individual’s name appears on the
6 payroll records of the employer.

7 (i) “Licensee” means a business entity, whether an individual,
8 partnership, or corporation licensed under this chapter.

9 (j) “Qualified manager” means an individual who is in active
10 control, management, and direction of the licensee’s business, and
11 who is in possession of a current and valid qualified manager’s
12 certificate pursuant to this chapter.

13 (k) “Registrant” means any person registered or who has applied
14 for registration under this chapter.

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16 place of business of the licensee, which is licensed as set forth in
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24 attention and to which police are expected to respond.

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26 company operator whose duties include selling on premises,
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28 servicing, responding, or monitoring an alarm system, or a person
29 who manages or supervises a person employed by an alarm
30 company to perform any of the duties described in this subdivision
31 or any person in training for any of the duties described in this
32 subdivision.

33 (p) “Deadly weapon” means and includes any instrument or
34 weapon of the kind commonly known as a blackjack, slungshot,
35 billy, sandclub, sandbag, metal knuckles; any dirk, dagger, pistol,
36 revolver, or any other firearm; any knife having a blade longer
37 than five inches; any razor with an unguarded blade; or any metal
38 pipe or bar used or intended to be used as a club.

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8 (B) A directory listing caused or permitted by the licensee which
9 indicates his or her licensed activity.

10 (C) A radio, television, or similar airwave transmission which
11 solicits or promotes the licensed business of the licensee.

12 (2) "Advertisement" does not include any of the following:

13 (A) Any printing or writing used on buildings, vehicles,
14 uniforms, badges, or other property where the purpose of the
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26 tenant for the purchase of an alarm system to be utilized in the
27 personal residence of the owner or tenant.

28 (t) "Firearm permit" means and includes "firearms permit,"
29 "firearms qualification card," "firearms qualification," and
30 "firearms qualification permit."

31 (u) This section shall become operative on January 1, ~~2016~~.
32 2020.

33 SEC. 3. No reimbursement is required by this act pursuant to
34 Section 6 of Article XIII B of the California Constitution because
35 the only costs that may be incurred by a local agency or school
36 district will be incurred because this act creates a new crime or
37 infraction, eliminates a crime or infraction, or changes the penalty
38 for a crime or infraction, within the meaning of Section 17556 of
39 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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