LOCKSMITHS LOBBY FOR LICENSING

A GUIDE FOR INFLUENCING YOUR STATE LEGISLATURE

Associated Locksmiths of America, Inc.
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INTRODUCTION

By

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ALOA’s legislative manager is here to serve locksmiths through monitoring and reporting on federal and state legislation that affects you. ALOA reports on this legislation on the ALOA website (www.aloa.org/legislation) and in Keynotes magazine so you will know what is being considered in legislatures that will affect your business operations.

In addition to monitoring and reporting, the legislative manager’s job is to offer assistance to locksmiths around the country who not only want to become involved in introducing state licensing legislation but also confront the challenges of other industries who wish to take business away from locksmiths. Acting alone, it is unlikely you would be heard. However, as a member of ALOA, you speak with the power of thousands of voices, plus a national, state and local organization behind you. This group voice commands attention.

For this voice to be effective, however, locksmiths must be united in their determination to pass licensing and regulation legislation. Factional fighting will doom the proposal. Every effort should be made to secure the support of affected locksmiths. Once united, state organizers should take the steps outlined in this guide. Don’t let others influence your future. Get involved!

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LOCKSMITH LICENSING IS IMPORTANT

QUESTIONS TO ASK YOURSELF AND YOUR MEMBERSHIP

Why should the government get involved in my business?
Both the state and federal government are already involved in your business operations. From minimum wage and occupational safety regulations to fair labor standards and taxes, government activities already affect your business.

Why do states license professionals?
Licensing is a normal part of state governmental functions. While each of the 50 states is different, all of them have occupational licenses in one way or another—from barbers to plumbers to doctors—in order to set standards for these professions and protect the public.

Why does ALOA supporting locksmith licensing?
Locksmith professionals must get involved in regulating our own profession. As the industry leader, ALOA wants to ensure that our industry is regulated by locksmiths—not electricians, law enforcement officers, auto mechanics, electronic security companies or burglar alarm interests. Therefore, ALOA’s board of directors passed a resolution that calls on the organization to become more proactive in state licensing and regulation of the locksmith industry.

Are other groups within our industry that are active in licensing?
Yes. The burglar and fire alarm industry as well as auto mechanics and electricians are very active in many states with licensing bills that may already affect your business operations.

Why should I support licensing?
Locksmith licensing has many benefits, including:
- Defines locksmithing as a profession
- Gives locksmiths the authority to possess lock picks and other locksmith tools and restricts access to others
- Protects the public from unqualified persons and criminals acting as locksmiths (i.e. “locksmith scammers”)
- Protects locksmiths from being legislated out of business by related industries in your state (burglar and fire alarm, electricians) that may already be licensed
- Reduces liability by requiring customer identification for opening or providing keys when opening automobiles or premises
- Ensures that locksmiths are to keep up-to-date on new techniques within the industry through continued education, testing, and competency requirements
- Raises the standards of professionalism by creating licensed security professionals within the industry
A CONSENSUS ON THE LEGISLATION

To build consensus on the legislation, follow these steps:

1. Use ALOA’s Model Law as a starting point to create a bill to license and regulate the industry within your state. Distribute copies to members for consideration and discussion.

2. Conduct a survey of fellow locksmiths to determine the level of support for licensing.

3. Create a coalition to represent various chapters or organizations within the state, specifically for the purpose of developing and promoting a bill. This coalition can also coordinate the lobbying of the bill once it is introduced.

4. Arrange meetings around the state to review and discuss all elements of a licensing and regulation bill. Consensus should focus on a completed draft of the legislation.

5. Consult with ALOA’s legislative manager when considering a final version of the bill to receive insight into what other successful groups have done around the country.

6. Ensure all groups that might be affected are identified, contacted and surveyed when considering a final version of the bill. These contacts may include allied industries, potential opponents, lock manufacturers and suppliers and others in your state.

7. Ask ALOA’s Legislative Manager to review your final version of a bill.
HOW A BILL IS PASSED

LEARNING YOUR STATE’S PROCEDURES
It is important to learn how your state’s legislative process works, as each state is a bit different. Attachment D lists state legislature websites where more information regarding how a bill is passed can be found. Generally, the system works as follows:

Initial Steps By The Author
Idea: Sources of ideas for legislation include government, elected officials, businesses, lobbyists, citizens—you.

Drafting: Legislators, legislative committees, the Governor, state agencies and local governments can make a request for a bill draft. A staff attorney for the Legislature sometimes prepares a formal draft of a bill.

Action In The Chamber Of Origin
First Reading: A bill is submitted by the Senate or House (Assembly) sponsor, numbered, published and read for first time. It is then assigned to committee.

Committee: A committee may recommend that the chamber pass a bill as it is written, pass it with amendments or not pass it. If a committee is of the opinion that a bill requires further committee consideration, it may recommend that the Senate/House either amend the bill and re-refer it to the same committee or refer the bill to another committee or subcommittee. Finally, a committee may vote to indefinitely postpone consideration of a bill, effectively killing it, or may take no action at all.

Second Reading Before The Full Chamber: Bills given “Do Pass” recommendations are read a second time and placed on General File for debate and vote. Bills that are given an “Amend and Do Pass” recommendation are read a second time, amended and reprinted before being placed on the daily file (agenda) for action.

Floor Debate And Vote By The Full Chamber: Bills are read a third time and debated. A roll-call vote follows. For passage of bills or joint resolutions, 50% + 1 votes are needed in the chamber. A measure that does not receive at least this number of votes is defeated. Any member voting on the prevailing side may serve notice of reconsideration to request a second vote. If passed or passed with amendments, the measure is sent to the second chamber.

Action In The Second Chamber
First Reading: Bill is read for the first time and referred to committee.

Committee: Procedures and possible actions are identical to those in the first chamber.

Second Reading Before The Full Chamber: If cleared by committee, the bill is read a
second time and placed on the daily file (agenda) for action.

**Floor Debate And Vote By The Full Chamber:** The procedure is identical to that in the first chamber. If the second chamber passes a bill or joint resolution without amendment, it is sent to the Governor. If the second chamber amends a measure, it is returned to the chamber of origin for consideration of the amendments.

**Resolution Of Differences (if necessary)**
**Consideration Of Amendments:** The chamber of origin decides whether to accept the second chamber’s amendments. If it accepts the amendments, the bill goes to the Governor. When the amendments are rejected, the bill is returned to the second chamber for a decision whether to withdraw the proposed changes. If the second chamber does not recede, the bill is referred to a two-house conference committee.

**Conference Committee:** After meeting, the conferees may present a recommendation for compromise (a conference report), and both chambers vote on the report. If both chambers accept the report, the bill goes to the Governor. If either chamber rejects the report, it may appoint a second (and final) conference committee. The bill dies if the conferees fail to agree.

**Role Of The Governor**
The Governor must act on a bill within a determined number of days after he receives it if the Legislature is still in session or by another determined date if the session has ended. He may sign the bill into law, allow it to become law without his signature or veto it. A vetoed bill returns to the chamber of origin for a possible vote on overriding the veto. An override requires a two-thirds majority of both chambers. If the Governor vetoes a bill after session ends, it returns to the next legislative session. Measures become effective following the end of the legislative session, unless otherwise specified in the bill.

**SECURING A SPONSOR**
Once your bill is ready, the next step is to identify a member to sponsor the legislation. If a locksmith has a constituent connection with a legislator, you may want to seek their sponsorship of the legislation.

Select a legislator, preferably the chair, who serves on the legislative committee that would consider the bill or would license professions in your state. This varies in each state, so contact the State Senate and lower House in the State Capitol to determine the applicable committee.

Provide the sponsor with a copy of your bill. The legislator will submit the bill to a legislative drafting office within the state legislature, which will put the bill in proper form for introduction.
Select a small delegation of locksmiths (three is a good number) to visit the state legislator who is sponsoring your request. Bring a copy of the bill and a one-page document that details the reasons to your licensing legislation should be supported. Additionally, bring any supporting documentation such as videos or newspaper articles of stings to further support your case. After the meeting, send a short thank-you letter.

Finally, secure a firm commitment by a legislator to sponsor and introduce the bill.

**HAVING THE BILL(S) INTRODUCED**
Once your bill is drafted in proper form, the sponsor will introduce it in the legislature and the bill number(s) will be assigned.

Once a bill number has been assigned, you can develop your lobbying strategy for legislative approval and, ultimately, to the Governor for signature into law.

**RETIING A LOBBYIST**
In the legislative process, it is generally accepted for groups to retain professional government relations specialists when pursue passage of their legislation. Some locksmith groups have retained the services of lobbyist(s) in the state capitol early on in the process to lobby for their bill(s). This has been a successful course of action, so consider it as an option, if funds permit.

Should your group retain a lobbyist, much of the strategy and activities would be in consultation with that lobbyist. However, the coalition should maintain oversight and contact over the retained lobbyist’s activities.

The ALOA Legislative Manager can provide referrals, services and general guidance on fees.
FORM A LOCKSMITH LEGISLATIVE COMMITTEE TO DEVELOP A LOBBYING STRATEGY

Because of the timing and the short legislative process (usually three to four months), your locksmith legislative committee should select locksmiths in and around the state capitol to serve as a quick response team to lobby when issues arise. For example, it only takes a short amount of time for three locksmiths to contact 100 lower House members (33 legislators per locksmith) to distribute position papers and set up a call or meeting.

To maximize efforts, each locksmith legislative committee should develop a strategy for every part of the legislative process:
- Encourage the House or Senate Committee(s) to pass the bill
- Encourage the House or Senate to pass the bill
- Encourage the Governor to sign the bill into law
- Secure support from the public

So your locksmith legislative committee is successful in its lobbying efforts, follow these tips:

Target Legislators
The locksmith legislative committee (“Committee”) should target locksmiths who reside in the legislators’ district (city) to begin the lobbying process. This should especially be done for all legislators who serve on the House or Senate Committee that will consider your bill. If the Legislative Committee members to which the bill has been referred do not pass the bill, it will die. Therefore, groups of locksmiths should network with these legislators and get other locksmiths to do the same.

Draft Position Papers
The Committee should develop position papers to support the passage of the bill. These materials should also include letters to the legislators you are targeting. ALOA’s Legislative Department can be helpful in drafting these. If you have retained a lobbyist, he or she should be preparing these materials as well.

Identify Opposition Groups
The Committee should identify potential opposition groups and meet with them to resolve disputes. Accommodate opposition groups, if possible, through small changes in the bill. Network with law enforcement communities, fire chiefs and civic groups, using media “scammer news reports” (found at www.aloa.org/legislation) to support passage of the legislation.

Meet With Regulators
To be successful, it is imperative that the Committee, or a delegation of locksmiths, meet with the state officials that license and regulate our industry early in the legislative
process. Consult closely with these officials. Develop arguments for them to support your legislation.

In meeting with these state officials, identify potential objections they could have regarding regulating locksmiths. Answer all objections with defined solutions. Fees (revenue to the state) are important in the discussions.

Remember, opposition by the state licensing agency during the legislative approval process could hurt your chances of the bill being favorably reported out of the Legislative Committee. Gain allies of these state officials, if possible. Consult with ALOA’s Legislative Department to see how other state locksmiths dealt with their state agencies.

Also become familiar with the International Association of Security Industry Regulators (IASIR). This organization is comprised of the Department Regulators and the Board Administrators of a particular state. For more information on IASIR and its current membership, go to www.iasir.org.

**Guard Against Last Minute Opposition**

Many bills have been killed after Governors veto it. Guard against this by meeting with the Governor, or his or her assistant, to support your legislation.

Watch for other industries or groups that can possibly object to your bill. Most objections can be solved by simple amendments or changes to your bill. Meet all objections head-on and consider accommodating them in order to get the bill passed.

Remember, all 50 state legislators meet at different times during the year and some meet every other year. Therefore, it is essential to plan ahead and set your goals.

The locksmith legislative committee is an important tool in lobbying for you at the Capitol. For the highest rate of success, use these committees in conjunction with a hired lobbyist who can gain access to the proper legislators. Both groups working in conjunction with the ALOA Legislative Department can make all the difference in getting locksmith licensing passed in your state.
WHAT ALOA CAN DO FOR YOU

LEGISLATIVE ACTION NETWORK
ALOA tracks legislation and notifies members of pending bills that could affect their business. But you may not know that the resources we use to keep you abreast of what’s happening are accessible to you, too. ALOA provides the following legislative resources:

Contact Your Legislator
The ALOA website has an effective tool for bringing locksmiths and their state legislators closer together. “TAKE ACTION!” connects locksmiths to every member of the 50 state legislatures and the U.S. Congress and provides up-to-date information about key issues. It creates personalized correspondence that can be sent via e-mail or printed out as a letter for faxing or mailing—ideal for grassroots lobbying. If you have an issue that needs to be sent to ALOA members in your state, e-mail tim@aloa.org with the text and he can send it out—usually within 24 hours.

CQ State Track
This legislative monitoring service gives you the ability to type in a few keywords, such as “alarm,” “locksmith,” “electrician,” “electronic security,” and immediately bring up any bills or regulations that have been introduced that affect our industry. Heard a rumor that a bill was introduced? Go to www.aloa.org/legislation and click on “Weekly Legislative Report” to find out for sure.

Internet Sites of State Legislators
The ALOA website has bookmarked every state site, including every legislature’s homepage, so looking up text of bills, reviewing committee agendas and even contacting legislators via e-mail couldn’t be easier. A link to all bills is just a click away.

Model Laws
Need a copy of any state law? The ALOA website has them along with written summaries of many of the laws that affect locksmiths or the access control industry. Even ALOA has a model law you can use.

Industry Memberships
To help keep the pulse of the security industry, ALOA is involved in many other organizations and coalitions including the National Conference of State Legislators, National Association of Attorney’s General, The International Association of Security Industry Regulators, the National Automotive Service Task Force, the NBFAA Government Relations Committee, the Door and Hardware Institute (DHI) and the American Society for Industrial Security (ASIS).

Legislative Action Network (LAN) Council
Those who contribute $100 or more to the Legislative Action Fund become members of
the prestigious Legislative Action Network (LAN) Council. The Council is an important instrument in raising the standards of the locksmith profession through the legislative process because it ensures locksmiths have the final say in how our industry is run.

LAN Council members receive:
- The quarterly Legislative Action Network Update alerting you to important legislation in your state and around the country (same as LAN members)
- A comprehensive guide to lobbying in your state capital, so you can be the voice of ALOA to legislators
- A lapel pin designating you as a special ALOA LAN Council member
- Recognition in *Keynotes* magazine
- Invitation to exclusive functions at the annual ALOA convention for LAN Council members
- Complimentary Legislative Convention merchandise

It’s simple to join the LAN Council. Go to the ALOA Store at www.aloa.org/store and click on “Legislative Funds.”

**FUNDRAISING AND FINANCES**
There are hard costs associated with passing legislation, so preparing a budget is essential. Look at raising funds to cover the following expenses: mailing, telephone, travel, administrative, lobbyist’s retainer, donation to legislators and other courts.

Support state legislatures in their campaign activities, such as petition drives and other volunteer and re-election projects.

Set-up a separate non-interest bearing checking account.

**GRASSROOTS COMMUNICATION:**
**FOUR WAYS TO GET YOUR MESSAGE HEARD**
Let’s say the Legislative Alert letter from ALOA contains an article outlining a bill being introduced in your state that is either helpful or harmful to your business. The issues of the bill are explained, contact information is provided and a request is made for you to make a call to your state legislature. How do you start? What do you say? And what is the most effective way of saying it?

The following tips can be helpful when generating four basic types of grassroots communication: personal letters, phone calls, face-to-face meetings and letters to the editor.

**Letter-Writing Campaigns**
As a rule, elected officials learn about the view of the voting public through letters or faxes rather than face-to-face meetings. Now more than ever, elected officials want to
receive written communication from their constituents. Writing effective letters is not hard. These suggestions will make writing to your legislator even easier:

- Use company letterhead or personal stationary.
- Include your return address on your letter in addition to the envelope, as they often get detached, discarded, or misplaced before the letter is answered.
- Be accurate. Spell names correctly and verify information. Include the bill number. Tell why you are writing and get to the point.
- State your reason for writing up front. Explain how the legislation would affect your business, your employees and the community in which you live.
- Ask your elected officials to explain their position on the issue in their reply so you do not get the typical form letter response (“I’ll keep your views in mind should this legislation come up for a vote.”). As a constituent, you’re entitled to know what your representative is thinking.
- Consider timing. Try to communicate on a bill while it is still in committee. Elected officials will be more responsive to your views at that time, before the bill gets complicated by political commitments and already established positions.
- Thank your elected officials if they vote your way. They appreciate a compliment, and they remember positive feedback.
- Don’t hesitate to communicate your displeasure. However, this too will be remembered, so be polite if your elected official opposes your position. You may want the official’s help on another issue in the future.

**Phone-Call Campaigns**

Calling your elected official is a fast, effective way of communicating your message on a piece of legislation. But it’s critical to do it correctly so you get past the reception desk.

Use the following guidelines to tailor your phone-calling campaign:

- Direct your calls to the staff person handling the specific issue for the official.
- Decide weather to direct the calls to the state capital office or the district office when you want to discuss the technical aspects of the bill. Call the district office when you want to make a political statement by contacting the member’s top political person in the district. The person, in turn, will make sure the message gets to the elected official.
- Keep the message short, and stick to one issue.
- Ask for a follow-up call on how your elected official will vote on the issue. Make it clear that you are not interested in the “I’ll keep your views in mind” response.
- Avoid going through the capitol switchboard if possible. Get direct phone numbers for the staffers you are trying to reach.

**Legislative Visits**

In today’s world, you probably will get only 15 minutes with elected officials or their staff. Thus, your message must be brief and informative. For maximum exposure, consider a “Capitol Hill Day”.

The following outline can help you define your goals when conducting legislative visits:
• Explain how many members or constituents you are representing.
• Keep it brief; don’t let the legislator sidetrack the meeting with pleasantries.
• State your facts. Tell the legislator what you want.
• Tell your legislator who opposes you and why.
• Leave behind documents (fact sheet, white paper, etc.) for the legislator or staff.
• Mention who else supports your position.
• Ask for a commitment.
• Thank the legislator for the meeting.
• Set up an acceptable time for follow-up with the legislator. Assign a member from your group to follow up.

Letters To The Editor
Letters to the editor can be effective and inexpensive way to get your message across to both the public and your elected official. Use the same basic principles as when writing to your legislator; both letters can be virtually the same. Remember these points:
• Make sure your name, address and phone number are on the letter.
• Address it to the editor of the publication.
• Mention your elected official’s name in the first paragraph to ensure the letter makes it to the legislator’s desk.
• Start with local publications (in the elected official’s district) and then move to the regional publications.

LOCKSMITH DAY PROCLAMATIONS
In recent years, chapters and associations have become more active in getting their state to recognize “Professional Locksmiths Day.” The revival was begun by Lee Griggs, CML, of the South Carolina Locksmith Association, and subsequently picked up by John Dorsey, CML, of the Indianhead chapter of ALOA (See Keynotes, October 2000 issue). “I took the bull by the horns and found a lamb,” says John on the ease in which getting a proclamation from the Governor’s office truly is. But why is this important?

Many people—and legislators—still do not fully understand the breadth of the work locksmiths do and think we primarily cut keys. A proclamation by the state can be a wonderful tool in marketing and promoting the profession by saying exactly what we do. Submit the proclamation to your local newspaper, and it may print a story on the day (and hopefully interview you) or at least print the proclamation itself. It is more effective than any phone directory ad.

But where do you start? In most states, a proclamation is treated just like a piece of legislation. You must author it, submit it to your representatives, they introduce the proclamation, it is voted on and then signed by the Governor. “It takes a little while to get the language right on what the profession is about,” says Bill Smith, RL, of the Fox Valley Chapter of ALOA, who has worked on proclamations for Wisconsin.

When is the ideal time for a “Professional Locksmiths Day?” October is the National
Crime Prevention Council’s (www.ncpc.org) “National Crime Prevention Month.” Find out when your state’s month is by calling the Governor’s office, and plan accordingly. Remember, most state legislatures only run from January to June each year, so you must get your proclamation in early (pre-filing in November or December the year before is always a good idea).
A PROCLAMATION

WHEREAS, professional locksmiths dedicate endless hours of time and almost unlimited funds to advance their education in certified Associated Locksmiths of America (ALOA) courses; and

WHEREAS, professional locksmiths respond to calls 24 hours a day, 7 days a week, 365 days per year; and

WHEREAS, the work of professional locksmiths plays a major role in the prevention of crime as well as helping to secure homes and automobiles and the individuals who live in or use them; and

WHEREAS, professional locksmiths must pass numerous criminal investigation tests and are also expected to be knowledgeable of all laws and the rights of property owners; and

WHEREAS, professional locksmiths are genuinely concerned with crime prevention and work hand in hand with law enforcement;

NOW, THEREFORE, I, Jim Doyle, Governor of the State of Wisconsin, do hereby proclaim October 1-31, 2008 which coincides with the October observance of National Crime Prevention Month, as

PROFESSIONAL LOCKSMITH AND SECURITY MONTH

in the State of Wisconsin, and commend this observance to all citizens.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this twenty first day of February in the year two thousand eight.
Highlights from ALOA’s Model Locksmith Licensing Law

• **Every individual** who works as (or with) a locksmith is licensed or registered.

• **Licensees are educated**, tested and receive continuing education through tried-and-true educational and testing formats created by ALOA.

• **Licensing fees** are earmarked for funding this title only; **Fines** are divided between the state’s general revenue fund and the state agency that causes the actual levy of a specific fine.

• Civil and criminal **penalties are strong enough to genuinely deter misconduct**.

• Licensed Locksmiths are listed on a state “.gov” website accessible to the public.

• **A Certification Mark is registered** with the state (if available) and US Patent & Trademark Office for display on licensee’s photo ID cards and businesses displays.

• There is an **apprenticeship** (journeyman) licensing provision to encourage honesty and competency amongst those seeking entry into the profession.

• The title has **clear definitions** regarding bad business practices and title violations.

• Ongoing state and national **background checks** that review criminal and civil misconduct.

• Locksmiths are required to present ongoing **proof of general liability insurance**.

• Locksmiths must carry **State-issued Photo-ID licenses** (similar to a driver license).

• There are explicit and enumerated **grounds for denial** of licensure.

• There are **specific criminal provisions** enabling prosecution of locksmith misconduct that are separate, distinct, and in addition to state deceptive practices laws.

• **Procedures for hearing and administrative appeals** of fines and license denial are clear.

• There are strict and specific **invoicing and record keeping requirements** including an on-demand right of inspection by local police department.

• There is an **advertising code that regulates internet search engines** and traditional listing services which defines legal notice of listing violation and bans fraudulent listings.

• **Enforcement provisions include a Private Right of Action** that enables any licensed locksmith or other aggrieved party to obtain an injunction against working as a locksmith by an unlicensed or violating party. This provision includes a right to recover attorney fees in the event that the injunction is granted.

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GENERAL PROVISIONS

I. Definitions

(a) In general: In this title the following words have the meanings indicated.

(b) Business: "Business" means a commercial entity that provides locksmith services.

(c) Employee: "Employee" means an individual employed by a licensed locksmith to perform non-locksmithing functions on behalf of the licensed locksmith. This includes, but is not limited to, accounting, cleaning services, or operating a cash register.

(d) Fixed business address: "Fixed business address" means a single physical location within this state where a licensee conducts business and at which the licensee (or registered agent in case of corporate licensee) is personally available:

(1) During normal business hours; or

(2) Other hours as provided in the application for the license.

(e) License: "License" means a license issued by the Secretary or State Licensing Department to provide locksmith services.

(f) Licensed locksmith: "Licensed locksmith" means, unless the context requires otherwise, an individual licensed by the Secretary or State Licensing Department to provide locksmithing services in any capacity, whether providing to the public or internally for a business, company, association, union, institution, or other organization.

(g) Journeyman Locksmith: “Journeyman Locksmith” means an individual employed by a licensed locksmith who provides locksmith services under the supervision, control and employ of that licensed locksmith. This designation shall be valid for a period of no longer than 2 years and is intended to serve as a pathway for responsibly introducing individuals to the profession. Journeyman Locksmiths are not required to take the Locksmith Licensing Examination but must be at least 16 years of age.

(h) Local law enforcement unit: "Local law enforcement unit" means the Department of State Police, a police department in the State, or sheriff in the State:

(1) Designated by the county or municipal governing body for a licensee with an in-State fixed business address; or

(2) Designated by the Secretary or State Licensing Department for a licensee with an out-of-state fixed business address.
(j) Provide locksmith services: "Provide locksmith services" means to engage professionally and for compensation, in any capacity including institutionally:

(1) Repairing, rebuilding, rekeying, repinning, recombinating, adjusting, or installing mechanical, electrical, or electromechanical locking devices, safes, vaults, or safe deposit boxes; or

(2) Operating a mechanical, electrical, or electromechanical locking device or opening safes, vaults, or safe deposit boxes by a means other than that intended by the manufacturer of such locking devices.

(k) Qualifying Education Requirement: “Qualifying Education Requirement” refers to the locksmith education curriculum designed by the ALOA Security Professionals Association, Inc. trade association to ensure competency, proficiency, and professionalism as a prerequisite to Locksmith Licensure. This course is designed to culminate in the Locksmith Licensing Examination.

(L) Locksmith Licensing Examination: The “Locksmith Licensing Examination” shall refer to the examination given by the state to verify professional competency amongst Licensed Locksmiths. The examination shall be modeled on the certification examination conducted by the ALOA Security Professionals Association, Inc. trade association and shall be administered by the Secretary or State Licensing Board no less than 4 times per year. There shall be no limit on the number of times an applicant may sit for the Exam.

(M) Continuing Locksmith Education: Licensed Locksmiths shall complete a minimum of fifteen (15) hours every two (2) years of continuing locksmith education. The Secretary or State Licensing Department shall publish on a yearly basis a listing of approved courses offered by the Secretary or State Licensing Board or other professional locksmith associations that shall be considered toward the Continuing Locksmith Education requirement of this title.

(N) Certified Specialist Locksmith: A locksmith who worked as a locksmith for at least 5 years and has completed a minimum of hours, to be determined on a per-specialty basis, in a specialty locksmith area of expertise, including but not limited to automotive, forensic, safe & vault, high security, fire door, and motorcycle locksmithing. Such a locksmith may hold him or herself out to the public as a “Certified Automotive/Forensic etc. Locksmith”.

(O) Fee: “Fee” means a money payment from a Licensed Locksmith or applicant for Locksmith Licensure to the State for as an administrative cost for licensing and license renewal. Fee payments shall be paid into a separate fund designated exclusively for funding this title and shall not be comingled with other state funds.

(P) Fine: “Fine” means a money payment paid as a penalty for violation of this title. Money collected as fines shall be divided equally between the State’s General Revenue Fund and the law enforcement agency responsible for arresting or prosecuting the violation of this title.

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II. Purpose

The purpose of this title is to safeguard the life, health, and property of the residents of (Your State) to promote their welfare by regulating persons that provide locksmith services. This title aims to impose the minimum regulation and financial burden necessary to maintain public trust in and integrity of this state’s security hardware industry.

III. Prohibited acts

The provisions of this title may not be construed to prohibit the following:

(1) Bona fide sales demonstrations to locksmiths or locksmith suppliers by sales representatives who are not licensed to provide locksmith services;

(2) Emergency opening services by members of police departments, fire departments, or other government agencies in their official line of duty in order to protect against imminent loss of life or property;

(3) The acquisition, making, or use of any key duplication or key blanks;

(4) The replacing of a removable or interchangeable core or recombinating a cylinder in a lock that was specifically designed by the manufacturer to be changed by the end user by use of a key;

(5) The installation, repair, replacement, or rebuilding of a lock by the manufacturer of the lock;

(6) The installation, repair, replacement, or rebuilding of an automotive lock by an automotive repair and service facility, the lock manufacturer, or the manufacturer's agent;

(7) The installation of locks by building trades personnel on projects that require a building permit;

(8) The installation or replacement of locks by a retailer or the retailer's agent:

(i) On the premises of the retailer; or

(ii) Off the premises of the retailer if the installation or replacement of locks is incidental to the retailer's normal course of business;

IV. Federal Certification Mark & Regulations
The Secretary or State Licensing Department shall create a mark, symbol, or logo that shall be registered with the United States Patent and Trademark Office as a Certification Mark designating that the displayer of the mark is a licensed locksmith under this title. The Secretary or State Licensing Board may adopt and enforce regulations to carry out this and all other sections of this title.

V. Requirements for Employment and Application for Licensure:

(1) For an individual other than an employee of a licensed locksmith to apply for Licensure:

(i) The applicant shall submit to the Secretary or the State Licensing Department, on the form that the Secretary or State provides, the name, address, telephone number, of the individual; and

(ii) The applicant shall submit fingerprints and apply for a national and state criminal history records check required under Section IX of this subtitle.

(iii) The applicant shall complete the Qualifying Education Requirement and obtain a passing score on the state’s Locksmith Licensing Examination or obtain an exemption per this title.

(2) Before an individual may begin work for a Licensed Locksmith as an employee:

(i) The Licensed Locksmith shall submit to the Secretary or the State Licensing Department, on the form that the Secretary or State provides, the name, address, telephone number, of the individual; and

(ii) The employee shall submit fingerprints and apply for a national and state criminal history records check; and

(iii) The Licensed Locksmith shall confirm the ongoing employment of each individual in his or her employ as part of his or her semi-annual locksmith license renewal; and

(iv) The Licensed Locksmith shall provide written notice of employee termination or leave of absence greater than 4 weeks to the Secretary or State Licensing Board within 10 days; and

(v) This sub-section shall not be construed to prevent the employee from commencing work during processing and background check once properly submitted.

(3) An employee who wishes to engage in locksmithing may:

(i) Apply for locksmith licensure as per this title; or

(ii) Have the licensed locksmith employer convert the employee’s designation with the Secretary or State Licensing Department from “employee” to “journeyman locksmith”. The designation of “journeyman locksmith” shall be valid for a period of no greater than 2 years from date of designation and shall require issuance of a license for the journeyman locksmith.
license clearly bearing both his or her and the licensed locksmith employer’s licensing information. Within 2 years, a journeyman locksmith designee shall apply for regular locksmith licensure.

VI. Criminal history records background checks

(a) "Central Repository" defined: In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) National and State criminal history records check.

(1) The owner of a business that is an applicant for a license per this subtitle and an individual whose name is required to be submitted to the Secretary under this subtitle shall apply to the Central Repository for a national and State criminal history records check on a form approved by the Director of the Central Repository.

(2) As a part of an application to the Central Repository for a national and State criminal history records check, the party that is applying to become a licensed locksmith shall submit to the Central Repository:

(i) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) An application fee for a state criminal-record background check.

(iii) The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(c) Payment of costs: A licensee or applicant may pay for the costs borne by the employee or other individual requiring a criminal history records check under subsection (b) of this section.

(d) Criminal records provided by Central Repository: The Central Repository shall provide to the Secretary or the State Licensing Department:

(1) The national and State criminal history records of each individual requiring a criminal history records check under subsection (b) of this section and issue a printed statement listing any convictions and pleas of guilty or nolo contendere to any criminal charge;

(2) An update of the initial criminal history records check for an individual requiring a criminal history records check and issue a revised printed statement listing any convictions and pleas of guilty or nolo contendere to any criminal charge occurring in the State after the date of the initial criminal history records check; and

(3) An acknowledged receipt of the application for a criminal history records check by an individual requiring a criminal history records check.

For further information, contact the Associated Locksmiths of America, Inc. at:

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(e) Confidentiality.

(1) Information obtained by the Secretary or State Licensing Department from the Central Repository under this section:

(i) Is confidential;

(ii) May not be redisseminated; and

(iii) May be used only for the license purpose authorized by this title.

(2) Paragraph (1) of this subsection does not preclude the Secretary from notifying a licensee or an applicant of the approval or disqualification of the employee for employment based on information obtained by the Secretary under this section.

(f) Contest of printed statement. -- The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in this State’s Criminal Procedure Code.

(g) Verification of employment and licensure.

(1) A licensee shall inform in writing the Secretary of termination of an employee or other agent within 14 days of that termination.

(2) The Secretary or State Licensing Department shall verify periodically the continued employment or licensure of individuals requiring criminal history records checks in accordance with regulations adopted by the Secretary of Public Safety and Correctional Services.

VII. General liability insurance

(a) In general: Each licensed locksmith shall maintain general liability insurance:

(1) In the amount of at least $500,000;

(2) With coverage appropriate for the individual's circumstances; and

(3) In accordance with the regulations adopted by the Secretary or State Licensing Department under this section.

(b) A licensee shall provide the Secretary or State Licensing Department with proof of insurance yearly.

(c) Notice of cancellation: A licensee shall give the Secretary or State Licensing Department notice of the cancellation of insurance at least 10 days before the effective date of the cancellation.
IX. Issuance of license

(a) Issuance: The Secretary or State Licensing Department shall issue a license to each applicant that meets the requirements of this subtitle and on receipt of:

(1) A complete national and State criminal history record report from the Central Repository in accordance with this subtitle; and

(2) Documentation of current general liability insurance in the amount required under this subtitle.

(3) Documentation, in the alternative:

(i) Of completion of the Qualifying Education Requirement and obtain a passing score on the Locksmith Licensing Exam; OR

(ii) Sufficient documentation for an exemption.

(b) An applicant for Locksmith Licensure shall be exempt from the Qualifying Education Requirement and Locksmith Licensing Examination upon submission of:

(1) Documentation establishing that he or she was engaged or was employed in a locksmith business in sales, installation or service for an aggregate period of five (5) of the previous seven (7) years prior to the filing of the application.

(2) Sworn statements relating to the foregoing facts of at least two (2) citizens of the community or communities in which that individual was so engaged or employed. The individuals on whom the applicant relies to comply with this subsection are each required to devote a substantial portion of their time engaging in and/or supervising the sale, installation, or servicing of locks or related security hardware on behalf of the applicant.

(i) For the purposes of the five (5) year experience requirement of this sub-section, employment by or engagement in an alarm business in one or more communities within the state may be aggregated.

(ii) If the Secretary or State Licensing Department determines that the applicant has not satisfactorily complied with this subsection, or that the prior experience of the individual whom the applicant relies upon to comply with this subsection is not sufficient to permit the applicant to engage in the business, it may require, within sixty (60) days, the applicant to either supplement support for work history claimed, or, in the alternative, to take and achieve a passing score on the Locksmith Licensing Exam.

(e) The applicant shall submit:

(1) The business form and owner(s) or designee; and

(2) Each employee of the applicant;
(3) The fixed business address of the applicant;

(4) A telephone number at which the applicant can be reached during normal business hours, and, if applicable, an electronic mail address;

(5) Each address where the applicant has conducted any business during the 36 months before application;

(6) The driver's license number of the applicant owner or designee and each employee of the applicant; and

(7) The name of the insurer and policy number of the general liability insurance coverage required under the State Licensing Department Regulation related to this subtitle.

(8) Proof of United States Citizenship or other lawful right to work in the United States. In the event that an applicant does not have US Citizenship and is a foreign national with a United States Work Permit, a copy of the foreign passport shall be filed with this application.

(e) Statement: The application form provided by the Secretary or State Licensing Department shall contain a statement advising the applicant that willfully making a false statement on an application is a misdemeanor, subject to a fine or imprisonment or both, as provided under Section IV of this title.

(f) License certificate: The Secretary or State Licensing Department shall determine the size, form, and content of any license certificate that the Secretary issues.

(g) A fixed business address within this state is required: The Secretary or State Licensing Department:

(1) May issue a license only for a fixed business address; but

(2) May not issue a license for an address that is:

(i) A hotel or motel room;

(ii) A motor vehicle;

(iii) A post office box; or

(iv) An address for an apartment complex that does not specify the specific unit

(v) A location that does not meet the qualifications of a fixed business address as defined in General Provisions Section I(d) of this title; and

(3) Shall verify that the business address is associated with the registered name and all d/b/a’s of the business if a corporation or analogous entity, or receive a statement the business is a sole proprietorship or partnership and documentation establishing the identity(ies) of proprietor or partners; and

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(4) Shall verify on initial licensing and renewal that the business has registered for and paid state sales tax as a means of verifying honest business practices and record keeping.

(5) Shall, if business address or entity status changes, receive from the licensee an update of this information within 14 days.

(h) Age limitations: The Secretary or State Licensing Department may not issue a license to an individual who is under 18 years of age.

(j) Non-transferability: A license issued under this title is not transferable.

(k) Applicants for Locksmith Licensure engaged in the business of locksmithing on the date of execution of this bill have six (6) months from the date of conditional approval of their alarm business application by the Secretary or State Licensing Department to obtain, in the alternative, a passing score on the Locksmith Licensing Exam or to submit the required documentation for exemption therefrom per this sub-section. Upon satisfactory completion of the examination, procedures, content, and passing scores for which are established in rules and regulations or approval of exemption application, the licensing authority shall lift its conditional approval and grant its grant its full approval for Locksmith Licensure.

(L) The State shall post a high-resolution scanned image of each Licensed Locksmith’s License and Photo Identification Card on the Website.

X. Photo identification card

(a) Issuance:

(i) Each licensed locksmith shall have issued a photo identification card from the Secretary or State Licensing department that includes their full name, photograph and individual license number provided as a licensed locksmith.

(ii) Each Journeyman Locksmith shall have an identification card from the Secretary or State Licensing Department including their designation as Journeyman Locksmith, their photograph, and plus the full name and license number of the Licensed Locksmith with whom they are employed.

(iii) include the license number and expiration date of the license

(iv) bear the State’s Federally Registered Certification Mark on the lower right hand corner of the card.

XI. Scope

(a) While a license is in effect the license authorizes the licensee to represent himself as a licensed locksmith and to provide locksmith services in the State. A Journeyman Locksmith shall not present himself as a licensed locksmith is considered unlicensed with respect to
providing locksmithing services except in his or her capacity as employee their licensed locksmith employer.

**XII. Term and renewal**

(a) Term: A license is issued for a term of 2 years.

(b) Renewal -- In general: Unless a licensee meets the insurance requirements of this subtitle, the Secretary or State Licensing Department may not renew the license of the licensee.

(c) Expiration.

(1) Unless a license is renewed for a 2-year term as provided in this section, the license expires on the second anniversary of the effective date of the license.

(2) A licensee that meets the requirements of this section may obtain a renewal of a license before the license expires for an additional 2-year term.

(3) Once expired, a license may not be renewed.

(d) Application and notice: At least 60 days before a license expires, the Secretary or State Licensing Department shall mail to the licensee, at the last known address of the licensee:

(1) a renewal application form;

(2) a form that allows a licensee to update the information submitted in the original application or state that the information is current and accurate;

(3) except as provided in subsection (c) of this section, a form that requires the licensee to agree to continue to comply with each requirement applicable to the original application; and

(4) a notice that states:

(i) the date on which the current license expires;

(ii) the date by which the Secretary or State Licensing Department must receive the renewal application for the renewal to be issued and mailed before the license expires; and

(iii) the amount of the renewal fee.

(e) Submission of criminal history records check and documentation of completion of Continuing Locksmith Education requirement with renewal. –

(i) The Secretary or State Licensing Department may require a licensee to submit a national and State criminal history records check with the renewal application.
(ii) The Secretary or State Licensing Department shall require a licensee to submit documentation of completion of 15 hours of Continuing Locksmith Education in within the 2 years since licensure or previous license renewal.

(f) Renewal authorized: The Secretary or State Licensing Department shall renew the license of each licensee who meets the requirements of this section.

(g) Change of fixed business address.

(1) A licensee may change the fixed business address for which a license is issued only if the licensee:

(i) submits to the Secretary or State Licensing Department an application to transfer the license to a new business location on a form that the Secretary provides; and

(ii) receives the written approval of the Secretary or State Licensing Department.

(2) Within 45 days after the application is filed with the Secretary or State Licensing Department, the Secretary or State Licensing Department shall approve or disapprove the application and notify the licensee of the approval or disapproval, in writing.

(3) If the Secretary or State Licensing Department approves a proposed change of fixed business address, the licensee shall:

(i) submit to the Secretary or State Licensing Department a current list of names of each employee to be employed at the new location; and

(ii) attach the written approval of the Secretary or State Licensing Department to the license until an amended license is received by the licensee.

(h) Staggered expirations: The Secretary or State Licensing Department may determine that licenses issued under this subtitle shall expire on a staggered basis.

XIII. Display; lost identification card; change of name on license

(a) Display: Each licensee shall display the license conspicuously in the place of business of the licensee.

(b) Display -- Photo identification card: A licensee and an employee of a licensee shall:

(1) carry a valid photo identification card issued by the Secretary or State Licensing department at all times the licensee is engaged in providing locksmith services; and

(2) display the valid photo identification card as required by regulation.

(c) Notice of lost or destroyed identification card: If a photo identification card is lost or destroyed, the licensee immediately shall notify the licensed locksmith that issued the photo identification card.

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(d) Change of name of licensee on license.

(1) To change the name of a licensee on a license, a licensee shall submit to the Secretary:

(i) an application on the form provided by the Secretary;

(ii) the license of the licensee;

(iii) any documentation about the name change that the Secretary or State Licensing Department requires; and

(iv) the fee set by the Secretary or State Licensing Department.

(2) On receipt of the application, fee, and any required documentation, the Secretary or State Licensing Department shall issue a new license bearing the new name of the licensee.

(e) A Licensed Locksmith shall not hold him or herself out to the public as a Certified Specialist Locksmith in except as permitted per this title.

XIV. Denial, reprimand, suspension, revocation

(a) Grounds.

(1) Subject to the hearing provisions of Section XVII of this subtitle, the Secretary or State Licensing Department may deny a license to an applicant, reprimand a licensee, or suspend or revoke a license if the applicant or licensee or an agent, employee, manager, or partner of the applicant or licensee:

(i) fraudulently or deceptively obtains or attempts to obtain a license or photo identification card for the applicant or licensee or for another person;

(ii) fraudulently or deceptively uses a license or photo identification card;

(iii) presents or attempts to present the license or photo identification card of another licensee or employee of a licensee as the applicant's or licensee's license or photo identification card;

(iv) uses or attempts to use an expired, suspended, or revoked license or false photo identification card;

(v) has a similar license or certificate denied, suspended, or revoked in another jurisdiction;

(vi) under the laws of the United States or of any state, is convicted of a:

1. felony; or
2. misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to be involved in providing locksmith services;

(vii) knowingly employs or knowingly continues to employ an individual who, under the laws of the United States or of any state, is convicted of:

1. a felony that is directly related to the fitness and qualification of the employee to be involved in providing locksmith services; or

2. a misdemeanor that is directly related to the fitness and qualification of the employee to be involved in providing locksmith services;

(viii) fails to maintain the liability insurance required under Section X of this subtitle;

(ix) engages in a pattern of unfair or deceptive trade practices under the Consumer Protection Act, as determined by a final administrative order or judicial decision;

(x) knowingly uses or permits the use of any of the licensee's or an employee of a licensee's skills, tools, or facilities for the commission of any crime;

(xi) willfully fails to provide or willfully misrepresents any information required to be provided under this title;

(xii) violates this title;

(xiii) violates a regulation adopted under this title;

(xiv) is subject to an injunction against locksmithing in this or any other state; or

(xv) has been found liable in civil action directly relating to that is directly related to the fitness and qualification of the applicant or licensee to be involved in providing locksmith services in any jurisdiction.

(xvi) has failed to file state sales tax returns for locksmith services rendered over the previous two years.

(2) (i) Instead of or in addition to reprimanding a licensee or suspending or revoking a license under this subsection, the Secretary or State Licensing Department may impose a penalty not exceeding $25,000 for each violation.

(ii) To determine the amount of the penalty imposed under this subsection, the Secretary or State Licensing Department shall consider:

1. the seriousness of the violation;

2. the harm caused by the violation;
3. the good faith of the licensee; and

4. any history of previous violations by the licensee

5. the violator’s business behaviors in other jurisdictions, including history of other states’ license violations, liability in civil litigation directly relating to the fitness and qualification of the violator to perform locksmithing services.

6. the violator’s standing with national or state trade associations and the recommendations of those associations regarding the violator.

(3) The Secretary or State Licensing Department shall pay any penalty collected under this subsection into the General Fund of the State.

(b) Considerations: The Secretary or State Licensing Department shall consider the following facts in the granting, denial, renewal, suspension, or revocation of a license or the reprimand of an applicant or licensee when an applicant or licensee is convicted of a felony or misdemeanor described in subsection (a)(1)(vi) of this section:

(1) the nature of the crime;

(2) the relationship of the crime to the activities authorized by the license;

(3) with respect to a felony, the relevance of the conviction to the fitness and qualification of the applicant or licensee to act as a locksmith;

(4) the length of time since the conviction; and

(5) the behavior and activities of the applicant or licensee before and after the conviction.

XV. Notice and hearing

(a) Hearing: Except as otherwise provided by the laws of this State, before the Secretary or State Licensing Department takes any final action under Section XV of this subtitle, the Secretary shall give the person against whom the action is contemplated an opportunity for a hearing before the Secretary.

(b) Notice: The Secretary or State Licensing Department shall give notice and hold the hearing by service of process in accordance with this State’s Rules of Administrative Procedure.

(c) Oaths: The Secretary or State Licensing Department may administer oaths in a proceeding under this section.

(d) Nonappearance: If, after due notice, the person against whom the action is contemplated does not appear, nevertheless the Secretary or State Licensing department may hear and determine the matter.

For further information, contact the Associated Locksmiths of America, Inc. at: Jeffery Waintroob-Roberts Tel: (202) 609-7390 / Email: Jeff@RobertsAttorneys.com
XVI. Appeal
Any person aggrieved by a final decision of the Secretary or State Licensing Department in a contested case, as defined in Section XXX of this State’s Code, may take an appeal as allowed in Section YYY.

XVII. Information to local law enforcement unit
The Secretary or State Licensing Department shall inform each local law enforcement unit of each license that is issued, renewed, changed to a new business location, denied, suspended, or revoked.

RECORDS

I. Information required on invoice
Each licensed locksmith shall include on each invoice or receipt for services the following information regarding each service call:

(1) the address where the services were provided by the locksmith;
(2) the type of lock being serviced;
(3) the vehicle identification number, if applicable;
(4) the quoted cost of the service provided to the customer prior to agreeing to provide the service;
(5) the actual cost of the service paid by the customer; and
(6) an itemized breakdown of charges including approximate time spent for labor or service charges. Each licensed locksmith shall include on each invoice or receipt for services the following information regarding the locksmith:

(1) The Locksmiths’ license Number;
(2) The licensed Locksmith’s name, the name of the individual(s) actually performing the work, registered business address, phone number, facsimile and email if applicable.
(3) The State’s Registered Service Mark indicating Locksmith Licensure.

II. Copy of invoice to be kept at fixed business address
Unless otherwise authorized by the Secretary or State Licensing Department, a licensed locksmith shall keep a copy of each invoice or receipt for services required by this subtitle, at the fixed business address provided by the licensee to the Secretary or State Licensing Department, for 3 years after the date of the service call and, on reasonable notice from the Secretary or State Licensing Department, make required records available for inspection by the Secretary or State Licensing Department.
III. Copy of invoice to be provided to local law enforcement unit or Department

(a) In general:

(1) A licensed locksmith shall provide to a local law enforcement unit or the Department a copy of each invoice or receipt for services requested by either a local law enforcement unit or the Department.

(2) The Secretary or State Licensing Department shall encourage licensed locksmiths to develop a system for maintaining the records required by this subtitle electronically.

(b) Methods: On a request for an invoice or a receipt for services under subsection (a) of this section, the licensed locksmith shall submit the item by one of the following methods:

(1) by delivering or mailing a copy of the invoice or receipt for services within 5 business days after receiving the request; or

(2) by transmitting a copy of the invoice or receipt for services electronically, in a format acceptable to the receiving local law enforcement unit or the Department, within 2 business days after receiving the request.

(c) Information included: Each copy of an invoice or a receipt for services, submitted to the local law enforcement unit or the Department, shall include:

(1) the license number of the licensed locksmith; and

(2) the information required for application for locksmith licensure under this subtitle.

(d) Confidentiality: A copy of an invoice or receipt for services submitted under this section:

(1) shall be kept confidential;

(2) is not a public record.

(e) Destruction: A local law enforcement unit or the Department may destroy the copy of an invoice or receipt for services submitted under this section after 1 year from the date the local law enforcement unit or the Department receives the copy.

Advertising and Directory Services

(a) Each locksmith advertisement, internet web site, email, business card, or any other means of providing notice to the public of the business providing locksmith services shall include:
1) the name of the licensed locksmith;
2) the State’s Registered Certification Mark indicating Locksmith Licensure; and
3) the license number of the licensed locksmith.

(b) Any advertising or Directory Service Provider wishing to publicly display locksmith listings or advertisements shall comply with the following conditions:

1) Prior to approving advertisements or listings for public display, it is the duty of the Service Provider to verify that the subject listing is licensed.

2) All advertisements and listings must include state license number, and the identical name, address(s), and phone number(s) that are registered with the state licensing agency.

3) Violation of this section shall subject the advertising service provider to the remedies available per this title including but not limited to injunctive relief.

ENFORCEMENT

I. Knowing use of skills, tools or facilities to aid unlicensed locksmith.

A person may not knowingly use or permit the use of the licensee's or an employee of the licensee's skills, tools, or facilities to aid or abet an unlicensed locksmith in any activity for which a locksmith license is required for the commission of a crime.

II. Disregard building or safety laws.

A licensed locksmith or employee of a licensed locksmith may not willfully or deliberately disregard any building or safety laws of the State or local government unit.

III. Failure to complete work.

A licensed locksmith or employee of a licensed locksmith may not fail in any material respect to complete the installation, repair, opening, or modification of a lock for the price stated in the contract for services.

IV. Penalties.

Except for a violation of Section V of this subtitle, a person that violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 2 years or both.

V. Unauthorized practice.

(a) Prohibition: Except as otherwise provided in this title, a person may not act as, offer to act as, hold oneself out as, or impersonate a locksmith in the State unless the person is a licensee or employee of a licensee.
(b) Penalties: A individual caught in the act of representing himself as a locksmith with no valid license available for presentation is subject to immediate seizure of his tools and vehicle pending that individual’s proffering proof of licensure at the time of seizure. In the event that no such proof of licensure is proffered within 30 days of seizure, seized items shall be sold at auction and proceeds divided equally between the arresting authority and the State’s general revenue fund.

(c) A person who violates this section is guilty of a misdemeanor and, on first conviction, is subject to a fine of $10,000,

(d) and, on second or subsequent conviction, is subject to a fine not exceeding $250,000.

VI. Civil Administrative Action.

(a) In general: Subject to the notice and hearing provisions of the State’s Rules of Administrative Procedure, the Secretary or State Licensing Department may bring a civil administrative action against a person that violates Section V of this subtitle.

(b) Cease and desist order; civil penalty. After a hearing, if the Secretary or State Licensing Department finds that a person has violated Section V of this subtitle, the Secretary or State Licensing Department may:

(1) order the person to cease and desist from unlawful practice; and

(2) impose a civil penalty (fine) not exceeding $2500 for each day of unlawful practice.

(c) Appeal: Any person aggrieved by a decision and order of the Secretary or State Licensing Department under this section may take an appeal per the State’s Rules of Administrative Procedure.

VII. Other Individual Remedies

(1) Without regard to any other remedy or relief to which a person is entitled, any licensed locksmith, or any other party aggrieved by a violation of this part may bring an action to obtain a declaratory judgment that an act or practice violates this part and to enjoin a person who has violated, is violating, or is otherwise likely to violate this part and/or an injunction against the practice of locksmithing. This private right of action shall include the right to relief at law and equity for unauthorized use of the State’s Certification Mark indicating state locksmith licensure.

(2) In any action brought by a person who has suffered a loss as a result of a violation of this part, such person may recover actual damages, plus attorney’s fees and court costs as provided in this state’s Rules of Civil Procedure. However, damages, fees, or costs are not recoverable under this section against a retailer who has, in good faith, engaged in the dissemination of claims of a manufacturer or wholesaler without actual knowledge that it violated this part.

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(3) The issuance of an injunction against locksmithing shall serve as prima-facie evidence of intent to defraud and shall disallow incorporated or other organizational status to shield individuals from personal liability for this or related matters.

(4) In any action brought under this section, upon motion of the party against whom such action is filed alleging that the action is frivolous, without legal or factual merit, or brought for the purpose of harassment, the court may, after hearing evidence as to the necessity therefore, require the party instituting the action to post a bond in the amount which the court finds reasonable to indemnify the defendant for any damages incurred, including reasonable attorney’s fees. This subsection shall not apply to any action initiated by the enforcing authority.

(5) It is contemplated that this section shall apply to advertising and listing services, as well as other business-to-business providers who may be liable as conspirators to civil fraud or other material violations of the State Locksmith Law.

VIII. Repeated violations.

(a) Applicability: This section applies only if there is no greater criminal penalty provided under this title or other applicable law.

(b) Penalties: A person that engages in repeated violations of the provisions of this title is guilty of a felony and on conviction is subject to a fine not exceeding $500,000.
APPENDIX A

ALOA MODEL LAW
SUMMARY

OF

ALOA'S MODEL LOCKSMITH LICENSING ACT

The following summary of the ALOA Model Locksmith (Security Professional) Licensing Act is the approved model legislation by the ALOA Board. This summary and the proposed act are merely guides for locksmiths (Security Professional) to consider when preparing their states' licensing legislation. ALOA considers the items contained in the model to be the minimums for the protection of locksmiths (Security Professional) and for enhancing locksmith (Security Professional) licensing efforts. The ALOA Board cautions locksmiths (Security Professional) to review their own state laws, regulations and requirements and to adopt their own policies when finalizing a state locksmith (Security Professional) licensing act. Every effort should be made to conform this model act to an individual state legislative drafting (bill introduction) form that can be expedited by a legislative sponsor.

Section 1. **Title.** Locksmith (Security Professional) Licensing Act.

Section 2. **Definitions.** Defines all terms including locksmith (Security Professional), locksmith (Security Professional) tools and locksmith (Security Professional) services.

Section 3. **Board of Locksmiths (Security Professional).** Establishes a state Board of Locksmiths (Security Professional), its composition, method of appointment and the powers and duties of the board, including the qualifications for licensure, setting of examinations for competency, setting fees and regulations and receiving complaints and acting on these complaints.

Section 4. **Monetary Penalty.** Establishes monetary penalties for licensees who violate the statutes and/or regulations of the Board of Locksmiths (Security Professional).

Section 5. **Recovery of Costs.** The Board of Locksmiths (Security Professional) can assess the cost of conducting a fact-finding inquiry to the violators of the regulations.
Section 6. **Promulgation of Regulations and Standards.** The Board of Locksmiths (Security Professional) shall issue regulations and standards for the training and competency testing of locksmiths (Security Professional). The board may develop and administer an exam or rely on ALOA's PRP. This section contains a reciprocity provision. The board may waive the examination for a locksmith (Security Professional) from another state who has had a license within the previous three years. The board may waive the examination for in-state locksmiths (Security Professional) who have provided locksmithing (Security Professional) services full-time for two years. The latter provision is known as "grandfathering."

Section 7. **Prohibited Activities.** Locksmiths (Security Professional) may not hold themselves out to the public as locksmiths (Security Professional) without obtaining a license. This provision describes the penalties for violations. Exempted from the licensing provisions of the act are law enforcement and government agencies, automobile dealers, building trades and lock manufacturers. The provision also describes rules for the possession of locksmith (Security Professional) tools.

Section 8. **Licensure.** The Board of Locksmiths (Security Professional) sets the rules and issues all licenses. No license will be granted to an unpardoned felon or to any other person who has been convicted of fraud or misrepresentation. This provision sets the term of the license, the requirements for display of the license and nonresident regulation.

Section 9. **Qualifications of Applicants.** This section specifies requirements for locksmith (Security Professional) licenses such as age, competency, payment of fees, insurance and criminal records. This section also sets forth the requirements for fingerprinting applicants and the procedures for checking criminal records.

Section 10. **Employee Requirements.** This section specifies requirements for employees of licensed locksmiths (Security Professional) including registration, review of past criminal records, requirements for information on Employee Statement forms and fingerprint cards and the maintenance of employee records.

Section 11. **Expiration and Renewal.** Sets the term for the license and criteria for suspension of licenses.

Section 12. **Licensed Locksmith (Security Professional) Requirements.** Sets requirements for employee registration, maintenance of employee records by the licensed locksmith (Security Professional), provisions for issuing employee identification cards and penalties for false statements.
Section 13.  **List of Locksmiths (Security Professional).** Provides for the state regulatory department to maintain up-to-date lists of locksmiths (Security Professional).

Section 14.  **Insurance.** Generally states that locksmiths (Security Professional) shall maintain an insurance policy. No amounts or minimums are set.

Section 15.  **Customer Identification.** Establishes procedures for licensed locksmiths (Security Professional) to obtain customer identification when opening residential or commercial establishments, motor vehicles and personal property. Requirements for the information needed from the customer are detailed.

Section 16.  **Effective Date.** Sets date the act becomes law.
INTERNATIONAL ASSOCIATION OF SECURITY INDUSTRY REGULATORS (IASIR)

MODEL LAW
DRAFT

IASIR MODEL
SECURITY SYSTEMS LICENSING ACT

INTRODUCTION

The attached International Association of Security & Investigative Regulators Model (IASIR) Security Systems Licensing Act is intended for use in implementing laws with the primary purpose to promote professionalism of security systems companies, to maintain the operational reliability and proper use of physical and electronic security systems and to ensure a minimum level of training.

PLEASE NOTE: This model is intended to serve as a BASE FRAMEWORK. It is important that the model be reviewed carefully before releasing it to any government authorities or legislators. Try to discuss the document fully with your local or state burglar and fire alarm or locksmith association's Legislative Committee and/or Advisory Board to identify any potential problems or special considerations which might be necessary to address in your locale. Ultimately, you may decide to suggest that this model be adopted in its entirety, but please do not make a blanket recommendation to endorse the model act without studying it very carefully.

The Model Law is designed to license a Security Systems Company, and to register each employee for their particular area of expertise. Any employee may have as many registrations as needed, depending on the type of work they perform. However, this Model Law is also written in such a way that you may revise it to only license a company, or only register (or license) the employees without having to do both. Use whichever works best for ensuring its passage.

This Model Law was drafted by both the Associated Locksmiths of America, Inc. (ALOA) and the National Burglar and Fire Alarm Association (NBFAA).

In summary, IASIR’s objective is to provide a model law to serve as a working draft, subject to changing times, by which security system companies and state governments can work together to serve the public for a safer environment.
IASIR MODEL
SECURITY SYSTEMS LICENSING ACT

IASIR MODEL SECURITY SYSTEMS LICENSING ACT

BE IT ENACTED by the Senate and Assembly of the State of ____________:

SECTION 1. Purpose
A. The purpose of this law is to provide appropriate regulation of Security System Companies and Employees for the protection of consumers and the public safety of citizens, to maintain the operational reliability and proper use of Security Systems and to ensure a minimum level of training designed to reduce or eliminate false alarm dispatch requests.

B. This law provides for the licensing of security system companies and the registration of their employees.

SECTION 2. Definitions.
As used in this Act:

A. Access Control System means a combination of electronic equipment and devices designed and arranged for the control of authorized individuals, vehicles and materials through entrances and exits of a controlled area or premises, which do not emit transmissions requiring public sector response.

B. Advisory Board means the State Advisory Board of Security Systems established pursuant to this Act.

C. Agency means the Security Systems Regulatory Agency.

D. Burglar Alarm System means an assembly of equipment and devices designed and arranged to signal an unauthorized entry or attempted entry of a person or an object into the area covered by the system.

E. Certified Instructor means an individual who has met the requirements of this Act to teach.

F. Closed Circuit Television is an in-house television system in which a transmitter (camera) feeds one or more receivers (monitors) through a closed cable or other transmission method.

G. Compliance Agent means an individual employed by an Security Systems Company who is responsible for that Company's compliance with this Act.
H. Director means the Director of the Security Systems Regulatory Agency.

I. Fire Alarm System means an assembly of equipment and devices designed and arranged to signal a fire.

J. Locksmith Services means servicing or installing; repairing, rebuilding, rekeying, repinning, adjusting or installing locks, mechanical security devices, annunciation devices not designed to require a response by law enforcement or opening a lock by a means other than those intended by the manufacturer of such devices.

K. Monitoring means the retransmission of information received from Security Systems to the proper individual as required by law or as determined by the Security Systems User.

L. Operator means an individual registered to perform alarm operator/dispatcher/monitor functions of Security Systems.

M. Person means an individual, corporation, partnership, association, organization or similar entity.

N. Salesperson means an individual registered to perform sales, lease or rental of Security Systems at the premises of the Security System User.

O. Security System means an assembly of electronic equipment and devices that provides as its main purpose the protection of life or property, and the detection of threats or violations to the security of the protected premises. The systems functions include, solely or in combination: burglary detection, fire detection, locksmith services, access control and/or closed circuit television.

P. Security System Company means an individual, corporation, partnership, association, organization or similar entity that provides one or more of the following services for Security Systems: sales, installation, repair, monitoring and/or alarm investigation.

Q. Security System Personnel means an individual(s) who is employed by a Security System Company.

R. Security System Site means a single premises or location served by a Security System. Each tenancy, if served by separate Security Systems in a multi-tenant building or complex shall be considered a separate Security System Site.

S. Supervised Employees are locksmiths, technicians, salespeople, operators or alarm investigators who will be supervised by an individual certified in that category for up to one year after the date of their initial employment.

T. Technician means an individual registered to perform installation and repair of
Security Systems.

U. **User** means an individual, corporation, partnership, association, organization or similar entity who uses a Security System at a Security System Site.

**SECTION 3. Creation of State Advisory Board on Security Systems.**

A. There is established within the Security Systems Regulatory Agency a State Advisory Board on Security Systems consisting of individuals who shall be appointed by the Governor.

B. When selecting the membership of the Advisory Board one ex-officio voting representative of the state fire marshal, one ex-officio voting representative of the state police and seven (7) voting representatives registered pursuant to this Act who have at least five (5) years experience in the security systems industry. No two voting representatives may be employed by the same Security Systems Company.

C. The term of each Advisory Board member shall be four (4) years; except for the first members appointed, two (2) shall serve two (2) years, two (2) shall serve three (3) years, and three (3) shall serve four (4) years. No person may be appointed for more than two (2) consecutive four (4) year terms.

D. The members of the Advisory Board shall not be compensated, but shall be reimbursed for actual expenses reasonably incurred in the performance of their duties.

**SECTION 4. Powers and Duties of the State Advisory Board on Security Systems**

A. The Director, with the advice of the Advisory Board, shall promulgate rules and regulations pursuant to the "Administrative Procedures Act" of this State. However, no rule or regulation shall be adopted that unreasonably restricts competition or the availability of services requiring Licenses pursuant to this Act or unnecessarily increases the cost of such services without a corresponding or equivalent benefit.

B. The Director, with the advice of the Advisory Board, shall in addition to the duties specified elsewhere in this Act, approve any regulations or procedures established to implement this Act: including but not limited to: creating and implementing procedures to conduct employee background checks and process applications; establishing and implementing standards and rules for the operation of Security Systems Companies; setting and enforcing requirements for registrants, including initial and continuing education; establishing standards and rules for the operation of Schools and Instructors; setting requirements and responsibilities of the Compliance Agent; collecting information and maintaining, a registry of all Security System Personnel and applicants for Registration Permits and of all Licenses and applicants for Licenses; hearing appeals from the Director's actions and establishing fees.

C. The Director, with the advice of the Advisory Board, and shall issue rules stating the crimes which relate to the performance of holding a License or Registration Permit.
(including dishonesty and corruption) and which will disqualify a person under this Act from holding a Registration Permit or disqualify an applicant for a License.

D. The Director, with the advice of the Advisory Board, shall have the power to enforce the provisions of the Act, irrespective of the place or location in which the violation occurred, and upon the complaint of any Person or on the Director's own initiative, to cause to be investigated, the business and business methods of any licensed or unlicensed Person or any registered or unregistered Person, employee or applicant for a License or Registration Permit under this Act.

E. In the exercise of the enforcement responsibility and in the conduct of any investigation authorized by this Act, the Director with the advice of the Advisory Board, shall have the power to subpoena and bring before the Agency any Person in the State, require the production of any papers it deems necessary, administer oaths and take depositions of any individuals so subpoenaed.

A. There is hereby established the Security Systems Regulatory Agency within the Department of ________________, to be administered by a Director, who shall be an employee of the State. The Director and his staff shall carry out the duties specified pursuant to this Act.

B. The Director is authorized and directed to employ field investigators and administrative staff to assist in the enforcement of this Act.

C. The Director, with the advice of the Advisory Board, shall file an annual report with the Governor and/or Legislature detailing the cost of administering the Act, the effectiveness of the Act in protecting the public interest, the length of time it takes to conduct criminal background checks, the type and number of Licenses and Registrations Permits issued, enforcement information and any other information that the Director and Advisory Board wish to convey.

D. The Director is authorized to receive the record check information directly from the U.S. Department of Justice.

E. The Director, acting within the guidelines established by the Advisory Board, shall have the power, upon notice and opportunity for a hearing and appeal, to take disciplinary action against any licensee, registrant, or any unlicensed Person or unregistered Person engaged in activities regulated by this Act who violates, or causes to be violated, any provision of this Act.

SECTION 6. License Required to Conduct Business.
A. No individual, corporation, partnership, association, organization or similar entity may operate a Security Systems Company in this State without having first obtained from the Director a License to conduct such business as provided by this Act.
B. Any individual, corporation, partnership, association, organization or similar entity doing business as defined by this Act as a Security System Company in multiple locations within this State shall require only one License which lists each of its offices located in this State. The Director shall grant Security Systems Companies that are Licensed a Branch Office Certificate for each branch, which will be displayed at the branch office, upon payment of an appropriate fee.

C. Operating a Security Systems Company without a license shall be subject to a fine as established by rule.

SECTION 7. Exemptions.
A. Engineers and architects properly licensed by the state are exempt from the registration and licensing requirements of this act for the purposes of designing or planning systems.

B. Individuals, corporations, partnerships, associations, organizations or similar entities servicing or installing; repairing, rebuilding, rekeying, repinning, adjusting or installing locks in or on safes or vaults.

C. Individuals, corporations, partnerships, associations, organizations or similar entities licensed by the state electrical board can install conduit and or wire for a system if they do not connect any devices or have access to plans or designs for the complete system.

SECTION 8. Registration Required.
A. No individual shall sell, lease, rent, design, plan, install, monitor, maintain, repair, test or inspect a Security System without having first obtained the appropriate Registration Permits as an technician, salesperson or operator in one or more of the following specialties, Access Control System, Burglar Alarm, Closed Circuit Television, Commercial Fire Alarm, Monitoring and/or Locksmith.

B. An individual Security Systems applicant may apply for as many classes of registration as he or she is qualified to hold. The Director shall take appropriate steps to facilitate applications and registration for multiple class registrations.

C. Any employee of a Security Systems Company who is not registered by this Act but who has access to information in the ordinary course of his or her employment which would allow that individual to circumvent Security Systems must meet the background check requirements of this Act.

SECTION 9. Registration Requirements.
A. The Advisory Board shall establish application procedures and overall requirements including training requirements based on measurable objectives with testing to assure
proficiency for each of the following specialties (Supervised Employee registrants need not meet the training requirements): Access Control Systems Technician, Burglar Alarm and Fire Alarm Operator, Burglar Alarm Systems Technician, Closed Circuit Television Technician, Commercial Fire Alarm Technician, Locksmith, Security Systems Salesperson, Compliance Agent.

B. Security Systems Personnel need not fulfill the pre-assignment training requirement of this Act if the employee, within twenty-four (24) months after the effective date of this Act, provides proof to the Director that the employee previously has met the training requirements of this Act or has been employed as a Security Systems Personnel for at least twelve consecutive months immediately prior to the effective date of this Act.

A. The Advisory Board shall adopt rules which require the Director to grant Licenses and Registration Permits to applicants who are registered or licensed in other states provided that the registration or licensing requirements in the other State are approximately equal, in substance and intent in the reasonable opinion of the Advisory Board, to those required by this Act.

1. If all of the requirements are approximately equal the director shall issue a license or registration to applicants who complete an application and pay an appropriate fee.
2. If specific requirements are approximately equal in whole or in part the director shall issue a license or registration to applicants who complete an application, pay an appropriate fee and meet the remaining requirements or portions of the requirements to the satisfaction of the Director.

B. An out-of state Burglar Alarm System Company or Fire Alarm System Company is not required to have an office or Compliance Agent resident in the state. If the Compliance Agent is out-of-state, the appropriate representative at the physical address in the state will be responsible for forwarding notices to the Security System Company Compliance Agent. A post office box is not a physical address.

C. The Advisory Board shall adopt a list of states that have requirements acceptable to satisfy the requirements set forth in this law for an out-of-state Security System Company and out-of-state Security System Company Compliance Agent. An out-of-state Security System Company and out-of-state Security System Company Alarm Systems Compliance Agent that maintains a license in a listed state, completes an application for licensure and pays the appropriate fee shall be permitted to perform Monitoring.


SECTION 11. Preemption.
A. The provisions of this Act relating to the licensing for regulatory purposes of Security System Companies and the registration for regulatory purposes of Security Systems
Personnel are exclusive to the State. No governmental subdivision or municipality, including home rule units, of this State may enact any law, rule or ordinance for regulatory purposes on such businesses or person except as provided in this Section.

B. This Act in no way restricts this State's political subdivisions from enacting ordinances designed to prevent false alarm dispatches by establishing regulatory schemes that require issuing of permits to Security System Users and/or Security System User Penalties for excessive false alarm dispatches or from levying a business license fee, business or occupation tax, or other tax upon Security Systems Companies provided that such fees or taxes are levied on all other types of businesses within its boundaries and are based on the physical presence of the business (the presence of customers within the subdivision notwithstanding) or from licensing or regulating a licensee or registrant under this Act with respect to activities performed or offered that are not of security nature.

SECTION 12. Effective Date.
This Act will be effective ____________________.
APPENDIX C

LOCKSMITH LAWS IN OTHER STATES

(as of January 1, 2010)
ALABAMA LOCKSMITH LAW

THIS IS A BRIEF OVERVIEW OF THE LAW AND DOES NOT INTEND TO REPRESENT THE ENTIRE SET OF QUALIFICATIONS OR REQUIREMENTS.

- Added locksmiths to the current law regulating alarm system installers.
- Provides for the regulation of locksmiths by the Alabama Electronic Security Board of Licensure.
- Locksmith is defined as a person or business entity that offers to undertake, represents itself as being able to undertake, or does undertake the installation or service of locks for residential or commercial use.
- The Alabama Electronic Security Board of Licensure members shall be appointed by the Governor and subject to confirmation by the Alabama Senate.
- One locksmiths selected from three nominees submitted by the Alabama Locksmith Association shall sit on the Board.
- The Board shall have the power to: license and regulate persons and business entities engaged in business as a locksmith; establish the qualifications for licensure; create an examine to test the qualifications of each applicant for licensure; revoke, suspend, or fail to renew a license for just cause as enumerated in the regulations adopted by the board; collect reasonable fees for licensure; create exemptions for various business entities from this chapters as it sees fit, and promulgate rules and regulations in accordance with the Administrative Procedure Act necessary to perform its duties.
ALABAMA LOCKSMITH LICENSING LAW

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-1A-1, 34-1A-2, and 34-1A-3, as amended by Act 2004-103, 2004 Regular Session (Acts 2004, p. 137), and Section 34-1A-6, Code of Alabama 1975, are amended to read as follows:

Section 34-1A-1.

"For the purpose of regulating alarm system installers and locksmiths, the following terms shall have the following meanings unless the context clearly indicates otherwise:

"(1) ALARM SYSTEM. Burglar alarms, television cameras, or other electrical or electronic device used to prevent or detect burglary, theft, shoplifting, pilferage, and other similar losses. The term does not include any fire detection, fire alarm, or fire communication system.

"(2) ALARM SYSTEM INSTALLER. A person or business entity that offers to undertake, represents itself as being able to undertake, or does undertake the installation, service, or monitoring, of alarm systems for the public for any type of compensation.

"(3) BURGLAR ALARM. An assembly of equipment and devices, or a single device such as a solid-state unit which plugs directly into an AC line, designed to detect an unauthorized intrusion or an attempted robbery at a protected premises or signal public police or private guards to respond, or both.

"(4) INSTALLATION. The initial placement of equipment or the extension, modification, or alteration of equipment after initial placement.

"(5) LOCKSMITH. A person or business entity that offers to undertake, represents itself as being able to undertake, or does undertake the installation or service of locks for residential or commercial use.

"(6) SERVICE. Necessary repair in order to return the system to operational condition.

Section 34-1A-2.

"(a) The Alabama Electronic Security Board of Licensure is created.

"(b) The board, which shall reflect the racial, gender, geographic, urban and rural, and economic diversity of the state, shall consist of the following members to be appointed by the Governor and subject to confirmation by the Alabama Senate:
"(1) Two members representing the alarm system industry selected from three-five nominees submitted by the Alabama Alarm Association.

"(2) One member of the Alabama Consulting Engineers Association selected from three nominees submitted by that association.

"(3) One member of the Alabama Sheriff's Association selected from three nominees submitted by that association.

"(4) One member who is a locksmith selected from three nominees submitted by the Alabama Locksmith Association.

"(5) A person who is a representative of the consumers of the state.

"(c)(1) The terms of the board members shall be four years.

"(2) Of these members first appointed, two shall be appointed to four-year terms, two for three-year terms, and one for a two-year term.

"(3) Any vacancy occurring other than by expiration of terms shall be filled for the remainder of the unexpired term by appointment by the Governor, subject to the nominating process specified in subsection (b).

"(4) No member shall serve more than two successive four-year terms.

"(5) A member shall serve until a successor is appointed and assumes office.

"(d) Members shall be paid out of the funds of the board the same per diem as prescribed by law for state employees for each day of attendance of board business.

"(e) Meetings shall be held at least four times per year. Special meetings shall be held at the call of the chair or by a majority of the members.

"(f)(1) The board may adopt rules of proceedings.

"(2) Three members of the board constitutes a quorum.

"(3) The board shall elect a chair on an annual basis.

Section 34-1A-3.

"The board shall have all of the following powers:

"(1) License and regulate persons and business entities engaged in business as an alarm system installer or as a locksmith.
"(2) Establish the qualifications for licensure to ensure competency and integrity to engage in these businesses and allow graduates of technical school or community college programs in related fields to qualify.

"(3) Examine, or cause to be examined, the qualifications of each applicant for licensure including the preparation, administration, and grading of examinations, and when necessary, requiring the applicant to supply a board approved background investigation.

"(4) License qualified applicants regulated by the board.

"(5) Revoke, suspend, or fail to renew a license for just cause as enumerated in the regulations of the board.

"(6) Levy and collect reasonable fees for licensure, including, but not limited to, the application process and testing of applicants, and renewal, suspension, and reissuance of licenses, and costs of necessary hearings, that are sufficient to cover all expenses for the administration and operation of the board.

"(7) Promulgate rules and regulations in accordance with the Administrative Procedure Act necessary to perform its duties, to ensure continued competency, to prevent deceptive, misleading, or criminal practices by its licensees, and to effectively administer the regulatory system administered by the board.

"(8) Register or by other means monitor employees of a licensee to ensure such employees do not impair the ability of the licensee to satisfy the requirements of this chapter.

"(9) Receive and investigate complaints concerning the conduct of any person or business entity whose activities are regulated by the board, conduct hearings in accordance with procedures established by the board pursuant to the Alabama Administrative Procedure Act, and take appropriate disciplinary action if warranted.

"(10) Ensure that periodic inspections are conducted relating to the operations of licensees to ensure competency and lawful compliance.

"(11) Require the purchase of comprehensive liability insurance related to business activities in a minimum specified amount.

"(12) Require licensees and employees of licensees have available a photo identification card at all times when providing licensed services.

"(13) Promulgate canons of ethics under which the regulated professional activities of persons and business entities shall be conducted.
"(14) Employ or contract for necessary personnel, including a director, and provide necessary offices, supplies, and equipment to fulfill the requirements of this chapter.

"(15) Delegate its powers and duties by resolution to a named designee.

"(16) Enter into contracts and expend funds of the board to fulfill the requirements of this chapter.

"(17) Borrow money for the initial start-up operation of the board until sufficient receipts are paid into the special revenue trust fund specified in Section 34-1A-9.

"(18) Work with the office of the Attorney General and other law enforcement agencies to prohibit any violation of this chapter.

"(19) Establish volunteer procedures for those persons or businesses that are exempt from this chapter.

Section 34-1A-6.

"The licensing and regulatory provision of this chapter shall not apply to any of the following persons, entities, or activities:

"(1) A person or business entity which only sells alarm systems at the premises of a customer, but does not enter the premises of the customer or install, service, monitor, or respond to the alarm system at the premises of the customer.

"(2) The installation, servicing, monitoring, or responding to an alarm device which is installed in a motor vehicle, aircraft, or boat.

"(3) The installation of an alarm system on property owned by or leased to the installer.

"(4) A person or business entity who owns, installs, or monitors alarm systems, on his or her own property or, if he or she does not charge for the system or its installation, installs it for the protection of his or her personal property located on the property of another, and does not install or monitor the system as a normal business practice on the property of another.

"(5) A person or business entity whose sale of an alarm system is exclusively over-the-counter or by mail order.

"(6) A person or business entity in the business of building construction that installs electrical wiring and devices that may include in part the installation of an alarm system if both of the following apply:
"a. The person or business entity is a party to a contract that provides that the installation shall be performed under the direct supervision of, inspected, and certified by a person or business entity licensed to install an alarm system and that the licensee assumes full responsibility for the installation and service of the alarm system.

"b. The person or business entity does not service, monitor, or maintain the alarm system.

"(7) The response to an alarm system by a law enforcement agency or by a law enforcement officer acting in an official capacity.

"(8) A business that engages in the installation or operation of telecommunications facilities or equipment which are used for the transport of any signal, data, or information outside the continuous premises on which any alarm system is installed or maintained.

"(9) Any business entity, business owner, or person, or the agent or employee of such business entity, business owner, or person engaging in the routine visual inspection or manufacturer's or installer's recommended testing of an alarm system subject to this chapter owned by the business entity, business owner, or person and installed on property under the control of the business entity, business owner, or person.

"(10) Any business entity, or person, or those engaged in property management, or agent or subcontractors or employees thereof, who, in the normal course of business, engage in the routine inspection, service, or replacement of such alarm systems, fire alarm or fire/smoke detection systems, fire communication systems, or security devices subject to this chapter, on or in property owned or under the control of such business entity, or person, or property manager.

"(11) Consulting engineers who design, develop, modify, or offer other services within the scope of their profession regarding alarm systems.

"(12) A licensed general contractor and the employees of the contractor whose activities are limited to the projects that qualify for a license by the general contractor's board.

"(13) A licensed electrician, master electrician, and electrical contractor who is licensed by the city, county, or state and their employees whose activities are limited to the projects of the licensed electrician, master electrician, and electrical contractor.

"(14) A licensed homebuilder and the employees of the homebuilder whose activities are limited to the projects of the licensed homebuilder."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.
CALIFORNIA LOCKSMITH LAW

THIS IS A BRIEF OVERVIEW OF THE LAW AND DOES NOT INTEND TO REPRESENT THE ENTIRE SET OF QUALIFICATIONS OR REQUIREMENTS.

- Gives administration and enforcement of the law to the Director of the Department of Consumer Affairs the Bureau of Security and Investigative Services at: www.dca.ca.gov.bsis/locksmith.
- Licensed required of locksmith which is defined as “any person who, for any consideration whatsoever, engages, directly or indirectly and as a primary or secondary object, in the business of rekeying, installing, repairing, opening, modifying locks, or who originates keys for locks. A locksmith does not mean any person whose activities are limited to making a duplicate key from an existing key.” Lock means any mechanical, electromechanical, electronic, or electromagnetic device, or similar device, including any peripheral hardware, that is designed to control access from one area to another, or that is designed to control the use of a device.
- Does not apply to manufacturers, single-employer industrial or institutional locksmiths, retailers limited to on-site rekeying and recombination of non-automotive locks (locksmith tools only allowed are key duplication machines, key blanks, pin kits), law enforcement officers, firefighters or emergency medical personnel, tow truck operators who do not originate keys for locks and whose locksmith services are limited to motor vehicles, or repossesion agencies.
- Requirements are set by the director. Call bureau for updated criteria.
- License must be conspicuously displayed at place of business and in all advertisements.
- Must carry the state issued identification card at all times.
- Licensee shall apply for a branch office registration for each additional location (telephone answering service does not serve as a branch office).
- Locksmiths must record every call with customer’s name, address, work to be done, etc.
- There is opportunity for a hearing for improper revocation of a license.
6980. The following terms as used in this chapter have the meaning expressed in this article:

(a) "Branch office" means any location, other than the principal place of business of a licensee that is licensed as set forth in this chapter.

(b) "Bureau" means the Bureau of Security and Investigative Services.

(c) "Chief" means the Chief of the Bureau of Security and Investigative Services.

(d) "Department" means the Department of Consumer Affairs.

(e) "Director" means the Director of the Department of Consumer Affairs.

(f) "Employer" means a person who employs an individual for wages or salary, lists the individual on the employer's payroll records, and withholds all legally required deductions and contributions.

(g) "Employee" means an individual who works for an employer, is listed on the employer's payroll records, and is under the employer's direction and control. An independent contractor is not an employee pursuant to this chapter.

(h) "Employer-employee relationship" means an individual who works for another and where the individual's name appears on the payroll records of the employer.

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

(j) "Locksmith" means any person who, for any consideration whatsoever, engages, directly or indirectly and as a primary or secondary object, in the business of rekeying, installing, repairing, opening, modifying locks, or who originates keys for locks. A "locksmith" does not mean any person whose activities are limited to making a duplicate key from an existing key.

(k) "Person" means any individual, firm, company, association, organization, partnership, or corporation.

(l) "Registrant" means an employee registered pursuant to the provisions of this chapter.

(m) "Lock" means any mechanical, electromechanical, electronic, or electromagnetic device, or similar device, including any peripheral hardware, that is designed to control access from one area to another, or that is designed to control the use of a device.

(n) "Recombination" means changing the combination of any combination-actuated lock.

(o) "Master key system" means any system in which a lock is rekeyed so that the lock can be operated by its own individual key and can also be operated by a key that can operate other locks if the other locks cannot be operated with the lock's individual key.

(p) "Key duplication machine" means any tool whose only capability is to manufacture a new key by using an existing key as a guide.

(q) "Key blank" means a key that has not been altered or cut and does not include depth keys.
(r) "Pin kit" means a container that holds only the following lock parts and materials:
(1) Bottom pins.
(2) Top pins (not including master pins).
(3) Springs.
(4) Plug follower.
(5) Proprietary tools, provided by a lock manufacturer, designed for the purpose of rekeying a lock.

(s) "Locksmith tool" means (1) any tool designed for the purpose of opening, bypassing, altering, rekeying, servicing, or repairing any lock, or (2) any burglar tool, as described in Section 466 of the Penal Code.

6980.1. There is in the Department of Consumer Affairs the Bureau of Security and Investigative Services. The bureau is under the supervision and control of the director. The director shall administer and enforce the provisions of this chapter.

6980.2. The Governor shall appoint a chief of the bureau at a salary to be fixed in accordance with Section 12080.3 of the Government Code. The chief shall serve under the direction and supervision of the director.

6980.3. The director, in accordance with the State Civil Service Act, and Section 159.5, may appoint and fix the compensation of such clerical, inspection, investigation, and auditing personnel, as well as an assistant chief, as may be necessary to carry out the provisions of this chapter. Except as otherwise provided in Section 159.5, all personnel shall perform their respective duties under the supervision and direction of the chief.

6980.4. The chief shall gather evidence of violations of this chapter and of any rule or regulation established under this chapter by unlicensed persons who engage in a business for which a license is required under this chapter, and shall furnish the evidence to prosecuting officers of any county, city, or city and county for the purpose of prosecuting those violations.

6980.5. It shall be the duty of the chief to initiate and conduct investigations into the business operations of any locksmith, on his or her own motion, if the locksmith is not operating in accordance with the provisions of this chapter, or there has been a written complaint to the bureau about the actions and conduct of the locksmith or his or her employees.

6980.6. (a) Every power and duty granted to, or imposed upon, the director under this chapter may be delegated to the chief, except that the director may not delegate authority to adopt, or otherwise act upon, any proposed decision of a hearing officer after a hearing under the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) The chief may delegate any power or duty granted to, or imposed upon, him or her
under this chapter to the deputy chief, the assistant chief, or any inspection, investigation, or auditing personnel of the bureau or the department.

6980.7. (a) The director may adopt and enforce rules and regulations as may be reasonable and necessary for issuing licenses to applicants, for the conduct of the licensees, or for the general enforcement of this chapter in the protection of the public.
   (b) These rules and regulations shall be adopted in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

6980.79. The fees prescribed by this chapter are those fixed in the following schedule:
   (a) A locksmith license application fee may not exceed thirty dollars ($30).
   (b) An original license and renewal fee for a locksmith license may not exceed forty-five dollars ($45).
   (c) A branch office registration fee and branch office renewal fee may not exceed thirty-five dollars ($35).
   (d) Notwithstanding Section 163.5, the reinstatement fee as required by Section 6980.28 is the amount equal to the renewal fee plus a penalty of 50 percent thereof.
   (e) An initial registration fee for an employee may not exceed twenty dollars ($20).
   (f) A registration renewal fee for an employee performing the services of a locksmith may not exceed twenty dollars ($20).
   (g) The fingerprint processing fee is that amount charged the bureau by the Department of Justice.
   (h) All applicants seeking a license pursuant to this chapter shall also remit to the bureau the fingerprint fee that is charged to the bureau by the Department of Justice.
   (i) The fee for a "Certificate of Licensure" may not exceed twenty dollars ($20).
   (j) A delinquency fee is the amount equal to the renewal fee plus a penalty of 50 percent thereof.

This section shall become operative July 1, 1998. Notwithstanding the operative date of this section, before, on, or after July 1, 1998, the bureau may adopt regulations specifying the fees authorized by this section. If the bureau does not have regulations in effect that delineate the specific fees authorized by this section by July 1, 1998, the schedule of fees in effect as of June 30, 1998, shall remain operative until the bureau adopts regulations specifying the fees.

6980.8. The chief or his or her designee may inspect, examine, or investigate the relevant records, books, accounts, and files created and maintained by a locksmith. The chief shall have access to those relevant business records necessary to the examination for the purpose of performing a random audit to determine compliance with the provisions of this chapter.

6980.10. No person shall engage within this state in the activities of a locksmith as defined in subdivision (j) of Section 6980, unless the person holds a valid locksmith license, is registered pursuant to the provisions of this chapter, or is exempt from the provisions of this chapter.
This chapter does not apply to the following persons:

(a) Any person, or his or her agent or employee, who is the manufacturer of a product, other than locks and keys, and who installs, repairs, opens, or modifies locks or who makes keys for the locks of that product as a normal incident to its marketing.
(b) Employees who are industrial or institutional locksmiths, provided that the employees provide locksmith services only to a single employer that does not provide locksmith services for hire to the public.
(c) Tow truck operators who do not originate keys for locks and whose locksmith services are limited to motor vehicles.
(d) Any person employed exclusively and regularly by a state correctional institution.
(e) Any person registered with the bureau pursuant to Chapter 11 (commencing with Section 7500) if the duties of that person's position that constitute locksmithing are ancillary to the primary duties and functions of that person's position.
(f) Any agent or employee of a retail establishment that has a primary business other than providing locksmith services, providing all of the following criteria are met:
   (1) The services provided by the retail establishment are limited to rekeying and recombination of locks.
   (2) All rekeying, recombination, and installation of locks must take place on the premises of the retail establishment.
   (3) All rekeying, recombination, and installation services provided by the retail establishment subject to this chapter are limited to locks purchased on the retail establishment's premises and are conducted prior to purchasers taking possession of the locks.
   (4) No unlicensed agent or employee of the retail establishment shall advertise or represent himself or herself to be licensed under this chapter, and no agent or employee of the retail establishment shall advertise or represent himself or herself to be a locksmith.
   (5) No agent or employee of the retail establishment shall design or implement a master key system, as defined in subdivision (o) of Section 6980.
   (6) No agent or employee of the retail establishment shall rekey, change the combination of, alter, or install any automotive locks.
   (7) The retail establishment shall not have on its premises any locksmith tool, as defined in subdivision (s) of Section 6980, other than the following:
      (A) Key duplication machines.
      (B) Key blanks.
      (C) Pin kits.
      (g) Any law enforcement officer employed by any city, county, city and county, state, or federal law enforcement agency, if all services are performed during the course of the officer's professional duties.
      (h) Firefighters or emergency medical personnel employed by any city, county, city and county, district, or state agency, if all services are performed during the course of duties as a firefighter or emergency medical person.

Any person who violates any provision of this chapter, or who conspires with another person to violate any provision of this chapter, or who knowingly engages an
unlicensed locksmith after being notified in writing by the bureau of the individual's
unlicensed status with the bureau, is guilty of a misdemeanor.

6980.14. Any person who engages in any business regulated by this chapter, who acts as
or represents himself or herself to be a licensee under this chapter, who falsely represents
that he or she is employed by a licensee, or who carries a badge, identification card, or
business card, or uses a letterhead or advertises that he or she is a licensee under this
chapter, unless such person is licensed under this chapter, is guilty of a misdemeanor, and
is punishable by a fine of one thousand dollars ($1,000), or by imprisonment in a county
jail for not more than one year, or by both that fine and imprisonment.

6980.15. No person engaged in performing any service requiring a license under this
chapter may bring or maintain any action in any court of this state for the collection of
compensation for the performance of any act or agreement, without alleging and proving,
that the person was duly licensed at all times during the performance of the act or
agreement.

6980.17. (a) An application for a locksmith license shall be made in writing to, and filed
with, the chief in the form as may be required by the director, and shall be accompanied
by the application fee prescribed by this chapter. The chief may require the submission
of any other relevant information, evidence, statements, or documents.
(b) Every application for a locksmith license shall state, among other things that may be
required, the name of the applicant, the name under which the applicant will do business,
and the location by street, number, and city of the office of the business for which the
license is sought.
(c) No license shall be issued in any fictitious name that may be confused with, or that
is similar to, any federal, state, county, or municipal governmental function or agency, or
to any law enforcement agency, or in any name that may tend to describe any business
function or enterprise not actually engaged in by the applicant. (d) No license shall be
issued in any fictitious name that is misleading or would constitute false advertising.

6980.18. Each individual applicant, each partner of a partnership, and designated officers
of a corporation shall submit with the application one personal identification form
provided by the chief upon which shall appear a photograph taken within one year
immediately preceding the date of the filing of the application, together with two legible
sets of fingerprints and a personal description of each person, respectively. Any
photograph submitted by an applicant shall measure 11/4 by 11/2 inches, with a face size
no greater than 1 by 11/4 inches. The identification form shall include residence
addresses and employment history for the previous five years.

6980.19. If the applicant for a license is an individual, the application shall state the full
name of the individual, the full residence address of the applicant, and that the applicant
is to be personally and actively in charge of the business for which the license is sought.
The application shall be subscribed, verified, and signed by the applicant, under penalty
of perjury.
6980.20. If the applicant for a license is a partnership, the application shall state the true names and addresses of all the general partners and the name of the partner to be actively in charge of the business for which the license is sought. The application shall be subscribed, verified, and signed under penalty of perjury by all of the general partners.

6980.21. (a) If the applicant for a license is a corporation, the application shall state the true names and complete residence addresses of the chief executive officer, secretary, chief financial officer, and any other corporate officer who will be active in the business to be licensed. The corporation identification number issued by the Secretary of State shall be indicated on the application. The application shall also state the name and address of a designated person to be actively in charge of the business for which the license is sought. The application shall be subscribed, verified, and signed by a duly authorized officer of the applicant under penalty of perjury.

(b) Except as herein otherwise provided, no individual shall be placed in active charge of the business if the individual has ever had a license revoked for cause or has ever been disqualified from further employment in the locksmith business pursuant to this chapter.

6980.22. No new or original license shall be issued to any applicant pending final disposition of any disciplinary action previously filed against the person or applicant or partner, or officer of the applicant.

6980.23. The chief shall issue a pocket identification card to the owner, partners, and officers. The chief shall determine the form and content of the card. The pocket card shall be composed of durable material and may incorporate technologically advanced security features. The bureau may charge a fee sufficient to reimburse the department for costs for furnishing the pocket card. The fee charged may not exceed the actual cost for system development, maintenance, and processing necessary to provide the service, and may not exceed six dollars ($6).

6980.24. The director shall issue a license, the form and content of which shall be determined in accordance with Section 164. In addition, the director shall issue a "Certificate of Licensure" to any licensee, upon request, with the fee prescribed in this chapter. A "Certificate of Licensure" shall include an embossed seal of the State of California and the signature of the chief or his or her designated representative.

6980.25. If an applicant fails to complete his or her application within one year after it has been filed, the application shall be considered to be abandoned. An application submitted subsequent to the abandonment of a former application shall be treated as a new application.

6980.26. Each locksmith license, together with the current renewal certificate, if any, shall at all times be conspicuously displayed at the place of business for which the license is issued.
6980.27. Every locksmith license shall expire at 12 midnight of the last day of the month two years following the date of issuance unless renewed; provided however, that the bureau may establish procedures, pursuant to Sections 152.5 and 152.6, for the administration of a staggered license renewal program. To renew an unexpired license or registration, the licensee shall apply for renewal on a form prescribed by the director, pay any and all fines assessed by the chief or the director which are not pending appeal, and pay the renewal fee prescribed by this chapter. On renewal, such evidence of renewal of the license or registration as the director may prescribe shall be issued to the licensee. The bureau shall send to each licensee a notice of renewal at least 45 calendar days prior to the expiration of each unexpired license.

6980.28. A locksmith license not renewed within one year following its expiration may not be renewed thereafter. Renewal of the license within one year, or issuance of an original license thereafter, shall be subject to payment of any and all fines assessed by the chief or the director which are not pending appeal and all other applicable fees.

6980.29. A suspended locksmith license is subject to expiration and shall be renewed as provided in this article, but renewal of the license does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended. The bureau shall not issue a license renewal certificate on a suspended license until the period of suspension has terminated.

6980.30. A locksmith whose license has been canceled pursuant to this article, may obtain a new license only upon compliance with all of the provisions of this chapter relating to the issuance of an initial license.

6980.31. No license issued pursuant to this chapter shall be transferred to another person.

6980.32. Every licensee shall notify the bureau, in writing, within 30 days, of any change of residence or business address.

6980.33. A licensee shall carry a valid pocket identification card, issued by the bureau pursuant to Section 6980.23, at all times the licensee is engaged in the work of a locksmith, as defined in this chapter, whether on or off the premises of the licensee's place of business. Every person, while engaged in any activity for which licensure is required, shall display his or her valid pocket card as provided by regulation.

6980.34. (a) Every application for a locksmith license in which the person applying desires to have the license issued under a fictitious business name shall include a certified copy of the fictitious business name statement filed with the county clerk pursuant to Chapter 5 (commencing with Section 17900) of Part 3 of Division 7.

   (b) A licensee desiring to operate a locksmith business under one or more fictitious business names shall apply and qualify for an initial license for each fictitious business name.
(c) No licensee shall indicate, or cause to be indicated, in any printed matter, or in any directory or listing, that he or she conducts a locksmith business under any name, other than the name for which he or she is licensed.

(d) An application for a license for an additional fictitious business name shall be in the same form, and the applicant shall meet the same requirements, as for an initial license.

6980.35. A licensee desiring to operate a locksmith business at a location other than the principal place of business as shown on the license shall apply for a branch office registration for each additional location as set forth in this chapter.

6980.36. For purposes of this article, "branch office" means any additional location, other than the licensee's principal place of business, where locksmith services are provided. A telephone answering service or a telephone call forwarding device shall not be deemed to be a branch office.

6980.37. A licensee who maintains or proposes to maintain a branch office as defined in this article, shall apply and qualify for a branch office registration.

6980.38. An application for a branch office registration under this article shall be on a form prescribed by the director and shall be accompanied by the fee as set forth in this chapter.

6980.39. An application for a branch office registration shall include:

(a) The full name and address of, and the telephone number at, the principal licensed location, and the license number of the applicant.

(b) The address of, and the telephone number at, the branch office.

6980.40. Upon receipt of the application for a branch office registration, the chief shall issue a "Branch Office Registration." The registration shall be posted in a conspicuous place at the branch office location.

6980.41. Every branch office registration issued under this chapter shall be subject to the same renewal provisions which apply to a license as provided in this chapter.

6980.42. (a) Within seven days after commencing employment, any employee of a locksmith who is not currently registered with the bureau and who is performing the services of a locksmith shall submit to the bureau a completed application for registration, two classifiable fingerprint cards, and the appropriate registration fee.

No application is required to be submitted if the employee terminated employment within seven days. "Within seven days" means 168 hours from the time an employee provides any service for which he or she shall be compensated by a licensee.

(b) Except as provided in subdivision (c), an employee of a licensee may be assigned to work with a temporary registration card issued by the licensee until the bureau issues a registration card or denies the application for registration. A temporary registration card shall in no event be valid for more than 120 days. However, the director may extend the
expiration date beyond the 120 days if there is an abnormal delay in processing applications for locksmith employees. For purposes of this section, the 120-day period shall commence on the date the applicant signs the application.

(c) An employee who has been convicted of a crime prior to applying for a position as a locksmith employee performing the services of a locksmith shall not be issued a temporary registration card and shall not be assigned to work as a locksmith until the bureau issues a permanent registration card. This subdivision shall apply only if the applicant for registration has disclosed the conviction to the bureau on his or her application form, or if the fact of the conviction has come to the attention of the bureau through official court or other governmental documents.

6980.43. The application for registration under this article shall be on a form prescribed by the director and shall be accompanied by the fee as prescribed in this chapter.

6980.44. The application shall be verified and shall include the following:

(a) The full name, residence address, telephone number, and date of birth of the employee.

(b) The name, address, telephone number, and license number of the employer, and the date the employment commenced.

(c) A statement as to whether the employee has been arrested or convicted of a misdemeanor, excluding minor traffic violations.

(d) A statement as to whether the employee has been convicted of a felony.

6980.45. The bureau, upon receipt of a criminal offense record or record of a subsequent arrest from the Department of Justice, shall make an immediate determination of fitness for registration of applicants for registration, when information contained in the records of the Department of Justice makes such a determination possible. Applications for registration of those determined to be unfit shall be immediately denied.

6980.46. (a) If the chief determines that an applicant's criminal history contains arrest information for which no disposition appears, the chief shall issue a notice to the applicant allowing the applicant 45 days to provide documentation concerning the disposition of the arrest or arrests.

(b) The notice shall be sent to the applicant and shall provide sufficient information to assist the applicant in complying with the chief's request. If the applicant fails to respond within 45 days, the applicant's employment shall be automatically suspended until the bureau obtains the necessary documentation to approve or deny the application.

6980.47. If the director determines that continued employment of an applicant or registrant, in his or her current capacity, may present an undue hazard to public safety, the licensee, upon proper notification from the director, shall suspend the applicant or registrant from employment in that capacity.

6980.48. (a) Upon determining that the applicant is qualified for registration pursuant to
this chapter, the bureau shall issue a pocket registration card to the employee. The applicant may request to be issued an enhanced pocket card that shall be composed of durable material and may incorporate technologically advanced security features. The bureau may charge a fee sufficient to reimburse the department for costs for furnishing the enhanced pocket card. The fee charged may not exceed the actual cost for system development, maintenance, and processing necessary to provide the service, and may not exceed six dollars ($6). If the applicant does not request an enhanced card, the department shall issue a standard card at no cost to the applicant.

(b) The registrant shall carry a valid registration card issued by the bureau under this section at all times the registrant is engaged in the work of a locksmith whether on or off the premises of the licensee's place of business. Every person, while engaged in any activity for which licensure is required, shall display his or her valid pocket card as provided by regulation.

6980.49. A licensee shall at all times be responsible for ascertaining that his or her employees subject to registration are currently registered or have made proper application for registration as provided in this article. The licensee shall not have in his or her employment a person performing the services of a locksmith whose registration has expired, or been revoked, denied, suspended, or canceled.

6980.50. (a) All registrations shall be placed on a cyclical renewal and shall expire two years following the date of issuance or assigned renewal date.

(b) At least 60 days prior to the expiration of a registration, a registrant who desires to renew his or her registration shall forward to the bureau a copy of his or her current registration card, along with the renewal fee as set forth in this chapter.

(c) The licensee shall provide to any employee information regarding procedures for renewal of registration.

(d) An expired registration may still be renewed within 30 days from the date of expiration provided the registrant pays a delinquency fee provided by this chapter. A registration not renewed within 30 days following its expiration may not be renewed thereafter. The holder of an expired registration may obtain a new registration only on compliance with all the provisions of this chapter relating to the issuance of an original registration. The holder of an expired registration shall not engage in any activity requiring registration under this chapter until the bureau issues a renewal or new registration.

(e) If the renewed registration card has not been delivered to the registrant, prior to the date of expiration of the prior registration, the registrant may present evidence of renewal to substantiate continued registration, for a period not to exceed 90 days after the date of expiration.

(f) A registration shall not be renewed until any and all fines, not pending appeal, assessed by the chief or the director have been paid.

6980.53. (a) A locksmith licensed by the bureau shall be subject to the provisions of Sections 466.6 and 466.8 of the Penal Code requiring verification of identification of clients and maintenance of work orders containing required client information. A copy of
each work order completed pursuant to Sections 466.6 and 466.8 of the Penal Code shall
be retained for two years, shall include the name and license number of the locksmith
performing the service, and shall be open to inspection by the bureau or any peace officer
during business hours or submitted to the bureau upon request.

(b) Nothing in this section shall be construed to prohibit the duplication of any key for a
residence, commercial establishment, or personal property registered under the Vehicle
Code from another key.

6980.55. (a) Any locksmith who knowingly and willfully opens any residence, or
commercial establishment for another by any method involving an on-site inspection of a
doors or entrance, whether or not for compensation, shall obtain the street address of the
residence or commercial establishment, and the signature of the person for whom the
residence or commercial establishment was opened on a work order form. The following
information regarding the person requesting entry to the residence or commercial
property shall be recorded on a work order form:
(1) Name.
(2) Address.
(3) Telephone Number.
(4) Date of Birth.
(5) Driver's license or identification number. A copy of each work order form shall be
retained for two years, shall include the name and license number of the locksmith
performing the service, and shall be open for inspection by any peace officer or by the
bureau during business hours or submitted to the bureau upon request.

(b) Any locksmith who makes keys capable of opening a motor vehicle or personal
property registered under the Vehicle Code for another by any method, whether or not for
compensation, shall obtain the name, date of birth, and driver's license number or
identification number of the person requesting entrance, and the registration or
identification number of the vehicle or personal property registered under the Vehicle
Code for which entrance is requested. This information together with the date the service
was performed, and the signature of the person requesting entrance, shall be set forth on a
work order. A copy of each work order form shall be retained for two years, shall
include the license number of the locksmith performing the service, and shall be open for
inspection by a peace officer or by the bureau during business hours or submitted to the
bureau upon request.

6980.58. A licensee shall at all times be responsible for those actions of his or her
employees performed in violation of this chapter, when acting within the course and
scope of his or her employment.

6980.59. A licensee shall, within 30 days after such change, notify the bureau of any
change of its officers required to be named pursuant to Section 6980.21. Applications, on
forms prescribed by the director, shall be submitted by all new officers. The director may
deny the application of a new officer if the director determines that the officer has
committed any act which constitutes grounds for the denial of a license pursuant to
Section 6980.71.
6980.60. No licensee shall conduct business from any location other than the location for which a license or branch office registration was issued.

6980.61. No licensee shall conduct a business as an individual, partnership, or corporation, unless the licensee holds a valid license issued to the same individual, partnership, or corporation.

6980.62. (a) Each licensee shall maintain a file or record containing the name, address, commencing date of employment, and position of each employee, and the date of termination of employment when an employee is terminated. The files and records, together with usual payroll records, shall be available for inspection by the bureau, and copies thereof and information pertaining thereto or contained therein shall be submitted to the bureau upon written request.

(b) A licensee shall respond to the bureau's request to forward copies of the files or records and information pertaining thereto or contained therein within 30 days of the bureau's request.

6980.63. Within seven days, each licensee shall verify proof of current and valid registration issued by the bureau for each employee who is subject to registration, or shall require an employee to complete and submit an application for registration, pursuant to Section 6980.42, after employing an individual who does not possess a current and valid registration from the bureau.

6980.64. Every advertisement by a licensee soliciting or advertising business shall contain his or her name and license number as they appear in the records of the bureau.

6980.65. No licensee shall aid and abet an unlicensed locksmith in any activity for which a license is required.

6980.68. No licensee shall willfully or deliberately disregard any building or safety laws of the state or any political subdivision thereof.

6980.69. No licensee shall fail in any material respect to complete the installation, repair, opening, or modification of a lock for the price stated in the contract for services.

6980.71. (a) The director may deny a license or registration regulated by this chapter on the grounds that the applicant has done any of the following:

(1) Knowingly made a false statement of fact required to be revealed in the application for a license.

(2) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which the bureau is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the
imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code.

(3) Committed any act involving dishonesty, fraud, or deceit, with the intent to substantially benefit himself, herself, or another, or to substantially injure another.

(4) Committed any act which, if done by a licensee, would be grounds for suspension or revocation of a license.

(5) Been refused a license under this chapter or had a license revoked.

(6) Been an officer, partner, or manager of any person who has been refused a license under this chapter or whose license has been suspended or revoked.

(b) The bureau may deny a license or registration pursuant to this section only if the crime or act is substantially related to the qualifications, functions, or duties of the license or registration for which application has been made.

(c) The denial of a license or registration shall be in writing and shall describe the basis for the denial. The denial shall inform the applicant that if he or she desires a hearing in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the review shall be requested within 30 days of the issuance of the denial.

(d) Notwithstanding any other provision of this chapter, no person shall be denied a license or registration solely on the basis that he or she has been convicted of a felony, if he or she has obtained a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, or solely on the basis that he or she has been convicted of a misdemeanor, if he or she has met all applicable requirements of the criteria of rehabilitation as provided in Section 6980.72.

6980.72. (a) When considering the denial, suspension, or revocation of a license or registration for which application has been made under this chapter, the chief, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license or registration, shall consider all the following criteria:

(1) The nature and severity of the act or crime under consideration as grounds for denial.

(2) The applicant's total criminal record.

(3) Evidence of any act committed subsequent to the act or crime under consideration as grounds for denial, suspension, or revocation which also could be considered as grounds for denial under Section 6980.71.

(4) The time that has elapsed since commission of the act or crime referred to in paragraph (1) or (2).

(5) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(6) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering a petition for reinstatement of a license or registration, the chief shall evaluate evidence of rehabilitation, considering those criteria of rehabilitation listed in subdivision (a).

6980.73. (a) The license or registration of a locksmith shall be automatically suspended if the locksmith is convicted of any crime which is substantially related to the functions,
duties, and responsibilities of a locksmith. The automatic suspension shall be effectuated by the mailing of a notice of conviction and suspension of license to be sent by the bureau to the licensee at his or her address of record.

(b) The notice shall contain a statement of preliminary determination by the director or his or her designee that the crime stated is reasonably related to the functions, duties, and responsibilities of a locksmith.

(c) In enacting this section, the Legislature finds and declares that locksmiths convicted of crimes reasonably related to the functions, duties, and responsibilities of a locksmith shall be subject to automatic suspension of their license and that summary suspension is justified by compelling state interests of public safety and security within the meaning of the California Supreme Court's decision in Eye Dog Foundation v. State Board of Guide Dogs for the Blind, 67 Cal. 2d 536.

6980.74. The bureau may suspend or revoke a license issued pursuant to this chapter for acts including, but not limited to, any of the following acts which shall also be unlawful:

(a) Misrepresentation or concealment of a material fact in a license application.

(b) Interference with authorized personnel engaged in the enforcement or administration of this chapter.

(c) Knowingly using or permitting the use of any of his or her skills, tools, or facilities for the commission of any crime.

(d) Conviction of a crime substantially related to the qualifications, functions, or duties of a locksmith.

(e) A violation of this chapter or the rules and regulations adopted under the authority of this chapter.

6980.75. A record of conviction, or a certified copy thereof, shall be conclusive evidence of conviction.

6980.76. The proceedings of the bureau to deny a license application, or to revoke or suspend a license, shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code.

6980.79. The fees prescribed by this chapter are those fixed in the following schedule:

(a) A locksmith license application fee of thirty dollars ($30).

(b) An original license and renewal fee for a locksmith license of forty-five dollars ($45).

(c) A branch office registration fee and branch office renewal fee of thirty-five dollars ($35).

(d) Notwithstanding Section 163.5, the reinstatement fee as required by Section 6980.28 is the amount equal to the renewal fee plus a penalty of 50 percent thereof.

(e) An initial registration fee for an employee of twenty dollars ($20).

(f) A registration renewal fee for an employee performing the services of a locksmith of twenty dollars ($20).

(g) The fingerprint processing fee is that amount charged the bureau by the Department
of Justice.

(h) All applicants seeking a license pursuant to this chapter shall also remit to the bureau the fingerprint fee that is charged to the bureau by the Department of Justice.

(i) The fee for a "Certificate of Licensure" of twenty dollars ($20).

(j) A delinquency fee is the amount equal to the renewal fee plus a penalty of 50 percent thereof.

This section is repealed July 1, 1998.

6980.80. The initial application fee is considered an earned fee at the time an application for a license is received by the bureau. No refund shall be made to the applicant in the event that the applicant is found to lack the required qualifications, or is otherwise denied a license pursuant to this chapter.

6980.81. (a) The bureau shall report each month to the Controller the amount and source of all revenue received pursuant to this chapter and shall pay the entire amount thereof into the State Treasury for credit to the Private Security Services Fund.

(b) All moneys paid into the Private Security Services Fund pursuant to subdivision (a) are hereby continuously appropriated to the bureau for the purposes of this chapter.

6980.82. The director shall furnish one copy of the licensing law and rules and regulations to any applicant or licensee without charge. The director shall charge and collect a fee equivalent to the cost of producing such laws, rules and regulations, manuals, or guides, plus sales tax for each additional copy which may be furnished on request to any applicant or licensee, and for each copy furnished on request to any other person. All moneys derived pursuant to this section, except for any sales tax collected, are hereby continuously appropriated to the bureau to cover the costs of producing copies of these laws, rules and regulations, manuals, or guides. All moneys collected for sales tax shall be remitted to the Board of Equalization.

6980.83. Application or licensee fees shall not be refunded except in accordance with Section 158.

6980.84. (a) There shall be a separate budget and expenditure statement, and a separate revenue statement, outlining all moneys derived from, and expended for, the licensing and regulation of locksmiths and registrants in accordance with the provisions of this chapter.

(b) If, at the end of any fiscal year, the moneys derived from the licensing of locksmiths and registrants is in surplus in an amount equal or greater than the moneys necessary for the regulation of locksmiths and registrants for the next two fiscal years, license or other fees shall be reduced during the following fiscal year by an amount that will reduce any surplus moneys derived from the licensing of locksmiths and registrants to an amount less than the moneys expended for the regulation of locksmiths and registrants for the next two fiscal years.
CALIFORNIA KEY DUPLICATING LAW

CALIFORNIA CODES
PENAL CODE
SECTION 466-469

466. Every person having upon him or her in his or her possession a picklock, crow, keybit, crowbar, screwdriver, vice grip pliers, water-pump pliers, slidehammer, slim jim, tension bar, lock pick gun, tubular lock pick, floor-safe door puller, master key, or other instrument or tool with intent feloniously to break or enter into any building, railroad car, aircraft, or vessel, trailer coach, or vehicle as defined in the Vehicle Code, or who shall knowingly make or alter, or shall attempt to make or alter, any key or other instrument above named so that the same will fit or open the lock of a building, railroad car, aircraft, or vessel, trailer coach, or vehicle as defined in the Vehicle Code, without being requested so to do by some person having the right to open the same, or who shall make, alter, or repair any instrument or thing, knowing or having reason to believe that it is intended to be used in committing a misdemeanor or felony, is guilty of misdemeanor. Any of the structures mentioned in Section 459 shall be deemed to be a building within the meaning of this section.

466.1. Any person who knowingly and willfully sells or provides a lock pick, a tension bar, a lock pick gun, a tubular lock pick, or a floor-safe door puller, to another, whether or not for compensation, shall obtain the name, address, telephone number, if any, date of birth, and driver's license number or identification number, if any, of the person to whom the device is sold or provided. This information, together with the date the device was sold or provided and the signature of the person to whom the device was sold or provided, shall be set forth on a bill of sale or receipt. A copy of each bill of sale or receipt shall be retained for one year and shall be open to inspection by any peace officer during business hours.

Any person who violates any provision of this section is guilty of a misdemeanor.

466.3. (a) Whoever possesses a key, tool, instrument, explosive, or device, or a drawing, print, or mold of a key, tool, instrument, explosive, or device, designed to open, break into, tamper with, or damage a coin-operated machine as defined in subdivision (b), with intent to commit a theft from such machine, is punishable by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars ($1,000), or by both.

(b) As used in this section, the term "coin-operated machine" shall include any automatic vending machine or any part thereof, parking meter, coin telephone, coin laundry machine, coin dry cleaning machine, amusement machine, music machine, vending machine dispensing goods or services, or moneychanger.

466.5. (a) Every person who, with the intent to use it in the commission of an unlawful
act, possesses a motor vehicle master key or a motor vehicle wheel lock master key is guilty of a misdemeanor.

(b) Every person who, with the intent to use it in the commission of an unlawful act, uses a motor vehicle master key to open a lock or operate the ignition switch of any motor vehicle or uses a motor vehicle wheel lock master key to open a wheel lock on any motor vehicle is guilty of a misdemeanor.

(c) Every person who knowingly manufactures for sale, advertises for sale, offers for sale, or sells a motor vehicle master key or a motor vehicle wheel lock master key, except to persons who use such keys in their lawful occupations or businesses, is guilty of a misdemeanor.

(d) As used in this section:

(1) "Motor vehicle master key" means a key which will operate all the locks or ignition switches, or both the locks and ignition switches, in a given group of motor vehicle locks or motor vehicle ignition switches, or both motor vehicle locks and motor vehicle ignition switches, each of which can be operated by a key which will not operate one or more of the other locks or ignition switches in such group. (2) "Motor vehicle wheel lock" means a device attached to a motor vehicle wheel for theft protection purposes which can be removed only by a key unit unique to the wheel lock attached to a particular motor vehicle.

(3) "Motor vehicle wheel lock master key" means a key unit which will operate all the wheel locks in a given group of motor vehicle wheel locks, each of which can be operated by a key unit which will not operate any of the other wheel locks in the group.

466.6. (a) Any person who makes a key capable of operating the ignition of a motor vehicle or personal property registered under the Vehicle Code for another by any method other than by the duplication of an existing key, whether or not for compensation, shall obtain the name, address, telephone number, if any, date of birth, and driver's license number or identification number of the person requesting or purchasing the key; and the registration or identification number, license number, year, make, model, color, and vehicle identification number of the vehicle or personal property registered under the Vehicle Code for which the key is to be made. Such information, together with the date the key was made and the signature of the person for whom the key was made, shall be set forth on a work order. A copy of each such work order shall be retained for two years, shall include the name and permit number of the locksmith performing the service, and shall be open to inspection by any peace officer or by the Bureau of Collection and Investigative Services during business hours or submitted to the bureau upon request.

Any person who violates any provision of this subdivision is guilty of a misdemeanor.

(b) The provisions of this section shall include, but are not limited to, the making of a key from key codes or impressions.

(c) Nothing contained in this section shall be construed to prohibit the duplication of any key for a motor vehicle from another key.

466.7. Every person who, with the intent to use it in the commission of an unlawful act, possesses a motor vehicle key with knowledge that such key was made without the
consent of either the registered or legal owner of the motor vehicle or of a person who is in lawful possession of the motor vehicle, is guilty of a misdemeanor.

466.8. (a) Any person who knowingly and willfully makes a key capable of opening any door or other means of entrance to any residence or commercial establishment for another by any method involving an onsite inspection of such door or entrance, whether or not for compensation, shall obtain, together with the date the key was made, the street address of the residence or commercial establishment, and the signature of the person for whom the key was made, on a work order form, the following information regarding the person requesting or purchasing the key:
   (1) Name.
   (2) Address.
   (3) Telephone number, if any.
   (4) Date of birth.
   (5) Driver's license number or identification number, if any.
   A copy of each such work order shall be retained for two years and shall be open to inspection by any peace officer or by the Bureau of Collection and Investigative Services during business hours or submitted to the bureau upon request. Any person who violates any provision of this subdivision is guilty of a misdemeanor.
   (b) Nothing contained in this section shall be construed to prohibit the duplication of any key for a residence or commercial establishment from another such key.
   (c) Locksmiths licensed by the Bureau of Collection and Investigative Services are subject to the provisions set forth in Chapter 8.5 (commencing with Section 6980) of Division 3 of the Business and Professions Code.
   (d) The provisions of this section shall include, but are not limited to, the making of a key from key codes or impressions.

466.9. (a) Every person who possesses a code grabbing device, with the intent to use it in the commission of an unlawful act, is guilty of a misdemeanor.
   (b) Every person who uses a code grabbing device to disarm the security alarm system of a motor vehicle, with the intent to use the device in the commission of an unlawful act, is guilty of a misdemeanor.
   (c) As used in this section, "code grabbing device" means a device that can receive and record the coded signal sent by the transmitter of a motor vehicle security alarm system and can play back the signal to disarm that system.

468. Any person who knowingly buys, sells, receives, disposes of, conceals, or has in his possession a sniperscope shall be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars ($1,000) or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.
   As used in this section, sniperscope means any attachment, device or similar contrivance designed for or adaptable to use on a firearm which, through the use of a projected infrared light source and electronic telescope, enables the operator thereof to visually determine and locate the presence of objects during the nighttime. This section shall not prohibit the authorized use or possession of such sniperscope by a member of
the armed forces of the United States or by police officers, peace officers, or law
enforcement officers authorized by the properly constituted authorities for the
enforcement of law or ordinances; nor shall this section prohibit the use or possession of
such sniperscope when used solely for scientific research or educational purposes.

469. Any person who knowingly makes, duplicates, causes to be duplicated, or uses, or
attempts to make, duplicate, cause to be duplicated, or use, or has in his possession any
key to a building or other area owned, operated, or controlled by the State of California,
any state agency, board, or commission, a county, city, or any public school or
community college district without authorization from the person in charge of such
building or area or his designated representative and with knowledge of the lack of such
authorization is guilty of a misdemeanor.
CALIFORNIA DEAD BOLT LAW

1941.3. (a) On and after July 1, 1998, the landlord, or his or her agent, of a building intended for human habitation shall do all of the following:

(1) Install and maintain an operable dead bolt lock on each main swinging entry door of a dwelling unit. The dead bolt lock shall be installed in conformance with the manufacturer's specifications and shall comply with applicable state and local codes including, but not limited to, those provisions relating to fire and life safety and accessibility for the disabled. When in the locked position, the bolt shall extend a minimum of 13/16 of an inch in length beyond the strike edge of the door and protrude into the doorjamb. This section shall not apply to horizontal sliding doors. Existing dead bolts of at least one-half inch in length shall satisfy the requirements of this section. Existing locks with a thumb-turn deadlock that have a strike plate attached to the doorjamb and a latch bolt that is held in a vertical position by a guard bolt, a plunger, or an auxiliary mechanism shall also satisfy the requirements of this section. These locks, however, shall be replaced with a dead bolt at least 13/16 of an inch in length the first time after July 1, 1998, that the lock requires repair or replacement. Existing doors which cannot be equipped with dead bolt locks shall satisfy the requirements of this section if the door is equipped with a metal strap affixed horizontally across the midsection of the door with a dead bolt which extends 13/16 of an inch in length beyond the strike edge of the door and protrudes into the doorjamb. Locks and security devices other than those described herein which are inspected and approved by an appropriate state or local government agency as providing adequate security shall satisfy the requirements of this section.

(2) Install and maintain operable window security or locking devices for windows that are designed to be opened. Louvered windows, casement windows, and all windows more than 12 feet vertically or six feet horizontally from the ground, a roof, or any other platform are excluded from this subdivision.

(3) Install locking mechanisms that comply with applicable fire and safety codes on the exterior doors that provide ingress or egress to common areas with access to dwelling units in multifamily developments. This paragraph does not require the installation of a door or gate where none exists on January 1, 1998.

(b) The tenant shall be responsible for notifying the owner or his or her authorized agent when the tenant becomes aware of an inoperable dead bolt lock or window security or locking device in the dwelling unit. The landlord, or his or her authorized agent, shall not be liable for a violation of subdivision (a) unless he or she fails to correct the violation within a reasonable time after he or she either has actual notice of a deficiency or receives notice of a deficiency.
(c) On and after July 1, 1998, the rights and remedies of tenant for a violation of this section by the landlord shall include those available pursuant to Sections 1942, 1942.4, and 1942.5, an action for breach of contract, and an action for injunctive relief pursuant to Section 526 of the Code of Civil Procedure. Additionally, in an unlawful detainer action, after a default in the payment of rent, a tenant may raise the violation of this section as an affirmative defense and shall have a right to the remedies provided by Section 1174.2 of the Code of Civil Procedure.

(d) A violation of this section shall not broaden, limit, or otherwise affect the duty of care owed by a landlord pursuant to existing law, including any duty that may exist pursuant to Section 1714. The delayed applicability of the requirements of subdivision (a) shall not affect a landlord's duty to maintain the premises in safe condition.

(e) Nothing in this section shall be construed to affect any authority of any public entity that may otherwise exist to impose any additional security requirements upon a landlord.

(f) This section shall not apply to any building which has been designated as historically significant by an appropriate local, state, or federal governmental jurisdiction.

(g) Subdivisions (a) and (b) shall not apply to any building intended for human habitation which is managed, directly or indirectly, and controlled by the Department of Transportation. This exemption shall not be construed to affect the duty of the Department of Transportation to maintain the premises of these buildings in a safe condition or abrogate any express or implied statement or promise of the Department of Transportation to provide secure premises. Additionally, this exemption shall not apply to residential dwellings acquired prior to July 1, 1997, by the Department of Transportation to complete construction of state highway routes 710 and 238 and related interchanges.
CONNECTICUT LOCKSMITH REGISTRATION ACT

THIS IS A BRIEF OVERVIEW OF THE LAW AND DOES NOT INTEND TO REPRESENT THE ENTIRE SET OF QUALIFICATIONS OR REQUIREMENTS.

- Requires anyone performing locksmithing to register with the Commissioner of Consumer Protection.
- Locksmithing means the inspection, installation, recombination, rekeying, service or repair of locks or locking devices. It does not include: the recombination or rekeying of locks or cylinders by an employee of a retail or wholesale establishment on an employer's property; the installation or repair of locks by a person registered under construction statutes; the installation, maintenance, repair or service of a vending machine; the duplication or selling of keys or selling of equipment used to duplicate keys at a retail establishment; or work performed by a person at such person's own residence.
- A person seeking registration as a locksmith shall apply to the Commissioner and submit to a request for a recent criminal history records check.
- The Commissioner may revoke, refuse to issue or refuse to renew a registration when an applicant's criminal history records check reveals the applicant has been convicted of a crime of dishonesty, fraud, theft, assault, other violent offense or a crime related to the performance of locksmithing.
- The application fee for registration as a locksmith and the biennial renewal fee for such registration shall be two hundred dollars.
- No person shall engage in locksmithing, use the title locksmith or display or use any words, letters, figures, title, advertisement or other method to indicate said person is a locksmith unless such person has obtained a registration from the Commissioner.
- (5) The following persons shall be exempt from registration as a locksmith, but only if the person performing the service does not hold himself or herself out to the public as a locksmith: persons employed by a state, municipality or other political subdivision, or by any agency or department of the government of the United States, acting in their official capacity; automobile service dealers who service, install, repair or rebuild automobile locks; retail merchants selling locks or similar security accessories or installing, programming, repairing, maintaining, reprogramming, rebuilding or servicing electronic garage door devices; members of the building trades who install or remove complete locks or locking devices in the course of residential or commercial new construction or remodeling; employees of towing services, repossessors, or an automobile club representative or employee opening automotive locks in the normal course of his or her business. The provisions of this section shall not prohibit an employee of a towing service from opening motor vehicles to enable a vehicle to be moved without towing, provided the towing service does not hold itself out to the public, by directory advertisement, through a sign at the facilities of the towing service or by any other form of advertisement, as a locksmith; students in a course of study in locksmith
programs approved by the department; warranty services by a lock manufacturer or its employees on the manufacturer's own products; maintenance employees of a property owner or property management companies at multifamily residential buildings, who service, install, repair or open locks for tenants; and persons employed as security personnel at schools or institutions of higher education who open locks while acting in the course of their employment.

- Penalty for performing locksmithing without a registration card shall be not more than $500 for the first violation, not more than $750 for the second or subsequent violation occurring not more than three years after a prior violation, and not more than $1,500 for a third or subsequent violation of this subsection occurring not more than three years after a prior violation. Also, any violation shall be deemed an unfair or deceptive trade practice under the CT General Statutes.
AN ACT CONCERNING THE REGISTRATION OF LOCKSMITHS.

Be it enacted by the Senate and House of Representatives in General Assembly convoked:

Section 1. Section 20-656 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2008):

Sec. 2. (NEW) (Effective October 1, 2008) (a) As used in this section:

(1) "Branch" means any business location of a locksmith, other than the principal place of business of such locksmith.

(2) "Commissioner" means the Commissioner of Consumer Protection.

(3) "Department" means the Department of Consumer Protection.

(4) "Locksmith" means a person engaged in locksmithing.

(5) "Locksmithing" means the inspection, installation, recombination, rekeying, service or repair of locks or locking devices, but does not include: (A) The recombination or rekeying of locks or cylinders by an employee of a retail or wholesale establishment on an employer's property; (B) the installation or repair of locks by a person registered pursuant to chapter 393c of the general statutes or registered pursuant to chapter 400 of the general statutes incidental to the construction of a building; (C) the installation, maintenance, repair or service of a vending machine; (D) the duplication or selling of keys or selling of equipment used to duplicate keys at a retail establishment; or (E) work performed by a person at such person's own residence.

(6) "Registration" means a document or card issued by the Department of Consumer Protection to a locksmith which certifies that such locksmith has completed an application form, paid the required registration fee, has successfully passed the required criminal history records check, is not otherwise barred from becoming a locksmith and has been added to the registry of locksmiths, as established in subsection (b) of this section.

(b) (1) A person seeking registration as a locksmith shall apply to the commissioner on a form provided by the commissioner. The application shall include the applicant's name, residence address, business address, business telephone number, a question as to whether the applicant has been convicted of a felony in any state or jurisdiction, and such other information as the commissioner may require. The applicant shall submit to a request by the commissioner for a recent criminal history records check. No registration shall be issued unless the commissioner has received the results of a such records check. In accordance with the provisions of section 46a-80 of the general statutes and after a hearing held pursuant to chapter 54 of the general statutes, the commissioner may revoke, refuse to issue or refuse to renew a registration when an applicant's criminal history records check reveals the applicant has been convicted of a crime of dishonesty, fraud, theft, assault, other violent offense or a crime related to the performance of locksmithing.

(2) The application fee for registration as a locksmith and the biennial renewal fee for such registration shall be two hundred dollars.
(3) The department shall establish and maintain a registry of locksmiths. The registry shall contain the names and addresses of registered locksmiths and such other information as the commissioner may require. Such registry shall be updated at least annually by the department, be made available to the public upon request and be published on the department's Internet web site.

(4) No person shall engage in locksmithing, use the title locksmith or display or use any words, letters, figures, title, advertisement or other method to indicate said person is a locksmith unless such person has obtained a registration as provided in this section.

(5) The following persons shall be exempt from registration as a locksmith, but only if the person performing the service does not hold himself or herself out to the public as a locksmith: (A) Persons employed by a state, municipality or other political subdivision, or by any agency or department of the government of the United States, acting in their official capacity; (B) automobile service dealers who service, install, repair or rebuild automobile locks; (C) retail merchants selling locks or similar security accessories or installing, programming, repairing, maintaining, reprogramming, rebuilding or servicing electronic garage door devices; (D) members of the building trades who install or remove complete locks or locking devices in the course of residential or commercial new construction or remodeling; (E) employees of towing services, repossession, or an automobile club representative or employee opening automotive locks in the normal course of his or her business. The provisions of this section shall not prohibit an employee of a towing service from opening motor vehicles to enable a vehicle to be moved without towing, provided the towing service does not hold itself out to the public, by directory advertisement, through a sign at the facilities of the towing service or by any other form of advertisement, as a locksmith; (F) students in a course of study in locksmith programs approved by the department; (G) warranty services by a lock manufacturer or its employees on the manufacturer's own products; (H) maintenance employees of a property owner or property management companies at multifamily residential buildings, who service, install, repair or open locks for tenants; and (I) persons employed as security personnel at schools or institutions of higher education who open locks while acting in the course of their employment.

(c) (1) Each person engaging in locksmithing shall: (A) Exhibit such person's registration or a copy thereof at the person's place of business and any branch, in a location visible to the general public, (B) exhibit such person's registration upon request by any interested party, and (C) include such person's registration number in any advertisement.

(2) No person shall: (A) Present or attempt to present, as such person's own, the registration of another, (B) knowingly give false evidence of a material nature to the commissioner for the purpose of procuring a registration, (C) represent himself or herself falsely as, or impersonate, a registered locksmith, (D) knowingly use or attempt to use a registration which has expired or which has been suspended or revoked, (E) offer to undertake any locksmith service without having a current registration required under this chapter, (F) represent in any manner that such person's registration constitutes an endorsement of the quality of such person's workmanship or of such person's competency by the commissioner, (G) employ or allow any person to act as a salesman on such person's behalf unless such salesman is in the direct employ of such person, or (H)
represent or advertise a location or branch as a place of business without obtaining the right to occupy such location.

(d) Registrations issued to locksmiths pursuant to this section shall not be transferable or assignable.

(e) All registrations issued under the provisions of this section shall expire biennially.

(f) Failure to receive a notice of registration expiration or a renewal application shall not exempt a locksmith from the obligation to renew his or her registration.

(g) The commissioner may adopt regulations, in accordance with chapter 54 of the general statutes, to carry out the provisions of this section.

(h) The commissioner may conduct investigations and hold hearings on any matter subject to the provisions of this section. The commissioner may issue subpoenas, administer oaths, compel testimony and order the production of books, records and documents in connection with such investigations. If any person refuses to appear, to testify or to produce any book, record, paper or document when so ordered, upon application of the commissioner or the Attorney General, a judge of the Superior Court may make such order as may be appropriate to aid in the enforcement of this section. The Attorney General, at the request of the commissioner, is authorized to apply in the name of the state of Connecticut to the Superior Court for an order temporarily or permanently restraining and enjoining any person from violating any provision of this section.

(i) The commissioner may revoke, suspend, place conditions on, or refuse to renew a registration issued pursuant to this section for: (1) Conduct of a character likely to mislead, deceive or defraud the public or the commissioner; (2) engaging in any untruthful or misleading advertising; (3) unfair or deceptive business practices; (4) gross incompetence; or (5) violations of any of the provisions of this section or any regulation adopted pursuant to any of such provisions.

(j) The commissioner may, after notice and hearing in accordance with the provisions of chapter 54 of the general statutes, impose a civil penalty on any person who engages in or practices the work or occupation for which a registration is required by this section without having first obtained such a registration, or who willfully employs or supplies for employment a person who does not have such a registration, or who willfully and falsely pretends to qualify to engage in or practice such work or occupation, or who engages in or practices any of the work or occupations for which a registration is required by this section after the expiration of such person's registration, or who violates any of the provisions of this section or the regulations adopted pursuant thereto. Such penalty shall be in an amount not more than five hundred dollars for a first violation of this subsection, not more than seven hundred fifty dollars for a second violation of this subsection occurring not more than three years after a prior violation, and not more than one thousand five hundred dollars for a third or subsequent violation of this subsection occurring not more than three years after a prior violation. Any penalty collected pursuant to this subsection shall be deposited in the consumer protection enforcement account established in section 21a-8a of the general statutes.
(k) A violation of any of the provisions of this section shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b of the general statutes.

Approved May 27, 2008
ILLINOIS PRIVATE DETECTIVE, PRIVATE ALARM, PRIVITE SECURITY AND LOCK SMITH ACT

THIS IS A BRIEF OVERVIEW OF THE LAW AND DOES NOT INTEND TO REPRESENT THE ENTIRE SET OF QUALIFICATIONS OR REQUIREMENTS.

- Creates a licensing Board under the Department of Professional Regulation.
- Licensed required of armed employees, private detectives, private alarm contractor or agency, locksmiths, private detective (contractor or agency).
- The practice of locksmithing is defined as “includes, but is not limited to, the servicing, installing, originating first keys, re-coding, manipulation, or bypassing of mechanical or electronic locking devices at premises, vehicles, safes, vaults, safe deposit boxes, or automatic teller machines.”
- Does not apply to state or national government officers, credit bureau, insurance agent, employment verification, hardware retailers, automobile alarms, remodeling contractors, lock manufacturers, maintenance employee.
- Requirements: at least 21 years old; not convicted of a felony within the last 10 years; not incompetent, or have a history of alcohol or drug dependency; not dishonorably discharged from the armed services, successfully passed an exam authorized by the department; proof of insurance sufficient for the individual’s business circumstances.
- Employees of the locksmith agency must be at least 18 years old.
- Must carry the state issued identification card at all times.
- Locksmiths must record every call with customer’s name, address, work to be done, etc.
- There is opportunity for a hearing for improper revocation of a license.
- There is state to state reciprocity of licensing requirements.
- Further information may be obtained at http://www.idfpr.com/dpr/WHO/lock.asp
- Also, available for legislative questions is Allied Locksmiths for Illinois at: www.allied locksmiths.org.

(446/5. Definitions) Section 5. Definitions. In this Act:

"Board" means the Illinois Private Detective, Private Alarm, Private Security, and Locksmith Board.

"Department" means the Illinois Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

"Person" means a natural person.

"Locksmith" means a person who has received a license under this Act and who engages in the practice of locksmithing as defined in this Act.

"Locksmith agency" means any person, firm, association, or corporation that engages in the locksmith business and that employs one or more persons in conducting the business.

"The practice of locksmithing" includes, but is not limited to, the servicing, installing, originating first keys, re-coding, manipulation, or bypassing of mechanical or electronic locking devices at premises, vehicles, safes, vaults, safe deposit boxes, or automatic teller machines.

"Public member" means a person who is not a licensee or a relative of a licensee, or who is not an employer or an employee of a licensee. The term "relative" shall be determined by rules of the Department.

"In-charge" means the individual licensee whose name and license number appear on a certificate of registration for a detective, private security contractor, private alarm contractor, or locksmith agency is a full-time executive employee or owner who assumes full responsibility for all employees of the agency and for their directed actions, and assumes full responsibility for maintaining all records required by this Act or rule of the Department and is responsible for otherwise assuring compliance with this Act. Records shall be maintained at a location in Illinois and the address of the location filed with the Department and accessible to Department representatives in accordance with Section 115 of this Act. This does not relieve any person, firm, association, or corporation licensed as
an agency under this Act from also assuming full responsibility for compliance with this Act. It is the responsibility of the licensee in charge to notify the Department, in writing within 10 days, when the licensee terminates his or her in charge relationship with an agency.

"Permanent employee registration card" means a card issued by the Department to an individual who has applied to the Department and has been found to be employable by an agency certified under this Act.

"Branch office" means any business location removed from the place of business for which an agency license has been issued.

(446/10. Legislative intent) Section 10. Legislative intent. The intent of the General Assembly in enacting this statute is to regulate persons and businesses licensed under this Act for the protection of the public. These practices are declared to be practices affecting the public health, safety, and welfare and subject to State regulation. This Act shall be construed to best carry out these purposes.


(a) It is unlawful for any person to act as a private detective, private security contractor, private alarm contractor, or locksmith, or to advertise or assume to act as any one of these, or to use any other title implying that the person is engaged in any of these practices unless licensed by the Department.

(b) It is unlawful for a firm, association, or corporation to act as an agency certified under this Act, to advertise or assume to act as a certified agency, or to use any other title implying that the firm, association, or corporation is engaged in the practice as a private detective agency, private security contractor agency, private alarm contractor agency, or locksmith agency unless certified by the Department.

Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/20. Violation - Injunctive relief - Service) Section 20. Violation; injunctive relief; service. The practice of a private detective, private security contractor, private alarm contractor, private detective agency, private security contractor agency, private alarm contractor agency, or locksmith agency by any person, firm, association, or corporation that has not been issued a license or certificate by the Department, or whose license or certificate has been suspended, revoked, or not renewed, is hereby declared to be inimical to the public welfare and to constitute a public nuisance.

The Director, in the name of the People, through the Attorney General, the State's Attorney of any county, any resident of the State, or any legal entity within the State may apply for injunctive relief in any court to enjoin any person, firm, association, or corporation that has not been issued a license or certificate or whose license or certificate has been suspended, revoked, or not renewed, from practicing a licensed activity. Upon
the filing of a verified petition in court, the court, if satisfied by affidavit or otherwise that the person, firm, association, or corporation is or has been practicing in violation of this Act may enter a temporary restraining order or preliminary injunction, without bond, enjoining the defendant from further activity. A copy of the verified complaint shall be served upon the defendant and the proceedings shall be conducted as in other civil cases. If it is established the defendant has been or is practicing in violation of this Act, the court may enter a judgment perpetually enjoining the defendant from further activity. In case of violation of any injunctive order or judgment entered under the provisions of this Section, the court may summarily try and punish the offender for contempt of court. Injunctive proceedings shall be in addition to all penalties and other remedies under this Act.

Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/25. Failure to file tax return) Section 25. Failure to file tax return. The Department may refuse to issue or may suspend the license of any person, firm, association, or corporation that fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of the tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue until the requirements of the tax Act are satisfied.

(446/30. Exemptions) Section 30. Exemptions. This Act does not apply to:

(1) An officer or employee of the United States, this State, or any political subdivision of either while the officer or employee is engaged in the performance of his or her official duties within the course and scope of his or her employment with the United States, this State, or any political subdivision of either. However, any person who offers his or her services as a private detective or private security contractor, or any title when similar services are performed for compensation, fee, or other valuable consideration, whether received directly or indirectly, is subject to this Act and its licensing requirements.

(6) Any person, watchman, or guard employed exclusively and regularly by one employer in connection with the affairs of that employer only and there exists an employer/employee relationship.

(7) Any law enforcement officer, as defined in the Illinois Police Training Act, who has successfully completed the requirements of basic law enforcement and firearms training as prescribed by the Illinois Law Enforcement Training Standards Board, employed by an employer in connection with the affairs of that employer, provided he or she is exclusively employed by the employer during the hours or times he or she is scheduled to work for that employer, and there exists an employer and employee relationship.

(10) Nothing in this Act prohibits any of the following:
(A) Servicing, installing, repairing, or rebuilding automotive locks by automotive service dealers, as long as they do not hold themselves out to the public as locksmiths.

(B) Police, fire, or other municipal employees from opening a lock in an emergency situation, as long as they do not hold themselves out to the public as locksmiths.

(C) Any merchant or retail or hardware store from duplicating keys, from installing, servicing, repairing, rebuilding, reprogramming, or maintaining electronic garage door devices or from selling locks or similar security accessories not prohibited from sale by the State of Illinois, as long as they do not hold themselves out to the public as locksmiths.

(D) The installation or removal of complete locks or locking devices by members of the building trades when doing so in the course of residential or commercial new construction or remodeling, as long as they do not hold themselves out to the public as locksmiths.

(E) The employees of towing services, repossessors, or auto clubs from opening automotive locks in the normal course of their duties, as long as they do not hold themselves out to the public as locksmiths. Additionally, this Act shall not prohibit employees of towing services from opening motor vehicle locks to enable a vehicle to be moved without towing, provided that the towing service does not hold itself out to the public, by yellow page advertisement, through a sign at the facilities of the towing service, or by any other advertisement, as a locksmith.

(F) The practice of locksmithing by students in the course of study in programs approved by the Department, provided that the students do not hold themselves out to the public as locksmiths.

(G) Servicing, installing, repairing, or rebuilding locks by a lock manufacturer or anyone employed by a lock manufacturer, as long as they do not hold themselves out to the public as locksmiths.

(H) The provision of any of the products or services in the practice of locksmithing as identified in Section 5 of this Act by a business licensed by the State of Illinois as a private alarm contractor or private alarm contractor agency, as long as the principal purpose of the services provided to a customer is not the practice of locksmithing and the business does not hold itself out to the public as a locksmith agency.

(I) Any maintenance employee of a property management company at a multi-family residential building from servicing, installing, repairing, or opening locks for tenants as long as the maintenance employee does not hold himself or herself out to the public as a locksmith.
(11) A person, firm, or corporation engaged in fire protection engineering, including the
design, testing, and inspection of fire protection systems.

(12) The practice of professional engineering as defined in the Professional Engineering

(13) The practice of structural engineering as defined in the Structural Engineering

(14) The practice of architecture as defined in the Illinois Architecture Practice Act of
1989.

(15) The activities of persons or firms licensed under the Illinois Public Accounting Act
if performed in the course of
their professional practice.

(16) This Act does not prohibit any persons legally regulated in this State under any other
Act from engaging in the practice for which they are licensed, provided that they do not
represent themselves by any title prohibited by this Act. Amended by P.A. 88-535,
Section 19, effective January 26, 1994; P.A. 89-366, Section 197, effective January 1,

(446/40. Home Rule preemption) Section 40. Home Rule preemption. Pursuant to
paragraph (h) of Section 6 of Article VII of the Illinois Constitution of 1970, the power to
regulate the private detective, private security, private alarm, or locksmith business shall
be exercised exclusively by the State and may not be exercised by any unit of local
government, including home rule units.
Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/45. Board - Membership - Terms - Removal - Compensation) Section 45. Board;
membership; terms; removal; compensation.

(a) The Board shall consist of 11 members appointed by the Director, 3 of whom shall
be licensed private detectives, 2 of whom shall be licensed private security contractors, 2
of whom shall be licensed private alarm contractors, 2 of whom shall be licensed
locksmiths, one of whom shall be a public member who is not licensed or registered
under this Act or a similar Act of another jurisdiction and who has no connection with a
business licensed under this Act, and one of whom shall represent the interests of
employees who are registered under this Act. Each member shall be a resident of Illinois.
Each licensed member shall have a minimum of 5 years experience as a licensee in the
professional area in which the person is licensed and be in good standing and actively
engaged in that profession. In making Board appointments, the Director shall give
consideration to the recommendations by members of the profession and by professional
organizations. The membership shall reasonably reflect representation from geographic
areas in this State.
(b) Members shall serve 4 year terms and may serve until their successors are appointed and qualified. No member shall be appointed to the Board for more than 2 terms. Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term. Members of the previous board in office on the effective date of this Act shall serve for the duration of their term and may be appointed for one additional term under this Act.

(c) A member of the Board may be removed from office for just cause. A member subject to formal disciplinary proceedings shall disqualify himself or herself from Board business until the charge is resolved. A member also shall disqualify himself or herself from any matter on which the member may not objectively make a decision.

(d) Members shall receive compensation as set by law. Each member shall also receive reimbursement as set by the Governors Travel Control Board for expenses incurred in carrying out the duties as a Board member.

(e) A majority of Board members then appointed constitutes a quorum. A majority vote of the quorum is required for a Board decision.

(f) The Board may elect a chairman and other officers it considers necessary.

(g) Board members are not liable for any of their acts, omissions, decisions, or other conduct in connection with their duties on the Board, except those involving willful, wanton, or intentional misconduct. Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/50. Powers and duties of Department) Section 50. Powers and duties of Department.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing acts and shall exercise all other powers and duties vested in this Act.

(b) The Director shall promulgate rules for the administration and enforcement of this Act. The Director may prescribe forms to be issued in connection with the administration and enforcement of this Act. The rules shall include standards and criteria for registration, certification, professional conduct, and discipline. The Department shall consult with the Board in promulgating rules. Notice of proposed rulemaking shall be transmitted to the Board, and the Department shall review the Board's response and any recommendations. The Department shall notify the Board with proper explanation of any deviations from the Board's recommendations and responses.

(c) The Board shall propose additions or modifications to administrative rules to the Director whenever a majority of the members of the Board believe the rules are deficient for the proper administration of this Act.
(d) The Board shall have any other powers as may be required to carry out the provisions of this Act.

(446/55. Regulation of licensed persons) Section 55. Regulation of licensed persons. It is the intent of the General Assembly that the regulation of all those licensed under this Act is the responsibility of the Department. The expertise of those on the Board is considered essential to decisions that affect the regulation of those licensed under this Act in the interest of carrying out the police power of the State.

(446/60. Personnel - Investigators) Section 60. Personnel; investigators. The Director may employ, in conformity with the Personnel Code, professional, technical, investigative, or clerical help on either a full or part-time basis, as may be necessary for the enforcement of this Act. Each investigator shall have a minimum of 2 years investigative experience out of the preceding 5 years.

No investigator may hold an active license issued under this Act nor may any investigator have any fiduciary interest in any business licensed under this Act. This prohibition, however, does not prohibit the investigator from holding stock in a publicly traded business licensed or regulated under this Act provided the investigator does not hold more than 5% of the stock of the business.

Any person licensed under this Act who is employed in any capacity by the Department shall surrender his or her license to the Department for the duration of employment with the Department. The license holder is responsible for maintaining his or her license in good standing and shall pay one-quarter of the required renewal fees. However, while employed by the Department the license holder is not required to maintain the insurance coverage specified in Section 75 of this Act.

(446/65. Rules and regulations) Section 65. Rules and regulations. The Department may make reasonable rules relating to this Act.

(446/70. Licensure classifications) Section 70. Licensure classifications. The classes of individual licenses are:

(a) Private detective.
(b) Private security contractor.
(c) Private alarm contractor.
(d) Locksmith.

The classes of business certification are:
(e) Private detective agency.
(f) Private security contractor agency.
(g) Private alarm contractor agency.
(h) Locksmith agency.
(i) Agency branch office license. Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/75. Qualifications for licensure and agency certification) Section 75. Qualifications for licensure and agency certification.

(d) Locksmith. A person is qualified to receive a license as a locksmith if he or she meets all of the following requirements:

(1) Is at least 18 years of age.
(2) Has not violated any provisions of Section 120 of this Act.
(3) Has not been convicted in any jurisdiction of any felony or at least 10 years have expired from the time of discharge from any sentence imposed for a felony.
(4) Is of good moral character. Good moral character is a continuing requirement of licensure. Convictions of crimes not listed in paragraph (3) of subsection (d) of this Section may be used in determining moral character, but do not operate as an absolute bar to licensure.
(5) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease unless a court has since declared him or her to be competent.
(6) Is not suffering from habitual drunkenness or from narcotic addiction or dependence.
(7) Has not been dishonorably discharged from the armed services of the United States.
(8) Has passed an examination authorized by the Department in the theory and practice of the profession.
(9) Has submitted to the Department proof of insurance sufficient for the individual's business circumstances. The Department, with input from the Board, shall promulgate rules specifying minimum insurance requirements. This insurance requirement is a continuing requirement for licensure. Failure to maintain insurance shall result in the cancellation of the license by the Department. A locksmith employed by a licensed locksmith agency or employed by a private concern may provide proof that his or her actions as a locksmith are covered by the insurance of his or her employer.

(h) Licensed locksmith agency. Upon receipt of the required fee and proof that the applicant is an Illinois licensed locksmith who shall assume full responsibility for the operation of the agency and the directed actions of the agency's employees, which is a continuing requirement for agency licensure, the Department shall issue, without examination, a certificate as a Locksmith Agency to any of the following:

(1) An individual who submits an application in writing and who is a licensed locksmith under this Act.
(2) A firm or association that submits an application in writing and certifies that all of the members of the firm or association are licensed locksmiths under this Act.
(3) A duly incorporated or registered corporation or limited liability company allowed to
do business in Illinois that is authorized by its articles of incorporation or organization to
engage in the business of conducting a locksmith agency, provided that at least one
officer or executive employee of a corporation or one member of a limited liability
company is licensed as a locksmith under this Act, and provided that person agrees in
writing on a form acceptable to the Department to assume full responsibility for the
operation of the agency and the directed actions of the agency's employees, and further
provided that all unlicensed officers and directors of the corporation or members of the
limited liability company are determined by the Department to be persons of good moral
character.

An individual licensed locksmith operating under a business name other than the licensed
locksmith's own name shall not be required to obtain a locksmith agency license if that
licensed locksmith does not employ any persons to engage in the practice of
locksmithing.

An applicant for licensure as a locksmith agency shall submit to the Department proof of
insurance sufficient for the agency's business circumstances. The Department shall
promulgate rules specifying minimum insurance requirements. This insurance
requirement is a continuing requirement for licensure.

No licensed locksmith may be the licensed locksmith responsible for the operation of
more than one agency except for any individual who submits proof to the Department
that, on the effective date of this amendatory Act of 1995, he or she is actively
responsible for the operations of more than one agency. A licensed private alarm
contractor who is responsible for the operation of a licensed private alarm contractor
agency and who is a licensed locksmith may also be the licensed locksmith responsible
for the operation of a locksmith agency.

Upon written request by a representative of an agency within 10 days after the loss of a
responsible licensed locksmith of an agency, because of the death of that individual or
because of the unanticipated termination of the employment of that individual, the
Department shall issue a temporary permit allowing the continuing operation of a
previously licensed locksmith agency. No temporary permit shall be valid for more than
90 days. An extension for an additional 90 days may be granted by the Department for
good cause shown and upon written request by a representative of the agency. No more
than 2 extensions may be granted to any agency. No temporary permit shall be issued to
any agency due to the loss of the responsible locksmith because of disciplinary action by
the Department.

(i) Any licensed agency that operates a branch office as defined in this Act shall apply
for a branch office license.

Amended by P.A. 89-85, Section 5, effective January 1, 1996; P.A. 89-366, Section 197,
effective January 1, 1996; P.A. 89-626, Article 2, Section 2-56, effective August 9, 1996;

Necessity for licensure of locksmith agencies; grandfather provision.

(a) On or after January 1, 1997, no person shall practice as a locksmith and no business entity shall operate as a locksmith agency without first applying for and obtaining a license for that purpose from the Department.

(b) Applications must be accompanied by the required fee.

(c) In lieu of the examination given to other applicants for licensure, the Director may issue a license to an individual who presents proof to the Director that he or she was actively engaged as a locksmith or as a supervisor, manager, or administrator of a locksmith business for 3 years out of the 5 years immediately preceding January 1, 1996 and meets all other requirements of this Act.

(d) The application for a license without examination shall be made to the Director within 2 years after the effective date of this amendatory Act of 1995.
Added by P.A. 89-366, Section 197, effective January 1, 1996.

(446/80. Employee requirements) Section 80. Employee requirements. All employees of a licensed agency, other than those exempted, shall apply for a Permanent Employee Registration Card. The holder of an agency certificate issued under this Act, known in this Act as "employer", may employ in the conduct of his or her business employees under the following provisions:

(a) No person shall be issued a permanent employee registration card who:

(1) Is under 18 years of age.

(2) Is under 21 years of age if the services will include being armed.

(3) Has been determined by the Department to be unfit by reason of conviction of an offense in this or another state other than a minor traffic offense. The Department shall promulgate rules for procedures by which those circumstances shall be determined and that afford the applicant due process of law.

(4) Has had a license or permanent employee registration card refused, denied, suspended, or revoked under this Act.

(5) Has been declared incompetent by any court of competent jurisdiction by reason of mental disease or defect and has not been restored.
(6) Has been dishonorably discharged from the armed services of the United States.

(b) No person may be employed by a private detective agency, private security contractor agency, or private alarm contractor agency, or locksmith agency under this Section until he or she has executed and furnished to the employer, on forms furnished by the Department, a verified statement to be known as "Employee's Statement" setting forth:

(1) The person's full name, age, and residence address.

(2) The business or occupation engaged in for the 5 years immediately before the date of the execution of the statement, the place where the business or occupation was engaged in, and the names of employers, if any.

(3) That the person has not had a license or employee registration refused, revoked, or suspended under this Act.

(4) Any conviction of a felony or misdemeanor.

(5) Any declaration of incompetency by a court of competent jurisdiction that has not been restored.

(6) Any dishonorable discharge from the armed services of the United States.

(7) Any other information as may be required by any rule of the Department to show the good character, competency, and integrity of the person executing the statement.

(c) Each applicant for a permanent employee registration card shall submit to the Department with the applicable fees, on fingerprint cards furnished by the Department, 2 complete sets of fingerprints that are verified to be those of the applicant. If an applicant's fingerprint cards are returned to the Department as unclassifiable by the screening agency, the applicant has 90 days after notification is sent by the Department to submit additional fingerprint cards taken by a different technician to replace the unclassifiable fingerprint cards.

The Department shall notify the submitting licensed agency within 10 days of the applicant's fingerprint cards are returned to the Department as unclassifiable. However, instead of submitting fingerprint cards, an individual may submit proof that is satisfactory to the Department that an equivalent security clearance has been conducted. Also, a full-time peace officer or an individual who has retired as a peace officer within 12 months of application may submit verification, on forms provided by the Department and signed by one's employer, of his or her full-time employment as a peace officer. "Peace officer" means any person who by virtue of his or her office or public employment is
vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents, or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws are considered peace officers.

(d) Upon receipt of the verified fingerprint cards, the Department shall cause the fingerprints to be compared with fingerprints of criminals now or hereafter filed with the Illinois Department of State Police. The Department may also cause the fingerprints to be checked against the fingerprints of criminals now or hereafter filed in the records of other official fingerprint files within or without this State. The Department shall issue a permanent employee registration card, in a form the Department prescribes, to all qualified applicants. The Department shall notify the submitting licensed agency within 10 days upon the issuance of or intent to deny the permanent employee registration card. The holder of a permanent employee registration card shall carry the card at all times while actually engaged in the performance of the duties of his or her employment. Expiration and requirements for renewal of permanent employee registration cards shall be established by rule of the Department. Possession of a permanent employee registration card does not in any way imply that the holder of the card is employed by an agency unless the permanent employee registration card is accompanied by the employee identification card required by subsection (g) of this Section.

(e) Within 5 days of the receipt of the application materials, the Department shall institute an investigation for a criminal record by checking the applicant's name with immediately available criminal history information systems.

(f) Each employer shall maintain a record of each employee that is accessible to the duly authorized representatives of the Department. The record shall contain the following information:

1. A photograph taken within 10 days of the date that the employee begins employment with the employer. The photograph shall be replaced with a current photograph every 3 calendar years.

2. The employee's statement specified in subsection (b) of this Section.

3. All correspondence or documents relating to the character and integrity of the employee received by the employer from any official source or law enforcement agency.

4. In the case of former employees, the employee identification card of that person issued under subsection (g) of this Section.

5. Each employee record shall duly note if the employee is employed in an armed capacity. Armed employee files shall contain a copy of an active Firearm Owners Identification Card and a copy of an active Firearm Authorization Card.
(6) Each employer shall maintain a record for each armed employee of each instance in which the employee's weapon was discharged during the course of his or her professional duties or activities. The record shall be maintained on forms provided by the Department, a copy of which must be filed with the Department within 15 days of an instance. The record shall include the date and time of the occurrence, the circumstances involved in the occurrence, and any other information as the Department may require. Failure to provide this information to the Department or failure to maintain the a record as a part of each armed employee's permanent file is grounds for disciplinary action. The Department, upon receipt of a report, shall have the authority to make any investigation it considers appropriate into any occurrence in which an employee's weapon was discharged and to take disciplinary action as may be appropriate.

(7) The Department may, by rule, prescribe further record requirements.

(g) Every employer shall furnish an employee identification card to each of his or her employees. This employee identification card shall contain a recent photograph of the employee, the employee's name, the name and agency certification number of the employer, the employee's personal description, the signature of the employer, the signature of that employee, the date of issuance, and an employee identification card number.

(h) No employer may issue an employee identification card to any person who is not employed by the employer in accordance with this Section or falsely state or represent that a person is or has been in his or her employ. It is unlawful for an applicant for registered employment to file with the Department the fingerprints of a person other than himself or herself, or to fail to exercise diligence in resubmitting replacement fingerprints for those employees who have had original fingerprint submissions returned as unclassifiable.

(i) Every employer shall obtain the identification card of every employee who terminates employment with him or her.

(j) Every employer shall maintain a separate roster of the names of all employees currently working in an armed capacity and submit the roster to the Department on request.

(k) No agency may employ any person under this Act unless:

(1) The person possesses a valid permanent employee registration card; or

(2) The agency:

(i) on behalf of each person completes in its entirety and submits to the Department an application for a permanent employee registration card, including the required fingerprint card and fees;
(ii) exercises due diligence to ensure that the person is qualified under the requirements of the Act to be issued a permanent employee registration card; and

(iii) maintains a separate roster of the names of all employees whose applications are currently pending with the Department and submits the roster to the Department on a monthly basis. Rosters are to be maintained by the agency for a period of at least 24 months.

(l) Failure by an agency to submit the application, fees, and fingerprints specified in this Section before scheduling the person for work shall result in a fine, in an amount up to $1,000, or other disciplinary action being imposed against the agency. Failure to maintain and submit the specified rosters is grounds for discipline under this Act.

(m) No person may be employed under this Section in any capacity if:

(i) The person while so employed is being paid by the United States or any political subdivision for the time so employed in addition to any payments he or she may receive from the employer.

(ii) The person wears any portion of his or her official uniform, emblem of authority, or equipment while so employed except as provided in Section 30.

(n) If information is discovered affecting the registration of a person whose fingerprints where submitted under this Section, the Department shall so notify the agency that submitted the fingerprints on behalf of that person.

Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/82. Customer identification - Record retention) Section 82. Customer identification; record retention.

(a) A locksmith who opens a residence or commercial establishment or safe, vault, safe deposit box, automatic teller machine, or other device for safeguarding areas where access is meant to be limited for another, whether or not for compensation, shall document the street address where the work was performed on a work order form. The locksmith shall also document the name, address, telephone number, date of birth, and driver's license number or other identification number of the person requesting the work be done and obtain the signature of that person on the work order form. A copy of each work order form shall be kept by the licensed locksmith for a period of 2 years and shall also include the name and license number of the locksmith or the name and employee identification number of the registered employee who performed the services. Work order forms required to be kept under this Section shall be available for inspection upon written request made 3 days in advance by any law enforcement agency.
(b) A locksmith who opens a motor vehicle for another, whether or not for compensation, shall document on a work order form the name, address, telephone number, date of birth, and driver's license number or other identification number of the person requesting entry and obtain the signature of that person. A copy of each work order form shall be kept by the licensed locksmith for a period of 2 years and shall also include the name and license number of the locksmith or the name and employee identification number of the registered employee who performed the services. Work order forms required to be kept under this Section shall be available for inspection upon written request made 3 days in advance by any law enforcement agency. Added by P.A. 89-366, Section 197, effective January 1, 1996.

(446/85. Unlawful acts) Section 85. Unlawful acts. It is unlawful for a licensee under this Act or any employee of a certified agency:

(1) Upon termination of employment by an agency, for whatever reason, to fail to return immediately upon demand or within 72 hours of termination of employment any firearm issued by the employer and the Firearm Authorization Card issued to the employee by the agency.

(2) Upon termination of employment by an agency, for whatever reason, to fail to return immediately upon demand or within 72 hours of termination of employment any uniform, badge, identification card, or equipment issued to the employee by the agency.

(3) To falsify his or her employee statement as defined in this Act.

(4) To have a badge, shoulder patch, or any other identification that contains the words "law enforcement". Further, no license holder or employee of a licensed agency shall in any manner imply that the person is an employee or agent of a governmental agency, display a badge or identification card, emblem, or uniform citing the words police, sheriff, highway patrol, trooper, or law enforcement.

(446/90. Application for license - Forms) Section 90. Application for license; forms.

(a) Each application for a license to practice under this Act shall be in writing and signed by the applicant on forms provided by the Department.

(b) Application for a license without examination shall be made in accordance with provisions of Section 100.

(446/95. Examination of applicants - Forfeiture of fee) Section 95. Examination of applicants; forfeiture of fee.

(a) Applicants for licensure shall be examined as provided under this Section if they are qualified to be examined under this Act. All applicants who are admitted to the
examination shall be evaluated upon the same standards as others being examined for the respective license.

(b) Examination for licensure shall be at such time and place as the Department may determine, but shall be given at least twice a year.

(c) Examinations shall test the minimum amount of knowledge and skill needed to perform the duties set forth in the definition of the license and be in the interest of protection of the public. The Department may contract with a testing service for the preparation and conduct of the examination.

(d) If an applicant neglects, fails, or refuses to take an examination under this Act within one year after filing his or her application, the fee paid by the applicant shall be forfeited. However, an applicant may after the one year period make a new application for examination, accompanied by the required fee. If an applicant fails to pass an examination within 3 years after filing an application, the application shall be denied. However, an applicant may after the 3 year period make a new application.

(446/100. Licensure by endorsement) Section 100. Licensure by endorsement. The Department shall promulgate rules for licensure by endorsement and without examination and may license under this Act without examination, on payment of the required fee, an applicant who is registered under the laws of another state or territory, or of another country, if the requirements for registration in the jurisdiction in which the applicant was licensed were, at the date of his or her registration, substantially equal to the requirements then in force in this State and that state, territory, or country has similar rules for licensure by endorsement.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited, and the applicant must apply and meet the requirements in effect at the time of reapplication.

Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/105. Issuance of license - Renewal - Fees) Section 105. Issuance of license; renewal; fees.

(a) The Department shall, upon the applicant's satisfactory completion of the requirements authorized under this Act, and upon receipt of the requisite fees, issue the appropriate license and wallet card showing the name and business location of the licensee and the dates of issuance and expiration, and containing a photograph of the licensee provided to the Department that is not more than one year old as of the date of application for licensure and reflects any recent appearance changes.

(b) An applicant may upon satisfactory completion of requirements authorized under this Act, and upon receipt of requisite fees related to the application and testing for
licensure under this Act, elect to defer the issuance of the applicant's initial license for a period not longer than 6 years. Any applicant who fails to request issuance of their initial license or agency certificate and remit the fees associated with that license within 6 years shall be required to resubmit an applicant for licensure together with all required fees.

(c) The expiration date, renewal period, and conditions for renewal and restoration of each license, agency certificate of registration, permanent employee registration card, and firearm authorization card issued under this Act shall be set by rule of the Department. The holder may renew the license, agency certificate of registration, permanent employee registration card, or firearm authorization card during the month preceding its expiration by paying the required fee and by meeting those conditions that the Department may specify. Any license holder who notifies the Department in writing, on forms prescribed by the Department, may elect to place his or her license on an inactive status for a period of no longer than 6 years and shall, subject to the rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of a desire to resume active status. Practice while on inactive status constitutes unlicensed practice. A nonrenewed license that has lapsed for less than 6 years may be restored upon payment of a $50 restoration fee plus all lapsed renewal fees. A license that has lapsed for more than 6 years may be restored by paying the required fees specified in this Section and by providing evidence of competence to resume practice satisfactory to the Department and the Board, which may include passage of the written examination. All restoration fees and lapsed renewal fees shall be waived for an applicant whose license lapsed while on active duty in the military provided application for restoration is made within one year after discharge from the service.

(d) The nonrefundable fees are as follows:

(1) The filing fee for the first examination is $25 plus the cost of determining an applicant's eligibility and of providing the examination; subsequent examination fees shall be the cost of the examination; the fee for the examination shall be paid to the Department or its designee.

(2) The initial issuance of any individual license or agency certificate shall be $500.

(3) The initial issuance of a branch office certificate is $200.

(4) The license issued to an applicant licensed in another state or foreign country on the basis of endorsement is $500.

(5) The triennial renewal of any individual license or agency certificate is $450.

(6) The triennial renewal of a branch office certificate is $200.

(7) The reinstatement of a license that has been lapsed for less than 6 years is $50, plus all lapsed renewal fees.
(8) The restoration of a lapsed license that has been lapsed for more than 6 years is $100, plus all lapsed renewal fees.

(9) The issuance of a duplicate license, agency certificate of registration, permanent employee registration card, certification of completion of 20-Hour Basic Training, Certification of Firearm Training, Firearm Authorization Card, or a certificate issued for a change of name or address other than during the renewal period is $25.

(10) The issuance of a permanent employee registration card is $55; the triennial renewal of the card is $45.

(11) The issuance of a firearm authorization card is $55.

(12) The triennial renewal for a Firearm Authorization Card is $45; reissuance of a Firearm Authorization Card to an agency that has changed its name is $10.00.

(13) For processing a fingerprint card by the State Police the fee is the cost of processing, which shall be made payable to the State Police Services Fund and shall be remitted to the State Police for deposit into the Fund.

(14) For review and verification of the scoring of an examination administered by the Department, $20 plus any actual fees charged by the testing service.

(15) For a roster of licensees or registrants the fee shall be the cost of producing a roster.

(16) The fee for issuance of certification of a license record shall be $20.

(17) The fee for issuance and renewal of an armed proprietary security force registration is $20.

(18) The fee for reinstatement of a license from inactive status that has lapsed for a period less than 6 years shall be the same as the current renewal fee.

(446/110. Checks or orders to Department dishonored because of insufficient funds - Fines) Section 110. Checks or orders to Department dishonored because of insufficient funds; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a
fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate, or deny the application without hearing. If after termination or denial, the person seeks a license or certificate, the person shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to recover all expenses of processing of this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(446/115. Reporting information to Department - Display of license - Duplicate or new licenses - Inspection of facilities) Section 115. Reporting information to Department; display of license; duplicate or new licenses; inspection of facilities.

(a) As a condition of renewal of a license, each licensee shall report information pertaining to the licensee's practice location, practice status as active or inactive, proof of continued insurance coverage or its equivalent, and any other data as determined by rule to be reasonably related to the administration of a licensure system in the interest of public safety. Licensees shall report the information as a condition of renewal, except that a change in home or office address, or a change of licensee in charge, shall be reported within 10 days of when it occurs.

(b) Upon renewal, every licensee shall report to the Department every instance during the licensure period before the report in which the quality of professional services was the subject of legal action that resulted in a settlement or verdict in excess of $10,000.

(c) Each licensee shall prominently display his or her license to practice at each place from which the practice is being performed. If more than one location is used, branch office certificates shall be issued upon payment of the fee.

(d) If a license, permanent employee registration card, firearm authorization card, or agency certificate is lost, a duplicate shall be issued upon satisfactory proof to the Department of such loss together with the payment of the required fee.

If a licensee wishes to change his or her name, the Department shall issue a license in the new name upon satisfactory proof that the change was done in accordance with the law and payment of the required fee in accordance with Section 105.
(e) Each licensee shall permit his or her facilities and personnel or employee files to be audited or inspected at reasonable times with 24 hours notice and in a reasonable manner by representatives of the Department.

(446/117. Advertisement; penalties) Section 117. Advertisement; penalties.

(a) No licensee providing services regulated by this Act may knowingly advertise those services without including his or her license number in the advertisement. Nothing contained in this Section requires the publisher of advertising for such services to verify the accuracy of the license number provided by the advertiser.

(b) A licensee who advertises services regulated by this Act who knowingly (i) fails to display his or her license at his or her place of business as required under Section 115, (ii) fails to provide a publisher with the correct license number, or (iii) provides a publisher with a false license number or a license number of a person or agency other than the person or agency doing the advertising, or a licensee who knowingly allows his or her license number to be displayed or used to allow another person or agency to circumvent any provision of this Section, is guilty of a Class A misdemeanor. Each day a licensee fails to display his or her license as required under Section 115 and each day an advertisement runs or a licensee allows his or her license to be displayed or used in violation of this Section constitutes a separate offense. In addition to the penalties and remedies provided for in this Section, a licensee who violates any provision of this Section shall be subject to the disciplinary sanction and civil penalty provisions of this Act.


(446/120. Disciplinary sanctions - Submission to physical or mental examination - Suspension or revocation of permanent employee registration card) Section 120. Disciplinary sanctions; submission to physical or mental examination; suspension or revocation of permanent employee registration card.

(a) The Department may refuse to issue, renew or restore, or may suspend or revoke any license, registration or card, or may place on probation, reprimand, or fine, not to exceed $1,500 for each violation and not to exceed $5,000 for each subsequent violation, or take any other disciplinary action the Department may deem appropriate in accordance with Section 130 to any person, corporation, or partnership licensed or registered under this Act for any of the following reasons:

(1) Fraud or material deception in the obtaining or renewing of a license.

(2) Professional incompetence as manifested by poor standards of service.

(3) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.
(4) Conviction in this State or another state of any crime that is a felony under the laws of this State or conviction of a felony in a federal court, conviction of a misdemeanor an essential element of which is dishonesty, or conviction of any crime that is directly related to professional practice.

(5) Performing any services in a grossly negligent manner or permitting any of a licensee's registered employees to perform services in a grossly negligent manner, regardless of whether actual damage to the public is established.

(6) Continued practice although the licensee has become unfit to practice his or her profession due to any of the following:

(i) Physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill that results in the inability to practice with reasonable judgement, skill, or safety.

(ii) Mental disability; the entry of an order of judgement by a circuit court that a licensee is in need of mental treatment or is incompetent constitutes mental disability.

(iii) Addiction to or severe dependency upon alcohol or drugs which may endanger the public by impairing the licensee's ability to practice; if the Department has reasonable cause to believe that a licensee is addicted to or dependent upon alcohol or drugs that may endanger the public, the Department may require the licensee to undergo an examination to determine the addiction or dependency.

(7) Directly or indirectly willfully receiving compensation for any professional services not actually rendered.

(8) Willfully deceiving or defrauding the member of the public being serviced.

(9) Failure to account for or remit any monies or documents coming into the licensee's possession that belong to others.

(10) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth within this Act.

(11) Making differential treatment against any person to that person's detriment because of race, color, creed, sex, religion, or national origin.

(12) Engaging in false or misleading advertising.

(13) Aiding, assisting or willingly permitting another person to violate any provision of this Act or rules.
(14) Purporting to be licensee in charge of an agency without active participation in agency operations.

(15) Performing and charging for services without having authorization to do so from the member of the public being serviced.

(16) Directly or indirectly offering or accepting any benefit to or from any employee, agent, or fiduciary without the consent of the latter's employer or principal with intent to or the understanding that this action will influence his or her conduct in relation to his or her employer's or principal's affairs.

(17) Violation of any disciplinary order placed on a licensee by the Department.

(18) Failure to comply with any provision of this Act or the rules promulgated under this Act.

(19) Conducting an agency without a currently valid certificate.

(20) Improper revealing of confidential information, except as may be required by law, including, but not limited to information made available by the Secretary of State under Section 2-123 of the Illinois Vehicle Code.

(21) Failure to make available to the Department, upon request, any books, records, or forms required under this Act; or failing, within 30 days, to respond to a written request for information from the Department, or failure to provide employment or experience information to the Department regarding an applicant for licensure.

(22) Failure to make available to the Department, at the time of request, any indicia of licensure or registration issued under this Act.

(b) The Department may order a licensee to submit to a reasonable physical or mental examination if his or her physical or mental capacity to practice safely is at issue in a disciplinary proceeding.

(c) Failure to comply with a Department order to submit to a physical or mental examination shall render a license liable to the summary suspension procedures described in Section 135.

(d) Individuals registered as employees under this Act, under the provisions of Section 80, shall be subject to disciplinary sanctions under this Act and shall act in accordance with this Act and any rules promulgated under this Act. The procedures in this Act for disciplining a licensee shall be followed in taking action against a registrant.
(e) The Department may order a registrant to submit to a reasonable physical or mental examination if the registrant's mental or physical capacity to work safely is at issue in a disciplinary proceeding.

(f) The Department shall seek to achieve consistency in the application of the foregoing sanctions and consent orders.

(446/125. Complaints reported to Department) Section 125. Complaints reported to Department. All complaints concerning violations regarding licensees or unlicensed activity shall be received and logged by the Department.

(446/130. Formal charges against licensee - Hearing - Rehearing - Public record) Section 130. Formal charges against licensee; hearing; rehearing; public record.

(a) Following the investigative process, the Department may file formal charges against the licensee. The formal charges shall, at a minimum, inform the licensee of the facts that are the basis of the charge and which are specific enough to enable the licensee to defend himself or herself.

(b) Each licensee, whose conduct is the subject of a formal charge that seeks to impose disciplinary action against the licensee shall be served notice of that formal charge at least 30 days before the date of the hearing. The hearing shall be presided over by a Board member or by a hearing officer authorized by the Department. Service shall be considered to have been given if the notice was personally received by the licensee or if the notice was mailed certified mail, return receipt requested, to the licensee at the licensee's last known address as listed with the Department.

(c) The notice of formal charge shall consist at a minimum of the following information:

1. The time, place, and date of the hearing.

2. That the licensee shall appear personally at the hearing and may be represented by counsel.

3. That the licensee has the right to produce witnesses and evidence in his or her behalf and has the right to cross-examine witnesses and evidence produced against himself or herself.

4. That the hearing could result in disciplinary action being taken against his or her license.

5. That rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy.
(6) That a Board member or a hearing officer authorized by the Department shall preside at the hearing and following the conclusion of that hearing shall make findings of fact, conclusions of law, and recommendations, separately stated, to the Director as to what disciplinary action, if any, should be imposed on the licensee.

(7) The Department or the Board may continue the hearing.

(8) That the licensee shall file a written answer to the Board under oath within 20 days after the service of the notice, and that if the licensee fails to file an answer default will be taken and the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature, or extent of practice, as the Director may consider proper. In case the licensee, after receiving notice, fails to file an answer, that person's license or certificate may in the discretion of the Director, having received first the recommendation of the Board, be suspended, revoked, or placed on probationary status; or the Director may take whatever disciplinary action is considered under this Act, including limiting the scope, nature, or extent of the person's practice, without a hearing, if the act or acts charged constitute sufficient grounds for the action under this Act.

(d) The Board or the hearing officer authorized by the Department shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee, if any. At the conclusion of the hearing, the Board shall make findings of fact, conclusions of law, and recommendations, separately stated, and submit them to the Director and to all parties to the proceeding.

The Board's findings of fact, conclusions of law, and recommendations shall be served upon the licensee in a similar fashion as service of the notice of formal charges. Within 20 days after the service, any party to the proceeding may present to the Director a motion, in writing, specifying the particular grounds for a rehearing.

(e) The Director, following the time allowed for filing a motion for rehearing, shall review the Board's findings of fact, conclusions of law, and recommendations, and any subsequently filed motions. After review of the information the Director may hear oral arguments and thereafter shall issue the order. The report of findings of fact, conclusions of law, and recommendations of the Board shall be the basis for the Department's order. If the Director finds that substantial justice was not done, the Director may issue an order in contravention of the Board's recommendations. The Director shall provide the Board with a written explanation of any deviation, and shall specify with particularity the reasons for the action. The finding of the Board and the Director are not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act.

(f) All proceedings under this Section are matters of public record and shall be preserved.
(g) Upon the suspension or revocation of a license issued under this Act, a licensee shall surrender the license to the Department and upon failure to do so, the Department shall seize the same.

(446/135) Temporary suspension. The Director may temporarily suspend a licensee without a hearing, simultaneously with the initiation of proceedings for a hearing provided for in Section 130 of this Act, if the Director finds that evidence in his or her possession indicates that a licensee's continuation in practice would constitute an imminent danger to the public. If the Director temporarily suspends the license of a licensee without a hearing, a hearing by the Board shall be held within 30 days after the suspension has occurred.

(446/140) Disposition by consent order. Disposition may be made of any formal complaint by consent order between the Department and the licensee, but the Board must be apprised of the full consent order at the next regular business meeting and the Board shall submit its view of the consent order to the Department.

(446/145) Restoration of license after disciplinary proceedings. The Department shall reinstate any license to good standing under this Act, upon recommendation to the Director, after a hearing before the Board or hearing officer authorized by the Department. The Department shall be satisfied that the applicant's renewed practice is not contrary to the public interest.

(446/150) Cease and desist orders. The Department may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by this Act. Any person in violation of a cease and desist order entered by the Department is subject to all of the remedies provided by law and, in addition, is subject to a civil penalty payable to the party injured by the violation.

(446/155) Penalties. In addition to any other penalty provided by law, any person who violates Section 15 of this Act or any other provision of this Act shall forfeit and pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department in accordance with the provisions set forth in Sections 130, 135, 140, 160 and 170.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.
(446/160. Subpoena power - Contempt - Record of proceedings - Surrender of license - Publication of records)
Section 160. Subpoena power; contempt; record of proceedings; surrender of license; publication of records.

(a) The Department may subpoena and bring before it any person in this State and take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as in civil cases. The Director and any member of the Board, or hearing officer approved by the Director, may administer oaths at any hearing the Board or Department is authorized to conduct.

(b) Any circuit court, upon the application of the licensee, the Department, or the Board, may order the attendance of witnesses and the production of relevant books and papers before the Board in any hearing under this Act. The court may compel obedience to its order by proceedings for contempt.

(c) The Department, at its expense, shall provide a stenographer to preserve a record of all proceedings at a hearing if a license may be revoked, suspended, placed on probationary status, or other disciplinary action is taken. The notice of hearing, the complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and the orders of the Department constitute the record of the proceedings. The Department shall furnish a transcript of the record to any interested person upon payment of the costs of copying and transmitting the record.

(446/165. Administrative review) Section 165. Administrative review. All final administrative decisions of the Department are subject to judicial review under Article III of the Code of Civil Procedure. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. The proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides; but if the party is not a resident of Illinois, the venue shall be in Sangamon County. The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. Costs shall be computed at the cost of preparing the record. Exhibits shall be certified without cost. Failure on the part of the licensee to file a receipt in court is grounds for dismissal of the action. During all judicial proceedings incident to a disciplinary action, the sanctions imposed upon a licensee by the Department shall remain in effect, unless the court feels justice requires a stay of the order.

(446/170. Prima Facie proof) Section 170. Prima facie proof. An order of revocation, suspension, or placing the license on probationary status, or other formal disciplinary action as the Department may consider proper, or a certified copy thereof over the seal of the Department and purporting to be signed by the Director, is prima facie proof that:
(1) the signature is that of the Director;
(2) the Director is qualified to act; and
(3) the members of the Board are qualified to act.

This proof may be rebutted.

(446/175. Rosters) Section 175. Rosters. The Department shall, upon request, publish a list of the names and addresses of all licensees under this Act.

(446/190. Violations and penalties) Section 190. Violations and penalties.

(a) Any person who violates any of the following provisions shall be guilty of a Class 4 misdemeanor. Any person who commits a second or subsequent violation is guilty of a Class 4 felony:

(1) The practice of, or attempted practice of, or holding out as available to practice as a private detective, private security contractor, private alarm contractor, or locksmith without a license.

(2) Operation of or attempt to operate a private detective, private security contractor, private alarm contractor, or locksmith agency without the appropriate valid certificate.

(3) The obtaining of or the attempting to obtain a license, practice, or business, or any other thing of value by fraudulent representation.

(4) Permitting, directing, or authorizing any person in one's employ or under one's direction or supervision to work or serve as a licensee if that individual does not possess an appropriate valid license.

Whenever a licensee is convicted of a felony related to the above violations in any jurisdiction, the clerk of the court shall report the conviction to the Department. The Department shall immediately revoke any license as a private detective, private security contractor, private alarm contractor, or locksmith held by a licensee convicted of a felony under this Section. The individual may not again be eligible for licensure under this Act until at least 10 years have elapsed since the completion of any sentence imposed as a result of the felony conviction. If any person in making any oath or affidavit required by this Act swears falsely, the person is guilty of perjury and upon conviction may be punished accordingly.
Any person who violates any other provisions of the Act shall be guilty of a Class A misdemeanor for the first offense.
Second or subsequent offenses shall be Class 4 felonies.

(b) Should the Department become aware of any individual suspected of violating any of the provisions of subsection (a) of Section 120, the Department shall investigate the individual. If the investigation indicates that the individual is or was violating the law, it shall refer the information to the State's Attorney of the county in which the activity is believed to be occurring or to have occurred, and to any other criminal investigative or prosecutorial bodies or offices that have or may have jurisdiction over the activity.

(446/195. Confidential information - Violation) Section 195. Confidential information; violation. Any person who has been or is an employee of a licensee under this Act shall not divulge to any person, other than his or her employer, except as required by law or at his employer's direction, any confidential information acquired by him or her during his or her employment of any nature whatsoever. Any employee who violates this Section or any employee who files false papers or reports to his or her employer is guilty of a Class A misdemeanor.

(446/200. Deposit of fees and fines) Section 200. Deposit of fees and fines. All of the fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund.

(446/205. Rights and obligations) Section 205. Rights and obligations. All rights and obligations incurred and any actions commenced under the Private Detective, Private Alarm and Private Security Act of 1983 shall not be impaired by the enactment of this Act. Rules adopted under the Private Detective, Private Alarm and Private Security Act of 1983, unless clearly inconsistent with the provisions of this Act, shall remain in effect until amended or rescinded.

All licenses issued under the Private Detective, Private Alarm and Private Security Act of 1983 are valid and are subject to the same authority of the Department to revoke or suspend them as licenses issued under this Act.

(446/299. Effective date) Section 299. This Act takes effect January 1, 1994.

NEW SECTIONS ADDED BY PUBLIC ACT 095-0613

(225 ILCS 447/40-10) Sec. 40-10. Disciplinary sanctions.
(a) The Department may deny issuance, refuse to renew, or restore or may reprimand, place on probation, suspend, or revoke, or take other disciplinary or non-disciplinary action against any license, registration, permanent employee registration card, canine
handler authorization card, canine trainer authorization card, or firearm control card, and may impose a fine not to exceed $10,000 for each violation for any of the following:

1. Fraud or deception in obtaining or renewing of a license or registration.
2. Professional incompetence as manifested by poor standards of service.
3. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.
4. Conviction of or entry of a plea of guilty or nolo contendere in Illinois or another state of any crime that is a felony under the laws of Illinois; a felony in a federal court; a misdemeanor, an essential element of which is dishonesty; or directly related to professional practice.
5. Performing any services in a grossly negligent manner or permitting any of a licensee's employees to perform services in a grossly negligent manner, regardless of whether actual damage to the public is established.
6. Continued practice, although the person has become unfit to practice due to any of the following:
   A. Physical illness, mental illness, or other impairment, including, but not limited to, deterioration through the aging process or loss of motor skills that results in the inability to serve the public with reasonable judgment, skill, or safety.
   B. Mental disability demonstrated by the entry of an order or judgment by a court that a person is in need of mental treatment or is incompetent.
   C. Addiction to or dependency on alcohol or drugs that is likely to endanger the public. If the Department has reasonable cause to believe that a person is addicted to or dependent on alcohol or drugs that may endanger the public, the Department may require the person to undergo an examination to determine the extent of the addiction or dependency.
7. Receiving, directly or indirectly, compensation for any services not rendered.
8. Willfully deceiving or defrauding the public on a material matter.
9. Failing to account for or remit any moneys or documents coming into the licensee's possession that belong to another person or entity.
10. Discipline by another United States jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.
11. Giving differential treatment to a person that is to that person's detriment because of race, color, creed, sex, religion, or national origin.
12. Engaging in false or misleading advertising.
13. Aiding, assisting, or willingly permitting another person to violate this Act or rules promulgated under it.
14. Performing and charging for services without authorization to do so from the person or entity serviced.
15. Directly or indirectly offering or accepting any benefit to or from any employee, agent, or fiduciary without the consent of the latter's employer or principal with intent to or the understanding that this action will influence his or her conduct in relation to his or her employer's or principal's affairs.
16. Violation of any disciplinary order imposed on a licensee by the Department.
(17) Failing to comply with any provision of this Act or rule promulgated under it.
(18) Conducting an agency without a valid license.
(19) Revealing confidential information, except as required by law, including but not limited to information available under Section 2-123 of the Illinois Vehicle Code.
(20) Failing to make available to the Department, upon request, any books, records, or forms required by this Act.
(21) Failing, within 30 days, to respond to a written request for information from the Department.
(22) Failing to provide employment information or experience information required by the Department regarding an applicant for licensure.
(23) Failing to make available to the Department at the time of the request any indicia of licensure or registration issued under this Act.
(24) Purporting to be a licensee-in-charge of an agency without active participation in the agency.
  (b) The Department shall seek to be consistent in the application of disciplinary sanctions.

(225 ILCS 447/10-27 new)
Sec. 10-27. Continuing education. The Department may adopt rules of continuing education for persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing guidelines for the continuing education requirements.

225 ILCS 447/30-15)
Sec. 30-15. Qualifications for licensure as a locksmith agency.
  (b) An individual licensed as a locksmith operating under a business name other than the licensed locksmith's own name shall not be required to obtain a locksmith agency license if that licensed locksmith does not employ any persons to engage in the practice of locksmithing and registers under the Assumed Business Name Act.

(225 ILCS 447/45-55)
Sec. 45-55. Subpoenas.
  (a) The Department, with the approval of a member of the Board, may subpoena and bring before it any person to take the oral or written testimony or compel the production of any books, papers, records, or any other documents that the Secretary or his or her designee deems relevant or material to any such investigation or hearing conducted by the Department with the same fees and in the same manner as prescribed in civil cases
LOUISIANA LOCKSMITH LAW

THIS IS A BRIEF OVERVIEW OF THE LAW AND DOES NOT INTEND TO REPRESENT THE ENTIRE SET OF QUALIFICATIONS OR REQUIREMENTS.

- Gives administration of the law to the Louisiana State Fire Marshal who may issue rules and regulations, collect fees and enforce the law.
- Law covers Life Safety and Property Protection devices.
- Life safety systems and equipment includes but is not limited to fire sprinkler, fire alarm, fire suppression, special locking systems and equipment (electronic), and portable fire extinguishers.
- Property protection systems and equipment" means those life safety and property protection systems intended to protect lives and property from the risk of theft, unauthorized entry, or other physical harm to a structure's occupants or property. Security systems and equipment include, but are not limited to intrusion alarms, closed circuit television, mechanical locks, and electronic locks.
- There will be a Life Safety and Property Protection Advisory Board that will have 12 seats representing the various industries including one member for locksmiths.
- No person or firm shall engage in life safety and property protection contracting without holding a current and valid license issued by the fire marshal. Life safety and property protection contracting is divided into the three main categories of fire sprinkler, fire protection, and security. Each operating location of a firm shall hold a separate firm license.
- Each person who acts as an apprentice performing life safety and property protection contracting must apply to the state fire marshal for an apprentice license. An apprentice may perform such services only under the direct supervision of a technician holding a valid license pursuant to this Subpart who works for the same firm as the apprentice.
- Exemptions include: Any sworn police, fire, or other peace officer or certified medical technician may open any lock or locked motor vehicle while engaged in the performance of his official duties within the course and scope of his employment, provided that he receives no additional compensation for such services; Any automotive service dealer, lock manufacturer, or manufacturer's employee engaged in servicing, installing, repairing, or rebuilding automotive locks; Any employee of a towing service, or an automobile club, while such person is opening automotive locks in the normal course of his duties; Any merchant or retail store that is in the business of re-coding new locks on the retail premises only or duplicating keys, except for those keys which are proprietary and those marked "do not duplicate" or "master key". This exception from licensure shall also apply to the employees of the merchant or retail store but only as to work performed by them on behalf of the exempted employer.
- An applicant for a firm license shall submit the following: a completed firm application; documentation that the firm is an entity duly authorized to conduct business within this state; an original certificate of insurance documenting that the firm has a minimum of five hundred thousand dollars general liability coverage; an
original certificate of insurance documenting that the firm has a current and valid worker's compensation insurance policy as required by state law; the name of the person who will serve as the designated agent of the company; proof of employment of a qualifying individual with the proper certification and training at each of its operating locations for each endorsement held; application fee.

- A firm holding a property protection endorsement must be located within the state.
- Cannot be convicted of a felony, received a first-time offender pardon for a felony, or entered a plea of guilty or nolo contendere to a felony charge, unless the felony has been dismissed. A conviction or a plea of guilty or nolo contendere to a felony charge or receipt of a first-time offender pardon shall not constitute an automatic disqualification as if ten or more years has elapsed between the date of application and the date of successful completion or service of any sentence, deferred adjudication, or period of probation or pardon. Any person convicted of a felony crime of violence, a sex offense, or a felony offense against property shall be automatic disqualification.

- All licenses are valid for one year. Individual licenses may be transferred for a fee.
LOUISIANA LOCKSMITH LICENSING ACT

AN ACT. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:409(M) and 919.3 are hereby amended and reenacted to read as follows:

Section 409. Transfer of agencies to Department of Public Safety and Corrections

M. The Louisiana Life Safety and Property Protection Advisory Board (R.S. 40:1664.1 et seq.) is placed within the Department of Public Safety and Corrections as provided in R.S. 36:919.3.

Section 919.3. Transfer; Louisiana Life Safety and Property Protection Advisory Board

The Louisiana Life Safety and Property Protection Advisory Board, placed in the Department of Public Safety and Corrections by the provisions of R.S. 36:409(M), shall exercise and perform its powers, duties, functions, and responsibilities as provided for agencies transferred pursuant to this Part. However, the board shall advise the state fire marshal with respect to administration and enforcement of R.S. 40:1664.1 et seq. and shall retain the authority to approve acceptable equivalents for meeting certain licensure requirements and to establish continuing education requirements as further provided in R.S. 40:1664.11.

Section 2. R.S. 40:1646 is hereby amended and reenacted and Subpart D-3 of Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1664.1 through 1664.16, is hereby enacted to read as follows:

SUBPART D-2. INSPECTION OF LIFE SAFETY SYSTEMS AND EQUIPMENT

Section 1646. State fire marshal; owners; life safety systems and equipment inspections

A. The fire marshal is authorized to cause the inspection and testing of all life safety systems and equipment in the state, whether in public or private buildings, during installation or immediately after installation to determine compliance with applicable standards.

B. The owner of any building containing a life safety system and equipment shall cause at a minimum an annual inspection to be made of the life safety system and equipment in that building to assure compliance with applicable safety standards and to
determine whether structural changes in the building or in the contents of the building mandate alteration of a system.

C. Life safety systems and equipment includes but is not limited to, fire alarm, fire suppression, special locking systems and equipment, and portable fire extinguishers.

** * * * 

**SUBPART D-3. LIFE SAFETY AND PROPERTY PROTECTION LICENSING**

Section 1664.1. Short title

This Subpart shall be known as and may be cited as the "Life Safety and Property Protection Licensing Act".

Section 1664.2. Purpose; administration and enforcement

A. The purpose of this Subpart is to regulate the certifying, inspecting, installation, integrating, selling, and servicing of life safety and property protection systems and equipment and to prohibit the use of life safety and property protection systems and equipment which are not properly labeled in accordance with the rules adopted by the state fire marshal in the interest of safeguarding lives and property.

B. The state fire marshal shall administer and enforce the provisions of this Subpart and may issue rules and regulations which he considers necessary to such administration and enforcement pursuant to the Administrative Procedure Act. In formulating necessary rules and regulations, the fire marshal may use recognized standards, including those of the National Fire Protection Association, those recognized by federal law or regulation, those published by nationally recognized standards-making organizations, those industry standards established by accepted practices or trade associations, or those contained in manufacturers' installation manuals.

C. The state fire marshal shall have the authority to charge and collect such fees as provided for in this Subpart.

D. The Louisiana Life Safety and Property Protection Advisory Board shall advise the fire marshal with respect to administration and enforcement of the provisions of this Subpart and shall exercise those functions specified in this Subpart.

Section 1664.3. Definitions

As used in this Subpart, the following terms shall have the meanings specified in this Section:

(1) "Apprentice" means a person who is licensed to work under the direct supervision and accompaniment of a technician who is licensed to the same firm and holding a valid
license to perform the same acts.

(2) "Bank-locking specialist" means an individual licensed to certify, inspect, install, integrate, sell, and service mechanical and or electric locks within the confines of a bank, credit union, or other financial institution.

(3) "Board" means the Louisiana Life Safety and Property Protection Advisory Board.

(4) "Certify" means to attest to the proper functionality, inspection, installation, integration, and service of life safety and property protection systems and equipment in accordance with all applicable engineered specifications, manufacturers specifications, submitted plans and per the inspection, testing, and maintenance chapters as set forth in the applicable NFPA codes and standards.

(5) "Closed circuit television alarm system" means a system that provides video surveillance of events, primarily by means of transmission, recording, or transmission and recording of visual signals through the use of cameras, receivers, monitors, computer, and other visual imaging systems. Closed circuit television alarm systems are a subclassification of security.

(6) "Closed circuit television alarm specialist" means an individual licensed to certify, inspect, install, integrate, sell, and service closed circuit television alarm systems.

(7) "Designated agent" means an owner or a manager of an alarm contracting company or single station fire alarm contracting company, a locksmithing services company, or closed circuit television alarm system contracting company who has been assigned the responsibility of submitting any notice required by this Subpart to the fire marshal.

(8) "Detention locking specialist" means an individual licensed to certify, inspect, install, integrate, and service locks and locking systems within the confines of a penal institution only.

(9) "Direct supervision" means oversight of a firm's operations by a qualifier or onsite supervision by a licensed technician or specialist of an apprentice or consultant. The technician or specialist can supervise an apprentice or consultant only in areas he is licensed to perform. Both the technician and apprentice must be licensed to the same firm.

(10) "Door hardware specialist" means an individual who consults and provides technical advice regarding selection of mechanical locking devices and consults and provides technical advice regarding selection of electrical or electronic locking devices for controlled access to premises, safes, vaults, safe doors, lock boxes, automatic teller machines, or other devices.
(11) "DOT" means the United States Department of Transportation.

(12) "DOT hydrostatic testing specialist" means an individual licensed to certify, inspect, and service fire protection cylinders by approved hydrostatic methods and in accordance with NFPA codes and the United States Department of Transportation.

(13) "Employee" means a person who performs services for wages or salary.

(14) "Engineered fire suppression system" means fire suppression systems individually integrated or altered in accordance with nationally recognized fire protection system design standards and manufacturer's guidelines.

(15) "Fire detection and alarm systems" means those assemblies of wiring, electronic transmitting devices, detection devices, and related equipment for the detection of products of combustion or flammable gases, heat and for alerting occupants, including fire department personnel, of a fire emergency.

(16) "Fire detection and alarm system owner specialist" means an individual who is employed by the owner of a fire detection and alarm system and who is licensed only to perform routine inspection and minor service and repair of fire detection and alarm systems within his employer facilities.

(17) "Fire detection and alarm system specialist" means an individual licensed to certify, inspect, install, integrate, and service nonrequired fire detection and alarm systems.

(18) "Fire detection and alarm system technician" means an individual licensed to certify, inspect, install, integrate, and service both required and nonrequired fire detection and alarm systems.

(19) "Fire hose" means a flexible conduit used to convey water.

(20) "Fire protection systems and equipment" means those life safety and property loss systems, whether commercial or residential, intended to protect a structure's occupants or property from the risk and dangers of fire or explosion. Fire protection systems and equipment include but are not limited to portable fire extinguishers, fire detection and alarm systems, fire suppression systems, fire hoses, kitchen hood, and duct installation and cleaning. However, the term "fire protection system and equipment" shall not include a single station smoke or heat detector installed in a private residence by a fire department, the fire marshal, a public agency, a volunteer association, or their designated representatives where no compensation is received for such installation.

(21) "systems and equipment" means those life safety systems intended to protect a structure's occupants or property from the risk and dangers of fire or explosion. Systems and equipment include but are not limited to water-based fire protection systems, fire
pumps, standpipe systems, and hose stations.

(22) "systems and equipment inspector" means an individual licensed to certify and inspect water-based fire protection systems, fire pumps, standpipe systems, fire hoses, and hose stations.

(23) "Firm" means a sole proprietorship, partnership, corporation, limited liability company, or any other entity.

(24) "Firm license" means that document authorizing a firm to perform life safety and property protection contracting for those endorsements held.

(25) "Fixed fire suppression systems" means those assemblies of piping, conduits, or containers that convey liquid, powder, or gases to dispersal openings or devices protecting one or more hazards by suppressing or extinguishing fires, but shall not include systems, as defined in this Subpart.

(26) "Fixed fire suppression systems technician" means an individual licensed to certify, inspect, install, integrate, and service fixed fire suppression systems.

(27) "General endorsement" means a broad category of license authorizing its holder to perform multiple aspects of life safety and property protection contracting.

(28) "Household fire warning system" means a fire alarm, fire alarm system, or portion of such an alarm or system intended to detect or warn of smoke or fire and intended for use in a residential one-or two-family dwelling or wholly within the confines of an individual living unit in a residential multifamily structure.

(29) "Household fire warning system specialist" means an individual licensed to certify, inspect, install, integrate, and service household fire warning systems.

(30) "DOT hydrostatic testing" means pressure testing fire protection cylinders by approved hydrostatic methods and in accordance with NFPA codes and the U.S. Department of Transportation.

(31) "Individual license" means that document authorizing an individual to perform life safety and property protection contracting for those endorsements held.

(32) "Inspect" means a visual examination of life safety and property protection systems or equipment to verify that it appears to be in operating condition and is free of physical damage.

(33) "Install" means the initial placement of life safety and property protection systems or equipment or an extension of such after initial placement.
(34) "Intrusion alarm" or "intrusion alarm system" means an alarm, alarm system, or portion of such an alarm or system intended to detect an unauthorized entry or other emergency, not including a fire, in a structure.

(35) "Integrate" means the act of utilizing accepted and approved life safety and property protection systems or equipment and components in accordance with manufacturers' direction to develop a unified and functioning system meeting applicable NFPA codes and standards.

(36) "Kitchen suppression specialist" means an individual licensed to certify, inspect, install, integrate, and service pre-engineered fire suppression systems protecting kitchen appliances.

(37) "Life safety and property protection contracting" means performing certification, inspection, installation, integration, sale, or service of mechanical locking, special locking, security, fire alarm, fire suppression, or other fire systems and equipment. Life safety contracting includes but is not limited to the sale, lease, rent, planning with the intent to prewire, prewiring, hydrostatic testing, maintenance, repair, testing, modification, improvement, or alteration of life safety systems and equipment; holding oneself or one's firm out for hire to perform any such task; or otherwise offering to perform any such task for compensation, either directly or indirectly. Notwithstanding any other provision of this Subpart, no person licensed under this Subpart may install primary power sources of one hundred volts or greater when such power source is being installed to operate low voltage systems unless licensed by the State Licensing Board for Contractors to perform such installations.

(38) "Limited locksmith specialist" means an individual who sells, repairs, rebuilds, recodes, services, adjusts, installs, manipulates, or bypasses a mechanical locking device for safeguarding areas. The term does not include special locking systems or closed circuit television alarm systems.

(39) "Locksmith technician" means an individual who sells, repairs, rebuilds, recodes, services, adjusts, installs, manipulates, or bypasses a special locking system, mechanical locking device or electrical locking devices for controlled access or egress to premises, safes, vaults, safe doors, lock boxes, automatic teller machines, or other devices for safeguarding areas or certifies, inspects, installs, integrates, sells and services closed circuit television alarm systems.

(40) "Mechanical locks" means a mechanical device or door hardware intended to control access or egress to or from a structure or area.

(41) "NFPA" means the National Fire Protection Association.

(42) "Officer" means the president, vice president, secretary, treasurer, comptroller, or any other person who performs functions for an alarm contracting company or single
station fire alarm contracting company, a locksmithing services company or closed circuit television alarm system contracting company corresponding to those performed by those officers.

(43) "Operating location" means a physical address that houses an entity that performs life safety and property protection contracting.

(44) "Person" means a natural person or individual.

(45) "Portable fire extinguisher" means any portable device that contains liquid, powder, or gases for suppressing or extinguishing fires.

(46) "Portable fire extinguisher and fire hose technician" means an individual licensed to certify, inspect, install, and service portable fire extinguishers and fire hoses.

(47) "Pre-engineered fire suppression specialist" means an individual licensed to certify, inspect, install, integrate, and service pre-engineered fire suppression systems.

(48) "Pre-engineered fire suppression system" means packaged fire suppression systems which consist of system components intended to be installed according to pre-tested limitations as approved or listed by a testing laboratory.

(49) "Principal" means a person or entity that owns at least five percent of a life safety and property protection contracting firm regardless of the form of organization. "Principal" includes a person or entity entitled to exercise the prerogatives or indicia of ownership or control of a life safety and property protection contracting firm whether by direct action, assignment, or any other kind of substitution or subrogation, to the extent that such person or entity would be entitled to receive at least five percent of the remaining assets of the life safety and property protection contracting firm upon dissolution. "Principal" includes, if the entity is a partnership, each partner, including any general or limited partner.

"Principal" includes, if the entity is organized as a corporation, any person or entity who owns or controls five percent or more of the total aggregate number of shares of all types of stock issued by a life safety and property protection contracting firm organized as a corporation or shares of a corporation that owns or controls a life safety and property protection contracting firm. "Principal" includes any member if the entity is organized as a limited liability company.

(50) "Property protection systems and equipment" means those life safety and property protection systems intended to protect lives and property from the risk of theft, unauthorized entry, or other physical harm to a structure's occupants or property. Security systems and equipment include, but are not limited to intrusion alarms, closed circuit television, mechanical locks, and electronic locks.
(51) "Qualifier" means a person who possesses the appropriate training or experience credentials enabling a firm to obtain a life safety and property protection license. A qualifier must be a paid employee of the firm for which he qualifies and work a minimum of thirty-two hours per week. A qualifier must provide direct supervision of a firm's operations for which he qualifies. An individual may only qualify one firm.

(52) "Security sales technician" means an individual licensed to sell or specify security systems and equipment.

(53) "Security systems and equipment" means those life safety and property protection systems intended to protect lives and property from the risk of theft, unauthorized entry, or other physical harm to a structure's occupants or property.

Security systems and equipment include but are not limited to intrusion alarms, closed circuit television, household fire alarm, and special locking systems.

(54) "Security technician" means an individual licensed to certify, inspect, install, integrate, sell, and service security systems and equipment or special locking systems.

(55) "Sell" means to solicit another on behalf of a property protection firm by any means, including but not limited to telephone or electronic device, public notice or advertisement, door-to-door or any other type of personal interaction.

(56) "Service" means to repair or maintain.

(57) "Specialist" means an individual who is trained and certified to perform life safety and property protection contracting within a specific endorsement.

(58) "Special locking systems" means an electro-mechanical lock, electronic lock, or electronic locking arrangement intended to control access or egress to a structure or area.

(59) "Specialty endorsement" means a narrow category of license authorizing its holder to perform only one aspect of life safety and property protection contracting.

(60) "Technical endorsement" means a broad category of license authorizing its holder to perform multiple aspects of life safety and property protection contracting within a certain endorsement.

(61) "Technician" means an individual who is trained and certified to perform life safety and property protection contracting within a technical endorsement.

Section 1664.4. License required

A. No person or firm shall engage in life safety and property protection contracting without holding a current and valid license issued by the fire marshal as provided in this
Subpart. Life safety and property protection contracting is divided into the three main categories of, fire protection, and security. Each operating location of a firm shall hold a separate firm license.

B. No person or company shall aid, abet, facilitate, or otherwise assist any unlicensed person or firm in engaging in life safety and property protection contracting as defined in this Subpart when such person or firm knew or should have known that the person or firm assisted was unlicensed.

C. The state fire marshal may, by rule, license the owner of a life safety and property protection system or equipment and an employee of the owner to allow such employee to perform routine inspections and minor service and repairs of the life safety systems or equipment solely within the facilities of the owner. The owner shall document such service or repair and assume responsibility for all such service or repair. Such employee shall not engage in certifying, installing, or integrating such systems or equipment.

D. Each person who acts as an apprentice performing life safety and property protection contracting must apply to the state fire marshal for an apprentice license.

The fire marshal shall establish the qualifications of an apprentice by rule. An apprentice may perform such services only under the direct supervision of a technician holding a valid license pursuant to this Subpart who works for the same firm as the apprentice.

Section 1664.5. Exemptions to licensure

The requirements for licensure shall not apply to:

(1) An officer or employee of the United States, this state, or any political subdivision of either, while engaged in the performance of his official duties within the course and scope of his employment with the United States, this state, or any political subdivision of either. However, no person or entity excepted from licensure pursuant to this Subpart shall engage in the certification, inspection, installation, integration, sale, or service of electronic locking, fire detection and alarm, fire suppression systems, or portable fire extinguishers.

(2) Any sworn police, fire, or other peace officer or certified medical technician may open any lock or locked motor vehicle while engaged in the performance of his official duties within the course and scope of his employment, provided that he receives no additional compensation for such services.

(3) Any owner, management firm, or public institution and such person's or entity's employees while such person or entity is certifying, inspecting, installing, integrating, selling, and servicing mechanical locks, intrusion alarm systems, or closed circuit television alarm systems, only on the premises of the owner or public institution during
the normal course and scope of his duties.

(4) A member of the building trades or building owner performing the installation or removal of complete locks or locking devices when doing so in the course of residential or commercial new construction or remodeling.

(5) Any automotive service dealer, lock manufacturer, or manufacturer's employee engaged in servicing, installing, repairing, or rebuilding automotive locks.

(6) Any employee of a towing service, or an automobile club, while such person is opening automotive locks in the normal course of his duties.

(7) Any merchant or retail store that is in the business of selling, servicing, or installing intrusion alarms for motor vehicles. This exception from licensure shall also apply to the employees of the merchant or retail store but only as to work performed by them on behalf of the exempted employer.

(8) Any merchant or retail store that is in the business of selling intrusion alarm systems or closed circuit television systems or household fire warning systems at retail to an individual end user for self-installation. This exception from licensure shall also apply to the employees of the merchant or retail store but only as to work performed by them on behalf of the exempted employer.

(9) Any merchant or retail store that is in the business of re-coding new locks on the retail premises only or duplicating keys, except for those keys which are proprietary and those marked "do not duplicate" or "master key". This exception from licensure shall also apply to the employees of the merchant or retail store but only as to work performed by them on behalf of the exempted employer.

(10) Any manufacturer, and his employee or representative, who acts as a consultant to a licensed firm in the certifying, inspecting, installation, integrating, selling, and servicing of life safety and property protection systems regulated by this Subpart while under the direct supervision of the licensed firm.

(11) Any gate manufacturer or merchant that is in the business of installing, servicing, repairing, rebuilding, reprogramming, or maintaining electronic garage door devices or gate systems for vehicle traffic. This exception from licensure shall also apply to the employees of the manufacturer or merchant but only as to work performed by them on behalf of the exempted employer.

(12) A firm or person licensed to perform electrical work by the State Licensing Board for Contractors pursuant to R.S. 37:2156.1 and 2156.2 which installs wire, conduit, or other wire raceways, its associated boxes or fittings, or installs fire alarm initiating and notification devices or intrusion alarm systems or closed circuit television systems or special locking systems in either commercial or residential property. This exception from
licensure shall also apply to the employees of a firm or person exempted by this Subpart, but only as to work performed by them on behalf of the exempted employer.

(13) A mechanical contractor licensed by the State Licensing Board for Contractors and holding a statewide mechanical work license classification issued by that board or, where applicable, a plumber licensed by the State Plumbing Board who only certifies, inspects, installs, and services water supply piping supplying sprinkler systems, stand pipe, and hose station systems, or fire pumps.

(14) A mechanical contractor licensed by the State Licensing Board for Contractors and holding a statewide mechanical work license classification issued by that board or, where applicable, a plumber licensed by the State Plumbing Board who only installs piping within a fixed fire suppression system.

Section 1664.6. Application for a firm license; requirements to maintain

A. In order to engage in life safety and property protection contracting, a firm shall apply for and obtain a license for each operating location doing business in the state and the firm must apply for each discipline for which it shall perform life safety and property protection contracting.

B. An applicant for a firm license shall submit the following to the fire marshal:

(1) A completed firm application.

(2) Documentation that the firm is an entity duly authorized to conduct business within this state. If the firm is physically located in Louisiana, documentation shall be in the form of a local or parish occupational license and if incorporated, registration with the secretary of state. If the firm is physically located outside of the state, documentation shall be in the form of registration with the secretary of state as a foreign corporation.

(3) An original certificate of insurance documenting that the firm has a minimum of five hundred thousand dollars general liability coverage.

(4) An original certificate of insurance documenting that the firm has a current and valid worker's compensation insurance policy as required by state law.

(5) The name of the person who will serve as the designated agent of the company.

(6) Proof of employment of a qualifying individual with the proper certification and training at each of its operating locations for each endorsement held.

(7) The application fee authorized by this Subpart.

C. A firm holding a property protection endorsement must be located within the
physical boundaries of the state.

D. A firm holding a security endorsement must provide the name of each firm providing monitoring services.

E. Each firm as a condition of licensure shall be open for inspection by the fire marshal or his designated representative at any reasonable time for the purpose of observation and collection of facts and data relating to proper enforcement of this Subpart. No person acting on behalf of the firm shall refuse to admit the fire marshal or his designated representative to an operating location. Firms physically located outside of Louisiana may be charged for the travel expenses of the fire marshal to conduct such an inspection.

F. Each firm shall clearly display its license in a conspicuous location at its place of business.

G. The designated agent of a life safety and property protection firm shall notify the fire marshal within ten days of the following:

(1) Any change in the business address of the firm.

(2) Any change in ownership of or interest in the firm.

(3) Any change in the employment of a person holding an individual license.

(4) For firms with a property protection endorsement, any owner, partner, or other principal with an interest in the firm who has been convicted of a felony or entered a plea of guilty or nolo contendere to a felony charge or received a first-time offender pardon. A felony that has been dismissed pursuant to Code of Criminal Procedure Article 893 or equivalent judicial dismissal shall not apply to this Paragraph.

(5) For firms with a security endorsement only, a change of the firm providing monitoring services.

H. No life safety and property protection firm shall contract for the independent services of a holder of an individual license under this Section.

Section 1664.7. Application for an individual license; requirements to maintain

A. In order to engage in life safety and property protection contracting, an individual shall apply for and obtain a license for each discipline for which he shall perform life safety and property protection contracting. Such license shall authorize its holder to engage in life safety and property protection contracting for the endorsements listed. Each individual license holder shall maintain his license on his person while engaging in life safety and property protection contracting. Each such license holder shall present his
license for inspection upon demand by an employee of the office of the state fire marshal, fire department, or a law enforcement officer.

B. Each individual license holder shall notify the fire marshal, on a form specified and provided by the fire marshal, within ten days of the following:

(1) Any change in business or home address.

(2) Any separation from an employer or change in employer.

(3) For a person holding a property protection endorsement, any conviction for a felony or entry of a plea of guilty or nolo contendere to a felony charge or receipt of a first-time offender pardon.

C. No individual licensed under this Section shall contract for his services as an independent contractor or agent with any life safety and property protection firm or with any other license holder under this Section.

D. Meet all certification, continuing education, training, and testing requirements as established by the board.

E. An individual may act as a temporary apprentice for a thirty-day calendar period commencing on the date the fire marshal receives an application from the applicant. Applications for property protection endorsements must be accompanied by a criminal record check of the applicant. Such license shall expire on the thirtieth calendar day after its commencement or on the date of issuance of an apprentice or technician license, whichever is earlier.

Section 1664.8. Criminal background checks

A. Each principal or officer of a firm holding a property protection endorsement must undergo and pass a criminal background check prior to the firm receiving a license pursuant to this Subpart.

B. Each person holding a property protection endorsement must undergo and pass a criminal background check prior to receiving a license pursuant to this Subpart, except as provided in R.S. 40:1664.7(E).

C. No person or officer or principal of a firm applying for a property protection license shall have been convicted of a felony, received a first-time offender pardon for a felony, or entered a plea of guilty or nolo contendere to a felony charge. A felony that has been dismissed pursuant to Code of Criminal Procedure Article 893 or equivalent judicial dismissal shall not apply to this Subpart.

D. A conviction or a plea of guilty or nolo contendere to a felony charge or receipt of
a first-time offender pardon shall not constitute an automatic disqualification as otherwise required pursuant to Subsection C of this Section if ten or more years has elapsed between the date of application and the date of successful completion or service of any sentence, deferred adjudication, or period of probation or parole.

E. Subsection D of this Section shall not apply to any person convicted of a felony crime of violence specifically enumerated in R.S. 14:2(13), a sex offense as defined in R.S. 15:541 (14.1), with the exception of R.S. 14:92(A)(7) and R.S. 14:80, or a felony offense against property as enumerated in R.S. 14:51 through 62.6.

F. The office of state fire marshal, code enforcement and building safety, may consider the seriousness and circumstances of the offense and subsequent arrests.

G. The fire marshal is authorized to order fingerprint analysis or any other analysis or documents deemed necessary by the fire marshal for the purpose of verifying the criminal history of a person or named officer or principal of a firm applying for a license. The fire marshal shall have the authority to conduct criminal history verification on a local, state, or national level. All costs for verifying criminal history shall be borne by the applicant.

Section 1664.9. Fees; Louisiana Life Safety and Property Protection Trust Fund

A. The fire marshal is authorized to assess and collect fees pursuant to this Subpart. License endorsements are separated into the two general categories of Property Protection and Life Safety. The Property Protection category is subdivided into the Technical Endorsements of Locksmith, Special Locking, and Security. The Life Safety category is subdivided into the Technical Endorsements of Fire Suppression, Fire Alarm, Fire Other, and DOT Hydrostatic Testing.

Technical endorsements may further be divided into specialty endorsements. A technical endorsement holder is authorized to perform all life safety and property protection contracting authorized by the specialty endorsements within the specific technical endorsement category. Specialty endorsement holders are limited to only life safety and property protection contracting authorized by that specialty endorsement.

B. The amount of licensing fees for a firm shall be as follows:

Initial fee Renewal fee

(1)(a) Technical Endorsement-Locksmith $250 $50

(b) Speciality Endorsement: $250 $50

(i) Limited locksmith $250 $50

(ii) Door hardware $250 $50
(iii) Bank locking $250 $50
(iv) Detention locking $250 $50

(2)(a) Technical Endorsement-Security $250 $50
(b) Specialty Endorsement

(i) Closed Circuit Television $250 $50
(ii) Household fire $250 $50

(3) Technical Endorsement- $500 $250

(4)(a) Technical Endorsement-Fixed
Fire Suppression $350 $100
(b) Specialty Endorsement

(i) Pre-engineered $350 $100
(ii) Kitchen suppression $350 $50

(5)(a) Technical Endorsement-Fire Alarm $350 $100
(b) Specialty Endorsement

(i) Fire alarm (Non-required) $350 $50
(ii) Fire alarm owner $350 $50

(6) Technical Endorsement-Portable
Fire Extinguishers/Hoses $350 $150

(7) Technical Endorsement-DOT
hydrostatic testing $350 $50

C. The amount of licensing fees for a person shall be as follows:

Initial fee Renewal fee

(1)(a) Technical Endorsement-Locksmith $100 $50
(b) Specialty Endorsement

(i) Limited locksmith $100   $50
(ii) Door hardware $100   $50
(iii) Bank locking $100   $50
(iv) Detention locking $100   $50

(2)(a) Technical Endorsement-Security technician $100   $50

(b) Specialty Endorsement

(i) Closed Circuit Television $100   $50
(ii) Household fire $100   $50

(3) Technical Endorsement-Security sales $100   $50

(4) Technical Endorsement-Qualifier $100   $50

(5) Technical Endorsement-Inspector $100   $50

(6)(a) Technical Endorsement-Fixed Fire Suppression $50   $50

(b) Specialty Endorsement

(i) Pre-engineered $50   $50
(ii) Kitchen suppression $50   $50

(7)(a) Technical Endorsement-Fire Alarm $50   $50

(b) Specialty Endorsement

(i) Fire alarm (Non-required) $50   $50
(ii) Fire alarm owner $50   $50
(8)(a) Technical Endorsement-
Portable Fire Extinguishers/Hoses $50 $50

(9) Technical Endorsement-
DOT hydrostatic testing $25 $25

(10) Technical Endorsement-Apprentice $50 $50

D. All licenses are valid for one year and must be renewed within thirty days of its expiration date to remain valid. The fire marshal may create a prorated fee system to allow employee license renewal dates to coincide with the firm license renewal date.

E. A license not renewed within thirty days of its expiration date shall be considered past due and subject to late fees. The late fee penalty shall be twenty-five dollars for a license not renewed before thirty-one to forty-five days past the expiration date and fifty dollars for a license not renewed before forty-six to sixty days past the expiration date.

F. A license shall be suspended if not renewed within sixty days of its expiration date or if the license holder has not maintained the license. The cost to reinstate a suspended license shall be the cost of the initial fees plus twenty dollars.

G. The cost for a duplicate or replacement firm or individual license is twenty dollars, regardless of how many endorsements are carried.

H. The cost to transfer an individual license from one firm to another is twenty dollars.

I. The fees established in this Section shall not be refundable except under such conditions as the fire marshal may establish.

J.(1) Subject to the exceptions contained in Article VII, Section 9 of the Constitution of Louisiana, all monies received by the fire marshal pursuant to this Subpart, including but not limited to fees and fines, shall be deposited immediately upon receipt in the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer, prior to placing such remaining funds in the state general fund, shall pay an amount equal to the total amount of funds paid into the state treasury by the fire marshal pursuant to this Subpart into a special fund which is hereby created in the state treasury and designated as the Louisiana Life Safety and Property Protection Trust Fund.

(2) The monies in the Louisiana Life Safety and Property Protection Trust Fund shall be used solely for implementation, administration, and enforcement of this Subpart and
only in the amounts appropriated each year to the fire marshal or the board by the legislature. Any surplus monies and interest remaining to the credit of the fund on June thirtieth of each year after all such appropriations of the preceding fiscal year have been made shall remain to the credit of the fund, and no part thereof shall revert to the state general fund.

Section 1664.10. Powers and duties of state fire marshal

The state fire marshal shall:

1) Formulate and administer such rules as may be determined essentially necessary for the protection and preservation of life and property and for the enforcement of this Subpart.

2) Evaluate the qualifications of firms or persons applying for or maintaining a license pursuant to this Subpart.

3) Conduct examinations to ascertain the qualifications and fitness of applicants for a license pursuant to this Subpart.

4) Issue licenses to firms and persons that meet the qualifications established by this Subpart.

5) Evaluate the qualifications of firms seeking approval as testing laboratories.

6) Have authority, after notice and opportunity for hearing, to increase or decrease the limits of insurance coverage and authorize acceptance of surplus lines coverage if the state fire marshal determines that due to loss experience, market conditions, or other good reason, the liability insurance coverage required by this Subpart is unavailable to applicants for or holders of licenses.

7) Have authority to conduct inspections of licensed firms, whether in state or out of state, for the purpose of observation and collection of facts and data relating to proper enforcement of this Subpart.

Section 1664.11. Life Safety and Property Protection Advisory Board

A. The Life Safety and Property Protection Advisory Board is hereby created and placed within the Department of Public Safety and Corrections as further provided by R.S. 36:409(M) and 919.3. The board shall be composed of twelve members, as follows:

1(a) Eleven members shall be appointed by the governor from a list of nominees submitted to the governor by the fire marshal.

(b) The board shall consist of members representing all aspects of life safety and
property protection. Each of the technical endorsements shall be represented by at least one board member licensed for such.

(c) Any person appointed to the board shall be licensed pursuant to this Subpart and shall have been engaged in life safety and property protection contracting for a minimum of four years prior to his appointment, except that one member may be from an associate industry to life safety and property protection or end user for which no license is required.

(2)(a) One member shall be an employee of the office of the state fire marshal designated by the fire marshal.

(b) Such member shall serve as the chairman of the board but shall not vote except in the event of a tie vote of the members present and voting.

B. (1) Each appointed member shall serve a term of two years.

(2) The member designated by the fire marshal shall serve a term concurrent with the term of the fire marshal making such designation.

(3) No member shall serve more than two consecutive terms except the member designated by the fire marshal.

(4) A vacancy on the board occurring prior to expiration of a term shall be filled in the manner of the original appointment for the remainder of the term.

C. The board shall meet upon the call of the chairman or upon the written request of any three members of the board. Notice of any such meeting shall be given to board members and the public at least seven days in advance.

D. Five members of the board shall constitute a quorum for the transaction of business. The board may take action by majority vote of its members present and voting.

E. Each appointed member of the board may be reimbursed for travel and related expenses incurred, not to exceed those expenses authorized for reimbursement by the State Travel Guide, for each day that the member engages in board business.

F. No member of the board shall be liable in a civil action for any act performed in good faith in the execution of his duties as a board member.

G. The board shall have the authority to approve all training, certification, and examination requirements for licensure under this Subpart. The board shall have the authority to approve written training programs as acceptable equivalents for meeting the training or examination requirements of this Subpart. The board may also accept, as such an equivalent, licensure of a firm or person by a jurisdiction outside this state which has standards and requirements of practice which substantially conform to the provisions of
this Subpart. The board shall also establish continuing education requirements.

H. In the absence of an appointed board, the fire marshal shall determine and approve licensing equivalencies, written training programs, examination requirements, and continuing education requirements.

Section 1664.12. Prohibited acts

No person or firm shall do any of the following:

(1) Engage in life safety and property protection contracting without a valid license.

(2) Aid and abet an unlicensed individual, employee, or firm in life safety and property protection contracting.

(3) Certify, inspect, install, integrate, sell, or service life safety and property protection contrary to plans submitted for review, applicable NFPA codes, standards, or manufacturers specifications without specific written authorization from the office of the state fire marshal.

(4) Submit an application or any other document to the office of the state fire marshal when the person reasonably should have known that the document contained false or misleading information.

(5) Engage in false, misleading, or deceptive acts or practices.

(6) Fail to maintain a valid license as required by this Subpart.

(7) Fail to maintain a valid insurance policy as required by this Subpart.

(8) Refuse to admit the fire marshal or his designated representative to an operating location or refuse to cooperate in the purposes of such admittance as required by this Subpart.

(9) Fail to maintain his license on his person and to present it for inspection as required by this Subpart.

(10) Fail to return the lockout, installer, or programming code of a life safety or property protection system to the factory default setting.

(11) Fail to abide by the administrative rules promulgated pursuant to this Subpart.

Section 1664.13. Notice, hearing, and revocation of certificate or license

The license as provided for in this Subpart may be revoked or suspended after notice
and hearing in accordance with the Administrative Procedure Act and upon a finding that a person or firm:

(1) Willfully violated any provision of this Subpart or any rule, regulation, or order adopted hereunder.

(2) Used deceit or false or misleading information in obtaining any certificate or license pursuant to this Subpart.

(3) Has been professionally incompetent or grossly negligent.

(4) Has assisted any person attempting to evade the provisions of this Subpart, or any rules or regulations adopted hereunder.

Section 1664.14. Penalties

A.(1) In addition to or in lieu of administrative sanctions provided in this Subpart, the state fire marshal is empowered to issue an order to any person or firm engaged in any activity, conduct, or practice constituting a violation of any provision of this Subpart, directing such person or firm to cease and desist from such activity, conduct, or practice. Such order shall be issued in the name of the state of Louisiana under the official seal of the state fire marshal.

(2) If the person or firm to whom the state fire marshal directs a cease and desist order does not cease and desist the prohibited activity, conduct, or practice immediately after service of such cease and desist order by certified mail or personal service, the state fire marshal may seek, in any court of competent jurisdiction and proper venue, a writ of injunction enjoining such person or firm from engaging in any activity, conduct, or practice prohibited by this Subpart.

(3) Upon a proper showing by the state fire marshal that such person or firm has engaged in any activity, conduct, or practice prohibited by this Subpart, the court shall issue a temporary restraining order restraining the person or firm from engaging in unlawful activity, conduct, or practices pending the hearing on a preliminary injunction, and in due course a permanent injunction shall be issued after a hearing, commanding the cessation of the unlawful activity, conduct, or practices.

(4) A temporary restraining order, preliminary injunction, or permanent injunction issued under this Subpart shall not be subject to being released upon bond.

(5) In the suit for an injunction, the fire marshal may demand of the defendant a penalty of fifty dollars per day for each violation, reasonable attorney fees, and court costs. Judgment for penalty, attorney fees, and court costs may be rendered in the same judgment in which the injunction is made absolute.
B. If the state fire marshal finds that any person or firm has violated any provision of this Subpart or any regulation, rule, or order issued hereunder, he may impose upon that person or firm a fine in an amount not to exceed five thousand dollars for each violation.

C. Procedures for the imposition of fines and appeals of such fines shall be governed by the Administrative Procedure Act.

Section 1664.15. Purchased life safety and property protection system

A. Each firm engaged in life safety and property protection contracting who sells a life safety or property protection system to a consumer shall immediately return the lockout, installer, or programming code of the system to the factory default setting when the consumer cancels the contract with the firm and contracts with another firm provided all original contractual obligations are fulfilled.

B. In addition to the penalties provided in this Subpart, any life safety and property protection contracting firm who violates this Section shall have its license revoked and be subject to a civil fine pursuant to this Subpart.

Section 1664.16. Effect on local regulation, effective date

A. Except for requirements which pertain to all types of businesses generally, no parish or municipality shall enact any new ordinance, rule, or regulation regulating firms and persons subject to licensure pursuant to this Subpart.

B. This Subpart shall supersede any existing parish or municipal ordinance, rule, or regulation requiring certification or licensure of firms and persons engaged in life safety and property protection contracting and such ordinances, rules, and regulations shall be null and void and have no effect.

Section 3. Subpart D of Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1625 through 1638, Subpart E of Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1651 through 1661, and Subpart F of Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1662.1 through 1662.19, are hereby repealed in their entirety.

Section 4. This Act shall become effective on January 1, 2007.
MARYLAND LOCKSMITH LICENSING LAW

THIS IS A BRIEF OVERVIEW OF THE LAW AND DOES NOT INTEND TO REPRESENT THE ENTIRE SET OF QUALIFICATIONS OR REQUIREMENTS.

- Gives administration and enforcement of the law to the Secretary of Labor, Licensing, and Regulation (“Secretary”).
- Licensed required for businesses providing locksmith services.
- Requires a “fixed business address” where the owner or employee is physically present.
- Locksmith services is defined as, “engaging professionally for compensation in rebuilding, rekeying, repining, recombinating, adjusting, or installing mechanical, electrical, or electromechanical locking devices, safes, vaults, or safe deposit boxes; or operating a mechanical, electrical, or electromechanical locking device or opining safes, vaults, or safe deposit boxes by a means other than that intended by the manufacturer of such locking devices.”
- Must be over 18 years of age.
- Fees shall be set by the Secretary.
- Licenses shall be for two years.
- Application must include photo, name, birth date, address, drivers license number for owner and each employee.
- Must submit to a state and national criminal background check.
- Must maintain invoices for work done for up to three (3) years.
- Must include license number on all advertisement, business cards or any other means of notice to the public of providing locksmith services.
- The Secretary may deny a license if the applicant had a similar license or certificate denied, suspended or revoked in another jurisdiction.
- If a licensee engages in a pattern of unfair or deceptive practices as adjudicated under the Consumer Protection Act, the Secretary may impose a fine up to $5000 for each violation.
- Licensee may not fail in any material aspect to complete work for the price as stated in the contract for services. Must follow state and local building safety codes. Violation of these provisions may be subject to a fine up to $10,000 and/or 2 years imprisonment.
- Providing locksmith services without being licensed: $1000 first offense; $5000 for each violation thereafter. Secretary may also take civil administrative action.
- The law does not apply to: distributors and sales people; police or fire departments in emergency situations to protect against loss of life or property; duplicating keys; lock that was specifically designed by the manufacturer to be changed by the end user by use of a key; manufacturers; automotive repair and service facility; trades that require a building permit; retailer or retailers agent on the retailers premises or off the premises if it is incidental to the retailers normal course of business; licensed security systems technician; property owner or management company.
- On or before October 1, 2012 the Secretary shall submit a report if competency based credentials for locksmiths are necessary.
• Law takes effect July 1, 2010.
CHAPTER 552  
(House Bill 370)  

AN ACT concerning  
Maryland Locksmiths Act  

FOR the purpose of requiring a certain business to be licensed by the Secretary of Labor, Licensing, and Regulation before the business may provide locksmith services; providing for the purpose of this Act; providing that this Act does not limit the rights of certain individuals to engage in locksmith services; authorizing the Secretary to adopt certain regulations for the licensure and regulation of locksmiths; requiring all money collected by the Secretary to be paid into the General Fund of the State; establishing certain application procedures for obtaining a locksmith license; providing that before an individual may begin work for a licensed locksmith the licensee shall submit the individual’s name to the Secretary and the individual shall apply for a national and State criminal history records check; requiring certain owners of businesses that are applicants and licensees to apply to the Central Repository for a certain criminal history records check; requiring certain applicants to submit fingerprints and a certain fee to the Central Repository; requiring the Central Repository to provide the Secretary with certain information; requiring certain information to be confidential and used for certain purposes; requiring licensees to maintain certain general liability insurance that meets certain requirements; requiring a licensee to provide a certain notice of cancellation of a certain general liability insurance policy within a certain time period; authorizing the issuance and renewal of certain licenses by the Secretary; authorizing the issuance of certain photo identification cards by certain licensed locksmiths; providing for the expiration and renewal of certain licenses; establishing requirements for the display, carrying, replacement, and change of name for certain licenses; authorizing the Secretary to deny a license to an applicant, refuse to renew a license, reprimand a licensee, suspend or revoke a license, or impose certain penalties under certain circumstances; establishing certain hearing and appeal procedures for locksmiths; establishing certain content, keeping, reporting, and transmittal requirements for certain invoices or receipts for service; requiring certain advertisements to include the name and license number of a licensed locksmith; prohibiting certain acts; providing for certain civil and criminal penalties; requiring certain persons performing locksmith services to be licensed on or before a certain date; requiring the Secretary to submit a certain report including certain information to certain committees of the General Assembly on or before a certain date; defining certain terms; and generally relating to the licensure and regulation of locksmiths. 

BY adding to  

Article – Business Regulation
Section 12.5–101 through 12.5–601 to be under the new title “Title 12.5. Locksmiths”
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Business Regulation
TITLE 12.5. LOCKSMITHS.
SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

12.5–101. (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.
(B) “BUSINESS” MEANS A COMMERCIAL ENTITY THAT PROVIDES LOCKSMITH SERVICES.
(C) “EMPLOYEE” MEANS AN INDIVIDUAL EMPLOYED BY A LICENSED LOCKSMITH TO PROVIDE LOCKSMITH SERVICES ON BEHALF OF THE LICENSED LOCKSMITH.
(D) “FIXED BUSINESS ADDRESS” MEANS A SINGLE PHYSICAL LOCATION IN THE STATE WHERE A LICENSEE REGULARLY CONDUCTS BUSINESS AND AT WHICH THE LICENSEE OR AN EMPLOYEE OF THE LICENSEE IS PHYSICALLY PRESENT:
(1) DURING NORMAL BUSINESS HOURS; OR
(2) OTHER HOURS AS PROVIDED IN THE APPLICATION FOR THE LICENSE.
(E) “LICENSE” MEANS A LICENSE ISSUED BY THE SECRETARY TO PROVIDE LOCKSMITH SERVICES.
(F) “LICENSED LOCKSMITH” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A BUSINESS THAT IS LICENSED BY THE SECRETARY TO PROVIDE LOCKSMITH SERVICES.
(G) “LOCAL LAW ENFORCEMENT UNIT” MEANS THE DEPARTMENT OF STATE POLICE, A POLICE DEPARTMENT, OR SHERIFF, AS DESIGNATED BY THE COUNTY OR MUNICIPAL GOVERNING BODY.
(H) “PROVIDE LOCKSMITH SERVICES” MEANS TO ENGAGE PROFESSIONALLY AND FOR COMPENSATION IN:
(1) REPAIRING, REBUILDING, REKEYING, REPINNING, RECOMBINATING, ADJUSTING, OR INSTALLING MECHANICAL, ELECTRICAL, OR ELECTROMECHANICAL LOCKING DEVICES, SAFES, VAULTS, OR SAFE
DEPOSIT
BOXES; OR
(2) OPERATING A MECHANICAL, ELECTRICAL, OR
ELECTROMECHANICAL LOCKING DEVICE OR OPENING SAFES, VAULTS, OR
SAFE
DEPOSIT BOXES BY A MEANS OTHER THAN THAT INTENDED BY THE
MANUFACTURER OF SUCH LOCKING DEVICES.

12.5–102.
THE PURPOSE OF THIS TITLE IS TO SAFEGUARD THE LIFE, HEALTH, AND
PROPERTY OF THE RESIDENTS OF MARYLAND TO PROMOTE THEIR
WELFARE BY
REGULATING PERSONS THAT PROVIDE LOCKSMITH SERVICES.

12.5–103.
THE PROVISIONS OF THIS TITLE MAY NOT BE CONSTRUED TO PROHIBIT
THE FOLLOWING:
(1) BONA FIDE SALES DEMONSTRATIONS TO LOCKSMITHS OR
LOCKSMITH SUPPLIERS BY SALES REPRESENTATIVES WHO ARE NOT
LICENSED;
(2) EMERGENCY OPENING SERVICES BY MEMBERS OF POLICE
DEPARTMENTS, FIRE DEPARTMENTS, OR OTHER GOVERNMENT AGENCIES
IN THEIR OFFICIAL LINE OF DUTY IN ORDER TO PROTECT AGAINST LOSS OF
LIFE
OR PROPERTY;
(3) THE ACQUISITION, MAKING, OR USE OF ANY KEY DUPLICATION
OR KEY BLANKS;
(4) THE REPLACING OF A REMOVABLE OR INTERCHANGEABLE
CORE OR RECOMBINATING A CYLINDER IN A LOCK THAT WAS
SPECIFICALLY
DESIGNED BY THE MANUFACTURER TO BE CHANGED BY THE END USER
BY USE
OF A KEY;
(5) THE INSTALLATION, REPAIR, REPLACEMENT, OR REBUILDING
OF A LOCK BY THE MANUFACTURER OF THE LOCK;
(6) THE INSTALLATION, REPAIR, REPLACEMENT, OR REBUILDING
OF AN AUTOMOTIVE LOCK BY AN AUTOMOTIVE REPAIR AND SERVICE
FACILITY,
THE LOCK MANUFACTURER, OR THE MANUFACTURER’S AGENT;
(7) THE INSTALLATION OF LOCKS BY BUILDING TRADES
PERSONNEL ON PROJECTS THAT REQUIRE A BUILDING PERMIT; AND
(8) THE INSTALLATION OR REPLACEMENT OF LOCKS BY A
RETAILER OR THE RETAILER’S AGENT;
(1) ON THE PREMISES OF THE RETAILER; OR
(II) OFF THE PREMISES OF THE RETAILER IF THE
INSTALLATION OR REPLACEMENT OF LOCKS IS INCIDENTAL TO THE
RETAILER’S
NORMAL COURSE OF BUSINESS;
(9) THE INSTALLATION OR REPLACEMENT OF LOCKS BY A
SECURITY SYSTEMS TECHNICIAN WHO IS LICENSED UNDER TITLE 18 OF
THE
BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; AND
(10) THE INSTALLATION, REPAIR, REPLACEMENT, REKEYING, OR
ADJUSTING OF LOCKS OR LOCK COMPONENTS FOR PROPERTY BY AN
EMPLOYEE
OR AGENT OF THE PROPERTY OWNER OR A MANAGEMENT COMPANY.

12.5–104.
THE SECRETARY MAY ADOPT AND ENFORCE REGULATIONS TO CARRY
OUT
THIS TITLE.

12.5–105.
THE SECRETARY SHALL PAY ALL MONEY COLLECTED UNDER THIS TITLE
INTO THE GENERAL FUND OF THE STATE.

SUBTITLE 2. LICENSING.

12.5–201.
EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A BUSINESS SHALL BE
LICENSED BY THE SECRETARY BEFORE THE BUSINESS AND EMPLOYEES
OF THE
BUSINESS PROVIDE LOCKSMITH SERVICES IN THE STATE.

12.5–202.
(A) THE OWNER OF A BUSINESS OR THE OWNER’S DESIGNEE SHALL
APPLY ON BEHALF OF THE BUSINESS FOR A LICENSE UNDER THIS
SUBTITLE.
(B) (1) AN APPLICANT FOR A LICENSE SHALL:
(I) SUBMIT TO THE SECRETARY AN APPLICATION ON THE
FORM THAT THE SECRETARY PROVIDES;
(II) SUBMIT A PASSPORT–SIZE PHOTOGRAPH, TAKEN
WITHIN 6 MONTHS IMMEDIATELY PRECEDING THE DATE OF THE FILING OF
THE
APPLICATION, OF EACH OF THE FOLLOWING INDIVIDUALS:
1. THE OWNER OF THE BUSINESS; AND
2. EACH EMPLOYEE OF THE APPLICANT;
(III) PROVIDE ANY OTHER DOCUMENTS OR INFORMATION
REQUIRED BY THIS SECTION OR REQUIRED BY THE SECRETARY; AND
(IV) PAY TO THE SECRETARY AN APPLICATION FEE SET BY
THE SECRETARY.
(2) THE APPLICATION FEE IS NONREFUNDABLE.
(C) THE APPLICANT OWNER OR DESIGNEE SHALL SIGN THE
APPLICATION UNDER OATH.
(D) IN ADDITION TO ANY OTHER INFORMATION THAT THE SECRETARY
REQUIRES, THE APPLICATION SHALL STATE:
(1) THE NAME, BIRTH DATE, AND RESIDENCE ADDRESS OF THE
FOLLOWING INDIVIDUALS:
(I) THE APPLICANT OWNER OR DESIGNEE; AND
(II) EACH EMPLOYEE OF THE APPLICANT;
(2) THE FIXED BUSINESS ADDRESS OF THE APPLICANT;
(3) A TELEPHONE NUMBER AT WHICH THE APPLICANT CAN BE
REACHED DURING NORMAL BUSINESS HOURS, AND, IF APPLICABLE, AN
ELECTRONIC MAIL ADDRESS;
(4) EACH ADDRESS WHERE THE APPLICANT HAS CONDUCTED ANY
BUSINESS DURING THE 36 MONTHS BEFORE APPLICATION;
(5) THE DRIVER’S LICENSE NUMBER OF THE APPLICANT OWNER
OR DESIGNEE AND EACH EMPLOYEE OF THE APPLICANT; AND
(6) THE NAME OF THE INSURER AND POLICY NUMBER OF THE
GENERAL LIABILITY INSURANCE COVERAGE REQUIRED UNDER §12.5–205
OF THIS SUBTITLE.
(E) THE APPLICATION FORM PROVIDED BY THE SECRETARY SHALL
CONTAIN A STATEMENT ADVISING THE APPLICANT THAT WILLFULLY
MAKING A
FALSE STATEMENT ON AN APPLICATION IS A MISDEMEANOR, SUBJECT TO
A FINE
OR IMPRISONMENT OR BOTH, AS PROVIDED UNDER § 12.5–504 OF THIS
TITLE.

12.5–203.
BEFORE AN INDIVIDUAL MAY BEGIN WORK FOR A LICENSEE AS AN
EMPLOYEE:
(1) THE LICENSEE SHALL SUBMIT TO THE SECRETARY, ON THE
FORM THAT THE SECRETARY PROVIDES, THE NAME OF THE INDIVIDUAL;
AND
(2) THE INDIVIDUAL SHALL APPLY FOR A NATIONAL AND STATE
CRIMINAL HISTORY RECORDS CHECK REQUIRED UNDER § 12.5–204(B) OF
THIS
SUBTITLE.

12.5–204.
(A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL
JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE
DEPARTMENT
OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.
(B) (1) THE OWNER OF A BUSINESS THAT IS AN APPLICANT FOR A LICENSE UNDER § 12.5–202 OF THIS SUBTITLE AND AN INDIVIDUAL WHOSE NAME IS REQUIRED TO BE SUBMITTED TO THE SECRETARY UNDER § 12.5–203 OF THIS SUBTITLE SHALL APPLY TO THE CENTRAL REPOSITORY FOR A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK ON A FORM APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY.

(2) AS A PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK, THE OWNER OF A BUSINESS THAT IS AN APPLICANT AND AN INDIVIDUAL WHOSE NAME IS REQUIRED TO BE SUBMITTED TO THE SECRETARY UNDER § 12.5–203 OF THIS SUBTITLE SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10–221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO THE STATE CRIMINAL HISTORY RECORDS; AND

(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(C) A LICENSEE OR APPLICANT MAY PAY FOR THE COSTS BORNE BY THE EMPLOYEE OR OTHER INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK UNDER SUBSECTION (B) OF THIS SECTION.

(D) THE CENTRAL REPOSITORY SHALL PROVIDE TO THE SECRETARY:

(1) THE NATIONAL AND STATE CRIMINAL HISTORY RECORDS OF EACH INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK UNDER SUBSECTION (B) OF THIS SECTION AND ISSUE A PRINTED STATEMENT LISTING ANY CONVICTIONS AND PLEAS OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL CHARGE;

(2) AN UPDATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK FOR AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK AND ISSUE A REVISED PRINTED STATEMENT LISTING ANY CONVICTIONS AND PLEAS OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL CHARGE.
OCCURRING IN THE STATE AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK; AND
(3) AN ACKNOWLEDGED RECEIPT OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK BY AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK.
(E) (1) INFORMATION OBTAINED BY THE SECRETARY FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:
(I) IS CONFIDENTIAL;
(II) MAY NOT BE REDISSEMINATED; AND
(III) MAY BE USED ONLY FOR THE LICENSE PURPOSE AUTHORIZED BY THIS TITLE.
(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PRECLUDE THE SECRETARY FROM NOTIFYING A LICENSEE OR AN APPLICANT OF THE APPROVAL OR DISQUALIFICATION OF THE EMPLOYEE FOR EMPLOYMENT BASED ON INFORMATION OBTAINED BY THE SECRETARY UNDER THIS SECTION.
(F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10–223 OF THE CRIMINAL PROCEDURE ARTICLE.
(G) THE SECRETARY SHALL VERIFY PERIODICALLY THE CONTINUED EMPLOYMENT OR LICENSURE OF INDIVIDUALS REQUIRING CRIMINAL HISTORY RECORDS CHECKS IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

12.5–205.
(A) EACH LICENSED LOCKSMITH SHALL MAINTAIN GENERAL LIABILITY INSURANCE:
(1) IN THE AMOUNT OF AT LEAST $300,000;
(2) WITH COVERAGE APPROPRIATE FOR THE INDIVIDUAL’S CIRCUMSTANCES; AND
(3) IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE SECRETARY UNDER THIS SECTION.
(B) A LICENSEE SHALL GIVE THE SECRETARY NOTICE OF THE CANCELLATION OF INSURANCE AT LEAST 10 DAYS BEFORE THE EFFECTIVE DATE OF THE CANCELLATION.

12.5–206.
(A) THE SECRETARY SHALL ISSUE A LICENSE TO EACH APPLICANT THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE AND ON RECEIPT OF:
(1) A COMPLETE NATIONAL AND STATE CRIMINAL HISTORY
RECORD REPORT FROM THE CENTRAL REPOSITORY IN ACCORDANCE
WITH
§12.5–204 OF THIS SUBTITLE; AND
(2) DOCUMENTATION OF CURRENT GENERAL LIABILITY
INSURANCE IN THE AMOUNT REQUIRED UNDER §12.5–205 OF THIS
SUBTITLE.
(B) THE SECRETARY SHALL DETERMINE THE SIZE, FORM, AND
CONTENT OF ANY LICENSE CERTIFICATE THAT THE SECRETARY ISSUES.
(C) THE SECRETARY:
(1) MAY ISSUE A LICENSE ONLY FOR A FIXED BUSINESS ADDRESS;
BUT
(2) MAY NOT ISSUE A LICENSE FOR AN ADDRESS THAT IS:
(I) A HOTEL OR MOTEL ROOM;
(II) A MOTOR VEHICLE;
(III) A POST OFFICE BOX; OR
(IV) A LOCATION THAT DOES NOT MEET THE
QUALIFICATIONS OF A FIXED BUSINESS ADDRESS AS DEFINED IN §
12.5–101(D)
OF THIS TITLE.
(D) THE SECRETARY MAY NOT ISSUE A LICENSE TO AN INDIVIDUAL WHO
IS 18 YEARS OLD OR YOUNGER.
(E) A LICENSE ISSUED UNDER THIS TITLE IS NOT TRANSFERABLE.

12.5–207.
(A) EACH LICENSED LOCKSMITH SHALL ISSUE A PHOTO
IDENTIFICATION CARD TO EACH INDIVIDUAL PROVIDING LOCKSMITH
SERVICES
ON BEHALF OF THE LICENSED LOCKSMITH, INCLUDING EACH INDIVIDUAL
IDENTIFIED AS AN EMPLOYEE OF THE LICENSED LOCKSMITH UNDER §
12.5–202
OF THIS SUBTITLE.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
LICENSED LOCKSMITH SHALL DETERMINE THE SIZE, FORM, AND CONTENT
OF A
PHOTO IDENTIFICATION CARD THAT THE LICENSED LOCKSMITH ISSUES.
(2) THE PHOTO IDENTIFICATION CARD ISSUED BY A LICENSED
LOCKSMITH UNDER THIS SECTION SHALL:
(I) BE COMPOSED OF DURABLE MATERIAL;
(II) INCLUDE A CURRENT PASSPORT–SIZE PHOTOGRAPH OF
THE INDIVIDUAL TO WHOM THE PHOTO IDENTIFICATION CARD IS ISSUED;
AND
(III) INCLUDE THE LICENSE NUMBER AND LICENSE
EXPIRATION DATE OF THE LICENSED LOCKSMITH’S LICENSE.
12.5–208.
WHILE A LICENSE IS IN EFFECT, THE LICENSE AUTHORIZES THE
LICENSEE AND THE EMPLOYEES OF THE LICENSEE TO PROVIDE
LOCKSMITH
SERVICES IN THE STATE.

12.5–209.
(A) A LICENSE IS ISSUED FOR A TERM OF 2 YEARS.
(B) UNLESS A LICENSEE MEETS THE INSURANCE REQUIREMENTS OF
§12.5–205 OF THIS SUBTITLE, THE SECRETARY MAY NOT RENEW THE
LICENSE OF THE LICENSEE.
(C) (1) UNLESS A LICENSE IS RENEWED FOR A 2–YEAR TERM AS
PROVIDED IN THIS SECTION, THE LICENSE EXPIRES ON THE SECOND
ANNIVERSARY OF THE EFFECTIVE DATE OF THE LICENSE.
(2) A LICENSEE THAT MEETS THE REQUIREMENTS OF THIS
SECTION MAY OBTAIN A RENEWAL OF A LICENSE BEFORE THE LICENSE
EXPIRES
FOR AN ADDITIONAL 2–YEAR TERM.
(3) ONCE EXPIRED, A LICENSE MAY NOT BE RENEWED.
(D) AT LEAST 60 DAYS BEFORE A LICENSE EXPIRES, THE SECRETARY
SHALL MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE
LICENSEE:
(1) A RENEWAL APPLICATION FORM;
(2) A FORM THAT ALLOWS A LICENSEE TO UPDATE THE
INFORMATION SUBMITTED IN THE ORIGINAL APPLICATION OR STATE
THAT THE
INFORMATION IS CURRENT AND ACCURATE;
(3) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A
FORM THAT REQUIRES THE LICENSEE TO AGREE TO CONTINUE TO
COMPLY
WITH EACH REQUIREMENT APPLICABLE TO THE ORIGINAL APPLICATION;
AND
(4) A NOTICE THAT STATES:
(I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;
(II) THE DATE BY WHICH THE SECRETARY MUST RECEIVE
THE RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND
MAILED
BEFORE THE LICENSE EXPIRES; AND
(III) THE AMOUNT OF THE RENEWAL FEE.
(E) THE SECRETARY MAY REQUIRE A LICENSEE TO SUBMIT A NATIONAL
AND STATE CRIMINAL HISTORY RECORDS CHECK WITH THE RENEWAL
APPLICATION.
(F) THE SECRETARY SHALL RENEW THE LICENSE OF EACH LICENSEE
WHO MEETS THE REQUIREMENTS OF THIS SECTION.
(G) (1) A LICENSEE MAY CHANGE THE FIXED BUSINESS ADDRESS FOR WHICH A LICENSE IS ISSUED ONLY IF THE LICENSEE:
(i) SUBMITS TO THE SECRETARY AN APPLICATION TO TRANSFER THE LICENSE TO A NEW BUSINESS LOCATION ON A FORM THAT THE SECRETARY PROVIDES; AND
(ii) RECEIVES THE WRITTEN APPROVAL OF THE SECRETARY.
(2) WITHIN 45 DAYS AFTER THE APPLICATION IS FILED WITH THE SECRETARY, THE SECRETARY SHALL APPROVE OR DISAPPROVE THE APPLICATION AND NOTIFY THE LICENSEE OF THE APPROVAL OR DISAPPROVAL, IN WRITING.
(3) IF THE SECRETARY APPROVES A PROPOSED CHANGE OF FIXED BUSINESS ADDRESS, THE LICENSEE SHALL:
(i) SUBMIT TO THE SECRETARY A CURRENT LIST OF NAMES OF EACH EMPLOYEE TO BE EMPLOYED AT THE NEW LOCATION; AND
(ii) ATTACH THE WRITTEN APPROVAL OF THE SECRETARY TO THE LICENSE UNTIL AN AMENDED LICENSE IS RECEIVED BY THE LICENSEE.
(H) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

12.5–210.
(A) EACH LICENSEE SHALL DISPLAY THE LICENSE CONSPICUOUSLY IN THE PLACE OF BUSINESS OF THE LICENSEE.
(B) A LICENSEE AND AN EMPLOYEE OF A LICENSEE SHALL:
(1) CARRY A VALID PHOTO IDENTIFICATION CARD ISSUED BY A LICENSED LOCKSMITH UNDER §12.5–207 OF THIS SUBTITLE AT ALL TIMES THE LICENSEE OR EMPLOYEE OF A LICENSEE IS ENGAGED IN PROVIDING LOCKSMITH SERVICES; AND
(2) DISPLAY THE VALID PHOTO IDENTIFICATION CARD AS REQUIRED BY REGULATION.
(C) IF A PHOTO IDENTIFICATION CARD IS LOST OR DESTROYED, THE LICENSEE IMMEDIATELY SHALL NOTIFY THE LICENSED LOCKSMITH THAT ISSUED THE PHOTO IDENTIFICATION CARD.
(D) (1) TO CHANGE THE NAME OF A LICENSEE ON A LICENSE, A LICENSEE SHALL SUBMIT TO THE SECRETARY:
(i) AN APPLICATION ON THE FORM PROVIDED BY THE SECRETARY;
(ii) THE LICENSE OF THE LICENSEE;
(iii) ANY DOCUMENTATION ABOUT THE NAME CHANGE THAT THE SECRETARY REQUIRES; AND
(iv) THE FEE SET BY THE SECRETARY.
(2) ON RECEIPT OF THE APPLICATION, FEE, AND ANY REQUIRED
DOCUMENTATION, THE SECRETARY SHALL ISSUE A NEW LICENSE
BEARING THE
NEW NAME OF THE LICENSEE.

12.5–211.
(A) (1) SUBJECT TO THE HEARING PROVISIONS OF §12.5–212
OF THIS SUBTITLE, THE SECRETARY MAY DENY A LICENSE TO AN
APPLICANT, REPRIMAND A LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF
THE APPLICANT OR LICENSEE OR AN AGENT, EMPLOYEE, MANAGER, OR
PARTNER OF THE APPLICANT OR LICENSEE:
(I) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR
ATTEMPTS TO OBTAIN A LICENSE OR PHOTO IDENTIFICATION CARD FOR
THE
APPLICANT OR LICENSEE OR FOR ANOTHER PERSON;
(II) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE OR
PHOTO IDENTIFICATION CARD;
(III) PRESENTS OR ATTEMPTS TO PRESENT THE LICENSE OR
PHOTO IDENTIFICATION CARD OF ANOTHER LICENSEE OR EMPLOYEE OF A
LICENSEE AS THE APPLICANT’S OR LICENSEE’S LICENSE OR PHOTO
IDENTIFICATION CARD;
(IV) USES OR ATTEMPTS TO USE AN EXPIRED,
SUSPENDED, OR REVOKED LICENSE OR FALSE PHOTO IDENTIFICATION CARD;
(V) HAS A SIMILAR LICENSE OR CERTIFICATE DENIED,
SUSPENDED, OR REVOKED IN ANOTHER JURISDICTION;
(VI) UNDER THE LAWS OF THE UNITED STATES OR OF ANY
STATE, IS CONVICTED OF A:
1. FELONY; OR
2. MISDEMEANOR THAT IS DIRECTLY RELATED TO
THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO BE
INVOLVED IN PROVIDING LOCKSMITH SERVICES;
(VII) KNOWINGLY EMPLOYS OR KNOWINGLY CONTINUES TO
EMPLOY AN INDIVIDUAL WHO, UNDER THE LAWS OF THE UNITED STATES
OR OF
ANY STATE, IS CONVICTED OF:
1. A FELONY THAT IS DIRECTLY RELATED TO THE
FITNESS AND QUALIFICATION OF THE EMPLOYEE TO BE INVOLVED IN
PROVIDING LOCKSMITH SERVICES; OR
2. A MISDEMEANOR THAT IS DIRECTLY RELATED TO
THE FITNESS AND QUALIFICATION OF THE EMPLOYEE TO BE INVOLVED IN
PROVIDING LOCKSMITH SERVICES;
(VIII) FAILS TO MAINTAIN THE LIABILITY INSURANCE
REQUIRED UNDER §12.5–205 OF THIS SUBTITLE;
(IX) ENGAGES IN A PATTERN OF UNFAIR OR DECEPTIVE TRADE PRACTICES UNDER THE CONSUMER PROTECTION ACT, AS DETERMINED BY A FINAL ADMINISTRATIVE ORDER OR JUDICIAL DECISION;
(X) KNOWINGLY USES OR PERMITS THE USE OF ANY OF THE LICENSEE’S OR AN EMPLOYEE OF A LICENSEE’S SKILLS, TOOLS, OR FACILITIES FOR THE COMMISSION OF ANY CRIME;
(XI) WILLFULLY FAILS TO PROVIDE OR WILLFULLY MISREPRESENTS ANY INFORMATION REQUIRED TO BE PROVIDED UNDER THIS TITLE;
(XII) VIOLATES THIS TITLE; OR
(XIII) VIOLATES A REGULATION ADOPTED UNDER THIS TITLE.
(2) (I) INSTEAD OF OR IN ADDITION TO REPRIMANDING A LICENSEE OR SUSPENDING OR REVOKING A LICENSE UNDER THIS SUBSECTION, THE SECRETARY MAY IMPOSE A PENALTY NOT EXCEEDING $5,000 FOR EACH VIOLATION.
(II) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER THIS SUBSECTION, THE SECRETARY SHALL CONSIDER:
1. THE SERIOUSNESS OF THE VIOLATION;
2. THE HARM CAUSED BY THE VIOLATION;
3. THE GOOD FAITH OF THE LICENSEE; AND
4. ANY HISTORY OF PREVIOUS VIOLATIONS BY THE LICENSEE.
(3) THE SECRETARY SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.
(B) THE SECRETARY SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE REPRIMAND OF AN APPLICANT OR LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(1)(VI) OF THIS SECTION:
(1) THE NATURE OF THE CRIME;
(2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED BY THE LICENSE;
(3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO ACT AS A LOCKSMITH;
(4) THE LENGTH OF TIME SINCE THE CONVICTION; AND
(5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE BEFORE AND AFTER THE CONVICTION.
12.5–212.  
(A) EXCEPT AS OTHERWISE PROVIDED IN § 10–226 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE SECRETARY TAKES ANY FINAL ACTION UNDER §12.5–211 OF THIS SUBTITLE, THE SECRETARY SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE SECRETARY.  
(B) THE SECRETARY SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.  
(C) THE SECRETARY MAY ADMINISTER OATHS IN A PROCEEDING UNDER THIS SECTION.  
(D) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED DOES NOT APPEAR, NEVERTHELESS THE SECRETARY MAY HEAR AND DETERMINE THE MATTER.

12.5–213.  
ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE SECRETARY IN A CONTESTED CASE, AS DEFINED IN § 10–202 OF THE STATE GOVERNMENT ARTICLE, MAY TAKE AN APPEAL AS ALLOWED IN TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

12.5–214.  
THE SECRETARY SHALL INFORM EACH LOCAL LAW ENFORCEMENT UNIT OF EACH LICENSE THAT IS ISSUED, RENEWED, CHANGED TO A NEW BUSINESS LOCATION, DENIED, SUSPENDED, OR REVOKED.

SUBTITLE 3. RECORDS.

12.5–301.  
EACH LICENSED LOCKSMITH SHALL INCLUDE ON EACH INVOICE OR RECEIPT FOR SERVICES THE FOLLOWING INFORMATION REGARDING EACH SERVICE CALL:  
(1) THE ADDRESS WHERE THE SERVICES WERE PROVIDED BY THE LOCKSMITH;  
(2) THE TYPE OF LOCK BEING SERVICED;  
(3) THE VEHICLE IDENTIFICATION NUMBER, IF APPLICABLE;  
(4) THE QUOTED COST OF THE SERVICE PROVIDED TO THE CUSTOMER PRIOR TO AGREEING TO PROVIDE THE SERVICE; AND  
(5) THE ACTUAL COST OF THE SERVICE PAID BY THE CUSTOMER.
12.5–302.
UNLESS OTHERWISE AUTHORIZED BY THE SECRETARY, A LICENSED LOCKSMITH SHALL KEEP A COPY OF EACH INVOICE OR RECEIPT FOR SERVICES REQUIRED BY THIS SUBTITLE, AT THE FIXED BUSINESS ADDRESS PROVIDED BY THE LICENSEE TO THE SECRETARY, FOR 3 YEARS AFTER THE DATE OF THE SERVICE CALL.

12.5–303.
(A) (1) A LICENSED LOCKSMITH SHALL PROVIDE TO A LOCAL LAW ENFORCEMENT UNIT OR THE DEPARTMENT A COPY OF EACH INVOICE OR RECEIPT FOR SERVICES REQUESTED BY EITHER A LOCAL LAW ENFORCEMENT UNIT OR THE DEPARTMENT.
(2) THE SECRETARY SHALL ENCOURAGE LICENSED LOCKSMITHS TO DEVELOP A SYSTEM FOR MAINTAINING THE RECORDS REQUIRED BY THIS SUBTITLE ELECTRONICALLY.
(B) ON A REQUEST FOR AN INVOICE OR A RECEIPT FOR SERVICES UNDER SUBSECTION (A) OF THIS SECTION, THE LICENSED LOCKSMITH SHALL SUBMIT THE ITEM BY ONE OF THE FOLLOWING METHODS:
(1) BY DELIVERING OR MAILING A COPY OF THE INVOICE OR RECEIPT FOR SERVICES WITHIN 5 BUSINESS DAYS AFTER RECEIVING THE REQUEST; OR
(2) BY TRANSMITTING A COPY OF THE INVOICE OR RECEIPT FOR SERVICES ELECTRONICALLY, IN A FORMAT ACCEPTABLE TO THE RECEIVING LOCAL LAW ENFORCEMENT UNIT OR THE DEPARTMENT, WITHIN 2 BUSINESS DAYS AFTER RECEIVING THE REQUEST.
(C) EACH COPY OF AN INVOICE OR A RECEIPT FOR SERVICES, SUBMITTED TO THE LOCAL LAW ENFORCEMENT UNIT OR THE DEPARTMENT, SHALL INCLUDE:
(1) THE LICENSE NUMBER OF THE LICENSED LOCKSMITH; AND
(2) THE INFORMATION REQUIRED UNDER § 12.5–301 OF THIS SUBTITLE.
(D) A COPY OF AN INVOICE OR RECEIPT FOR SERVICES SUBMITTED UNDER THIS SECTION:
(1) SHALL BE KEPT CONFIDENTIAL;
(2) IS NOT A PUBLIC RECORD; AND
(3) IS NOT SUBJECT TO TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE.
(E) A LOCAL LAW ENFORCEMENT UNIT OR THE DEPARTMENT MAY DESTROY THE COPY OF AN INVOICE OR RECEIPT FOR SERVICES SUBMITTED UNDER THIS SECTION AFTER 1 YEAR FROM THE DATE THE LOCAL LAW ENFORCEMENT UNIT OR THE DEPARTMENT RECEIVES THE COPY.

SUBTITLE 4. MISCELLANEOUS PROVISIONS.

12.5–401.
EACH LOCKSMITH ADVERTISEMENT, BUSINESS CARD, OR ANY OTHER MEANS OF PROVIDING NOTICE TO THE PUBLIC OF THE BUSINESS PROVIDING LOCKSMITH SERVICES SHALL INCLUDE THE NAME OF THE LICENSED LOCKSMITH AND THE LICENSE NUMBER OF THE LICENSED LOCKSMITH.

SUBTITLE 5. PROHIBITED ACTS; PENALTIES.

12.5–501.
A PERSON MAY NOT KNOWINGLY USE OR PERMIT THE USE OF THE LICENSEE’S OR AN EMPLOYEE OF THE LICENSEE’S SKILLS, TOOLS, OR FACILITIES TO AID OR ABET AN UNLICENSED LOCKSMITH IN ANY ACTIVITY FOR WHICH A LOCKSMITH LICENSE IS REQUIRED FOR THE COMMISSION OF A CRIME.

12.5–502.
A LICENSED LOCKSMITH OR EMPLOYEE OF A LICENSED LOCKSMITH MAY NOT WILLFULLY OR DELIBERATELY DISREGARD ANY BUILDING OR SAFETY LAWS OF THE STATE OR LOCAL GOVERNMENT UNIT.

12.5–503.
A LICENSED LOCKSMITH OR EMPLOYEE OF A LICENSED LOCKSMITH MAY NOT FAIL IN ANY MATERIAL RESPECT TO COMPLETE THE INSTALLATION, REPAIR, OPENING, OR MODIFICATION OF A LOCK FOR THE PRICE STATED IN THE CONTRACT FOR SERVICES.

12.5–504.
EXCEPT FOR A VIOLATION OF § 12.5–505(A) OF THIS SUBTITLE, A PERSON THAT VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING $10,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

12.5–505.
(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT ACT AS, OFFER TO ACT AS, HOLD ONESELF OUT AS, OR IMPERSONATE
A
LOCKSMITH IN THE STATE UNLESS THE PERSON IS A LICENSEE OR
EMPLOYEE
OF A LICENSEE.
(B) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A
MISDEMEANOR AND, ON FIRST CONVICTION, IS SUBJECT TO A FINE NOT
EXCEEDING $1,000 AND, ON SECOND OR SUBSEQUENT CONVICTION, IS
SUBJECT
TO A FINE NOT EXCEEDING $5,000.
12.5–506.
(A) SUBJECT TO THE NOTICE AND HEARING PROVISIONS OF TITLE 10,
SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE, THE SECRETARY MAY
BRING A CIVIL ADMINISTRATIVE ACTION AGAINST A PERSON THAT
VIOLATES §
12.5–505(A) OF THIS SUBTITLE.
(B) AFTER A HEARING, IF THE SECRETARY FINDS THAT A PERSON HAS
VIOLATED § 12.5–505(A) OF THIS SUBTITLE, THE SECRETARY MAY:
(1) ORDER THE PERSON TO CEASE AND DESIST FROM UNLAWFUL
PRACTICE; AND
(2) IMPOSE A CIVIL PENALTY NOT EXCEEDING $100 FOR EACH
DAY OF UNLAWFUL PRACTICE.
(C) ANY PERSON AGGRIEVED BY A DECISION AND ORDER OF THE
SECRETARY UNDER THIS SECTION MAY TAKE AN APPEAL AS ALLOWED IN
TITLE
10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

12.5–507.
(A) THIS SECTION APPLIES ONLY IF THERE IS NO GREATER CRIMINAL
PENALTY PROVIDED UNDER THIS TITLE OR OTHER APPLICABLE LAW.
(B) A PERSON THAT ENGAGES IN REPEATED VIOLATIONS OF THE
PROVISIONS OF THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON
CONVICTION
IS SUBJECT TO A FINE NOT EXCEEDING $5,000.

SUBTITLE 6. SHORT TITLE.
12.5–601.
THIS TITLE MAY BE CITED AS THE “MARYLAND LOCKSMITHS ACT”.
SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1,
2010, a person providing locksmith services shall be licensed by the Secretary of
Labor, Licensing, and Regulation subject to the qualification and application
requirements of Title 12.5, Subtitle 2 of the Business Regulation Article.
SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1,
2012, the Secretary of Labor, Licensing, and Regulation shall report to the Senate
Education, Health, and Environmental Affairs Committee and the House
Economic Matters Committee, in accordance with § 2–1246 of the State Government Article, on:
(a) the number and nature of complaints submitted to the Department of Labor, Licensing, and Regulation regarding locksmiths and locksmith services; and
(b) whether additional competency–based credentials for locksmiths are necessary for the protection and safety of the public.
SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.
NEBRASKA LOCKSMITH REGISTRATION

Chapter 28. Locksmith Licensing

28-1315. As used in section 28-1316, unless the context otherwise requires:
(1) Change key shall mean a key planned and cut to operate a specific lock;
(2) Try-out key shall mean a key which may or may not be one of a set of similar keys, each key made to operate a series or group of a total series of locks, the key or keys being constructed to take advantage of unplanned construction similarities in the series or group of locks;
(3) Wiggle key or manipulation key shall mean a material device which may be variably positioned or manipulated in a lock's keyway until such action develops a condition within the lock which enables the lock to be operated. Wiggle keys or manipulation keys may or may not resemble normally used keys;
(4) Master key shall mean a key planned and cut to operate all locks in a series or group of locks, each lock having its own key other than the master key for that individual lock only, and each lock constructed as a part of the series or group for operation with the master key. For the purpose of section 28-1316, submaster keys, grand master keys, great grand master keys, emergency keys, and overriding keys are to be considered as master keys;
(5) Keyed-alike locks shall mean a series or group of locks designed and constructed to be operated with the same change key;
(6) Locksmith shall mean a person dealing in the mechanical action and the correct operation of all types of locks and cylinder devices, whose trade or occupation is primarily repairing, opening or closing such locks or devices by mechanical means other than the key designed for that particular mechanism without altering, marring, or destroying the original condition or effectiveness of such mechanism; and
(7) Key master or key cutter shall mean a person other than a locksmith, whose primary and only function is the cutting and duplicating of keys.

28-1316. (1) A person commits the offense of unlawful use of locks and keys if he:
(a) Sells, offers to sell, or gives to any person other than a law enforcement agency, dealer licensed under the provisions of Chapter 60, article 14, motor vehicle manufacturer, or person regularly carrying on the profession of a locksmith any try-out key, manipulation key, wiggle key, or any other device designed to be used in place of the normal change key of any motor vehicle; or
(b) Has in his possession any try-out key, wiggle key, manipulation key, or any other device designed to be used in place of the normal change key of any motor vehicle unless he is a locksmith, locksmith manufacturer, dealer licensed under the provisions of Chapter 60, article 14, motor vehicle manufacturer, or law enforcement agency; or
(c) Duplicates a master key for anyone unless written permission has been granted by the person who has legal control of the master key. All master keys shall be stamped with the words DO NOT DUPLICATE. All duplications of master keys shall also be stamped with the words DO NOT DUPLICATE.
(2) Nothing in subsection (1) of this section shall be construed to make it unlawful if:
(a) The owner of two or more vehicles possesses a change key that can be used on two or more vehicles that he owns; or
(b) Such owner changes the locks on such vehicle so that they are keyed alike; or
(c) Any person makes or duplicates the original change keys for such an owner; or
(d) Anyone stamps any other type of key with the words DO NOT DUPLICATE.
(3) Unlawful use of locks and keys is a Class III misdemeanor.

28-1402. All locksmiths, as defined in section 28-1315, shall be required to hold a valid registration certificate issued by the county clerk in the county in which the locksmith's business is located.

28-1403. The county clerk shall provide the registration certificates upon receipt of a fee of five dollars. Every locksmith shall conspicuously display such certificate in his or her place of business. The application shall be filed in the manner and form prescribed by the Secretary of State, and shall include as a minimum (1) the name and social security number of the applicant, (2) the name of the applicant's business, (3) the address of such place of business, (4) whether the applicant has been convicted of violating the laws of any state, other than minor traffic violations, and (5) the name and address of three individuals who have knowledge of the applicant's character, experience, and ability. It shall be the duty of each county clerk to supply each applicant with an application form and to file a copy of each application, which application shall be public information.

28-1404. The registration certificate shall remain valid until such time as the name of the individual, the name of the place of business, or the address of the place of business changes. At the time of such change a new registration shall be required.

28-1405. Any person, firm, or corporation who fails to acquire a valid registration certificate pursuant to the provisions of sections 28-1402 to 28-1405 shall be guilty of a Class IV misdemeanor.
NEVADA LOCKSMITH REGISTRATION

CHAPTER 655 - LOCKSMITHS AND SAFE MECHANICS

NRS 655.010 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 655.020 to 655.060, inclusive, have the meanings ascribed to them in such sections.

NRS 655.020 "Key" defined. "Key" means a mechanical device used for operating a lock and includes, but is not limited to:

1. A change key or a key designed to operate a specific lock.
2. A manipulation key or a key designed so that when variously positioned in the keyways of locks will operate the locks.
3. A master key or a key designed to operate a series of locks which are individually operated by change keys.
4. A tryout key or a key that will operate a series of locks in a larger series of locks.

NRS 655.030 "Lock" defined. "Lock" means a mechanical device furnished with a spring and a bolt or with a similar contrivance used for fastening a door, strong box or other object and opened by means of a key or combination.

NRS 655.040 "Locksmith" defined. "Locksmith" means a person whose occupation consists, in whole or in part, of:

1. Making, repairing or adjusting locks; or
2. Operating locks by mechanical means other than those intended by the manufacturers of the locks.

NRS 655.050 "Permit" defined. "Permit" means a permit to operate as a locksmith or safe mechanic.

NRS 655.060 "Safe mechanic" defined. "Safe mechanic" means a person whose occupation consists in whole or in part of repairing, operating, adjusting or changing combinations on safes or vaults.

NRS 655.070 Permit: Requirement; investigation; issuance; renewal; report of change of address.

1. Every person who wishes to operate as a locksmith or safe mechanic shall obtain a permit from the sheriff of the county in which his principal place of business is located.
2. The sheriff of a county shall investigate each applicant and shall issue a permit to each applicant who qualifies under any ordinance adopted by the board of county commissioners of the county which regulates the occupation of locksmiths and who is found by the board of county commissioners to be suitable. An ordinance adopted by the board of county commissioners must specify fees for issuance and renewal of a permit.

3. A permit expires 1 year from the date it was obtained and may be renewed.

4. The holder of a permit shall have the permit in his possession at all times.

5. The holder of a permit shall, within 10 days, report any change of address of his principal place of business to the sheriff of the county in which the permit was obtained.

NRS 655.073 Application to include social security number of applicant. [Expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] An application for the issuance of a permit must include the social security number of the applicant.

NRS 655.075 Payment of child support: Statement by applicant for permit; grounds for denial of permit; duty of sheriff. [Expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. An applicant for the issuance or renewal of a permit shall submit to the sheriff of the county in which the principal place of business of the applicant is located the statement prescribed by the welfare division of the department of human resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The sheriff of a county shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the permit; or

(b) A separate form prescribed by the sheriff.

3. A permit may not be issued or renewed by the sheriff of a county if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a
court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the sheriff shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

NRS 655.078 Suspension of permit for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of permit. [Expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.].

1. If the sheriff of a county receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a permit issued by the sheriff, the sheriff shall deem the permit issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the sheriff receives a letter issued to the holder of the permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. A sheriff shall reinstate a permit issued by him that has been suspended by a district court pursuant to NRS 425.540 if the sheriff receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose permit was suspended stating that the person whose permit was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

NRS 655.080 Unlawful acts; penalties. Any person who violates any provision of this chapter shall be punished by a fine of not more than $500, and may be further punished by the revocation of his permit.
NRS 597.880 Sale and advertising of master keys for motor vehicles limited; penalty.

1. As used in this section, "master motor vehicle key set" means a key or keys that may be used to operate more than one motor vehicle.

2. A person shall not sell a master motor vehicle key set to any person except automobile dealers, automobile repairmen, locksmiths and peace officers of the State of Nevada.

3. A person shall not advertise the sale of a master motor vehicle key
set except in trade journals of automobile dealers, automobile repairmen and
locksmiths.

4. Any person who violates the provisions of subsection 2 or 3 is guilty of a
misdemeanor.

NRS 21.090 Property exempt from execution of an enforcement judgement[Effective
July 1, 1998.]

1. The following property is exempt from execution, except as otherwise specifically
provided in this section:

(a) Private libraries not to exceed $1,500 in value, and all family pictures and keepsakes.

(b) Necessary household goods, as defined in 16 C.F.R. § 444.1(i) as that section existed
on January 1, 1987, and yard equipment, not to exceed $3,000 in value, belonging to the
judgment debtor to be selected by him.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed
$4,500 in value, belonging to the judgment debtor to be selected by him.

(d) Professional libraries, office equipment, office supplies and the tools, instruments and
materials used to carry on the trade of the judgment debtor for the support of himself and
his family not to exceed $4,500 in value.

(e) The cabin or dwelling of a miner or prospector, his cars, implements and appliances
necessary for carrying on any mining operations and his mining claim actually worked by
him, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph (o), one vehicle if the judgment debtor’s
equity does not exceed $4,500 or the creditor is paid an amount equal to any excess
above that equity.

(g) For any pay period, 75 percent of the disposable earnings of a judgment debtor during
that period, or for each week of the period 30 times the minimum hourly wage prescribed
by section 6(a)(1) of the federal Fair Labor Standards Act of 1938 and in effect at the
time the earnings are payable, whichever is greater. Except as otherwise provided in
paragraphs (n), (r) and (s), the exemption provided in this paragraph does not apply in the
case of any order of a court of competent jurisdiction for the support of any person, any
order of a court of bankruptcy or of any debt due for any state or federal tax. As used in
this paragraph, "disposable earnings" means that part of the earnings of a judgment
debtor remaining after the deduction from those earnings of any amounts required by law,
to be withheld.
(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this state.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this state, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this state and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed $1,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the $1,000 bears to the whole annual premium paid.

(l) The homestead as provided for by law, including a homestead for which alodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself and family, where the amount of equity held by the judgment debtor in the home does not exceed $125,000 in value and the dwelling is situate upon lands not owned by him.

(n) All property in this state of the judgment debtor where the judgment is in favor of any state for failure to pay that state’s income tax on benefits received from a pension or other retirement plan.

(o) Any vehicle owned by the judgment debtor for use by him or his dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(p) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(q) Money, not to exceed $500,000 in present value, held in:
(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of 26 U.S.C. § 408;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code; and

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code (26 U.S.C. §§ 401 et seq.).

(r) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the state.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978 (92 Stat. 2586) do not apply to property owned by a resident of this state unless conferred also by subsection 1, as limited by subsection 2, of this section.
NEW JERSEY LOCKSMITH, BURGLAR ALARM, FIRE ALARM AND ELECTRICAL SECURITY LAW

THIS IS A BRIEF OVERVIEW OF THE LAW AND DOES NOT INTEND TO REPRESENT THE ENTIRE SET OF QUALIFICATIONS OR REQUIREMENTS.

- Gives administration and enforcement of the law to the Fire Alarm, Burglar Alarm and Locksmith Advisory Committee under the Board of Examiners of Electrical Contractors (http://www.state.nj.us/lps/ca/nonmedical/firealarm.htm).
- Licensed required for providing locksmith services which is defined as, “the modification, recombination, repair or installation of mechanical locking devices and electronic security systems for and type of compensation and includes the following: repairing, rebuilding, recoding, servicing, adjusting, installing, manipulating or bypassing of a mechanical or electrical locking device for controlled access or egress to premises, vehicles, safes, vaults, safe doors, lock boxes, automatic teller machines or other devices for safeguarding areas where access is meant to be limited.”
- Electronic security is defined as, “a security system comprised of an interconnected series of device or components, including systems with audio and video signals or other electronic systems which emits or transmits an audible, visual or electronic warning or intrusion and provides notification of authorized entry or exit which is designed to discourage crime.”
- The law does not apply to: minor electrical repair work; connection of portable electric appliances; testing, repairing or servicing of electrical equipment; work with telecommunications including radio and television equipment; and work under 10 volts; on-premises journeymen; self installation on own property; state/municipality/county/school district installation or repair (see law for full listing of exemptions).
- An applicant seeking licensure as a locksmith shall be a least 18 years old, of good moral character (i.e. not been convicted of a crime of first, second or third degree within 10 years prior to filing),
- Must display the state issued identification card at all times.
- License is valid for three years.
- Must maintain a surety bond of at least $10,000.
- The Board must be made aware of all new employees within 30 days of hiring.
NEW JERSEY SECURITY LICENSING

Title 45:5A-2 Definitions.

For the purpose of this act, unless otherwise indicated by the context:

(a) "Act" means this act and the rules and regulations adopted under it;

(b) "Board" means the Board of Examiners of Electrical Contractors created by section 3 of this act;

(c) "Department" means the Department of Law and Public Safety;

(d) "Electrical contractor" means a person who engages in the business of contracting to install, erect, repair or alter electrical equipment for the generation, transmission or utilization of electrical energy;

(e) "Person" means a person, firm, corporation or other legal entity;

(f) "Alarm business" means the installation, servicing or maintenance of burglar alarm, fire alarm or electronic security systems, or the monitoring or responding to alarm signals when provided in conjunction therewith. "Installation," as used in this definition, includes the survey of a premises, the design and preparation of the specifications for the equipment or system to be installed pursuant to a survey, the installation of the equipment or system, or the demonstration of the equipment or system after the installation is completed, but does not include any survey, design or preparation of specifications for equipment or for a system that is prepared by an engineer licensed pursuant to the provisions of P.L.1938, c.342 (C.45:8-27 et seq.), or an architect licensed pursuant to the provisions of chapter 3 of Title 45 of the Revised Statutes, if the survey, design, or preparation of specifications is part of a design for construction of a new building or premises or a renovation of an existing building or premises, which renovation includes components other than the installation of a burglar alarm, fire alarm or electronic security system, and further does not include the design or preparation of specifications for the equipment or system to be installed that are within the practice of professional engineering as defined in subsection (b) of section 2 of P.L.1938, c.342 (C.45:8-28);

(g) "Burglar alarm" means a security system comprised of an interconnected series of alarm devices or components, including systems interconnected with radio frequency signals, which emits an audible, visual or electronic signal indicating an alarm condition and providing a warning of intrusion, which is designed to discourage crime;

(h) "Business firm" means a partnership, corporation or other business entity engaged in the alarm business or locksmithing services;

(i) "Committee" means the Fire Alarm, Burglar Alarm, and Locksmith Advisory
Committee created by section 3 of P.L.1997, c.305 (C.45:5A-23);

(j) "Electronic security system" means a security system comprised of an interconnected series of devices or components, including systems with audio and video signals or other electronic systems, which emits or transmits an audible, visual or electronic signal warning of intrusion and provides notification of authorized entry or exit, which is designed to discourage crime;

(k) "Fire alarm" means a security system comprised of an interconnected series of alarm devices or components, including systems interconnected with radio frequency signals, which emits an audible, visual or electronic signal indicating an alarm condition and which provides a warning of the presence of smoke or fire. "Fire alarm" does not mean a system whose primary purpose is telecommunications with energy control, the monitoring of the interior environment being an incidental feature thereto;

(l) "Licensed locksmith " means a person who is licensed pursuant to the provisions of section 7 of P.L.1997, c.305 (C.45:5A-23);

(m) "Licensee" means a person licensed to engage in the alarm business or provide locksmithing services pursuant to the provisions of section 7 of P.L.1997, c.305 (C.45:5A-23);

(n) "Locksmithing services" means the modification, recombination, repair or installation of mechanical locking devices and electronic security systems for any type of compensation and includes the following: repairing, rebuilding, recoding, servicing, adjusting, installing, manipulating or bypassing of a mechanical or electronic locking device, for controlled access or egress to premises, vehicles, safes, vaults, safe doors, lock boxes, automatic teller machines or other devices for safeguarding areas where access is meant to be limited; operating a mechanical or electronic locking device, safe or vault by means other than those intended by the manufacturer of such locking devices, safes or vaults; or consulting and providing technical advice regarding selection of hardware and locking systems of mechanical or electronic locking devices and electronic security systems; except that "locksmithing services" shall not include the installation of a prefabricated lock set and door knob into a door of a residence.

45:5A-23 “Fire Alarm, Burglar Alarm and Locksmith Advisory Committee."

3. a. There is created within the Division of Consumer Affairs in the Department of Law and Public Safety, under the Board of Examiners of Electrical Contractors, a "Fire Alarm, Burglar Alarm and Locksmith Advisory Committee." The committee shall consist of 15 members who are residents of this State as follows:

(1) Two members shall have been engaged in the alarm business in this State on a full-time basis for at least five consecutive years immediately preceding their appointments, shall be members of the New Jersey Burglar and Fire Alarm Association
and, except for the members first appointed, shall be licensed under the provisions of section 7 of this act;

(2) Five members shall be municipal officials, and shall include (a) a fire prevention officer; (b) a crime prevention officer; (c) a fire sub-code official; (d) a building inspector; and (e) a chief of police who is a member of the New Jersey Association of Chiefs of Police;

(3) One member shall be a representative of the Division of State Police;

(4) One member shall have been engaged in the alarm business in this State on a full-time basis for at least five consecutive years immediately preceding appointment, shall be a member of the Automatic Fire Alarm Association of New Jersey and, except for the member first appointed, shall be licensed under the provisions of section 7 of this act;

(5) Two members shall have been engaged as practicing locksmiths on a full-time basis for at least five consecutive years immediately preceding appointment, shall be members of a duly recognized professional locksmith association in New Jersey and, except for the members first appointed, shall be licensed as locksmiths under the provisions of section 7 of this act;

(6) One member shall have been engaged in the alarm business in this State on a full-time basis, shall be a member of both the New Jersey Burglar and Fire Alarm Association and a duly recognized professional locksmith association and, except for the member first appointed, be licensed under the provisions of section 7 of this act;

(7) One member shall have been engaged as a practicing locksmith in this State on a full-time basis for at least five consecutive years immediately preceding appointment, shall be a member of both the New Jersey Burglar and Fire Alarm Association and a duly recognized professional locksmith association and, except for the member first appointed, be licensed under the provisions of section 7 of this act;

(8) One member shall be a member of the International Brotherhood of Electrical Workers, A.F.L.-C.I.O; and

(9) One member shall be a public member who meets the requirements pertaining to public members set forth in subsection b. of section 2 of P.L.1971, c.60 (C.45:1-2.2).

b. The Governor shall appoint each member for a term of three years, except that of the members first appointed, five shall serve for terms of three years, five shall serve for terms of two years, and five shall serve for terms of one year.

c. Any vacancy in the membership of the committee shall be filled for the unexpired term in the manner provided for the original appointment. No member of the committee
may serve more than two successive terms in addition to any unexpired term to which he has been appointed.

d. The committee shall annually elect from among its members a chair and vice-chair. The committee shall meet at least four times a year and may hold additional meetings as necessary to discharge its duties. In addition to such meetings, the committee shall meet at the call of the chair, the board, or the Attorney General.

e. Members of the committee shall be compensated and reimbursed for actual expenses reasonably incurred in the performance of their official duties and reimbursed for expenses and provided with office and meeting facilities and personnel required for the proper conduct of the committee's business.

f. The committee shall make recommendations to the board regarding rules and regulations pertaining to professional training, standards, identification and record-keeping procedures for licensees and their employees, classifications of licensure necessary to regulate the work of licensees, and other matters as necessary to effectuate the purposes of this act.

45:5A-23 Powers and duties of Board.

4. The board shall have the following powers and duties, or may delegate them to the committee:

a. To set standards and approve examinations for applicants for a fire alarm, burglar alarm or locksmith license and issue a license to each qualified applicant;

b. To administer the examination to be taken by applicants for licensure;

c. To determine the form and contents of applications for licensure, licenses and identification cards;

d. To adopt a code of ethics for licensees;

e. To issue and renew licenses and identification cards;

f. To set the amount of fees for fire alarm, burglar alarm and locksmith licenses, license renewal, applications, examinations and other services provided by the board and committee, within the limits provided in subsection b. of section 11 of this act;

g. To refuse to admit a person to an examination or refuse to issue or suspend, revoke, or fail to renew the license of a fire alarm, burglar alarm, or locksmith licensee pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

h. To maintain a record of all applicants for a license;
i. To maintain and annually publish a record of every licensee, his place of business, place of residence and the date and number of his license;

j. To take disciplinary action, in accordance with P.L.1978, c.73 (C.45:1-14 et seq.) against a licensee or employee who violates any provision of this act or any rule or regulation promulgated pursuant to this act;

k. To adopt standards and requirements for and approve continuing education programs and courses of study for licensees and their employees;

l. To review advertising by licensees; and

To perform such other duties as may be necessary to effectuate the purposes of this act.

45:5A-25 Requirements for advertising alarm business

5. a. No person shall advertise that he is authorized to engage in, or engage in the alarm business, or otherwise engage in the installation, service or maintenance of burglar alarm, fire alarm or electronic security systems unless he satisfies the requirements of this act.

   b. No person shall represent himself as qualified to provide, or otherwise provide locksmithing services unless he is licensed as a locksmith in accordance with the provisions of this act.

45:5A-26 Application for license as alarm business, locksmithing.

6. a. Application for a license to engage in the alarm business or to provide locksmithing services, as the case may be, shall be made to the board in the manner and on the forms as the board, in consultation with the committee may prescribe.

   (1) An application to engage in the alarm business shall include the name, age, residence, present and previous occupations of the applicant and, in the case of a business firm engaged in the alarm business, of each member, officer or director thereof, the name of the municipality and the location therein by street number or other appropriate description of the principal place of business and the location of each branch office. (2) An application to engage in locksmithing services shall include the name, residence and principal business address of the applicant, or in the case of an employee, the principal business address of his employer.

   b. Every applicant shall submit to the board, together with the application, his photograph, in passport size, a list of all criminal offenses of which he has been convicted, setting forth the date and place of each conviction and the name under which he was convicted, if other than that on the application, and fingerprints of his two hands taken on standard fingerprint cards by a State or municipal law enforcement agency.

   Before approving an application, the board shall submit the fingerprints of the applicant
to the Division of State Police in the Department of Law and Public Safety, for comparative analysis. The board is authorized to exchange fingerprint data with and receive criminal history record information from the Division of State Police and the Federal Bureau of Investigation for use in making the determinations required by this act. The applicant shall bear the cost for the criminal history record check. No license shall be issued to any applicant whose license has been revoked under the provisions of this act within five years of the date of filing of an application.

c. If an applicant files with the board fingerprints of a person other than the applicant, he shall be guilty of a crime of the fourth degree and shall have his license application denied or license revoked.

d. The board may require other information of the applicant and, if the applicant is proposing to qualify a business firm, of the business firm to determine the professional competence and integrity of the concerned parties.

45:5A-27 Requirements for licensure.

7. a. An applicant seeking licensure to engage in the alarm business shall:

(1) Be at least 18 years of age;

(2) Be of good moral character, and not have been convicted of a crime of the first, second or third degree within 10 years prior to the filing of the application;

(3) Meet qualifications established by the board, in consultation with the committee, regarding experience, continuing education, financial responsibility and integrity; and

(4) Establish his qualifications to perform and supervise various phases of alarm installation, service and maintenance as evidenced by successful completion of an examination approved by the board, in consultation with the committee, except that any person engaged in the alarm business on the effective date of this act and filing an application within 120 days following the effective date of this act, shall not be required to submit evidence of the successful completion of the examination requirement if that person shows proof of having completed 40 hours of technical training prior to the effective date of this act, which training has been approved by the board, in consultation with the committee. No examination or training requirement shall apply to any person providing evidence of having been engaged in the alarm business for at least one year prior to the effective date of this act.

b. An applicant seeking licensure as a locksmith shall:

(1) Be at least 18 years of age;

(2) Be of good moral character, and not have been convicted of a crime of the first,
second or third degree within 10 years prior to the filing of the application;

(3) Present evidence to the board of having successfully completed any training and continuing education requirements established by the board, in consultation with the committee; and

(4) Successfully complete a written examination approved by the board, in consultation with the committee to determine the applicant's competence to engage in locksmithing services, except that no examination requirement shall apply to any person engaged in locksmithing services who has practiced locksmithing services for at least one year prior to the effective date of this act and who files an application within 120 days following the effective date of this act.

45:5A-28 Nonapplicability of act.

8. The provisions of this act regarding the practice of locksmithing services shall not apply to:

a. The activities of any person performing public emergency services for a governmental entity if that person is operating under the direction or control of the organization by which he is employed;

b. The activities of any sales representative who is offering a sales demonstration to licensed locksmiths;

c. The activities of any automotive service dealer or lock manufacturer, or their agent or employee, while servicing, installing, repairing, or rebuilding locks from a product line utilized by that dealer or lock manufacturer;

d. The activities of any member of a trade union hired to install any mechanical locking device as part of a new building construction or renovation project; and

e. The activities of any person using any key duplicating machine or key blanks, except for keys marked "do not duplicate" or "master key."

45:5A-29 Exemptions from licensing requirement.

9. a. Telephone utilities and cable television companies regulated by the Board of Regulatory Commissioners pursuant to Title 48 of the Revised Statutes and persons in their employ while performing the duties of their employment are exempt from the requirement of obtaining a license to engage in the alarm business pursuant to this act.
b. Electrical contractors regulated by the Board of Examiners of Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et seq.) and persons in their employ while performing the duties of their employment are exempt from the requirement of obtaining a license to engage in the alarm business pursuant to this act.
c. Any person who is certified to engage in the fire protection equipment business or who holds a fire protection contractor business permit pursuant to P.L. 2001, c. 289 (C.52:27D-25n et al.) and persons in their employ are exempt from the requirement of obtaining a license to engage in the fire alarm business pursuant to this act.

45:5A-30  Issuance of locksmith license.

10. Notwithstanding any other provision of this act to the contrary, the board shall, upon application with submission of satisfactory proof and payment of the prescribed fee, within six months following the effective date of this act, issue a locksmith license to:

a. Any person who has successfully completed a locksmith apprentice program which has been approved by the Bureau of Apprenticeship and Training of the United States Department of Labor; or

b. Any person who has been engaged full-time in the practice of locksmithing services for at least three years immediately prior to the date of his application for a locksmith's license.

45:5A-31  Issuance of license to persons engaged in alarm business, locksmithing; duration; renewal; fees.

11. a. Licenses shall be issued to qualified applicants seeking licensure to engage in the alarm business or as a locksmith for a three-year period, upon payment of a licensing fee. License renewals shall be issued for a three-year period upon the payment of a renewal fee. A renewal application shall be filed with the board at least 45 days prior to expiration of a license. A license issued pursuant to this act shall not be transferable.

b. Fees shall be established, prescribed or changed by the board, in consultation with the committee, to the extent necessary to defray all proper expenses incurred by the committee, the board and any staff employed to administer the provisions of this act, except that fees shall not be fixed at a level that will raise amounts in excess of the amount estimated to be so required. All fees and any fines imposed under this act shall be paid to the board and shall be forwarded to the State Treasurer and become part of the General Fund.

45:5A-32  Requirements for licensee.

12. a. No licensee qualified under the provisions of this act shall engage in the alarm business or in the practice of locksmithing services, unless the licensee:

   (1) Maintains at least one business office within the State or files with the board a statement, duly executed and sworn to before a person authorized by the laws of this State to administer oaths, containing a power of attorney constituting the board the true
and lawful attorney of the licensee upon whom all original process in an action or legal proceeding against the licensee may be served and in which the licensee agrees that the original process that may be served upon the board shall be of the same force and validity as if served upon the licensee and that the authority thereof shall continue in force so long as the licensee engages in the alarm business or in the practice of locksmithing services, as the case may be, in this State;

(2) Clearly marks the outside of each installation and service vehicle to be used in conjunction with the alarm business with the alarm business name or the outside of each installation and service vehicle to be used in conjunction with locksmithing services with the locksmithing service's name;

(3) Maintains an emergency service number attended to on a 24-hour basis and responds appropriately to emergencies on a 24-hour basis when engaged in the alarm business; and

(4) Retains at all times general liability insurance in an amount determined by the board, in consultation with the committee, and insurance coverage or a surety bond in favor of the State of New Jersey in the sum of $10,000, executed by a surety company authorized to transact business in the State of New Jersey and which is approved by the Department of Banking and Insurance, and which is to be conditioned on the faithful performance of the provisions of this act. The board shall by rule or regulation provide who shall be eligible to receive the financial protection afforded by that bond and the bond shall be in full force and effect for the term of the license issued.

b. Except in the case of an employee licensed as a locksmith no licensed locksmith shall engage in locksmithing services unless that licensee maintains at least one business office within the State.

45:5A-33 Display of identification card.

13. a. Every licensee and every employee or other person engaged in the unsupervised installation, servicing or maintenance of burglar alarm, fire alarm or electronic security systems shall, at all times during working hours, display an identification card issued by the board. The identification card shall contain the following information:

(1) the name, photograph and signature of the person to whom the card has been issued;

(2) the business name and address and license number of the licensee;

(3) the expiration date of the card; and

(4) that other information the board deems appropriate for identification purposes.

b. Identification cards shall be issued for a three-year period which, in the case of a licensee, shall correspond to the term of the license period of the licensee. Application for renewal of an identification card for other than a licensee shall be made by the person
named on the card at least 45 days prior to the expiration date of the card. The information provided on the identification card shall at all times be current, and the named holder of the card shall advise the board of any changes and file for issuance of an updated card within five days following occurrence of a change, which card shall be issued for the unexpired term of the original card.

c. Identification cards shall not be transferable in the event of a change in employment.

45:5A-34 Requirements for employees of licensee.

14. No person shall be employed by a licensee to install, service or maintain a burglar alarm, fire alarm or electronic security system or, except in the case of a licensee, shall otherwise engage in the installation, service or maintenance thereof:

a. unless the person is of good moral character; and

b. where the work is to be performed other than under the field supervision of a licensee or a person qualified pursuant to the provisions of this section, unless the person shall have at least three years of practical experience and shall have successfully completed a course of study or a competency examination prescribed by the board, in consultation with the committee; except that an employee employed in the installation, servicing or maintenance of burglar alarm, fire alarm or electronic security systems by a licensee applicant filing an application within 120 days of the effective date of this act and identified as an employee on the application, shall not be required to satisfy the competency requirements of this subsection, until the first renewal of the employee's identification card.

45:5A-35 Responsibilities of licensee relative to employees.

15. a. A licensee shall be responsible for any unlawful or unprofessional conduct by an employee, except that the conduct shall not be a cause for suspension or revocation of a license, unless the board determines that the licensee had knowledge thereof, or there is shown to have existed a pattern of unlawful or unprofessional conduct.
b. Within 30 days of employing a person in connection with an alarm business or as a locksmith a licensee shall notify the board and shall provide the board with the employee's photograph, in passport size, fingerprints of the employee's two hands taken on standard fingerprint cards by a State or municipal law enforcement agency, a list of all criminal offenses, supplied by the employee, of which the employee has been convicted, setting forth the date and place of each conviction, and the name under which the employee was convicted, if other than that given in the written notification to the board and, if the work of the employee is not to be directly supervised, evidence of practical experience and professional competence in accordance with the requirements of subsection b. of section 14 of this act.

c. If a licensee knowingly falsifies any information required by the board, the licensee
shall be guilty of a crime of the fourth degree and shall have his license revoked.

d. After confirming the information provided on an employee with the Division of State Police in the Department of Law and Public Safety and conducting other investigations as necessary, if the board determines that an employee is subject to the requirements of section 14 of this act and fails to satisfy those requirements, the board shall advise the licensee immediately of the employee's unfitness. The board is authorized to exchange fingerprint data with and receive criminal history record information from the Division of State Police and the Federal Bureau of Investigation for use in making the determinations required by this act. The employer shall bear the cost for the criminal history record check pursuant to this section. Employees hired by an alarm business through a recognized trade union on a temporary basis not to exceed six months or one project, whichever is greater, are exempt from the requirements of this act.

45:5A-36 Municipality, county prohibited from regulating locksmiths, alarm businesses.

16. No municipality or county shall enact an ordinance or resolution or promulgate any rules or regulations relating to the licensing or registration of locksmiths or alarm businesses. The provisions of any ordinance or resolution or rules or regulations of any municipality or county relating to the licensing or registration of locksmiths or alarm businesses are superseded by the provisions of this act. Nothing in this section shall be construed, however, to prohibit municipal regulation of door-to-door vendors or salespersons of burglar alarm, fire alarm or electronic security systems nor shall anything in this section be construed to prohibit or restrict municipal consideration of alarm business service proposals in consent proceedings under the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.).

45:5A-37 Licenses from other jurisdictions.

17. If the board, after consultation with the committee, determines that an applicant holds a valid license from another jurisdiction which requires equal or greater experience and knowledge requirements, the board may accept evidence of that license as meeting the experience and knowledge requirements of this act for a person engaged in the alarm business or in the practice of locksmithing services.

45:5A-38 Rules, regulations.

18. The board, after consultation with the committee, shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of this act.
NORTH CAROLINA LOCKSMITH LICENSING

THIS IS A BRIEF OVERVIEW OF THE LAW AND DOES NOT INTEND TO REPRESENT THE ENTIRE SET OF QUALIFICATIONS OR REQUIREMENTS.

- Law covers those companies that provide locksmith services, defined as “Repairing, rebuilding, rekeying, repinning, servicing, adjusting, or installing locks, mechanical or electronic locking devices, access control devices, egress control devices, safes, vaults, and safe- deposit boxes for compensation or other consideration, including services performed by safe technicians.”
- Rules, regulations, application processing and enforcement is handled through the North Carolina Locksmith Licensing Board (http://www.nclocksmithboard.org).
- An applicant shall be licensed as a locksmith if the applicant meets all of the following qualifications: is of good moral and ethical character; is at least 18 years of age; successfully completes an examination administered by the Board that measures the knowledge and skill of the applicant in locksmith services and the laws applicable to licensed locksmiths; pays the required fee.
- All licenses shall expire three years after the date they were issued unless renewed.
- When opening a locked door to any vehicle or residential or commercial property, a licensee shall make a reasonable effort to verify that the customer is the legal owner of the vehicle or property or is authorized by the legal owner to gain access to the vehicle or property.
- A license will not be issued if the candidate has been convicted of or pled guilty or no contest to a crime that indicates that the person is unfit or incompetent to perform locksmith services, that involves moral turpitude, or that indicates the person has deceived or defrauded the public or has demonstrated gross negligence, incompetency, or misconduct in performing locksmith services.
- Exemptions from licensing includes (but not limited to): an employee of a licensed locksmith when acting under the control and supervision of the licensed locksmith; a person working as an apprentice under the supervision of a licensed locksmith while fulfilling the requirements for licensure when acting under the control and supervision of the licensed locksmith; an employee of a towing service, a repossessor, a taxi cab service, a motor vehicle dealer, or a motor club when opening automotive locks in the normal course of their duties, so long as the employee does not represent himself or herself as a locksmith; a merchant, or retail or hardware store, when it lawfully duplicates keys or installs, services, repairs, rebuilds, reprograms, rekeys, or maintains locks in the normal course of its business, so long as the merchant or store does not represent itself as a locksmith; a member of a law enforcement agency, fire department, or other government agency who, when acting within the scope and course of the member's employment with the agency or department, opens locked doors to vehicles, homes, or businesses.
NORTH CAROLINA LOCKSMITH LICENSING

Chapter 74. Locksmith Licensing

§ 74F-1. Short title.
This act shall be known as the North Carolina Locksmith Licensing Act.

§ 74F-2. Purpose.
Locksmiths have the knowledge and tools to bypass or neutralize security devices in vehicles, homes, and businesses. The laws of this State do not protect citizens from the unscrupulous use and abuse of this knowledge and these tools by persons who are untrained or have criminal intent. Therefore, the licensing of locksmiths is necessary to protect public health, safety, and welfare.

§ 74F-3. Licenses required.
No person shall perform or offer to perform locksmith services in this State unless the person has been licensed under the provisions of this Chapter. A violation of this section is a Class 3 misdemeanor unless the conduct is covered under some other provision of law providing greater punishment.

§ 74F-4. Definitions.
The following definitions apply in this Chapter:
(1) Board. - The North Carolina Locksmith Licensing Board.
(3) License. - A certificate issued by the Board recognizing the person named therein as having met the requirements to perform locksmith services as defined in this Chapter.
(4) Locksmith. - A person who has been issued a license by the Board.
(5) Locksmith services. - Repairing, rebuilding, rekeying, repinning, servicing, adjusting, or installing locks, mechanical or electronic locking devices, access control devices, egress control devices, safes, vaults, and safe deposit boxes for compensation or other consideration, including services performed by safe technicians.
(6) Locksmith tools. - Any tools that are designed or used to open a mechanical or electrical locking device in a way other than that which was intended by the manufacturer.

§ 74F-5. North Carolina Locksmith Licensing Board. (a) Composition and Terms. - The Board shall consist of nine members who shall serve staggered terms. Three members shall represent the public. The initial Board members shall be appointed on or before January 1, 2002, as follows:
(1) The General Assembly, upon the recommendation of the President Pro Tempore of the Senate, shall appoint three locksmiths, two of whom shall serve terms of four years and one of whom shall serve a term of three years. At least one of the locksmiths shall
represent a recognized locksmith organization in the State.

(2) The General Assembly, upon the recommendation of the Speaker of the House of Representatives, shall appoint three locksmiths, one of whom shall serve a term of four years, one of whom shall serve a term of three years, and one of whom shall serve a term of two years. At least one of the locksmiths shall represent a recognized locksmith organization in the State.

(3) The Governor shall appoint three public members, one of whom shall serve a term of three years and two of whom shall serve terms of two years. Upon the expiration of the terms of the initial Board members, each member shall be appointed for a term of three years and shall serve until a successor is appointed. No member may serve more than two consecutive terms.

(b) Qualifications. - The locksmith members shall have at least five years' experience in locksmith services and shall be engaged in that business for the duration of their term on the Board. The locksmith members initially appointed to the Board shall immediately become licensed as locksmiths by complying with the provisions of this Chapter. Public members of the Board shall not be trained or experienced in locksmith services, have a financial interest in a locksmith business, or be the spouse of a person who is so trained or experienced or has such an interest. All members of the Board shall reside in this State and shall represent various geographical areas of the State.

(c) Vacancies. - A vacancy shall be filled in the same manner as the original appointment, except that all unexpired terms in seats appointed by the General Assembly shall be filled in accordance with G.S. 120-122. Appointees to fill vacancies shall serve the remainder of the unexpired term and until their successors have been duly appointed and qualified.

(d) Removal. - The Board may remove any of its members for neglect of duty, incompetence, or unprofessional conduct. A member subject to disciplinary proceedings as a licensee shall be disqualified from participating in the official business of the Board until the charges have been resolved.

(e) Compensation. - Each member of the Board shall receive per diem and reimbursement for travel and subsistence as provided in G.S. 93B-5.

(f) Officers. - The officers of the Board shall be a chair, a vice-chair, and other officers deemed necessary by the Board to carry out the purposes of this Chapter. All officers shall be elected annually during the first meeting of the calendar year by the Board for one-year terms and shall serve until their successors are elected and qualified.

(g) Meetings. - The Board shall hold at least two meetings each year to conduct business and to review the standards and rules for issuing licenses under this Chapter. The Board shall adopt rules governing the calling, holding, and conducting of regular and special meetings. A majority of Board members shall constitute a quorum.

§ 74F-6. Powers of the Board.
The Board shall have the power and duty to:

(1) Administer and enforce the provisions of this Chapter.

(2) Adopt rules as may be necessary to carry out the provisions of this Chapter.

(3) Examine and determine the qualifications and fitness of applicants for licensure and renewal of licensure.
(4) Issue, renew, deny, suspend, or revoke licenses and conduct any disciplinary actions authorized by this Chapter.

(5) Set fees as provided in G.S. 74F-9.

(6) Establish and approve continuing education requirements for persons licensed under this Chapter.

(7) Receive and investigate complaints from members of the public.

(8) Conduct investigations for the purpose of determining whether violations of this Chapter or grounds for disciplining licensees exist.

(9) Conduct administrative hearings in accordance with Article 3A of Chapter 150B of the General Statutes.

(10) Maintain a record of all proceedings conducted by the Board and make available to licensees and other concerned parties an annual report of all Board action.

(11) Maintain a list of the names and addresses of all persons licensed by the Board.

(12) Employ and fix the compensation of personnel that the Board determines is necessary to carry out the provisions of this Chapter and incur other expenses necessary to perform the duties of the Board.

(13) Adopt and publish a code of ethics.

(14) Adopt a seal containing the name of the Board for use on all licenses and official reports issued by the Board.

§ 74F-7. Qualifications for license.
An applicant shall be licensed as a locksmith if the applicant meets all of the following qualifications:

(1) Is of good moral and ethical character.

(2) Is at least 18 years of age.

(3) Successfully completes an examination administered by the Board that measures the knowledge and skill of the applicant in locksmith services and the laws applicable to licensed locksmiths.

(4) Pays the required fee under G.S. 74F-9.

§ 74F-8. Licensure based on experience; licensure of nonresident; reciprocity.

(a) The Board may grant, upon application and payment of proper fees, a license to a person who resides in this State and has at least three years' experience as a licensed locksmith in another state whose standards of competency are substantially equivalent to those provided in this Chapter.

(b) The Board may grant, upon application and payment of proper fees, a license to a nonresident if the person meets the requirements of this Chapter or the person resides in a state that recognizes licenses issued by the Board.

The Board shall establish fees not exceeding the following amounts:

(1) Issuance of a license $100.00

(2) Renewal of a license $100.00
(3) Examination $200.00
(4) Reinstatement $150.00
(5) Late fees $150.00.

§ 74F-10. Issuance, renewal, replacement, and transfer of licenses.
(a) The Board shall issue a license, upon payment of the license fee, to any applicant who has satisfactorily met the requirements of this Chapter as administered by the Board. Licenses shall show the full name of the person and an identification number and shall be signed by the chair and one other officer of the Board.
(b) All licenses shall expire three years after the date they were issued unless renewed. All applications for renewal shall be filed with the Board and shall be accompanied by the renewal fee as required by G.S. 74F-9. A license that has expired for failure to renew may be reinstated after the applicant pays the late and reinstatement fees as required by G.S. 74F-9.
(c) The Board shall replace any license that is lost, destroyed, or mutilated subject to rules established by the Board.
(d) A license may not be transferred or assigned.

§ 74F-11. Photo identification.
Every person licensed under this Chapter shall be issued a photo identification card by the Board. The card shall display a current photograph of the person, the person's name, address, and telephone number. The licensee shall have the photograph identification card available for inspection while performing locksmith services.

§ 74F-12. Posting licenses; advertisements.
(a) Every locksmith issued a license under this Chapter shall display the license prominently in the locksmith's place of business.
(b) Every person advertising locksmith services performed by the person shall include in the advertisement the identification number that is printed on the license issued by the Board.

§ 74F-13. Responsibilities of employers.
Every licensee under this Chapter shall provide to the Board the names of each person employed by the licensee who either performs locksmith services or has access to locksmith tools. The licensee shall notify the Board within 30 days of any change in the information provided pursuant to this section.

When opening a locked door to any vehicle or residential or commercial property, a licensee shall make a reasonable effort to verify that the customer is the legal owner of the vehicle or property or is authorized by the legal owner to gain access to the vehicle or property.

§ 74F-15. Disciplinary procedures.
The Board may deny or refuse to renew, suspend, or revoke a license if the licensee or
applicant:
(1) Gives false information to or withholds information from the Board in procuring or attempting to procure a license.
(2) Has been convicted of or pled guilty or no contest to a crime that indicates that the person is unfit or incompetent to perform locksmith services, that involves moral turpitude, or that indicates the person has deceived or defrauded the public.
(3) Has demonstrated gross negligence, incompetency, or misconduct in performing locksmith services.
(4) Has willfully violated any of the provisions of this Chapter.

§ 74F-16. Exemptions.
The provisions of this Chapter do not apply to:
(1) An employee of a licensed locksmith when acting under the control and supervision of the licensed locksmith.
(2) A person working as an apprentice under the supervision of a licensed locksmith while fulfilling the requirements for licensure when acting under the control and supervision of the licensed locksmith.
(3) A person or business required to be licensed or registered by the North Carolina Alarm Systems Licensing Board pursuant to Chapter 74D of the General Statutes, when acting within the scope and course of the alarm systems license or registration.
(4) An employee of a towing service, a repossession, a taxi cab service, a motor vehicle dealer as defined in G.S. 20-286(11), or a motor club as defined in G.S. 58-69-1 when opening automotive locks in the normal course of their duties, so long as the employee does not represent himself or herself as a locksmith.
(5) A property owner, or the owner's employee, when providing locksmith services on the property owner's property, so long as the owner or employee does not represent himself or herself as a locksmith. For purposes of this section, 'property' means, but is not limited to, a hotel, motel, apartment, condominium, commercial rental property, and residential rental property.
(6) A merchant, or retail or hardware store, when it lawfully duplicates keys or installs, services, repairs, rebuilds, reprograms, rekeys, or maintains locks in the normal course of its business, so long as the merchant or store does not represent itself as a locksmith.
(7) A member of a law enforcement agency, fire department, or other government agency who, when acting within the scope and course of the member's employment with the agency or department, opens locked doors to vehicles, homes, or businesses.
(8) A salesperson while demonstrating the use of locksmith tools to persons licensed under this Chapter.
(9) A general contractor licensed under Article 1 of Chapter 87 of the General Statutes when acting within the scope and course of the general contractor license.
(10) A person or business when lawfully installing or maintaining a safety lock device on a wastewater system when the safety lock device is required by permit or requested by the owner of the wastewater system, provided the person or business does not represent itself as a locksmith. For purposes of this subdivision, 'wastewater system' has the same meaning as in G.S. 130A-334.
(11) Any person or firm that sells gun safes or locking devices for firearms when acting within the scope and course of the sale of gun safes or locking devices for firearms.

(12) A person while performing a locksmith service in an emergency situation without receiving any compensation for this service and who does not advertise those services.

§ 74F-17. Injunctions.
The Board may apply to the superior court for an order enjoining violations of this Chapter. Upon a showing by the Board that any person has violated this Chapter, the court may grant injunctive relief.

SECTION 2. Any person who submits proof to the Board that the person has been actively engaged as a locksmith in this State for at least two consecutive years prior to the effective date of this act and pays the required fee for the issuance of a license under G.S. 74F-9, enacted by Section 1 of this act, shall be licensed without having to satisfy the requirements of G.S. 74F-7(3), enacted by Section 1 of this act. All persons who do not make application to the Board within one year of the effective date of this act shall be required to complete all requirements prescribed by the Board and to otherwise comply with the provisions of Chapter 74F, enacted by Section 1 of this act.

SECTION 3. G.S. 74F-5 and G.S. 74F-6, as enacted in Section 1 of this act, and Section 3 of this act are effective when the act becomes law. The remainder of the act becomes effective July 1, 2002.
OKLAHOMA LOCKSMITH LICENSING

THIS IS A BRIEF OVERVIEW OF THE LAW AND DOES NOT INTEND TO REPRESENT THE ENTIRE SET OF QUALIFICATIONS OR REQUIREMENTS.

- Law inserts locksmiths into existing alarm licensing law.
- Covers those companies representing the locksmith industry, defined as “The servicing or installing, repairing, rebuilding, readying, repining, adjusting or installing locks, mechanical or electronic security devices, annunciation devices not designed to require a response by law enforcement or opening or bypassing a lock by a means other than those intended by the manufacturer of such devices. For the purposes of this act, "mechanical or electronic security devices" includes, but is not limited to, access control systems including peripheral devices to alarm systems, fiber optic security systems, closed circuit television and nurse call systems.”
- Under the law, a lock is defined as a “mechanical or electronic devices of twenty-four (24) volts or less, designed to control use of a device or control ingress or egress of a structure or automobile, including, but not limited to, peripheral devices to alarm systems, safes, vaults, safe deposit boxes, bio-metric/retina readers and mechanical or electronic key systems.”
- The Alarm and Locksmith Industry Committee shall assist and advise the Commissioner of Health on all matters relating to the formulation of rules, regulations and standards in accordance with the law.
- An applicant applying for a license to engage in the locksmith industry as the business owner or having direct supervision over the function and local operations of that business must meet all of the following qualifications: is at least twenty-one (21) years of age; has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease, and has not been restored to competency; is not a habitual user of intoxicating liquors or habit-forming drugs; has not been discharged from the Armed Services of the United States under other than honorable conditions; is of good moral character; and meets such other standards as may be established by the Board relating to experience or knowledge of the locksmith industry.
- The applicant shall advise the Committee and furnish full information on each individual described in subsection A of this section of any conviction of a felony or any crime involving moral turpitude for which a full pardon has not been granted and furnish a recent photograph of a type prescribed by the State Board of Health and two classifiable sets of fingerprints of such individual.
- The licensee shall be responsible for the activities on the part of the licensee's employees.
- Exemptions from licensing includes (but not limited to): an individual who installs locks on their own property or as a normal business practice on the property of another; a tow truck operator or repossession agent within the execution of their duties; law enforcement in the performance of his official duties.
OKLAHOMA LOCKSMITH LICENSING ACT

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2001, Section 1800.1, is amended to read as follows:

Section 1800.1 Sections 1 through 16 of this act shall be known and may be cited as the "Alarm and Locksmith Industry Act".

SECTION 2. AMENDATORY 59 O.S. 2001, Section 1800.2, is amended to read as follows:

Section 1800.2 As used in the Alarm and Locksmith Industry Act:

1. "Alarm industry" means the sale, except as provided in Section 1800.3 of this title, installation, alteration, repair, replacement, service, inspection, or maintenance of alarm systems or service involving receipt of alarm signals for the purpose of employee response and investigation of such signals or any combination of the foregoing activities except inspections on one- and two-family dwellings are exempt;

2. "Alarm system" means one or more devices designed either to detect and signal an unauthorized intrusion or entry or to signal a fire or other emergency condition, which signals are responded to by public law enforcement officers, fire department personnel, private guards or security officers;

3. "Board" means the State Board of Health;

4. "Committee" means the Alarm and Locksmith Industry Committee;

5. "Commissioner" means the State Commissioner of Health;

6. "Licensee" means any person licensed pursuant to the Alarm and Locksmith Industry Act;

7. "Lock" means mechanical or electronic devices of twenty-four (24) volts or less, designed to control use of a device or control ingress or egress of a structure or automobile, including, but not limited to, peripheral devices to alarm systems, safes, vaults, safe deposit boxes, bio-metric/retina readers and mechanical or electronic key systems;

8. "Locksmith industry" means the servicing or installing, repairing, rebuilding, readying, repining, adjusting or installing locks, mechanical or electronic security devices, annunciation devices not designed to require a response by law enforcement or opening or bypassing a lock by a means other than those intended by the manufacturer of
such devices. For the purposes of this act, "mechanical or electronic security devices" includes, but is not limited to, access control systems including peripheral devices to alarm systems, fiber optic security systems, closed circuit television and nurse call systems; and

9. "Person" means an individual, sole proprietorship, firm, partnership, association, limited liability company, corporation, or other similar entity.

SECTION 3. AMENDATORY 59 O.S. 2001, Section 1800.3, is amended to read as follows:

Section 1800.3 The Alarm and Locksmith Industry Act shall not apply to:

1. An officer or employee of this state, the United States or a political subdivision of either, while the employee or officer is engaged in the performance of his official duties;

2. An individual who owns and installs alarm devices, mechanical or electronic security devices and locks on his the individual's own property or, if he the individual does not charge for the device or its installation, installs it for the protection of his personal property located on another's property, and does not install the alarm devices, mechanical or electronic security devices and locks as a normal business practice on the property of another;

3. The sale of alarm systems designed or intended for customer or user installation;

4. The sale, installation, service, or repair of alarm systems by individuals licensed pursuant to the Electrical Licensing Act; or

5. The locksmith industry activities of either tow truck operators or repossessing agents within the execution of their duties.

SECTION 4. AMENDATORY 59 O.S. 2001, Section 1800.3 a, is amended to read as follows:

Section 1800.3 a Any person engaged in any activity regulated by the Alarm and Locksmith Industry Act, when installing or repairing electrical circuits of twenty-four (24) volts or less shall not be required to obtain any license as required by the Electrical Licensing Act, if such person is licensed pursuant to the provisions of the Alarm and Locksmith Industry Act.

SECTION 5. AMENDATORY 59 O.S. 2001, Section 1800.4, is amended to read as follows:

Section 1800.4 A. There is hereby created the "Alarm and Locksmith Industry Committee", which shall consist of five (5) nine (9) members. One member shall be the
Commissioner of Health or his designee or representative and four eight members shall be appointed by the State Board of Health within thirty (30) days after the effective date of this act. Three Seven of the appointed members shall have at least five (5) years of experience in the alarm or locksmith industry or in a closely related field with broad knowledge of the alarm or locksmith industry. No more than two of the appointed members shall be from each working field or closely related industries of burglar alarm, fire alarm, electronic access control, locksmith, closed circuit television, and nurse call station. One of the appointed members shall be a lay member. No member shall be employed by the same person as any other member of the Committee.

B. The term of office of each appointed member shall be for four (4) years. Provided, the terms of the first appointed members of the Committee shall be as follows:

1. Two members shall be appointed to a term ending May 31, 2007;
2. Two members shall be appointed to a term ending May 31, 2008;
3. Two members shall be appointed to a term ending May 31, 2009; and
4. Two members shall be appointed to a term ending May 31, 2010.

Provided further, each appointed member shall hold office until his successor is appointed and has qualified under the Alarm and Locksmith Industry Act.

C. Members of the Committee may be removed from office by the Board for cause.

D. Vacancies shall be filled by appointment by the Board for the unexpired term of the vacancy.

E. The members of the Committee shall serve without pay but may be reimbursed for actual expenses pursuant to the State Travel Reimbursement Act.

F. The Committee shall elect from among its membership a chair, vice-chair and secretary to serve terms of not more than two (2) years ending on May 31 of the year designated by the Committee. The chair or vice-chair shall preside at all meetings. The chair, vice-chair and secretary shall perform such duties as may be decided by the Committee in order to effectively administer. the Alarm and Locksmith Industry Act.

G. A majority of Committee members shall constitute a quorum to transact official business.

H. The Committee shall meet within thirty (30) days after the effective date of this act and shall meet thereafter at such times as the Committee deems necessary to implement the Alarm and Locksmith Industry Act.
I. The Committee shall assist and advise the Commissioner of Health on all matters relating to the formulation of rules, regulations and standards in accordance with the Alarm and Locksmith Industry Act.

SECTION 6. AMENDATORY 59 O.S. 2001, Section 1800.5, is amended to read as follows:

Section 1800.5 The Alarm and Locksmith Industry Committee shall have the following duties and powers:

1. To assist the Commissioner of Health in licensing and otherwise regulating persons engaged in an alarm or locksmith industry business;

2. To determine qualifications of applicants pursuant to the Alarm and Locksmith Industry Act;

3. To prescribe and adopt forms for license applications and initiate mailing of such application forms to all persons requesting such applications;

4. To assist the Commissioner in the denial, suspension or revocation of licenses as provided by the Alarm and Locksmith Industry Act;

5. To charge and collect such fees as are prescribed by the Alarm and Locksmith Industry Act;

6. To assist the State Board of Health in establishing and enforcing standards governing the materials, services and conduct of the licensees and their employees in regard to the alarm and locksmith industry;

7. To assist the Board in promulgating rules necessary to carry out the administration of the Alarm and Locksmith Industry Act;

8. To investigate alleged violations of the provisions of the Alarm and Locksmith Industry Act and of any rules and regulations promulgated by the Board thereunder;

9. To assist the Oklahoma State Board of Health in establishing categories of licenses for the Alarm and Locksmith Industry Act and application requirements for each category including but not limited to individual license, experience requirements, fingerprints, photographs, examinations, and fees;

10. To assist the Commissioner in providing for grievance and appeal procedures pursuant to the Oklahoma Administrative Procedures Act for any person whose license is denied, revoked or suspended; and

11. To have such other powers and duties as are necessary to implement the Alarm and
Locksmith Industry Act.

SECTION 7. AMENDATORY 59 O.S. 2001, Section 1800.6, is amended to read as follows:

Section 1800.6 No person shall engage in an alarm or locksmith industry business in this state without first having obtained a license pursuant to the provisions of the Alarm and Locksmith Industry Act. Provided, every person engaged in an alarm or locksmith industry business in this state on the effective date of the Alarm and Locksmith Industry Act shall have ninety (90) days in which to apply to the Commissioner of Health for a license. A person applying for a license within this ninety-day period may continue business pending a final determination by the Commissioner of the person's application. Additional time beyond the ninety-day period may be granted by the Commissioner.

SECTION 8. AMENDATORY 59 O.S. 2001, Section 1800.7, is amended to read as follows:

Section 1800.7 A. Any person applying for a license to engage in an alarm or locksmith industry business pursuant to the Alarm and Locksmith Industry Act shall provide evidence to the Alarm and Locksmith Industry Committee that the individual within this state having direct supervision over the function and local operations of such alarm or locksmith industry business or a branch thereof has the following qualifications:

1. Is at least twenty-one (21) years of age;

2. Has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease, and has not been restored to competency;

3. Is not a habitual user of intoxicating liquors or habit-forming drugs;

4. Has not been discharged from the Armed Services of the United States under other than honorable conditions;

5. Is of good moral character; and

6. Meets such other standards as may be established by the Board relating to experience or knowledge of the alarm or locksmith industry.

B. The applicant shall advise the Committee and furnish full information on each individual described in subsection A of this section of any conviction of a felony or any crime involving moral turpitude for which a full pardon has not been granted and furnish a recent photograph of a type prescribed by the State Board of Health and two classifiable sets of fingerprints of such individual.
SECTION 9. AMENDATORY 59 O.S. 2001, Section 1800.8, as amended by Section 8, Chapter 204, O.S.L. 2003 (59 O.S. Supp. 2005, Section 1800.8), is amended to read as follows:

Section 1800.8 A. An application for a company license shall include:

1. The address of the principal office of the applicant and the address of each branch office of the applicant located within this state;

2. The name per business location under which the applicant intends to do business as a licensee;

3. A statement as to the extent and scope of the applicant's alarm or locksmith industry business and all other businesses in which the applicant is engaged in this state;

4. A recent photograph of a type prescribed by the State Board of Health of the applicant, if the applicant is a sole proprietor, or of each officer and of each partner or shareholder who owns a twenty-five percent (25%) or greater interest in the applicant, if the applicant is an entity;

5. Two classifiable sets of fingerprints of the applicant, if the applicant is a sole proprietor, or of each officer and of each partner or shareholder who owns a twenty-five percent (25%) or greater interest in the applicant, if the applicant is an entity; and

6. Such other information, statements or documents as may be required by the Board.

B. An applicant for an individual license shall provide such documents, statements or other information as may be required by the State Board of Health, including two classifiable sets of fingerprints of the applicant. The fingerprints may be used for a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

C. Fees for license and renewal issued pursuant to the Alarm and Locksmith Industry Act shall be adopted by the Board pursuant to Section 1-106.1 of Title 63 of the Oklahoma Statutes. Provided, the fees provided for in this subsection shall not exceed Two Hundred Fifty Dollars ($250.00). An applicant shall pay the license fee at the time he the applicant makes application.

SECTION 10. AMENDATORY 59 O.S. 2001, Section 1800.10, is amended to read as follows:

Section 1800.10 A. A license shall not be altered or assigned.

B. A company license shall be posted in a conspicuous place in each alarm or locksmith industry business location of the licensee.
C. A company licensee shall notify the Alarm and Locksmith Industry Committee within fourteen (14) days of any change of information furnished on his the licensee's application for license or on his the licensee's license including, but not limited to, change of ownership, address, business activities, or any developments related to the qualifications of the licensee or the individual described in Section 1800.7 of this title. If the licensee for any reason ceases to engage in an alarm or locksmith industry business in this state, the licensee shall notify the Committee within fourteen (14) days of such cessation. If the required notice of cessation is not given to the Committee within fourteen (14) days, the license may be suspended or revoked by the Commissioner on recommendation of the Committee.

D. No person shall represent falsely that he the person is licensed or employed by a licensee.

E. Each company licensee shall maintain a record containing such information relative to his the licensee's employees as may be required by the State Board of Health.

SECTION 11. AMENDATORY 59 O.S. 2001, Section 1800.11, is amended to read as follows:

Section 1800.11 The licensee shall be responsible to the Alarm and Locksmith Industry Committee in matters of conduct of business activities covered by the Alarm and Locksmith Industry Act. The licensee shall be responsible for the activities on the part of the licensee's employees. For purposes of the Alarm and Locksmith Industry Act, improper conduct on the part of said employees which occurs within the scope of employment shall be considered by the Committee as acts of the licensee.

SECTION 12. AMENDATORY 59 O.S. 2001, Section 1800.12, is amended to read as follows:

Section 1800.12 A. Any municipality or county may levy and collect reasonable charges for alarm installation connections located in or at a police or fire department which is owned, operated or monitored by the municipality or county. Any municipality or county may require discontinuance of service of any alarm signal device which, due to mechanical malfunction or faulty equipment, causes excessive false alarms and, in the opinion of the appropriate county or municipal official, becomes a detriment to the functions of the department involved. The municipality or county may cause the disconnection of the device until the same is repaired to the satisfaction of the appropriate official, but shall advise the owner or user of the device of the disconnection in advance or as soon as reasonably practicable. The municipality or county may levy and collect reasonable reconnection fees. Mechanical malfunction and faulty equipment shall not include, for the purpose of the Alarm and Locksmith Industry Act, false alarms caused by human error or an act of God.
B. No municipality may adopt any ordinance concerning the licensing of any alarm or locksmith industry business which is or may be licensed pursuant to the Alarm and Locksmith Industry Act.

SECTION 13. AMENDATORY 59 O.S. 2001, Section 1800.13, is amended to read as follows:

Section 1800.13 A. The Commissioner of Health on recommendation of the Alarm and Locksmith Industry Committee may suspend any license, upon the conviction of any individual named on the license or on the application for license of a felony, for a period not to exceed thirty (30) days pending a full investigation by the Committee. Such investigation shall be initiated within the thirty-day period of the suspension. A final determination by the Committee shall result in either removal of the suspension or such sanction as the Commissioner considers appropriate, as provided by the Alarm and Locksmith Industry Act.

B. The Commissioner may revoke or suspend any license, reprimand any licensee or deny any application for license or renewal if, in the judgment of the Committee:

1. The applicant or licensee has violated any provision of the Alarm and Locksmith Industry Act or any rule or regulation promulgated hereunder;

2. The applicant or licensee has committed any offense resulting in the applicant's or licensee's conviction of a felony or crime involving moral turpitude. Provided, however, if the applicant has had no felony convictions at least five (5) ten (10) years prior to making application for a license and said applicant has shown the Committee that he has been rehabilitated, the Committee may recommend said applicant for a license;

3. The applicant or licensee has practiced fraud, deceit, or misrepresentation;

4. The applicant or licensee has made a material misstatement in any information required by the State Board of Health; or

5. The applicant or licensee has demonstrated incompetence or untrustworthiness in his the applicant's or licensee's actions.

C. The Committee shall, before final action under subsection B of this section, provide thirty (30) days of written notice to the applicant or licensee involved, of the action intended and give sufficient opportunity for such person to request a hearing before the Committee and the Commissioner and to be represented by an attorney. A hearing shall be scheduled by the Committee if so requested.

D. In the event the Commissioner denies the application for, or revokes or suspends, any license or imposes any reprimand, a record of such action shall be in writing and
officially signed by the Commissioner. The original copy shall be filed with the State Board of Health and a copy mailed to the affected applicant or licensee within two (2) days of the final action taken by the Commissioner.

E. Notice of the suspension or revocation of any license by the Commissioner shall be sent by the Committee to law enforcement agencies and fire departments in the principal areas of operation of the licensee.

F. A suspended license shall be subject to expiration and may be renewed as provided by the Alarm and Locksmith Industry Act, regardless of suspension. Provided, such renewal shall not remove the suspension.

G. A revoked license terminates on the date of revocation and cannot be reinstated. Provided, the Commissioner may reverse the revocation action. Any licensee whose license is revoked shall apply for a new license and meet all requirements for a license as stated in the Alarm and Locksmith Industry Act prior to engaging in any alarm or locksmith industry business activities. The Committee and the Commissioner shall take action on the new application and may require additional safeguards against such acts by the applicant as may have been the cause of the revocation of the prior license.

SECTION 14. AMENDATORY 59 O.S. 2001, Section 1800.14, is amended to read as follows:

Section 1800.14 There is hereby created in the State Treasury a revolving fund for the State Department of Health, to be designated the "Alarm and Locksmith Industry Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health pursuant to the Alarm and Locksmith Industry Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of implementing the Alarm and Locksmith Industry Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 15. AMENDATORY 59 O.S. 2001, Section 1800.15, is amended to read as follows:

Section 1800.15 All costs of administration of the Alarm and Locksmith Industry Act shall be paid from fees, monies and other revenue collected pursuant to the provisions of the Alarm and Locksmith Industry Act. At no time shall a claim for payment be submitted to the Director of State Finance if the revenue deposited in the Alarm and Locksmith Industry Revolving Fund to the current date does not equal or exceed the total claims for payments made to that date.

SECTION 16. AMENDATORY 59 O.S. 2001, Section 1800.16, is amended to read as follows:
Section 1800.16 A. Any individual or person who is found to be in violation of the provisions of the Alarm and Locksmith Industry Act, upon conviction, shall be guilty of a misdemeanor and shall be punished by confinement in the county jail for a period not to exceed one (1) year or by the imposition of a fine not to exceed Five Hundred Dollars ($500.00), or by both such imprisonment and fine.

B. 1. In addition to any other penalties provided by law, if after a hearing in accordance with Article II of the Administrative Procedures Act, the State Commissioner of Health finds any person to be in violation of any of the provisions of the Alarm and Locksmith Industry Act or the rules promulgated pursuant thereto, the person may be subject to an administrative fine of not more than Two Hundred Dollars ($200.00) for each violation. Each day a person is in violation may constitute a separate violation. The maximum fine shall not exceed One Thousand Dollars ($1,000.00).

2. All administrative fines collected pursuant to the provisions of this subsection shall be deposited in the Alarm and Locksmith Industry Revolving Fund.

SECTION 17. AMENDATORY 59 O.S. 2001, Section 1800.17, is amended to read as follows:

Section 1800.17 The State Board of Health is hereby authorized to promulgate, adopt, amend, and repeal rules consistent with the provisions of the Alarm and Locksmith Industry Act for the purpose of governing the establishment and levying of administrative fines and the examination and licensure of alarm or locksmith companies, managers, technicians, and salespersons.

SECTION 18. This act shall become effective January 1, 2007.
OREGON LOCKSMITH LICENSING LAW

THIS IS A BRIEF OVERVIEW OF THE LAW AND DOES NOT INTEND TO REPRESENT THE ENTIRE SET OF QUALIFICATIONS OR REQUIREMENTS.

- Gives administration and enforcement of the law to the Construction Contractors Board (“Board”).
- Licensed required for businesses providing locksmith services. Certification required for each individual who does locksmith work for compensation.
- Locksmith is defined as a person who services, installs, repairs, rebuilds, rekeys, repins or adjusts locks, hardware peripheral to locks, safes, vaults, safe deposit boxes or mechanical or electronic security systems.”
- The Board shall adopt rules establishing minimum standards of practice and professional conduct for locksmiths and businesses that provide locksmith services.
- The Board shall require each applicant for certification as a locksmith to pass an exam demonstrating competency.
- The Board shall also set standards for continuing education.
- Establishes fees not to exceed: $100 for application; $100 for testing; $300 for two-year certificate; $300 for renewal of two-year certificate.
- The law does not apply to: duplication of keys only; licensed construction contractor; electrical contractor; manufactured (prefabricated) structures; property owner or their regular employee (i.e. handyman); property managed by a management company; rental property; landlord; lock manufacturer or representative (i.e. distributor).
- Law takes effect July 1, 2010.
Enrolled
Oregon House Bill 3127

Sponsored by COMMITTEE ON BUSINESS AND LABOR
AN ACT
Relating to locksmithing; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 to 5 of this 2009 Act are added to and made a part of ORS chapter 701.

SECTION 2. As used in sections 2 to 5 of this 2009 Act:
(1) “Key” means a mechanical, electromechanical, electronic, electromagnetic or other device for operating a lock.
(2) “Lock” means a mechanical, electromechanical, electronic, electromagnetic or other device that is designed to control access from one area to another or control the use of a device in a structure or vehicle.
(3) “Locksmith” means a person who services, installs, repairs, rebuilds, rekeys, repins or adjusts locks, hardware peripheral to locks, safes, vaults, safe deposit boxes or mechanical or electronic security systems.

SECTION 3. (1) An individual may not undertake, offer to undertake or submit a bid to do work as a locksmith for compensation, or with the expectation to be compensated, unless the individual is certified as a locksmith under section 4 of this 2009 Act by the Construction Contractors Board and is an owner of, or employed by, a business that is licensed by the board.
(2) A business may not undertake, offer to undertake or submit a bid to provide locksmith services unless the business is licensed by the board under this chapter and has an owner or an employee who is licensed as a locksmith under section 4 of this 2009 Act.
(3) A person may not use the title of locksmith, locksmith professional, commercial locksmith, lock installer or any title using a form of the word “locksmith” that indicates or tends to indicate that the person is a locksmith or provider of locksmith services unless the person is certified as a locksmith by the board or is a business licensed by the board that has an owner or employee who is certified by the board as a locksmith.
(4) A person may not use any sign, card or device that indicates or tends to indicate that the person is a locksmith or provider of locksmith services unless the person is certified as a locksmith by the board or is a business licensed by the board that has an owner or employee who is certified by the board as a locksmith.
SECTION 4. (1) The Construction Contractors Board shall adopt rules establishing minimum standards of practice and professional conduct for locksmiths and businesses that provide locksmith services.
(2) The board shall require that an applicant for certification as a locksmith pass a test demonstrating the competency of the applicant to act as a locksmith.
(3) The board may adopt rules to regulate the practice of locksmithing, including but not limited to rules:
(a) Accepting the results of competency testing by a nationally recognized certification program for locksmiths;
(b) Establishing requirements for the issuance or renewal of a locksmith certificate, including but not limited to training and continuing education requirements;
(c) Establishing standards of professional conduct for certified locksmiths; and
(d) Establishing fees necessary for the administration of sections 2 to 5 of this 2009 Act that do not exceed the following amounts:
(A) $100 for application.
(B) $100 for testing.
(C) $300 for issuance of an initial two-year certificate.
(D) $300 for renewal of a two-year certificate.
(4) The board shall adopt rules establishing procedures for the issuance, renewal and revocation of a locksmith certificate.
(5) The board may suspend or revoke a locksmith certificate if the locksmith:
(a) Fails to comply with a continuing education requirement established by the board; or
(b) Violates a standard of professional conduct for certified locksmiths established by board rule.

SECTION 5. Sections 3 and 4 of this 2009 Act do not apply to:
(1) A person offering key duplication services at a fixed location or ancillary to other business activities, if the person does not undertake, offer to undertake or submit a bid to undertake other locksmith services;
(2) An individual performing work within the scope of a license described in ORS 479.905 to 479.945;
(3) A tow truck operator performing work for a towing business certified under ORS 822.205;
(4) A construction contractor licensed under this chapter or an owner, officer or employee of the licensed construction contractor, when acting within the scope of the contractor’s license, if the contractor, owner, officer or employee does not hold out as a provider of locksmith services;
(5) Work performed by a manufacturer on a manufactured structure, modular building or structure or prefabricated structure that is or was produced by the manufacturer;
(6) A property owner or regular employee of the property owner, when performing work on the property;
(7) A property management company or the regular employee of a property management
company, when performing work on the managed property;
(8) A real estate property manager as defined in ORS 696.010, or the employee of a
property manager, performing work in the course of managing rental real estate;
(9) A landlord or landlord’s agent, both as defined in ORS 90.100;
(10) A manufacturer of locks; or
(11) A person performing work as the representative of a manufacturer, wholesaler,
distributor or retailer of locks.

SECTION 6. (1) The locksmith certification requirement established under section 3 of
this 2009 Act applies to locksmith work performed on or after July 1, 2010. The
requirement established under section 3 of this 2009 Act that a business providing
locksmith services have an owner or an employee who is a certified locksmith becomes
operative July 1, 2010.
(2) The Construction Contractors Board shall make certification as a locksmith available
for qualified applicants no later than January 1, 2010.

SECTION 7. This 2009 Act being necessary for the immediate preservation of the public
peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
on its passage.
TENNESSEE LOCKSMITH LICENSING LAW

THIS IS A BRIEF OVERVIEW OF THE LAW AND DOES NOT INTEND TO REPRESENT THE ENTIRE SET OF QUALIFICATIONS OR REQUIREMENTS.

- Require locksmiths and their employees to be registered or licensed with the Commissioner of Commerce and Insurance.
- Prohibits an unlicensed person from possessing, using, selling, or offering to sell any code book, lock picking tool, manipulation key, try-out key, safe opening tool, car opening tool, or to design, make, manufacture, or install any master key or system of change keys and master keys (does not apply to students involved in locksmith training programs or courses who are acting in their capacity as students).
- Prohibits any person from selling such items to an unlicensed person. Additionally, a locksmith may not hire, contract with, or associate with any person who is required to be licensed or registered unless the person is properly licensed or registered.
- A locksmith is required to obtain personal identification from a person requesting service before opening a vehicle or real property. The information must be on a work order or invoice and available for law enforcement with a proper court order during normal business hours.
- The following persons and entities are exempt from these requirements: an individual property owner personally installing locks on the individual's residence or other private building; retail stores that offer re-keying or key duplication services on the business premises of retail store; federal, state, or local law enforcement agents and fire and rescue personnel performing openings in their official duties; emergency service vehicles (includes vehicles used for police, fire, or emergency medical services or used to assist a person from getting in and out of a vehicle) for the sole purpose of towing or allowing the owner entry into a vehicle when such owner is locked out of the vehicle.
- Prohibits a locksmith from providing services for a bank, savings and loan association, or trust company without the consent of such bank, savings and loan, or trust company. This amendment would exempt from this bill's provisions a bank, savings and loan association, trust company, or an employee of such financial institution providing services in connection with safe deposit box, vault or safekeeping activities of such financial institution.
- The Commissioner will develop rules to enforce this bill and establish fees to cover direct and indirect expenses. The Commissioner will establish categories of licensing and establish minimum qualifications, education, experience, training, and continuing education standards for license applicants.
- Applicants will be investigated and approved including background checks by the commissioner, the TBI, and the FBI.
- The Commissioner will also prepare a written and practical exam. The commissioner shall appoint a testing advisory board, consisting of two licensed locksmiths from each grand division of the state who are members of a Tennessee professional locksmith organization and one licensed locksmith appointed from the organizations or an independent locksmith.
• Exempts from the examination requirement for license any person who has at least five years' locksmithing experience as of this bill's effective date.
• The Commissioner could deny, suspend, or revoke any license or renewal issued or to be issued to any applicant, registrant, or licensee who fails to satisfy the bill's requirements or violates this bill or any rules or the terms of the license. The commissioner would seek civil remedies at law or equity to restrain or enjoin any unauthorized practice or other violation.
• A locksmith license applicant will be required to maintain liability insurance listing the state as the certificate holder.
• Provides for registration of an apprentice (starting at 16 years old).
• A person desiring to be licensed as a locksmith would have to make a written application to the commissioner detailing the applicant's training, experience, and other relevant qualifications, including a statement of criminal records in each place the applicant has lived. The commissioner may consider rehabilitation of individuals and find some crimes do not prohibit licensing. However, any person who has a criminal conviction for an offense involving fraud or theft from being licensed or registered as a locksmith.
• Any person who to engage in locksmithing services without a license, violates any provision of this act, or any rule of the commissioner promulgated pursuant to this act is subject to a civil penalty of not more than $5000.
TENNESSEE LOCKSMITH LICENSING ACT

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, is amended by adding Sections 2
through 16 of this act as a new chapter thereto.

SECTION 2. This act shall be known and may be cited as the "Locksmith Licensing
Act of 2005".

SECTION 3. The purpose of this act is to provide uniform procedures and
qualifications throughout Tennessee for licensing and regulation of locksmiths, to protect
the public of Tennessee by prohibiting the unauthorized use of lock picking, safe
opening, and car opening tools by making it illegal for persons convicted of certain
crimes to obtain or possess such tools, and to protect the safety and security of persons
and property by assuring that individuals or companies offering locksmithing services to
the general public are competent in locksmithing services and are trained in applicable
regulations and laws such as the Americans With Disabilities Act, building codes, and
life safety codes.

SECTION 4. As used in this act, unless the context otherwise requires:
(1) "Car opening tool" means any tool that is designed by the manufacturer of the tool
or intended by the user to be used to open any vehicle by means other than that intended
by the manufacturer of the vehicle;

(2) "Change key" means a key planed and cut to operate a specific lock or a group of
specific locks which all have the same combination of tumblers, pins, or wafers;

(3) "Code book or computer code software" means a compilation, in any form, of key
codes;

(4) "Commissioner" means the commissioner of commerce and insurance;

(5) "Key machine" means any device that is designed to copy or reproduce keys or is
designed to make original keys;

(6) "Lock" means any device whose primary function is to prevent or limit movement
of one object in relation to another object and requires a tool, device, or special
knowledge to activate or deactivate;

(7) "Lock picking tool" means any tool or combination of tools that is designed by the
manufacturer of the tool or intended by the user to be used to open a lock by means other
than that which is intended by the manufacturer of the lock to be the normal operation of
the lock;
(8) "Locksmith" means any natural person who provides locksmithing services for any type of compensation;

(9) "Locksmithing services" means:

(A) Repairing, rebuilding, repining, recombinating, servicing, adjusting, or installing any lock, safe, or vault; or

(B) Operating a lock, safe, or vault by means other than those intended by the manufacturer of such lock, safe, or vault;

(10) "Manipulation key" means any key other than a change key or master key that can be variably positioned or manipulated in a keyway to operate a lock. For purposes of this act, the term manipulation key shall also include wiggle keys;

(11) "Master key" means a key planed and cut to operate all locks in a series or group of locks, each lock having its own change key and each lock constructed as an act of the series or group for operation with the master key. For purposes of this act, submaster keys, grand master keys, great grand master keys, emergency keys, maid's master keys, over-riding keys, or any other similar keys shall be considered as master keys;

(12) "Registered locksmith apprentice" means any natural person, not a locksmith, who must be registered under this act and is hired by any sole proprietorship, partnership, association, or corporation providing locksmithing services; or is associated with a licensed locksmith with or without compensation;

(13) "Safe opening tool" means any tool that is designed by the manufacturer of the tool or intended by the user to be used to open a safe, strongbox, safe deposit box, vault, or similar object by means other than that which is intended by the manufacturer of the safe, strongbox, safe deposit box, vault, or similar object for normal opening; and

(14) "Try-out key" means a manipulation key that may or may not be one, of a set of similar keys, used for a specific series, keyway, or brand of lock.

SECTION 5.
(a) No person, partnership, association, or corporation shall engage in or hold themselves out as engaging in the business of locksmithing in this state without its appropriate employees first being registered or licensed in accordance with this act.

(b) Persons who are not licensed under this act shall not provide any locksmithing services in violation of this act or any rule adopted pursuant to this act.

(c) No locksmith may participate in a joint venture to provide equipment or services that require licensing under this act unless all parties to the joint venture are licensed in
accordance with this act.

(d) No locksmith may subcontract the provision of equipment or services requiring a license under this act to any unlicensed person, firm, association, or corporation, except as provided in section 6.

(e) No locksmith shall employ any employee required to be registered with the commissioner unless the employee is properly registered with the commissioner in compliance with section 13.

(f) No locksmith shall retain as a registered employee any person known not to be of good moral character.

(g) No person who is not licensed under this act shall possess, use, sell, or offer to sell any code book, lock picking tool, manipulation key, try-out key, safe opening tool, or car opening tool.

(h) No person shall sell, offer to sell, or give to any person not licensed under this act any code book, lock picking tool, manipulation key, try-out key, safe opening tool, or car opening tool.

(i) No person who is not licensed under this act shall design, make, manufacture, or install any master key or any system of change keys and master keys.

(j) No locksmith shall open any vehicle or real property, whether or not a fee is charged, without first obtaining personal identification from the person requesting the service. Such personal identification may include, but is not limited to, personal knowledge, a driver license or other photo identification, address, telephone number, reference from any reliable source, or a description of specific or unusual items that may be found upon entry. Such information shall be recorded on a work order or invoice and shall be made available to a law enforcement officer with a properly executed court order at any reasonable time during normal business hours.

(k) Notwithstanding any provision of law to the contrary, no locksmith licensed under this act shall be prohibited from providing locksmithing services because of the manner of construction or operation of the lock or because of the location of the lock or application of the lock whether the lock is applied to any door, window, hatch, lid, gate, or other opening in or on any safe, vault, building, vehicle, aircraft, or boat. It is the intent of the general assembly that the provisions of this subsection shall be construed in their broadest possible sense.

SECTION 6.

(a) The following persons, firms, partnerships, associations, or corporations not offering any other locksmithing services are specifically excluded from the requirements of this act:
(1) An individual property owner personally installing locks on such owner's residence or other building not open to the public;

(2) Property owners, or their agent, maintaining a file of key cutting data for a master key system for their property;

(3) Persons, sole proprietorships, partnerships, associations, or corporations having and using key machines and key blanks for their own use;

(4) Retail stores or catalog sales not offering locksmithing services nor selling locksmithing tools;

(5) Locksmith trade publications or equipment manufacturers or distributors not providing direct locksmithing services to the public;

(6) Contractors licensed under title 62, chapter 6, providing direct sales or installation of lock hardware but who derive less than twenty-five percent (25%) of their gross annual revenue from such business;

(7) Architects and engineers not providing direct sales, adjustment, or installation of locks;

(8) New car dealers cutting keys by code for the products of their affiliated new car manufacturer or manufacturers;

(9) Tow truck operators opening vehicles for the sole purpose of towing; and

(10) Federal, state, or local law enforcement agents or fire and rescue personnel performing emergency openings in their official line of duty when a natural person's life is at risk.

(b) Nothing in this act shall prevent any previously licensed locksmith, the agent of an incapacitated locksmith, or the personal representative of the estate of a deceased locksmith from transferring locksmithing tools and supplies by sale or gift to anyone licensed under this act or to anyone exempted from the provisions of this act.

SECTION 7. In accordance with the provisions of the Uniform Procedures Act, compiled in title 4, chapter 5, the commissioner shall:

(1) Promulgate such rules as may be reasonably necessary to implement and administer the provisions of this act in an efficient and effective manner, including rules to require submission of reports and information by licensees and registrants under this act and promulgate such rules and regulations as it shall deem necessary for internal management and control;
(2) Establish fees sufficient to pay the annual direct and indirect anticipated expenses of this act, including:

(A) A nonrefundable application fee to include the cost of an FBI/TBI background check for licensure;

(B) A nonrefundable fee for licensure;

(C) A biennial licensure renewal fee; and

(D) An identification card replacement fee; provided, the anticipated revenues shall not cause more than twenty-five percent (25%) of the current budget to be carried over at the end of the fiscal year;

(3) Establish categories of licensing such as general locksmithing, safe and vault work, and automotive work that may have different initial qualification and continuing education requirements;

(4) Accept minimum qualifications and establish minimum education, experience, and training standards for applicants for licensure under this act as outlined by the locksmith organizations of Tennessee, which include the Tennessee Organization of Locksmiths, Tri-State Locksmith Association, Middle Tennessee Locksmith Association, and East Tennessee Locksmith Association.

(5) Investigate and approve applicants to be licensed or registered under this act including a background check conducted by the commissioner and investigation by the Tennessee bureau of investigation (TBI) and the Federal Bureau of Investigation (FBI);

(6) Prepare a written and practical examination. In preparing such examination the commissioner may appoint a testing advisory board. Members of the testing advisory board shall serve without compensation. The testing advisory board shall consist of two (2) licensed locksmiths from each grand division of the state who are each members of a Tennessee professional locksmith association or organization and one (1) licensed locksmith appointed from such organizations from any of the grand divisions.

(7) Promulgate rules to establish the minimum necessary standards for continuing education for each licensing category;

(8) Establish rules for the licensure of students enrolled in locksmithing training programs or courses in this state, whether the training is by a program of classroom instruction, correspondence courses, or apprenticeship;

(9) Conduct investigations regarding alleged violations and make evaluations as may be necessary to determine if licensees and registrants under this act are complying with the provisions of this act;
(10) Investigate allegations regarding possible violations of this act by unregistered persons and seek enforcement under section 10;

(11) Investigate credible allegations regarding improper, inadequate, and ineffective lock installations or repair and seek enforcement under section 10;

(12) Issue subpoenas to compel the attendance of witnesses and the production of pertinent books, accounts, records, and documents;

(13) Deny, suspend or revoke any license, licensure, or renewal issued or to be issued under this act to any applicant, registrant, or licensee who fails to satisfy the requirements of this act or for any of the reasons stated in section 9 of this act, or failure to observe the terms and conditions of any license, licensure, or renewal, or for failure to follow the rules and bylaws established by the commissioner;

(14) Seek such civil remedies at law or equity to restrain or enjoin any unauthorized practice or other violation of this act; and

(15) Maintain a registry of locksmithing businesses, whether a sole proprietorship, partnership, association, corporation, or any other entity or act thereof offering locksmithing services to the public in the state showing who is employed by such businesses as locksmiths and registered employees and showing any changes in ownership or status of the business.

SECTION 8.
(a) The commissioner shall keep a register of all applications for licensure or for a licensee, showing on each the date of application, name, qualifications, place of business, place of residence, and whether a license was granted or refused (b) The books and register of the commissioner shall be prima facie evidence of all matters recorded therein.

SECTION 9. No license shall be issued under this act unless the applicant files with the commissioner evidence of liability insurance providing for the following minimum coverage:

(1) One hundred thousand dollars ($100,000) because of bodily injury or death of one (1) person as a result of the negligent act or acts of the principal insured or the principal insured's agents, operating in the scope and course of such agent's employment;

(2) Subject to such limit for one (1) person, three hundred thousand dollars ($300,000) because of bodily injury or death of two (2) or more persons as the result of the negligent act or acts of the principal insured or the principal insured's agent operating in the course and scope of such agent's employment; and

(3) One hundred thousand dollars ($100,000) because of injury to or destruction of property as the result of the negligent act or acts of the principal insured or the principal
insured's agent operating in the course and scope of such agent's employment.

SECTION 10.
(a) The provisions of the Uniform Administrative Procedures Act, compiled in chapter 4, title 5, shall govern all matters and procedures regarding the hearing and judicial review of any contested case arising under this act.

(b) Any person may present charges in writing to the commissioner against any licensee or registrant or other person, firm, or business offering locksmithing services in violation of this act.

(c) The commissioner may, after notice and an opportunity for hearing, suspend or revoke a license or licensure issued under this act if it is determined that the licensee or registrant has:

(1) Made any false statement or given any false information in connection with any application for licensure or a license or for the renewal or reinstatement of licensure or a license;

(2) Violated any provision of this act;

(3) Violated any rule promulgated by the commissioner pursuant to the authority contained in this act;

(4) Been convicted of any crime that would be grounds for denial of licensing as a locksmith or licensure as a registered employee;

(5) Failed to correct business practices or procedures that resulted in a prior reprimand by the commissioner;

(6) Impersonated, or permitted or aided and abetted any other person, to impersonate a law enforcement officer of the United States, this state, or any of its political subdivisions;

(7) Engaged in, or permitted any employee to engage in, any locksmithing business when not in possession of a valid license under the provisions of this act;

(8) Been found guilty by the commissioner of misconduct, gross negligence or incompetence;

(9) Committed any act that is grounds for the denial of an application or a license under this act;

(10) Failed to maintain insurance as required by this act; or
(11) Engaged in, or permitted any employee to engage in, any improper, fraudulent, or dishonest dealing with the public.

SECTION 11.
(a) Any person who engages in or offers to engage in locksmithing services without a license, or who violates the terms and conditions of any licensure or license or renewal thereof granted by the commissioner pursuant to this act, shall be subject to a civil penalty of not more than five thousand dollars ($5,000) per occurrence.

(b) Any person who engages in or offers to engage in locksmithing services without a license as required by this act shall be ineligible to apply for such license until six (6) months after such violation has occurred.

(c) In addition to revocation or suspension of license, a civil penalty of not more than five thousand dollars ($5,000), may be assessed by the commissioner against any person who violates any provision of this act, or any rule of the commissioner promulgated pursuant to this act.

(d) In determining the amount of any penalty, the commissioner shall consider the degree and extent of harm caused by the violation.

SECTION 12.
(a) Notwithstanding any other provision of law to the contrary, all moneys collected pursuant to this act shall be deposited in the state treasury in a separate fund to be known as the "Tennessee locksmiths' fund".

(b) Disbursements from such fund shall be made solely for the purpose of defraying expenses incurred in the implementation and enforcement of this act.

(c) Any part of such fund remaining at the end of a fiscal year shall not revert to the general fund, but shall be carried forward until expended in accordance with the provisions of this act.

SECTION 13.
(a) Any person desiring to be licensed as a locksmith shall make written application to the commissioner on forms prescribed by the commissioner. The applicant shall have a street address and zip code at which a summons may be served, except that a walk-in shop open to the public is not required. The application shall contain details of the applicant's training, experience, and other qualifications relevant to locksmithing. An application fee, as set by the commissioner, shall accompany the application. The application shall be accompanied by the following documents:

(1) Proof that the applicant is at least eighteen (18) years of age;

(2) Sets of classifiable fingerprints on standard FBI/TBI application cards;
(3) Recent color photograph of acceptable quality for identification;

(4) Proof of a valid business license for each business entity for the county and city in which the business is located, or proof of employment by an association, corporation, partnership, institution, or government agency exempt from paying privilege taxes under title 67, chapter 4 and a notarized statement that no locksmithing services are being offered directly to the public;

(5) Proof of insurance as required by section 9; and

(6) Statements of any criminal records in each area where the applicant has resided. The commissioner may consider rehabilitation of individuals with a criminal record, or records, and may deem certain criminal activities to not prohibit licensure of individuals. Persons convicted of aggravated assault, arson, fraud, larceny, embezzlement, or burglary shall not be entitled to licensure as a locksmith.

(b) The application shall disclose any and all persons, firms, associations, corporations, or other entities that own or control a ten percent (10%) or greater interest in the applicant's business. The commissioner may require FBI/TBI background checks and other information as deemed necessary by the commissioner from any individual, firm, or business owning or controlling ten percent (10%) or greater interest in the applicant's business and may at the commissioner's discretion withhold licensing until such information is satisfactorily produced and verified.

(c) If the application is satisfactory to the commissioner, the commissioner may examine the applicant to determine such applicant's qualifications. If the results of the examination of the applicant are satisfactory to the commissioner, then the commissioner shall issue to the applicant a license as a locksmith in this state. Included in the documents issued by the commissioner shall be a photo identification card on which shall be provided the locksmith's name, address, and license number, and the expiration date of the license. The photo identification card shall be carried by the locksmith at all times when performing duties as a licensed locksmith and shall be shown upon request. The commissioner shall have the authority to enter into agreements with any state agency for the production or distribution of the photo identification cards.

(d) Licenses as a locksmith shall expire on the last day of the twenty-fourth month following their issuance or renewal, and shall become invalid on such date unless renewed.

(e) It shall be the duty of the commissioner to notify every person licensed under this act of the date of expiration of such person's certificate of license and the fee required for its renewal for two (2) years. Renewal notices shall be mailed to the last known address of the locksmith ninety (90) days prior to the expiration date of the license.
(f) Such renewal must be received in the office of the commissioner thirty (30) days prior to the expiration of the license.

(g) The fee to be paid before the renewal of a certificate of license after the expiration date shall be increased ten percent (10%) for each month or fraction of a month that payment for renewal is delayed. The maximum fee for a delayed renewal shall not exceed twice the normal fee.

(h) No licensed locksmith shall be qualified to receive a renewal license when such locksmith has been in default in complying with the provisions of this act for one (1) year, and in such event, the locksmith, in order to qualify under the law, shall make a new application as in the case of the issuance of the original license.

(i) The commissioner shall not grant renewal of a locksmith license until it has received satisfactory evidence of continuing education during the previous year.

SECTION 14.

(a) All locksmith apprentices of any sole proprietorship, partnership, corporation, association, public or private institution, or state agency with access to records, diagrams, key codes, or other sensitive material pertaining to proposed or installed master key systems, any proposed or installed lock, or any safe opening procedure shall be registered with the commissioner.

(b) Any person required to be registered shall make written application to the commissioner on forms prescribed by the commissioner. The application shall disclose the name of the business entity and the names of all locksmiths currently employed by the business entity. The commissioner shall verify that all named locksmiths are properly licensed locksmiths in the state. The application shall contain details of the applicant's training, experience, and other qualifications relevant to locksmithing. An application fee as set by the commissioner shall accompany the application. The application shall also be accompanied by the following documents:

(1) Proof that the applicant is at least sixteen (16) years of age;

(2) A set or sets of classifiable fingerprints on standard FBI/TBI applicant cards;

(3) a recent color photograph or photographs of acceptable quality for identification;

(4) Statements of any criminal records in each area where the applicant has resided. The commissioner may consider rehabilitation of individuals with a criminal record, or records, and may deem certain criminal activities not to prohibit licensure of individuals. Persons convicted of aggravated assault, arson, fraud, larceny, embezzlement, or burglary shall not be entitled to obtain registration as a locksmith apprentice.

(c) If the application is satisfactory to the commissioner, then the commissioner shall
issue to the applicant a certificate as a registered apprentice. Included in the documents
issued by the commissioner shall be a photo identification card on which the
commissioner shall state the registrant's name, address, employer, licensure number, and
the expiration date of the licensure. The photo identification card shall be carried by the
registrant at all times when performing duties as a registered apprentice and shall be
shown upon request.

(d) Certificates of registration shall expire on the last day of the twenty-fourth month
following their issuance or renewal, and shall become invalid on such date unless
renewed.

(e) It shall be the duty of the commissioner to notify every person registered under this
act by mail of the date of expiration of such person's certificate of registration and the
amount of fee required for its renewal for two (2) years. Renewal notices shall be mailed
to the last known address of the registrant ninety (90) days prior to the expiration date of
the certificate.

(f) Such renewal must be received in the office of the commissioner thirty (30) days
prior to the expiration of such certificate.

(g) The fee to be paid before the renewal of a certificate of registration after the
expiration date shall be increased ten percent (10%) for each month or fraction of a
month that payment for renewal is delayed; provided that the maximum fee for a delayed
renewal shall not exceed twice the normal fee.

(h) No registered employee shall be qualified to receive a renewal certificate when
such registrant has been in default in complying with the provision of this act for a period
of one (1) year, and in such event, the registrant, in order to qualify, shall make a new
application as in the case of the issuance of the original certificate of registration.

SECTION 15.
(a) Effective January 1, 2006, state agencies, counties and municipalities are prohibited
from offering locksmithing services to the general public whether or not a fee is charged.

(b) Effective January 1, 2006, no county or municipality shall enact any legislation or
promulgate any rules or regulations relating to the licensing of locksmiths required to be
licensed under this act.

(c) On January 1, 2006, any resolution, ordinance, law, or rules or regulations of any
county or municipality requiring the certifying or licensing of a locksmith, locksmith
business or its employees shall be superseded by this act and shall no longer be effective.

(d) The provisions of this act are not intended and do not prevent the legally
constituted authority of any county or municipality by legislation, rules, or regulations,
and within the police power of such county or municipality, from requiring locksmith
businesses or licensed locksmiths to register their names, addresses, and license certificate numbers with the county or municipality within which they operate. Such county or municipality may also require that locksmith businesses give reasonable notice of termination of licenses of registered employees. No fee may be charged, nor any application be required, by any county or municipality for such licensure.

SECTION 16.
(a) The commissioner is authorized to grant licenses to locksmiths whose place of business is in one of the states bordering Tennessee, provided:

(1) Such state requires regulation of locksmith businesses substantially equal to this act, including a mandatory FBI and state police background check;

(2) Such state reciprocates by granting the same privilege to do business in such state to locksmiths licensed under this act; and

(3) Such business pays appropriate sales and use taxes to the state.

(b) The commissioner shall have the authority to set and collect fees for the preparation of a photo identification card for each locksmith working in this state licensed under this act.

SECTION 17.
(a) To allow initial implementation of this act without interruption of existing services by locksmiths, licensure shall not be required under this act prior to January 1, 2006. During this initial period, the commissioner shall:

(1) Provide the necessary forms and procedures for licensure and licenses;

(2) Receive and process all applications for initial licensure and licenses; and

(3) Issue certificates of licensures and licenses to initial applicants meeting the requirements of this act.

(b) Any locksmith making application prior to January 1, 2006, shall be granted a license that shall be subject to subsections 14(d) through 14(i), provided that such applicant:

(1) Meets the requirements of subsection 14(a);

(2) Meets the requirements of subsection 14(b); and (3) Demonstrates to the satisfaction of the commissioner not less than two (2) years experience in the locksmithing business, or an equivalent amount of certified education or apprenticeship.

SECTION 18. If any provision of this act or the application thereof to any person or
circumstance is held invalid, suchinvalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 19. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2006, the public welfare requiring it.

ON MAY 31, 2007, THE HOUSE ADOPTED AMENDMENT #1, AS AMENDED BY AMENDMENT #1 TO #1, AND PASSED HOUSE BILL 415, AS AMENDED.

AMENDMENT #1, AS AMENDED, rewrites this bill and revises various provisions of the Locksmith Licensing Act, as follows:
(1) The Act was passed by the legislature in 2006, but is not scheduled to take effect until July 1, 2007. This amendment changes the effective date to July 1, 2008. [For purposes of this summary, the provisions of the Act as passed in 2006 are referred to as "present law" even though the provisions have not yet taken effect].
(2) This amendment clarifies that only the employees, agents, or contractors of a locksmith business who are operating as locksmith apprentices or locksmiths have to be registered or licensed under the Act. This amendment further clarifies that a locksmith may not hire, contract with, or associate with any person who is required to be licensed or registered unless the person is properly licensed or registered.
(3) This amendment specifies that the present law prohibition on possession or use of locksmith tools by persons who are not licensed under the Act does not apply to students involved in locksmith training programs or courses who are acting in their capacity as students.
(4) Present law exempts from the Act emergency service vehicles that are towing vehicles or helping a vehicle owner to enter the owner's vehicle. This amendment defines "emergency service vehicle" to mean a vehicle used for police, fire, or emergency medical services, therefore limiting those persons and entities to whom the exemption applies. This amendment also removes from present law requirements for drivers of emergency service vehicles to maintain liability, bodily injury, and property damage insurance and to have a criminal background check conducted.
(5) Present law authorizes the commissioner of commerce and insurance to seek assistance from locksmith organizations in establishing qualifications, experience, education and training standards for locksmiths. This amendment adds independent locksmiths and the West Tennessee Chapter of ALOA as persons and organizations from whom the commissioner may seek assistance.
(6) This amendment removes the requirement for the commissioner to establish rules for the registration of students enrolled in locksmith training programs.
(7) This amendment clarifies that the commissioner will investigate "complaints containing allegations of violations of applicable laws and rules" instead of "allegations regarding improper, inadequate, and ineffective lock installations or repair."
(8) Present law requires applicants for licensure to have liability insurance. This amendment adds that the state must be listed as a certificate holder on the liability
insurance policies and that the insurance certificates must be available for inspection during normal business hours on the request of the commissioner or the commissioner's representative. This amendment further requires that the certificates provide that the insurance will not be modified or cancelled without 10 days' prior notice to the commissioner.

(9) This amendment exempts from the examination requirement for license any person who has at least five years' locksmithing experience as of this bill's effective date.

(10) This amendment removes the present law provision whereby an application for licensure must disclose all persons and entities that own or control a 10-percent or more interest in the applicant's business and whereby the commissioner may require criminal background checks on those persons or entities with such an ownership or controlling interest.

(11) This amendment removes the present law provision for the commissioner to interview an applicant prior to issuing a license.

(12) This amendment changes the time within which a renewal must be received in the commissioner's office from "30 days prior to expiration of the license" to "not less than 30 days nor more than 60 days prior to the expiration of the license."

(13) This amendment removes the present law provision whereby the fee for a late renewal is increased 10 percent for each month that payment for renewal is late and instead provides that the commissioner will establish the fee.

(14) Under present law, a licensed locksmith may not receive a renewal license if the locksmith has been in default in complying with the Act for one year. This amendment changes the time of noncompliance that makes a person ineligible for renewal from "one year" to "60 days." In such cases, the locksmith must submit a new application.

(15) This amendment requires that applications and documents required to be submitted with applications be retained "in accordance with the policies of the department" instead of "for two years from the date of their receipt."


ON JUNE 12, 2007, THE SENATE FURTHER CONSIDERED HOUSE BILL 415, ADOPTED AMENDMENT #2, AND PASSED HOUSE BILL 415, AS AMENDED.

AMENDMENT #2 authorizes the commissioner to determine whether an applicant has the requisite experience to be exempt from the licensure requirements upon the effective date of this bill.

This amendment expands this bill's definition of "emergency service vehicle" to include vehicles used to assist a person from getting in and out of a vehicle.

This amendment retains present law that requires applicants to disclose persons or entities who own or control a 10 percent or greater interest in the applicant's business. This amendment further requires applicants to submit an affidavit stating whether or not any such shareholder has been convicted of a felony, and, if so, the commissioner may deny the application.
TEXAS PRIVATE SECURITY LAW

THIS IS A BRIEF OVERVIEW OF THE LAW AND DOES NOT INTEND TO REPRESENT THE ENTIRE SET OF QUALIFICATIONS OR REQUIREMENTS.

- The Texas Department of Public Safety administers the Private Security Act thru the Private Security Board (www.txdps.state.tx.us).
- The statute requires that to own, manage or be employed by a licensed company a person must:
  - be at least 18 years of age;
  - not have been arrested, charged indicted, entered into any pre-trial intervention, or convicted of any Class A misdemeanor or felony unless a full pardon has been granted;
  - not have been arrested, charged, indicted, entered into any pre-trial intervention, or convicted of any Class B misdemeanor within the last five (5) years;
  - be mentally competent;
  - not be alcohol or drug dependent; and
  - if in the Armed Services, must have been Honorably Discharged
- A person acts as an electronic access control device company if the person installs or maintains an electronic access control device which are defined as an electronic, electrical, or computer-based device that allows access to a controlled area of a business, but that is not monitored and does not send a signal to which law enforcement or emergency services respond. The term does not include a mechanical device, such as a deadbolt or lock.
- A person acts as a locksmith company if the person sells, services, installs, or maintains mechanical security devices, including deadbolts and locks, and advertises services offered by the company using the term locksmith or includes the term locksmith in the company's name.
- An individual acts as a locksmith if the person sells, services, installs, or maintains mechanical security devices, including deadbolts and locks, and advertises or offers services to the public or represents to the public that the person is a locksmith
- Unless the person is registered as a locksmith company, a person may not act as a locksmith company; offer to perform the services of a locksmith company; or engage in business activity for which registration is required under this chapter.
- An individual acts as an electronic access control device installer for purposes of this chapter if the individual installs, maintains, or repairs an electronic access control device. A person registered as an electronic access control device installer may not install alarm systems unless the person is registered under this chapter as an alarm systems installer.
- A locksmith company or locksmith may not perform services for a customer who seeks entry to a structure, motor vehicle, or other property unless the customer, in the course of the transaction shows the locksmith company or locksmith a government-issued identification, and provides a signed authorization stating that the customer owns or is otherwise entitled to legal access to the structure, motor vehicle, or other property. A
locksmith company or locksmith is exempt from these requirements if the locksmith is requested to perform services in a case of imminent threat to a person or property.
TEXAS LOCKSMITH LICENSING ACT

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1702.002, Occupations Code, is amended by amending Subdivisions (1) and (6) and adding Subdivision (6-a) to read as follows:

(1) "Alarm system" means:
(A) electronic equipment and devices designed to detect or signal:
(i) an unauthorized entry or attempted entry of a person or object into a residence, business, or area monitored by the system; or
(ii) the occurrence of a robbery or other emergency;
(B) electronic equipment and devices using a computer or data processor designed to control the access of a person, vehicle, or object through a door, gate, or entrance into the controlled area of a residence or business; or
(C) a television camera or still camera system that records, archives, or monitors property or individuals in a public or private area of a residence or business [an alarm system, burglar alarm signal device, burglar alarm, robbery alarm, television camera, or still camera used to signal the presence of an emergency to which law enforcement or emergency services are expected to respond].

(6) "Detection device" means an electronic device used as a part of an alarm system [a burglar or robbery alarm], including a control, communications device, motion detector, door or window switch, sound detector, vibration detector, light beam, pressure mat, wiring, or similar device.

(6-a) "Electronic access control device" means an electronic, electrical, or computer-based device that allows access to a controlled area of a business, but that is not monitored and does not send a signal to which law enforcement or emergency services respond. The term does not include a mechanical device, such as a deadbolt or lock.

SECTION 2. Subchapter D, Chapter 1702, Occupations Code, is amended by adding Section 1702.0635 to read as follows:

Sec. 1702.0635. RESTRICTIONS ON CERTAIN RULES. The commission may not adopt rules or establish unduly restrictive experience or education requirements that limit a person’s ability to be licensed as an electronic access control device company or be registered as an electronic access control device installer.

SECTION 3. Subchapter F, Chapter 1702, Occupations Code, is amended by adding Section 1702.1025 to read as follows:

Sec. 1702.1025. ELECTRONIC ACCESS CONTROL DEVICE COMPANY LICENSE REQUIRED; SCOPE OF LICENSE. (a) Unless the person holds a license as an electronic access control device company, a person may not:
(1) act as an electronic access control device company;
(2) offer to perform the services of an electronic access control device company; or
(3) engage in business activity for which a license is required under this chapter.
(b) A person licensed as an electronic access control device company may not install alarm systems unless otherwise licensed or registered to install alarm systems under this
chapter.

SECTION 4. Subsections (a) and (b), Section 1702.103, Occupations Code, are amended to read as follows:
(a) The license classifications are:
(1) Class A: investigations company license, covering operations of an investigations company;
(2) Class B: security services contractor license, covering operations of a security services contractor; [and]
(3) Class C: covering the operations included within Class A and Class B; and
(4) Class D: electronic access control device license, covering operations of an electronic access control device company.
(b) A Class A, B, [or] C, or D license does not authorize the license holder to perform a service for which the license holder has not qualified. A person may not engage in an operation outside the scope of that person's license. The commission shall indicate on the license the services the license holder is authorized to perform. The license holder may not perform a service unless it is indicated on the license.

SECTION 5. Subchapter F, Chapter 1702, Occupations Code, is amended by adding Sections 1702.1055 and 1702.1056 to read as follows:
Sec. 1702.1055. ELECTRONIC ACCESS CONTROL DEVICE COMPANY. A person acts as an electronic access control device company for the purposes of this chapter if the person installs or maintains an electronic access control device.
Sec. 1702.1056. LOCKSMITH COMPANY. A person acts as a locksmith company for the purposes of this chapter if the person sells, installs, or maintains mechanical security devices, including deadbolts and locks, and:
(1) advertises services offered by the company using the term "locksmith"; or
(2) includes the term "locksmith" in the company's name.

SECTION 6. Subsection (a), Section 1702.124, Occupations Code, is amended to read as follows:
(a) The commission may not issue a license unless the applicant files with the commission:
(1) evidence of a general liability insurance policy on a certificate of insurance form prescribed by the Texas Department of Insurance [commission] and countersigned by an insurance agent licensed in this state; or
(2) a certificate of insurance for surplus lines coverage obtained under Chapter 981 [Article 1.14-2], Insurance Code, through a licensed Texas surplus lines agent resident in this state.

SECTION 7. Section 1702.221, Occupations Code, is amended to read as follows:
Sec. 1702.221. REGISTRATION REQUIRED. An individual must register with the commission as provided by commission rule if the individual:
(1) is employed as an alarm systems installer, alarm systems monitor, electronic access control device installer, locksmith, dog trainer, manager or branch office manager, noncommissioned security officer, private investigator, private security consultant, or
SECTION  8.  Subchapter J, Chapter 1702, Occupations Code, is amended by adding Section 1702.2225 to read as follows:
Sec.  1702.2225.  LOCKSMITH COMPANY REGISTRATION REQUIRED. Unless the person is registered as a locksmith company, a person may not:
(1) act as a locksmith company;
(2) offer to perform the services of a locksmith company; or
(3) engage in business activity for which registration is required under this chapter.

SECTION  9.  Subchapter J, Chapter 1702, Occupations Code, is amended by adding Sections 1702.2226 and 1702.2227 to read as follows:
Sec.  1702.2226.  ELECTRONIC ACCESS CONTROL DEVICE INSTALLER. (a) An individual acts as an electronic access control device installer for purposes of this chapter if the individual installs, maintains, or repairs an electronic access control device.
(b) A person registered as an electronic access control device installer may not install alarm systems unless the person is registered under this chapter as an alarm systems installer.
Sec.  1702.2227.  LOCKSMITH. An individual acts as a locksmith for the purposes of this chapter if the person sells, installs, or maintains mechanical security devices, including deadbolts and locks, and advertises or offers services to the public or represents to the public that the person is a locksmith.

SECTION  10.  Subchapter J, Chapter 1702, Occupations Code, is amended by adding Section 1702.236 to read as follows:
Sec.  1702.236.  EXAMINATION AND TRAINING REQUIREMENTS FOR ELECTRONIC ACCESS CONTROL DEVICE INSTALLERS. (a) The commission shall require an individual who applies for registration as an electronic access control device installer to pass an examination given by the commission or a person approved by the commission. The examination must cover material related to access control.
(b) Before September 1, 2005, the commission shall allow an electronic access control device installer to obtain or renew a certificate of registration by fulfilling the requirements of a commission-approved, industry-based educational training program. This subsection expires September 1, 2006.
(c) On and after September 1, 2005, the commission by rule may allow an electronic access control device installer to obtain or renew a certificate of registration by fulfilling the requirements of a commission-approved, industry-based educational training program.
(d) A party who asserts that the commission has adopted a rule in violation of Subsection (b) or (c) may appeal to the attorney general for a determination of whether the rule violates the subsection because the rule does not comply with reasonable business practices. The attorney general shall make a determination on an appeal.
submitted under this section not later than the 90th day after the date the appeal is
submitted or within a reasonable time as circumstances require. The challenged rule may
not take effect until after the attorney general makes a determination. This subsection
expires September 1, 2007.

SECTION 11. Section 1702.223, Occupations Code, is amended to read as follows:
Sec. 1702.223. ALARM SYSTEMS INSTALLER. (a) An individual acts as an
alarm systems installer for purposes of this chapter if the individual installs, maintains, or
repairs an alarm system or detection device.
(b) An alarm systems installer may install, maintain, or repair an electronic access
control device.

SECTION 12. Subsection (a), Section 1702.239, Occupations Code, is amended to
read as follows:
(a) The commission may require that an individual employed as an alarm systems
installer or security salesperson hold a certification by a commission-approved training
program to renew an initial registration. The commission may approve only nationally
recognized training programs that consist of at least 16 [20] hours of classroom study in
the areas of work allowed by the registration. To be approved, a training program must
offer at least two certification programs each year, sufficient to complete the
requirements of this subsection, within 100 miles of each county in the state that has a
population of more than 500,000.

SECTION 13. Subsection (b), Section 1702.324, Occupations Code, is amended to
read as follows:
(b) This chapter does not apply to:
(1) a manufacturer or a manufacturer ’s authorized distributor who sells equipment to
a license holder or registrant that is used in the operations for which the person is
required to be licensed or registered;
(2) a person engaged exclusively in the business of obtaining and providing
information to:
(A) determine creditworthiness;
(B) collect debts; or
(C) ascertain the reliability of information provided by an applicant for property, life,
or disability insurance or an indemnity or surety bond;
(3) a person engaged exclusively in the business of repossessing property that is
secured by a mortgage or other security interest;
(4) [a locksmith who:
[(A)] does not install or service detection devices;
[(B)] does not conduct investigations; and
[(C)] is not a security services contractor;
[(5)] a person who:
(A) is engaged in the business of psychological testing or other testing and
interviewing services, including services to determine attitudes, honesty, intelligence,
personality, and skills, for preemployment purposes; and
(B) does not perform any other service that requires a license under this chapter;
(5) [(6)] a person who:
(A) is engaged in obtaining information that is a public record under Chapter 552, Government Code, regardless of whether the person receives compensation;
(B) is not a full-time employee, as defined by Section 61.001, Labor Code, of a person licensed under this chapter; and
(C) does not perform any other act that requires a license under this chapter;
(6) [(7)] a licensed [professional] engineer practicing engineering or directly supervising engineering practice under Chapter 1001 [The Texas Engineering Practice Act (Article 3271a, Vernon ’s Texas Civil Statutes)], including forensic analysis, burglar alarm system engineering, and necessary data collection;
(7) [(8)] an employee of a cattle association who inspects livestock brands under the authority granted to the cattle association by the Grain Inspection, Packers and Stockyards Administration of the United States Department of Agriculture;
(8) [(9)] a landman performing activities in the course and scope of the landman ’s business;
(9) [(10)] an attorney while engaged in the practice of law;
(10) [(11)] a person who obtains a document for use in litigation under an authorization or subpoena issued for a written or oral deposition; [or]
(11) [(12)] an admitted insurer, insurance adjuster, agent, or insurance broker licensed by the state, performing duties in connection with insurance transacted by that person; or
(12) a person who on the person ’s own property or on property owned or managed by the person ’s employer:
(A) installs, changes, or repairs a mechanical security device;
(B) repairs an electronic security device; or
(C) cuts or makes a key for a security device.

SECTION 14. Section 1702.328, Occupations Code, is amended to read as follows: Sec. 1702.328. SECURITY SYSTEMS SALES AND INSTALLATION.
This chapter does not apply to:
(1) a person who owns and installs a burglar detection or alarm device on the person ’s own property or, if the person does not charge for the device or the installation, installs the device for the protection of the person ’s personal property located on another person ’s property and does not, as a normal business practice, install the devices on the property of another;
(2) a person in the business of building construction that installs electrical wiring and devices that may include in part the installation of a burglar alarm or detection device if:
(A) the person is a party to a contract that provides that:
(i) the installation will be performed under the direct supervision of, and inspected and certified by, a person licensed to install and certify the alarm or detection device; and
(ii) the license holder assumes full responsibility for the installation of the alarm or detection device; and
(B) the person does not service or maintain alarm systems, electronic access control
devices, locks, [burglar alarms] or detection devices;
(3) a person who sells or installs automobile burglar
alarm devices and who does not perform any other act that requires a license under this
chapter; or
(4) a person who sells exclusively over the counter or by mail order [burglar] alarm
systems, electronic access control devices, locks, or detection [signal] devices[, burglary
alarms, television cameras, still cameras, or other electrical, mechanical, or electronic
deves used for preventing or detecting burglary, theft, or other losses].

SECTION 15. (a) Not later than January 1, 2004, the Texas Commission on
Private Security shall adopt the rules necessary to administer the changes in law made by
this Act to Chapter 1702, Occupations Code.
(b) Notwithstanding Sections 1702.1025 and 1702.2225, Occupations Code, as added
by this Act, and Section 1702.221, Occupations Code, as amended by this Act, a person
is not required to hold a license as an electronic access control device company or be
registered as an electronic access control device installer, a locksmith company, or a
locksmith before September 1, 2004.

SECTION 16. (a) Except as provided by Subsection (b) of this section, this Act
takes effect September 1, 2003.
(b) Sections 1702.1025 and 1702.2225, Occupations Code, as added by this Act, take
CHANGES MADE IN THE 2007 LEGISLATURE (HB 2833)

AN ACT relating to the licensing and regulation of certain private security services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Sec 1702113 GENERAL QUALIFICATIONS FOR LICENSE, CERTIFICATE OF REGISTRATION, OR SECURITY OFFICER COMMISSION (a) An applicant for a license, certificate of registration, or security officer commission or the applicant's manager must be at least 18 years of age and must not:
(1) have been convicted in any jurisdiction of two or more felony offenses, unless [a] full pardons have been granted for all convictions for reasons relating to [a] wrongful convictions;

(2) have been convicted in any jurisdiction of any of the following:
(A) a single felony or equivalent offense for which the 20th anniversary of the date of conviction has not occurred before the date of application, unless a full pardon has been granted for reasons relating to a wrongful conviction; or
(B) a Class A misdemeanor or equivalent offense for which the 10th anniversary of the date of conviction has not occurred before the date of application, unless a full pardon has been granted for reasons relating to a wrongful conviction;

(3) at the time of application be charged with the commission of a Class A misdemeanor or felony offense, under an information or indictment;

(4) in the 10 years preceding the date of application, have been adjudicated as having engaged in delinquent conduct violating a penal law of the grade of felony;

(5) have been found by a court to be incompetent by reason of a mental defect or disease and not have been restored to competency;

(6) have been dishonorably discharged from the United States armed services, discharged from the United States armed services under other conditions determined by the board to be prohibitive, or dismissed from the United States armed services if a commissioned officer in the United States armed services; or

(7) be required to register in this or any other state as a sex offender, unless the applicant is approved by the board under Section 17023615
(b) An applicant is ineligible for a license, certificate of registration, or commission if the applicant has charges pending for or has been convicted in any jurisdiction of a Class B misdemeanor for an offense determined by the board to be disqualifying if the fifth anniversary of the date of conviction has not occurred before the date of application, unless a full pardon has been granted for reasons relating to a wrongful conviction
(c) For purposes of this section, an offense under the laws of this state, another state, or
the United States is considered:
(1) a felony if the offense:
   (A) at the time of conviction was designated by a law of this state as a felony, including a state jail felony;
   (B) contains all the elements of an offense designated by a law of this state as a felony, including a state jail felony; or
   (C) is punishable by confinement for one year or more in a penitentiary;
(2) a Class A misdemeanor if the offense is not a felony and the offense:
   (A) at the time of conviction was designated by a law of this state as a Class A misdemeanor;
   (B) contains all the elements of an offense designated by a law of this state as a Class A misdemeanor; or
   (C) provides as a possible punishment confinement in a jail other than a state jail felony facility; or
(3) a Class B misdemeanor if the offense is not a felony or Class A misdemeanor and the offense:
   (A) at the time of conviction was designated by a law of this state as a Class B misdemeanor;
   (B) contains all the elements of an offense designated by a law of this state as a Class B misdemeanor; or
   (C) provides as a possible punishment confinement in a jail other than a state jail felony facility
(d) For purposes of this section, "convicted" has the meaning provided in Section 1702371
(e) An individual's eligibility under this chapter is not affected by any relationship or lack of relationship between the nature of the criminal charges or conviction and the regulated occupation.

SECTION 21 Section 1702381, Occupations Code, is amended to read as follows:
Sec 1702381 CIVIL PENALTY (a) A person who is not licensed under this chapter, who does not have a license application pending, and who violates this chapter may be assessed a civil penalty to be paid to the state not to exceed $10,000 for each violation
(b) A person who contracts with or employs a person who is required to hold a license, certificate of registration, or security officer commission under this chapter knowing that the person does not hold the required license, certificate, or commission or who otherwise, at the time of contract or employment, is in violation of this chapter may be assessed a civil penalty to be paid to the state in an amount not to exceed $10,000 for each violation
(c) A civil penalty under this section may be assessed against a person on proof that the person has received at least 30 days' notice of the requirements of this section
VIRGINIA PRIVATE SECURITY SERVICES ACT

THIS IS A BRIEF OVERVIEW OF THE LAW AND DOES NOT INTEND TO REPRESENT THE ENTIRE SET OF QUALIFICATIONS OR REQUIREMENTS.

- The Private Security Services Advisory Board shall have two representatives.
- A person acts as a locksmith if that individual performs locksmith services, or advertises or represents to the general public that the individual is a locksmith even if the specific term locksmith is substituted with any other term by which a reasonable person could construe that the individual possesses special skills relating to locks or locking devices, including use of the words lock technician, lockman, safe technician, safeman, boxman, unlocking technician, lock installer, lock opener, physical security technician or similar descriptions (i.e. in any way holds themselves out to the public as offering any type of locksmith services).
- Locksmith services mean selling, servicing, rebuilding, repairing, rekeying, repinning, changing the combination to an electronic or mechanical locking device; programming either keys to a device or the device to accept electronic controlled keys; originating keys for locks or copying keys; adjusting or installing locks or deadbolts, mechanical or electronic locking devices, egress control devices, safes, and vaults; opening, defeating or bypassing locks or latching mechanisms in a manner other than intended by the manufacturer; with or without compensation for the general public or on property not his own nor under his own control or authority.
- Requires a compliance agent – an individual who owns or is employed by a licensed locksmith business to ensure the compliance of the business with the law. The person must have at least three years of managerial or supervisory experience or five years in the locksmith business or related field.
- Requires a fingerprint background check. License may be denied for: a criminal conviction for a misdemeanor involving moral turpitude, assault and battery, damage to real or personal property, controlled substances or imitation controlled substances, prohibited sexual behavior, firearms or any felony.
- Requires a proficiency exam (see exemption below) and continuing education.
- Following exemptions apply: Retail merchants performing locksmith services, selling locks or engaged in key cutting activities conducted at the business location who do not represent themselves to the general public as locksmiths; law enforcement, fire, rescue, emergency service personnel, or other persons performing locksmith services in an emergency situation without compensation and who do not represent themselves to the general public as locksmiths; motor vehicle dealers performing locksmith services who do not represent themselves to the general public as locksmiths; taxicab and towing businesses performing locksmith services that do not represent themselves to the general public as locksmiths; licensed contractors performing locksmith services when acting within the scope of such license who do not represent themselves to the general public as locksmiths or a contractor exempt
from those licensure requirements because the total value referred to in a single contract or project is less than $1,000, or when the performance of locksmith services is ancillary to the work performed by such contractor, and who does not represent himself to the general public as a locksmith.

- A locksmith will be exempt from the examination requirement if they provide satisfactory proof of having been actively and continuously providing locksmith services immediately prior to July 1, 2008, for at least two years.
CHAPTER 638


[H 462]
Approved March 13, 2008

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-138, 9.1-139, 9.1-140, and 9.1-143 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 9.1-140.1 as follows:

In addition to the definitions set forth in § 9.1-101, as used in this article, unless the context requires a different meaning:

"Alarm respondent" means an individual who responds to the signal of an alarm for the purpose of detecting an intrusion of the home, business or property of the end user.

"Armed" means a private security registrant who carries or has immediate access to a firearm in the performance of his duties.

"Armed security officer" means a natural person employed to (i) safeguard and protect persons and property or (ii) deter theft, loss, or concealment of any tangible or intangible personal property on the premises he is contracted to protect, and who carries or has access to a firearm in the performance of his duties.

"Armored car personnel" means persons who transport or offer to transport under armed security from one place to another, money, negotiable instruments or other valuables in a specially equipped motor vehicle with a high degree of security and certainty of delivery.

"Business advertising material" means display advertisements in telephone directories, letterhead, business cards, local newspaper advertising and contracts.

"Central station dispatcher" means an individual who monitors burglar alarm signal devices, burglar alarms or any other electrical, mechanical or electronic device used (i) to prevent or detect burglary, theft, shoplifting, pilferage or similar losses; (ii) to prevent or detect intrusion; or (iii) primarily to summon aid for other emergencies.

"Certification" means the method of regulation indicating that qualified persons have met the minimum requirements as private security services training schools, private security services instructors, compliance agents, or certified detector canine handler examiners.

"Compliance agent" means an individual who owns or is employed by a licensed private security services business to ensure the compliance of the private security services business with this title.
"Courier" means any armed person who transports or offers to transport from one place to another documents or other papers, negotiable or nonnegotiable instruments, or other small items of value that require expeditious services.

"Detector canine" means any dog that detects drugs or explosives or both drugs and explosives.

"Detector canine handler" means any individual who uses a detector canine in the performance of private security duties.

"Detector canine handler examiner" means any individual who examines the proficiency and reliability of detector canines and detector canine handlers in the detection of drugs or explosives or both drugs and explosives.

"Detector canine team" means the detector canine handler and his detector canine performing private security duties.

"Electronic security business" means any person who engages in the business of or undertakes to (i) install, service, maintain, design or consult in the design of any electronic security equipment to an end user; (ii) respond to or cause a response to electronic security equipment for an end user; or (iii) have access to confidential information concerning the design, extent, status, password, contact list, or location of an end user's electronic security equipment.

"Electronic security employee" means an individual who is employed by an electronic security business in any capacity which may give him access to information concerning the design, extent, status, password, contact list, or location of an end user's electronic security equipment.

"Electronic security equipment" means (i) electronic or mechanical alarm signaling devices including burglar alarms or holdup alarms used to safeguard and protect persons and property; or (ii) cameras used to detect intrusions, concealment or theft, to safeguard and protect persons and property. This shall not include tags, labels, and other devices that are attached or affixed to items offered for sale, library books, and other protected articles as part of an electronic article surveillance and theft detection and deterrence system.

"Electronic security sales representative" means an individual who sells electronic security equipment on behalf of an electronic security business to the end user.

"Electronic security technician" means an individual who installs, services, maintains or repairs electronic security equipment.

"Electronic security technician's assistant" means an individual who works as a laborer under the supervision of the electronic security technician in the course of his normal duties, but who may not make connections to any electronic security equipment.

"Employed" means to be in an employer/employee relationship where the employee is providing work in exchange for compensation and the employer directly controls the employee's conduct and pays some taxes on behalf of the employee. The term "employed" shall not be construed to include independent contractors.
"End user" means any person who purchases or leases electronic security equipment for use in that person's home or business.

"Firearms training verification" means the verification of successful completion of either initial or retraining requirements for handgun or shotgun training, or both.

"General public" means individuals who have access to areas open to all and not restricted to any particular class of the community.

“Key cutting” means making duplicate keys from an existing key and includes no other locksmith services.

"License number" means the official number issued to a private security services business licensed by the Department.

“Locksmith” means any individual that performs locksmith services, or advertises or represents to the general public that the individual is a locksmith even if the specific term locksmith is substituted with any other term by which a reasonable person could construe that the individual possesses special skills relating to locks or locking devices, including use of the words lock technician, lockman, safe technician, safeman, boxman, unlocking technician, lock installer, lock opener, physical security technician or similar descriptions.

"Locksmith services” mean selling, servicing, rebuilding, repairing, rekeying, repinning, changing the combination to an electronic or mechanical locking device; programming either keys to a device or the device to accept electronic controlled keys; originating keys for locks or copying keys; adjusting or installing locks or deadbolts, mechanical or electronic locking devices, egress control devices, safes, and vaults; opening, defeating or bypassing locks or latching mechanisms in a manner other than intended by the manufacturer; with or without compensation for the general public or on property not his own nor under his own control or authority.

"Natural person" means an individual person.

"Personal protection specialist" means any individual who engages in the duties of providing close protection from bodily harm to any person.

"Private investigator" means any individual who engages in the business of, or accepts employment to make, investigations to obtain information on (i) crimes or civil wrongs; (ii) the location, disposition, or recovery of stolen property; (iii) the cause of accidents, fires, damages, or injuries to persons or to property; or (iv) evidence to be used before any court, board, officer, or investigative committee.

"Private security services business" means any person engaged in the business of providing, or who undertakes to provide, armored car personnel, security officers, personal protection specialists, private investigators, couriers, security canine handlers, security canine teams, detector canine handlers, detector canine teams, alarm respondents, locksmiths, central station dispatchers, electronic security employees, electronic security sales representatives or electronic security technicians and their assistants to another person under contract, express or implied.
"Private security services instructor" means any individual certified by the Department to provide mandated instruction in private security subjects for a certified private security services training school.

"Private security services registrant" means any qualified individual who has met the requirements under this article to perform the duties of alarm respondent, locksmith, armored car personnel, central station dispatcher, courier, electronic security sales representative, electronic security technician, electronic security technician's assistant, personal protection specialist, private investigator, security canine handler, detector canine handler, unarmed security officer or armed security officer.

"Private security services training school" means any person certified by the Department to provide instruction in private security subjects for the training of private security services business personnel in accordance with this article.

"Registration" means a method of regulation whereby certain personnel employed by a private security services business are required to register with the Department pursuant to this article.

"Registration category" means any one of the following categories: (i) unarmed security officer and armed security officer/courier, (ii) security canine handler, (iii) armored car personnel, (iv) private investigator, (v) personal protection specialist, (vi) alarm respondent, (vii) central station dispatcher, (viii) electronic security sales representative, (ix) electronic security technician, (x) electronic technician's assistant, or (xi) detector canine handler, or (xii) locksmith.

"Security canine" means a dog that has attended, completed, and been certified as a security canine by a certified security canine handler instructor in accordance with approved Department procedures and certification guidelines. "Security canines" shall not include detector dogs.

"Security canine handler" means any individual who utilizes his security canine in the performance of private security duties.

"Security canine team" means the security canine handler and his security canine performing private security duties.

"Supervisor" means any individual who directly or indirectly supervises registered or certified private security services business personnel.

"Unarmed security officer" means a natural person who performs the functions of observation, detection, reporting, or notification of appropriate authorities or designated agents regarding persons or property on the premises he is contracted to protect, and who does not carry or have access to a firearm in the performance of his duties.

§ 9.1-139. Licensing, certification, and registration required; qualifications; temporary licenses.

A. No person shall engage in the private security services business or solicit private security business in the Commonwealth without having obtained a license from the Department. No person shall be issued a private security services business license until a compliance agent is designated in writing on forms provided by the Department. The
compliance agent shall ensure the compliance of the private security services business with this article and shall meet the qualifications and perform the duties required by the regulations adopted by the Board. A compliance agent shall have either a minimum of (i) three years of managerial or supervisory experience in a private security services business; with a federal, state or local law-enforcement agency; or in a related field or (ii) five years of experience in a private security services business; with a federal, state or local law-enforcement agency; or in a related field.

B. No person shall act as private security services training school or solicit students for private security training in the Commonwealth without being certified by the Department. No person shall be issued a private security services training school certification until a school director is designated in writing on forms provided by the Department. The school director shall ensure the compliance of the school with the provisions of this article and shall meet the qualifications and perform the duties required by the regulations adopted by the Board.

C. No person shall be employed by a licensed private security services business in the Commonwealth as armored car personnel, courier, armed security officer, detector canine handler, unarmed security officer, security canine handler, private investigator, personal protection specialist, alarm respondent, locksmith, central station dispatcher, electronic security sales representative, electronic security technician's assistant, or electronic security technician without possessing a valid registration issued by the Department, except as provided in this article.

D. A temporary license may be issued in accordance with Board regulations for the purpose of awaiting the results of the state and national fingerprint search. However, no person shall be issued a temporary license until (i) he has designated a compliance agent who has complied with the compulsory minimum training standards established by the Board pursuant to subsection A of § 9.1-141 for compliance agents, (ii) each principal of the business has submitted his fingerprints for a National Criminal Records search and a Virginia Criminal History Records search, and (iii) he has met all other requirements of this article and Board regulations.

E. No person shall be employed by a licensed private security services business in the Commonwealth unless such person is certified or registered in accordance with this chapter.

F. A temporary registration may be issued in accordance with Board regulations for the purpose of awaiting the results of the state and national fingerprint search. However, no person shall be issued a temporary registration until he has (i) complied with, or been exempted from the compulsory minimum training standards established by the Board, pursuant to subsection A of § 9.1-141, for armored car personnel, couriers, armed security officers, detector canine handlers, unarmed security officers, security canine handlers, private investigators, personal protection specialists, alarm respondents, locksmith, central station dispatchers, electronic security sales representatives, electronic security technician's assistants, or electronic security technicians, (ii) submitted his fingerprints to be used for the conduct of a National Criminal Records search and a
Virginia Criminal History Records search, and (iii) met all other requirements of this article and Board regulations.

G. A temporary certification as a private security instructor or private security training school may be issued in accordance with Board regulations for the purpose of awaiting the results of the state and national fingerprint search. However, no person shall be issued a temporary certification as a private security services instructor until he has (i) met the education, training and experience requirements established by the Board and (ii) submitted his fingerprints to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search. No person shall be issued a temporary certification as a private security services training school until (a) he has designated a training director, (b) each principal of the training school has submitted his fingerprints to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search, and (c) he has met all other requirements of this article and Board regulations.

H. A licensed private security services business in the Commonwealth shall not employ as an unarmed security officer, electronic security technician's assistant, unarmed alarm respondent, central station dispatcher, electronic security sales representative, locksmith, or electronic security technician, any person who has not complied with, or been exempted from, the compulsory minimum training standards established by the Board, pursuant to subsection A of § 9.1-141, except that such person may be so employed for not more than 90 days while completing compulsory minimum training standards.

I. No person shall be employed as an electronic security employee, electronic security technician's assistant, unarmed alarm respondent, locksmith, central station dispatcher, electronic security sales representative, electronic security technician or supervisor until he has submitted his fingerprints to the Department to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search. The provisions of this subsection shall not apply to an out-of-state central station dispatcher meeting the requirements of subdivision 19 of § 9.1-140.

J. The compliance agent of each licensed private security services business in the Commonwealth shall maintain documentary evidence that each private security registrant and certified employee employed by his private security services business has complied with, or been exempted from, the compulsory minimum training standards required by the Board. Before January 1, 2003, the compliance agent shall ensure that an investigation to determine suitability of each unarmed security officer employee has been conducted, except that any such unarmed security officer, upon initiating a request for such investigation under the provisions of subdivision 11 of subsection A of § 19.2-389, may be employed for up to 30 days pending completion of such investigation. After January 1, 2003, no person shall be employed as an unarmed security officer until he has submitted his fingerprints to the Department for the conduct of a National Criminal Records search and a Virginia Criminal History Records search. Any person who was employed as an unarmed security officer prior to January 1, 2003, shall submit his fingerprints to the Department in accordance with subsection B of § 9.1-145.
K. No person with a criminal conviction for a misdemeanor involving (i) moral turpitude, (ii) assault and battery, (iii) damage to real or personal property, (iv) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (v) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (vi) firearms, or any felony shall be (a) employed as a registered or certified employee by a private security services business or training school, or (b) issued a private security services registration, certification as an unarmed security officer, electronic security employee or technician's assistant, a private security services training school or instructor certification, compliance agent certification, or a private security services business license, except that, upon written request, the Director of the Department may waive such prohibition.

L. The Department may grant a temporary exemption from the requirement for licensure, certification, or registration for a period of not more than 30 days in a situation deemed an emergency by the Department.

M. All private security services businesses and private security services training schools in the Commonwealth shall include their license or certification number on all business advertising materials.

N. A licensed private security services business in the Commonwealth shall not employ as armored car personnel any person who has not complied with, or been exempted from, the compulsory minimum training standards established by the Board pursuant to subsection A of § 9.1-141, except such person may serve as a driver of an armored car for not more than 90 days while completing compulsory minimum training standards, provided such person does not possess or have access to a firearm while serving as a driver.

§ 9.1-140. Exceptions from article; training requirements for out-of-state central station dispatchers.

The provisions of this article shall not apply to:

1. An officer or employee of the United States, the Commonwealth, or a political subdivision of either, while the officer or employee is performing his official duties.

2. A person, except a private investigator as defined in § 9.1-138, engaged exclusively in the business of obtaining and furnishing information regarding an individual's financial rating or a person engaged in the business of a consumer reporting agency as defined by the Federal Fair Credit Reporting Act.

3. An attorney or certified public accountant licensed to practice in Virginia or his employees.

4. The legal owner of personal property which has been sold under any security agreement while performing acts relating to the repossession of such property.

5. A person receiving compensation for private employment as a security officer, or receiving compensation under the terms of a contract, express or implied, as a security officer, who is also a law-enforcement officer as defined by § 9.1-101 and employed by the Commonwealth or any of its political subdivisions.
6. Any person appointed under § 46.2-2003 or § 56-353 while engaged in the employment contemplated thereunder, unless they have successfully completed training mandated by the Department.

7. Persons who conduct investigations as a part of the services being provided as a claims adjuster, by a claims adjuster who maintains an ongoing claims adjusting business, and any natural person employed by the claims adjuster to conduct investigations for the claims adjuster as a part of the services being provided as a claims adjuster.

8. Any natural person otherwise required to be registered pursuant to § 9.1-139 who is employed by a business that is not a private security services business for the performance of his duties for his employer. Any such employee, however, who carries a firearm and is in direct contact with the general public in the performance of his duties shall possess a valid registration with the Department as required by this article.

9. Persons, sometimes known as "shoppers," employed to purchase goods or services solely for the purpose of determining or assessing the efficiency, loyalty, courtesy, or honesty of the employees of a business establishment.

10. Licensed or registered private investigators from other states entering Virginia during an investigation originating in their state of licensure or registration when the other state offers similar reciprocity to private investigators licensed and registered by the Commonwealth.

11. Unarmed regular employees of telephone public service companies where the regular duties of such employees consist of protecting the property of their employers and investigating the usage of telephone services and equipment furnished by their employers, their employers' affiliates, and other communications common carriers.

12. An end user.

13. A material supplier who renders advice concerning the use of products sold by an electronics security business and who does not provide installation, monitoring, repair or maintenance services for electronic security equipment.

14. Members of the security forces who are directly employed by electric public service companies.

15. Any professional engineer or architect licensed in accordance with Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 to practice in the Commonwealth, or his employees.

16. Any person who only performs telemarketing or schedules appointments without access to information concerning the electronic security equipment purchased by an end user.

17. Any certified forensic scientist employed as an expert witness for the purpose of possibly testifying as an expert witness.

18. Members of the security forces who are directly employed by shipyards engaged in the construction, design, overhaul or repair of nuclear vessels for the United States Navy.

19. An out-of-state central station dispatcher employed by a private security services business licensed by the Department provided he (i) possesses and maintains a valid
license, registration, or certification as a central station dispatcher issued by the regulatory authority of the state in which he performs the monitoring duties and (ii) has submitted his fingerprints to the regulatory authority for the conduct of a national criminal history records search.

20. Any person, or independent contractor or employee of any person, who (i) exclusively contracts directly with an agency of the federal government to conduct background investigations and (ii) possesses credentials issued by such agency authorizing such person, subcontractor or employee to conduct background investigations.

21. Any person whose occupation is limited to the technical reconstruction of the cause of accidents involving motor vehicles as defined in § 46.2-100, regardless of whether the information resulting from the investigation is to be used before a court, board, officer, or investigative committee, and who is not otherwise a private investigator as defined in § 9.1-138.

22. Retail merchants performing locksmith services, selling locks or engaged in key cutting activities conducted at the business location who do not represent themselves to the general public as locksmiths.

23. Law enforcement, fire, rescue, emergency service personnel, or other persons performing locksmith services in an emergency situation without compensation and who do not represent themselves to the general public as locksmiths.

24. Motor vehicle dealers as defined in § 46.2-1500 performing locksmith services who do not represent themselves to the general public as locksmiths.

25. Taxicab and towing businesses performing locksmith services that do not represent themselves to the general public as locksmiths.

26. Contractors licensed under Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 performing locksmith services when acting within the scope of such license who do not represent themselves to the general public as locksmiths.

27. Any contractor as defined in § 54.1-1100 (i) who is exempt from the licensure requirements of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1, (ii) where the total value referred to in a single contract or project is less than $1,000, (iii) when the performance of locksmith services is ancillary to the work performed by such contractor, and (iv) who does not represent himself to the general public as a locksmith.

§ 9.1-140.1. Registration; waiver of examination; locksmiths.

Notwithstanding any other provision of this article, unless an applicant is found by the Board to have engaged in any act that would constitute grounds for disciplinary action, the Board shall issue a registration, without examination, to any applicant who provides satisfactory proof to the Board of having been actively and continuously providing locksmith services immediately prior to July 1, 2008, for at least two years.

§ 9.1-143. Private Security Services Advisory Board; membership.

The Private Security Services Advisory Board is established as an advisory board within the meaning of § 2.2-2100, in the executive branch of state government. The Private
Security Services Advisory Board shall consist of 15 members as follows: two members shall be private investigators; two shall be representatives of electronic security businesses; two members shall be representatives of locksmith businesses, three shall be representatives of private security services businesses providing security officers, armed couriers or guard dog handlers; one shall be a representative of a private security services business providing armored car personnel; one shall be a representative of a private security services business involving personal protection specialists; one shall be a certified private security services instructor; one shall be a special conservator of the peace appointed pursuant to § 19.2-13; one shall be a licensed bail bondsman and one shall be a representative of law enforcement. The Private Security Services Advisory Board shall be appointed by the Criminal Justice Services Board and shall advise the Criminal Justice Services Board on all issues relating to regulation of private security services businesses.

2. That the Criminal Justice Services Board shall adopt reasonable regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) to implement the provisions of this act.

3. That, in addition to the requirements of §§ 2.2-4007.01 and 2.2-4007.02, during the promulgation of regulations in accordance with the second enactment of this act, the Department of Criminal Justice Services shall meet with representatives of the various locksmith organizations and other interested parties to solicit input from such organizations and persons in the formation and development of regulations concerning (i) the appropriate educational and training requirements for locksmiths and (ii) the Department's investigation of complaints against its locksmith regulants, including the process by which anonymous complaints will be handled by the Department pursuant to the requirements of Article 3 (§ 2.2-4018 et seq.) of Chapter 40 of Title 2.2. For the purposes of clause (i), the educational and training requirements, to the extent practicable, shall not exceed such requirements for electronic security businesses.

4. That the Board of Criminal Justice Services shall promulgate regulations to implement the provisions of this act to be effective by July 1, 2008.

5. That the registration requirements of this act shall become effective on October 1, 2008. Applicants for licensing and registration for locksmiths may submit an application to the Department on or after July 1, 2008.
APPENDIX D

STATE LEGISLATURE WEB SITES

State websites are typically formatted like this: www.state.(two-letter state code).us

Alabama http://www.legislature.state.al.us/
Alaska http://www.legis.state.ak.us
Arizona http://www.azleg.state.az.us
Arkansas http://www.arkleg.state.ar.us
California http://www.assembly.ca.gov/acs/defaultText.asp
http://www.sen.ca.gov/
Colorado http://www.state.co.us/gov_dir/stateleg.html
Connecticut http://www.cga.state.ct.us/default.asp
Delaware http://www.delaware.gov/yahoo/Government
Florida http://www.leg.state.fl.us
Georgia http://www.ganet.org/services/leg
Hawaii http://www.capitol.hawaii.gov
Idaho http://www.state.id.us/legislat/legisлат.html
Illinois http://www.ilga.gov/
Indiana http://www.ai.org/legislative
Iowa http://www.legis.state.ia.us
Kansas http://www.ink.org/public/legisлатive
Kentucky http://www.lrc.state.ky.us/home.htm
Louisiana http://www.state.la.us/gov_legis.htm
Maine http://janus.state.me.us/legis/
Maryland http://mlis.state.md.us
Massachusetts http://www.magnet.state.ma.us/legis/legis.htm
Michigan http://www.state.mi.us/migov/
Minnesota http://www.leg.state.mn.us/
Mississippi http://www.ls.state.ms.us
Missouri http://www.moga.state.mo.us
Montana http://leg.state.mt.us/index.htm
<table>
<thead>
<tr>
<th>State</th>
<th>Website</th>
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<tr>
<td>Nebraska</td>
<td><a href="http://www.unicam.state.ne.us/index.htm">http://www.unicam.state.ne.us/index.htm</a></td>
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<td>Nevada</td>
<td><a href="http://www.leg.state.nv.us">http://www.leg.state.nv.us</a></td>
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<td>New Hampshire</td>
<td><a href="http://gencourt.state.nh.us/ie/">http://gencourt.state.nh.us/ie/</a></td>
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<td><a href="http://www.njleg.state.nj.us">http://www.njleg.state.nj.us</a></td>
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<td><a href="http://legis.state.nm.us">http://legis.state.nm.us</a></td>
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<td>New York</td>
<td><a href="http://www.assembly.state.ny.us">http://www.assembly.state.ny.us</a> and <a href="http://www.senate.state.ny.us">http://www.senate.state.ny.us</a></td>
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<td><a href="http://www.ncga.state.nc.us">http://www.ncga.state.nc.us</a></td>
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<td><a href="http://www.state.nd.us/%C5%82o">http://www.state.nd.us/ło</a></td>
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<td>Ohio</td>
<td><a href="http://www.state.oh.us/liwo/legislat.htm">http://www.state.oh.us/liwo/legislat.htm</a></td>
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<td><a href="http://www.rilin.state.ri.us">http://www.rilin.state.ri.us</a></td>
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<td>South Carolina</td>
<td><a href="http://www.scstatehouse.net/">http://www.scstatehouse.net/</a></td>
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<td>South Dakota</td>
<td><a href="http://legis.state.sd.us/index.cfm">http://legis.state.sd.us/index.cfm</a></td>
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<td>Tennessee</td>
<td><a href="http://www.legislature.state.tn.us">http://www.legislature.state.tn.us</a></td>
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<td>West Virginia</td>
<td><a href="http://www.legis.state.wv.us">http://www.legis.state.wv.us</a></td>
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<td>Wyoming</td>
<td><a href="http://legisweb.state.wy.us">http://legisweb.state.wy.us</a></td>
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<tr>
<td>District of Columbia</td>
<td><a href="http://www.washingtondc.gov/">http://www.washingtondc.gov/</a></td>
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FEDERAL AND OTHER LEGISLATIVE SITES

President of the United States
http://www.whitehouse.gov/

United States Senate
http://www.senate.gov/

United States House of Representatives
http://www.house.gov/

United States Supreme Court:
http://www.supremecourtus.gov/

Library of Congress Federal Bill Tracking
http://thomas.loc.gov/

United States Code
http://www4.law.cornell.edu/uscode/

New York City Locksmith Licensing Information

List of State and Federal Legislators
Courtesy of ASAE Advocate Center)
http://capwiz.com/asae/dbq/officials/

Associated Locksmiths of America Legislative Action Network
http://www.aloa.org/legislation