

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2252

By: Hilbert

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5  
6 AS INTRODUCED

7 An Act relating to professions and occupations;  
8 amending 59 O.S. 2011, Sections 1800.5, as last  
9 amended by Section 5, Chapter 218, O.S.L. 2019,  
10 1800.9, as last amended by Section 10, Chapter 218,  
11 O.S.L. 2019 and 1800.13, as last amended by Section  
12 14, Chapter 218, O.S.L. 2019 (59 O.S. Supp. 2020,  
13 Sections 1800.5, 1800.9 and 1800.13), which relate to  
14 the Alarm, Locksmith and Fire Sprinkler Industry Act;  
15 authorizing Commissioner of Labor certain licensing  
16 powers in State of Emergency; and providing an  
17 effective date.

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

19 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1800.5, as  
20 last amended by Section 5, Chapter 218, O.S.L. 2019 (59 O.S. Supp.  
21 2020, Section 1800.5), is amended to read as follows:

22 Section 1800.5 A. The Alarm, Locksmith and Fire Sprinkler  
23 Industry Committee shall have the following duties and powers:

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

1           2. To determine qualifications of applicants pursuant to the  
2 Alarm, Locksmith and Fire Sprinkler Industry Act, except that the  
3 Commissioner of Labor shall have such power in the event a statewide  
4 State of Emergency is declared by the Governor, during such time as  
5 the State of Emergency is in effect;

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

9           4. To assist the Commissioner in disciplinary actions,  
10 including the denial, suspension or revocation of licenses as  
11 provided by the Alarm, Locksmith and Fire Sprinkler Industry Act;

12           5. To assist the Commissioner with charging and collecting such  
13 fees as are prescribed by the Alarm, Locksmith and Fire Sprinkler  
14 Industry Act;

15           6. To assist the Commissioner in establishing and enforcing  
16 standards governing the materials, services and conduct of the  
17 licensees and their employees in regard to the alarm, locksmith and  
18 fire sprinkler industry;

19           7. To assist the Commissioner in promulgating rules necessary  
20 to carry out the administration of the Alarm, Locksmith and Fire  
21 Sprinkler Industry Act;

22           8. To investigate or assist in investigating alleged violations  
23 of the provisions of the Alarm, Locksmith and Fire Sprinkler  
24 Industry Act and any rules and regulations promulgated thereto;

1 9. To assist the Commissioner in identifying advances in  
2 technology and establishing categories of licenses for the Alarm,  
3 Locksmith and Fire Sprinkler Industry Act and application  
4 requirements for each category including, but not limited to,  
5 individual license, experience requirements, educational  
6 requirements, fingerprints, photographs, examinations, and fees;

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

10 11. To exercise such other powers and duties as are necessary  
11 to implement the Alarm, Locksmith and Fire Sprinkler Industry Act.

12 B. The Department of Labor is authorized to regulate any  
13 advancements in technology that apply to the alarm, locksmith and  
14 fire sprinkler industry.

15 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1800.9, as  
16 last amended by Section 10, Chapter 218, O.S.L. 2019 (59 O.S. Supp.  
17 2020, Section 1800.9), is amended to read as follows:

18 Section 1800.9 A. Upon receiving proper application, payment  
19 of the proper license fee, and certification of recommendation by  
20 the Alarm, Locksmith and Fire Sprinkler Industry Committee, the  
21 Commissioner of Labor shall issue a license to the applicant. The  
22 license shall be valid for a one-year term. The Commissioner of  
23 Labor shall have the power to issue or deny a license without  
24 certification of recommendation by the Alarm, Locksmith and Fire

1 Sprinkler Industry Committee in the event a statewide State of  
2 Emergency is declared by the Governor, during such time as the State  
3 of Emergency is in effect.

4 B. Renewal of a license shall not prohibit disciplinary  
5 proceedings for an act committed prior to the renewal.

6 C. The Commissioner may adopt a system under which licenses  
7 expire on various dates throughout the year. For any change in such  
8 expiration dates, license fees shall be prorated on an appropriate  
9 periodic basis.

10 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1800.13, as  
11 last amended by Section 14, Chapter 218, O.S.L. 2019 (59 O.S. Supp.  
12 2020, Section 1800.13), is amended to read as follows:

13 Section 1800.13 A. The Commissioner of Labor on recommendation  
14 of the Alarm, Locksmith and Fire Sprinkler Industry Committee may  
15 suspend any license, upon the conviction of any individual named on  
16 the license or on the application for license of a felony, for a  
17 period not to exceed thirty (30) days pending a full investigation  
18 by the Committee. Such investigation shall be initiated within the  
19 thirty-day period of the suspension. A final determination by the  
20 Committee shall result in either removal of the suspension or such  
21 sanction as the Commissioner considers appropriate, as provided by  
22 the Alarm, Locksmith and Fire Sprinkler Industry Act.

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1 B. The Commissioner may revoke or suspend any license,  
2 reprimand any licensee or deny any application for license or  
3 renewal if, in the judgment of the Committee:

4 1. The applicant or licensee has violated any provision of the  
5 Alarm, Locksmith and Fire Sprinkler Industry Act or any rule or  
6 regulation promulgated thereto;

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

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

16 4. The applicant or licensee has made a material misstatement  
17 in any information required by the Committee; or

18 5. The applicant or licensee has demonstrated incompetence or  
19 untrustworthiness in the applicant's or licensee's actions.

20 C. The Committee shall, before final action under subsection B  
21 of this section, provide a thirty-day written notice to the  
22 applicant or licensee involved, of the action intended and give  
23 sufficient opportunity for such person to request an administrative  
24 hearing and to be represented by an attorney. A hearing shall be

1 scheduled by the Commissioner if so requested as provided in the  
2 Administrative Procedures Act.

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

9 E. Notice of the suspension or revocation of any license shall  
10 be made public record.

11 F. A suspended license shall be subject to expiration and may  
12 be renewed as provided by the Alarm, Locksmith and Fire Sprinkler  
13 Industry Act, regardless of the term of suspension; provided, a  
14 renewal shall not remove the suspension term.

15 G. A revoked license terminates on the date of revocation and  
16 cannot be reinstated; provided, the Commissioner may reverse the  
17 revocation action. Any licensee whose license is revoked shall  
18 apply for a new license and meet all requirements for a license as  
19 stated in the Alarm, Locksmith and Fire Sprinkler Industry Act prior  
20 to engaging in any alarm, locksmith or fire sprinkler industry  
21 business activities. The Committee and the Commissioner shall take  
22 action on the new application and may require additional safeguards  
23 against such acts by the applicant as may have been the cause of the  
24 revocation of the prior license.

1       H. The Commissioner may revoke or suspend any license,  
2 reprimand any licensee or deny any application for license or  
3 renewal without the certification of recommendation or participation  
4 of the Alarm, Locksmith and Fire Sprinkler Industry Committee in the  
5 event a statewide State of Emergency is declared by the Governor,  
6 during such time as the State of Emergency is in effect. The  
7 Commissioner shall otherwise comply with the provisions of this  
8 section.

9           SECTION 4. This act shall become effective November 1, 2021.

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11           58-1-5590           LRB           01/04/21

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