

1 STATE OF OKLAHOMA

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

3 SENATE BILL 113

By: Thompson

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5
6 AS INTRODUCED

7 An Act relating to alarm and locksmiths; amending 59
8 O.S. 2011, Section 1800.4, as last amended by Section
9 1, Chapter 42, O.S.L. 2014, 1800.5, as last amended
10 by Section 2, Chapter 22, O.S.L. 2013, 1800.11, as
11 last amended by Section 7, Chapter 22, O.S.L. 2013,
12 and 1800.13, as last amended by Section 9, Chapter
13 22, O.S.L. 2013 (59 O.S. Supp. 2016, Sections 1800.4,
14 1800.5, 1800.11, and 1800.13), which relate to
15 committee members, duties of committee,
16 responsibility of licensee, and revocation of
17 license; modifying appointment and term of members;
18 modifying language; directing committee meetings be
19 set by Commissioner of Labor; deleting authority to
20 exercise other duties; making licensee responsible to
21 Commissioner of Labor; granting Commissioner of Labor
22 authority to issue, deny and revoke licenses;
23 directing Commissioner of Labor to notify notice
24 before certain hearing; and providing an effective
date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1800.4, as
last amended by Section 1, Chapter 42, O.S.L. 2014 (59 O.S. Supp.
2016, 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 nine (9)

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

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

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

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

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

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

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

1 Locksmith and Fire Sprinkler Industry Act or as directed by the
2 Commissioner of Labor.

3 G. A majority of Committee members shall constitute a quorum to
4 transact official business.

5 H. The Committee shall meet at such times as the ~~Committee~~
6 Commissioner of labor deems necessary to implement the Alarm ~~and,~~
7 Locksmith and Fire Sprinkler Industry Act.

8 I. The Committee shall assist and advise the Commissioner on
9 all matters relating to the formulation of rules, regulations and
10 standards in accordance with the Alarm ~~and,~~ Locksmith and Fire
11 Sprinkler Industry Act.

12 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1800.5, as
13 last amended by Section 2, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
14 2016, Section 1800.5), is amended to read as follows:

15 Section 1800.5. The Alarm and Locksmith Industry Committee
16 shall have the following duties and powers:

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

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

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

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

8 5. To assist the Commissioner with charging and collecting such
9 fees as are prescribed by the Alarm ~~and,~~ Locksmith and Fire
10 Sprinkler Industry Act;

11 6. To assist the Commissioner in establishing and enforcing
12 standards governing the materials, services and conduct of the
13 licensees and their employees in regard to the alarm and locksmith
14 industry;

15 7. To assist the Commissioner in promulgating rules necessary
16 to carry out the administration of the Alarm ~~and,~~ Locksmith and Fire
17 Sprinkler Industry Act;

18 8. To ~~investigate or~~ assist in investigating alleged violations
19 of the provisions of the Alarm ~~and,~~ Locksmith and Fire Sprinkler
20 Industry Act and any rules ~~and regulations~~ promulgated thereto;

21 9. To assist the Commissioner in establishing categories of
22 licenses for the Alarm ~~and,~~ Locksmith and Fire Sprinkler Industry
23 Act and application requirements for each category including but not
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1 limited to individual license, experience requirements, educational
2 requirements, fingerprints, photographs, examinations, and fees; and

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

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

8 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1800.11, as
9 last amended by Section 7, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
10 2016, Section 1800.11), is amended to read as follows:

11 Section 1800.11. The licensee shall be responsible to the Alarm
12 and Locksmith Industry Committee in matters of conduct of business
13 activities covered by the Alarm and, Locksmith and Fire Sprinkler
14 Industry Act. The licensee shall be responsible for the activities
15 on the part of the licensee's employees. For purposes of the Alarm
16 ~~and, Locksmith and Fire Sprinkler~~ Industry Act, improper conduct on
17 the part of any employees which occurs within the scope of
18 employment may be considered by the Committee as acts of the
19 licensee.

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

23 Section 1800.13. A. The Commissioner of Labor ~~on~~
24 ~~recommendation of the Alarm and Locksmith Industry Committee~~ may

1 suspend any license, upon the conviction of any individual named on
2 the license or on the application for license of a felony, for a
3 period not to exceed thirty (30) days pending a full investigation
4 by the ~~Committee~~ Commissioner of Labor or designee. Such
5 investigation shall be initiated within the thirty-day period of the
6 suspension. A final determination by the ~~Committee~~ Commissioner or
7 designee shall result in either removal of the suspension or such
8 sanction as the Commissioner considers appropriate, as provided by
9 the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry Act.

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

13 1. The applicant or licensee has violated any provision of the
14 Alarm ~~and~~, Locksmith and Fire Sprinkler Industry Act or any rule ~~or~~
15 ~~regulation~~ promulgated thereto;

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

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

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

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

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

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

20 E. Notice of the suspension or revocation of any license shall
21 be made public record.

22 F. A suspended license shall be subject to expiration and may
23 be renewed as provided by the Alarm ~~and~~, Locksmith and Fire

1 Sprinkler Industry Act, regardless of the term of suspension;
2 provided, a renewal shall not remove the suspension term.

3 G. A revoked license terminates on the date of revocation and
4 cannot be reinstated; provided, the Commissioner may reverse the
5 revocation action. Any licensee whose license is revoked shall
6 apply for a new license and meet all requirements for a license as
7 stated in the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry Act
8 prior to engaging in any alarm or locksmith industry business
9 activities. The Committee and the Commissioner shall take action on
10 the new application and may require additional safeguards against
11 such acts by the applicant as may have been the cause of the
12 revocation of the prior license.

13 SECTION 5. This act shall become effective November 1, 2017.

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