House Bill 465 (AS PASSED HOUSE AND SENATE)
By: Representatives Gullett of the 19th, Gravley of the 67th, Ridley of the 6th, Momtahan of the 17th, Singleton of the 71st, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties and municipal corporations, so as to prohibit local governments from imposing civil penalties upon an alarm system contractor for a false alarm that occurs through no fault of the alarm system contractor; to provide for definitions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties and municipal corporations, is amended by adding a new Code section to read as follows:

"36-60-28.

(a) As used in this Code section, the term:
(1) 'Alarm system' shall have the same meaning as provided in Code Section 43-14-2.
(2) 'Alarm system contractor' shall mean any alarm system monitoring business or alarm system installation and repair business.
(3) 'Alarm system installation and repair business' means any person engaged in leasing, maintaining, servicing, repairing, altering, replacing, installing or inspecting any alarm system, or in causing any alarm system to be leased, maintained, serviced, repaired, altered, replaced, or installed in any building, structure, or facility.

(4) 'Alarm system monitoring business' means any company that intercepts signals indicating the activation of an alarm system and relays this information to a public safety agency.

(5) 'False alarm' means the activation of any alarm system that results in a request for police assistance for which the responding public safety agency finds no evidence of criminal activity.

(6) 'Local government' means any county or municipality of this state.

(7) 'Public safety agency' shall have the same meaning as provided in Code Section 16-10-28.

(b) Notwithstanding any other provision of law, a local government may enact, adopt, or enforce any ordinance, resolution, or regulation requiring any alarm system contractor to pay for or be responsible for any fines, fees, or other penalties relative to false alarms only in situations when the false alarm is attributed to an error of the alarm system contractor or improper installation by the alarm system contractor or if the alarm system contractor cannot provide evidence of telephone logs, other electronic means, or visual evidence that the alarm verification process as provided in Code Section 35-1-9 was followed. In cases where the alarm system contractor was in compliance with such provisions, a local government may require that the alarm user responsible for the false alarm pay for or be responsible for any fines, fees, or other penalties relative to false alarms."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.
SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.