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COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

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FRANKFORT, KENTUCKY 40601

September 30, 2008

Dear Alarm Industry Association:

We are sending this letter to you because you appear to be an alarm industry association with members operating in Kentucky.

If your members provide personal emergency response system (PERS) services in Kentucky, please help us remind them of a new Kentucky law that went into effect on July 15, 2008. The new law will, among other things, help Kentuckians who use PERS systems to get emergency help when needed by letting them specify that 911 should be the first call made when they signal for help to their PERS. New contracts after 2008 must include certain provisions, and PERS providers must notify customers with contracts existing before January 1, 2009, that they have the option to change their call list.

More information can be found in the enclosed "*Questions & Answers About Kentucky's Personal Emergency Response Systems Law*". This information will also be available soon on the Attorney General's website, <http://ag.ky.gov/civil/consumerprotection/>.

Thank you for your attention to this request.

Sincerely,

JACK CONWAY  
ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "Todd E. Leatherman".

Todd E. Leatherman, Executive Director  
Office of Consumer Protection  
Phone: (502) 696-5389 Fax: (502) 573-8317

/kw  
Enc.



# Questions & Answers About Kentucky's Personal Emergency Response Systems Law

## **1. What is the new law and what is a "personal emergency response system"?**

The 2008 Kentucky General Assembly enacted Senate Bill 57 regarding "personal emergency response systems" (PERS). It is also known as the "Christine Talley Act".

A PERS is an electronic device a person can use to get help for a medical or personal emergency, by sending a signal to the alarm system provider which then tries to dispatch appropriate aid by contacting the customer to see if help is needed or calling 911 or others on the customer's call list. (See Q&A 3 below for a discussion of who the new law applies to.)

Senate Bill 57 is available online at [www.lrc.ky.gov/record/08RS/SB57/bill.doc](http://www.lrc.ky.gov/record/08RS/SB57/bill.doc), and the law is codified in Kentucky's statutes at KRS 438.280 - .290, available online at [www.lrc.ky.gov/KRS/438-00/CHAPTER.HTM](http://www.lrc.ky.gov/KRS/438-00/CHAPTER.HTM). Paper copies can be requested from the Legislative Research Commission, Public Bill Room, Capitol, Frankfort, KY 40601 (502-564-8100).

## **2. What does the PERS law require?**

As of January 1, 2009, new contracts for PERS service must:

- Let the customer designate 911 as the first place to be called if the customer signals for help. The contract must include a clear disclosure of this right, signed or checked by the customer.
- Let the customer choose the order for contacting those on the call list if the customer signals for help.
- Let the customer specify that 911 be called if the customer does not verbally respond when the PERS provider checks with the customer after receiving a signal for help.
- Provide that if the customer does not designate 911 as the first call, 911 will by default be called after the PERS provider has tried without success to contact the people on the customer's call list.
- Require the PERS provider to give certain information to 911 when calling there (i.e., name, location).
- Provide that after calling 911 the PERS provider must try to contact the people on the call list unless the customer gives other verbal directions at that time.

For contracts existing before January 1, 2009, the PERS provider must mail a notice by January 1, 2009, to each customer allowing them the option of designating 911 as the first call, and the notice must include a toll-free phone number the customer can use to make this choice. If the customer does not respond, the existing call list will remain in place. (See KRS 438.284, available online at [www.lrc.ky.gov/KRS/438-00/284.PDF](http://www.lrc.ky.gov/KRS/438-00/284.PDF).)

Additionally, a PERS provider must comply with these required contract provisions, and cannot direct or allow its employees or agents to do anything forbidden or fail to do anything required by this law. (See KRS 438.282, available online at [www.lrc.ky.gov/KRS/438-00/282.PDF](http://www.lrc.ky.gov/KRS/438-00/282.PDF).)

*Prepared by the Kentucky Attorney General's Office of Consumer Protection.  
This is not legal advice, nor is it a formal or advisory opinion.  
Please consult your own attorney for legal advice.*

### **3. Who does the PERS law apply to?**

The requirements of the new law apply to anyone who sells, installs, services, monitors, or responds to a PERS that is installed in the customer's residence and monitored by an alarm systems company but is not part of a combination of alarm systems including a burglar or fire alarm.

The new law does not apply to 911 call centers, public safety answering points, public or private agencies called by 911 to render aid, anyone on the customer's call list, governments or special districts, electronic monitoring for parole or similar purposes, or anyone not in the PERS business.

(See KRS 438.280(2) and 438.286, available online at [www.lrc.ky.gov/KRS/438-00/280.PDF](http://www.lrc.ky.gov/KRS/438-00/280.PDF) and [www.lrc.ky.gov/KRS/438-00/286.PDF](http://www.lrc.ky.gov/KRS/438-00/286.PDF).)

### **4. Who do customers call if they want to report a violation of the PERS law?**

The Attorney General's Office and County Attorneys have concurrent enforcement authority. (See KRS 438.288, available online at [www.lrc.ky.gov/KRS/438-00/288.PDF](http://www.lrc.ky.gov/KRS/438-00/288.PDF).)

To contact the County Attorney for the county where the customer lives, look in your local telephone directory or contact the Kentucky County Attorney's Association for information ([www.kcaa.info](http://www.kcaa.info), or 606-258-1401). A list of County Attorneys is also available online at <http://ag.ky.gov/criminal/pac/>.

The Attorney General's Office of Consumer Protection can be contacted at 1-888-432-9257 or by providing a completed consumer complaint form. A complaint form is available online from the Office of Consumer Protection's website at <http://ag.ky.gov/civil/consumerprotection/>.

### **5. What can be done to violators?**

A civil penalty of up to \$10,000 can be imposed against anyone who knowingly violates this law. Additionally, if the act also violates the Kentucky Consumer Protection Act, the Attorney General's Office can seek any remedy allowed under that Act (such as injunctions, restitution for consumers, and additional civil penalties). The Attorney General's Office and County Attorneys may also recover the reasonable costs of investigation and litigation. (See KRS 438.288 and 438.290, available online at [www.lrc.ky.gov/KRS/438-00/288.PDF](http://www.lrc.ky.gov/KRS/438-00/288.PDF) and <http://www.lrc.ky.gov/KRS/438-00/290.PDF>.)

### **6. Where can people get more information?**

Attorney General's Office of Consumer Protection's website: <http://ag.ky.gov/civil/consumerprotection/>.

Federal Trade Commission: [www.ftc.gov/bcp/edu/pubs/consumer/products/pro24.shtm](http://www.ftc.gov/bcp/edu/pubs/consumer/products/pro24.shtm).

AARP: [www.aarp.org/](http://www.aarp.org/).

Dept. of Aging & Independent Living, of the Kentucky Cabinet for Health & Family Services, for information about programs and services: <http://chfs.ky.gov/dail/Programs.htm>.

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