

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1593

By: Hardin

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Sections 1800.4, as last
9 amended by Section 1, Chapter 42, O.S.L. 2014,
10 1800.5, as last amended by Section 2, Chapter 22,
11 O.S.L. 2013, 1800.11, as last amended by Section 7,
12 Chapter 22, O.S.L. 2013 and 1800.13, as last amended
13 by Section 9, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
14 2016, Sections 1800.4, 1800.5, 1800.11 and 1800.13),
15 which relate to the Alarm, Locksmith and Fire
16 Sprinkler Industry Act; transferring certain duties
17 to the Commissioner of Labor; modifying members,
18 terms and vacancies of the Alarm and Locksmith
19 Industry Committee; modifying powers and duties of
20 the Committee; modifying responsibilities of
21 licensee; modifying suspension or revocation of
22 license; providing an effective date; and declaring
23 an emergency.

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18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1800.4, as
20 last amended by Section 1, Chapter 42, O.S.L. 2014 (59 O.S. Supp.
21 2016, Section 1800.4), is amended to read as follows:

22 Section 1800.4 A. There is hereby created the Alarm and
23 Locksmith Industry Committee, which shall consist of nine (9)
24 members. One member shall be the Commissioner of Labor or the

1 Commissioner's designated representative and eight members shall be
2 appointed by the ~~Governor with the consent of the Senate~~
3 Commissioner of Labor. Seven of the appointed members shall have at
4 least ~~five (5)~~ four (4) years of experience in the alarm or
5 locksmith industry or in a closely related field with broad working
6 knowledge of the alarm or locksmith industry and active employment
7 status in such field during the term of appointment. At least one
8 of the appointed members shall be from each working field or closely
9 related industries of burglar alarm, fire alarm, fire sprinkler,
10 electronic access control, locksmith, closed circuit television, and
11 ~~nurse call~~ home automation system, except when a qualified candidate
12 for appointment is not available in the working field. One of the
13 appointed members shall be a lay member. No member shall be
14 employed by the same person as any other member of the Committee.
15 ~~On the effective date of the transfer of alarm and locksmith~~
16 ~~industry as provided in this act, the State Commissioner of Health~~
17 ~~then serving on the Alarm and Locksmith Industry Committee shall be~~
18 ~~replaced by the Commissioner of Labor, and all other committee~~
19 ~~members shall continue to serve until their term has expired or is~~
20 ~~otherwise vacated. Nothing shall prohibit the reappointment of any~~
21 ~~member provided the reappointment does not exceed term limits.~~

22 B. The term of office of each appointed member shall be a
23 staggered term of ~~four (4)~~ two (2) years with a limit of ~~two~~ three
24 full terms. Notwithstanding the term of office, each appointed

1 member shall continue to serve until his or her successor has been
2 duly qualified and appointed. All appointees must qualify under the
3 Alarm ~~and~~, Locksmith and Fire Sprinkler Industry Act.

4 C. Members of the Committee may be removed from office by the
5 ~~Governor~~ Commissioner at any time. A member missing two or more
6 committee meetings in a single year without justifiable cause may be
7 removed and replaced by the ~~Governor at the request of the Committee~~
8 Commissioner.

9 D. Vacancies shall be filled by appointment by the ~~Governor~~
10 ~~with the consent of the Senate~~ Commissioner for the unexpired term
11 of the vacancy. Should an appointment from a working field become
12 vacant or be without qualified candidates for appointment, that
13 working field may be filled by a person from another working field.

14 E. The members of the Committee shall serve without pay but may
15 be reimbursed for actual expenses pursuant to the State Travel
16 Reimbursement Act.

17 F. The Committee shall elect from among its membership a chair,
18 vice-chair and secretary to serve terms of not more than two (2)
19 years ending on May 31 of the year designated by the Committee. The
20 chair or vice-chair shall preside at all meetings. The chair, vice-
21 chair and secretary shall perform such duties as may be decided by
22 the Committee in order to effectively administer ~~the Alarm and~~
23 ~~Locksmith Industry Act~~ this act or as directed by the Commissioner
24 ~~of Labor~~.

1 G. A majority of Committee members shall constitute a quorum to
2 transact official business.

3 H. The Committee shall meet at such times as the ~~Committee~~
4 Commissioner deems necessary to implement ~~the Alarm and Locksmith~~
5 ~~Industry Act~~ this act.

6 I. The Committee shall assist and advise the Commissioner on
7 all matters relating to the formulation of rules, regulations and
8 standards in accordance with ~~the Alarm and Locksmith Industry Act~~
9 this act.

10 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1800.5, as
11 last amended by Section 2, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
12 2016, Section 1800.5), is amended to read as follows:

13 Section 1800.5 The Alarm and Locksmith Industry Committee shall
14 have the following duties and powers:

15 1. To assist the Commissioner of Labor in licensing and
16 otherwise regulating persons engaged in an alarm or locksmith
17 industry business;

18 2. To ~~determine~~ assist in determining qualifications of
19 applicants pursuant to the Alarm ~~and,~~ Locksmith and Fire Sprinkler
20 Industry Act;

21 3. To assist the Commissioner in prescribing and adopting forms
22 for license applications and initiate mailing of such application
23 forms to all persons requesting such applications;

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1 4. To assist the Commissioner in disciplinary actions,
2 including the denial, suspension or revocation of licenses as
3 provided by ~~the Alarm and Locksmith Industry Act~~ this act;

4 5. To assist the Commissioner with charging and collecting such
5 fees as are prescribed by ~~the Alarm and Locksmith Industry Act~~ this
6 act;

7 6. To assist the Commissioner in establishing and enforcing
8 standards governing the materials, services and conduct of the
9 licensees and their employees in regard to the alarm and locksmith
10 industry;

11 7. To assist the Commissioner in promulgating rules necessary
12 to carry out the administration of ~~the Alarm and Locksmith Industry~~
13 ~~Act~~ this act;

14 8. To ~~investigate or~~ assist in investigating alleged violations
15 of the provisions of ~~the Alarm and Locksmith Industry Act~~ this act
16 and any rules and regulations promulgated thereto;

17 9. To assist the Commissioner in establishing categories of
18 licenses for ~~the Alarm and Locksmith Industry Act~~ this act and
19 application requirements for each category including but not limited
20 to individual license, experience requirements, educational
21 requirements, fingerprints, photographs, examinations, and fees; and

22 10. To assist the Commissioner in providing for grievance and
23 appeal procedures pursuant to the Administrative Procedures Act for
24 any person whose license is denied, revoked or suspended; ~~and~~

1 ~~11. To exercise such other powers and duties as are necessary~~
2 ~~to implement the Alarm and Locksmith Industry Act.~~

3 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1800.11, as
4 last amended by Section 7, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
5 2016, Section 1800.11), is amended to read as follows:

6 Section 1800.11 The licensee shall be responsible to the ~~Alarm~~
7 ~~and Locksmith Industry Committee~~ Commissioner of Labor in matters of
8 conduct of business activities covered by the Alarm ~~and~~, Locksmith
9 and Fire Sprinkler Industry Act. The licensee shall be responsible
10 for the activities on the part of the licensee's employees. For
11 purposes of ~~the Alarm and Locksmith Industry Act~~ this act, improper
12 conduct on the part of any employees which occurs within the scope
13 of employment may be considered ~~by the Alarm and Locksmith Industry~~
14 ~~Committee~~ as acts of the licensee.

15 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1800.13, as
16 last amended by Section 9, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
17 2016, Section 1800.13), is amended to read as follows:

18 Section 1800.13 A. The Commissioner of Labor ~~on recommendation~~
19 ~~of the Alarm and Locksmith Industry Committee~~ may suspend any
20 license, upon the conviction of any individual named on the license
21 or on the application for license of a felony, for a period not to
22 exceed thirty (30) days pending a full investigation by the
23 ~~Committee~~ Commissioner or designee. Such investigation shall be
24 initiated within the thirty-day period of the suspension. A final

1 determination by the ~~Committee~~ Commissioner or designee shall result
2 in either removal of the suspension or such sanction as the
3 Commissioner considers appropriate, as provided by the Alarm ~~and,~~
4 Locksmith and Fire Sprinkler Industry Act.

5 B. The Commissioner may revoke or suspend any license,
6 reprimand any licensee or deny any application for license or
7 renewal if, ~~in the judgment of the Committee:~~

8 1. The applicant or licensee has violated any provision of ~~the~~
9 ~~Alarm and Locksmith Industry Act~~ this act or any rule or regulation
10 promulgated thereto;

11 2. The applicant or licensee has committed any offense
12 resulting in the applicant's or licensee's conviction of a felony or
13 crime involving moral turpitude. Provided, however, if the
14 applicant has had no felony convictions at least ten (10) years
15 prior to making application for a license and the applicant has
16 shown the ~~Committee~~ Department of Labor that the applicant has been
17 rehabilitated, the ~~Committee may recommend the applicant for~~ may be
18 issued a license;

19 3. The applicant or licensee has practiced fraud, deceit,
20 theft, larceny, arson, or misrepresentation;

21 4. The applicant or licensee has made a material misstatement
22 in any information required by the ~~Committee~~ Department of Labor; or

23 5. The applicant or licensee has demonstrated incompetence or
24 untrustworthiness in the applicant's or licensee's actions.

1 C. The ~~Committee~~ Commissioner of Labor shall, before final
2 action under subsection B of this section, provide thirty (30) days
3 of written notice to the applicant or licensee involved, of the
4 action intended and give sufficient opportunity for such person to
5 request an administrative hearing and to be represented by an
6 attorney. A hearing shall be scheduled by the Commissioner if so
7 requested as provided in the Administrative Procedures Act.

8 D. In the event the Commissioner denies the application for, or
9 revokes or suspends, any license or imposes any reprimand, a record
10 of such action shall be in writing and officially signed by the
11 Commissioner. The original copy shall be filed with the Department
12 of Labor and a copy mailed to the affected applicant or licensee
13 within two (2) days of the final action taken by the Commissioner.

14 E. Notice of the suspension or revocation of any license shall
15 be made public record.

16 F. A suspended license shall be subject to expiration and may
17 be renewed as provided by ~~the Alarm and Locksmith Industry Act~~ this
18 act, regardless of the term of suspension; provided, a renewal shall
19 not remove the suspension term.

20 G. A revoked license terminates on the date of revocation and
21 cannot be reinstated; provided, the Commissioner may reverse the
22 revocation action. Any licensee whose license is revoked shall
23 apply for a new license and meet all requirements for a license as
24 stated in ~~the Alarm and Locksmith Industry Act~~ this act prior to

1 engaging in any alarm or locksmith industry business activities.
2 The Committee and the Commissioner shall take action on the new
3 application and may require additional safeguards against such acts
4 by the applicant as may have been the cause of the revocation of the
5 prior license.

6 SECTION 5. This act shall become effective July 1, 2017.

7 SECTION 6. It being immediately necessary for the preservation
8 of the public peace, health or safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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