

1 ENGROSSED SENATE
2 BILL NO. 380

By: Newberry and Sharp of the
Senate

3 and

4 McDaniel (Randy) of the
5 House

6
7 [Alarm and Locksmith Industry Act - exemptions -
8 background check - codification -effective date]
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10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1800.3, as
12 last amended by Section 1, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
13 2014, Section 1800.3), is amended to read as follows:

14 Section 1800.3. The Alarm and Locksmith Industry Act shall not
15 apply to:

16 1. An officer or employee of this state, the United States or a
17 political subdivision of either, while the employee or officer is
18 engaged in the performance of official duties;

19 2. An individual who owns and installs alarm devices,
20 mechanical or electronic security devices and locks on the
21 individual's own property or, if the individual does not charge for
22 the device or its installation, installs it for the protection of
23 the individual's personal property located on another's property,
24 and does not install the alarm devices, mechanical or electronic

1 security devices and locks as a normal business practice on the
2 property of another;

3 3. The sale of alarm or lock systems designed or intended for
4 customer or user installation;

5 4. The sale, installation, service, or repair of alarm systems
6 or electronic security devices such as electronic access control,
7 closed circuit television, nurse call systems and the like by
8 individuals licensed pursuant to the Electrical License Act;

9 5. The locksmith industry activities of tow truck operators
10 from their towing vehicles or repossession agents within the
11 execution of their duties;

12 6. Locksmith industry activities of persons primarily engaged
13 in selling lumber and other building materials who hold a sales tax
14 permit as a Group One vendor authorized to engage in business within
15 this state pursuant to Sections 1363 and 1364 of the Oklahoma Sales
16 Tax Code; ~~or~~

17 7. The solicitation of a potential alarm system customer by a
18 person via telephone or electronic device on behalf of an Oklahoma
19 licensed alarm company for the sale of an alarm system; or

20 8. The sale of an alarm product or system by a retail counter
21 sales agent upon the conditions required by Section 2 of this act.

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1800.6a of Title 59, unless
24 there is created a duplication in numbering, reads as follows:

1 A. For purposes of this section and paragraph 8 of Section
2 1800.3 of Title 59 of the Oklahoma Statutes, "retail counter sales
3 agent" means an individual employed by an Oklahoma licensed alarm or
4 locksmith company for the purpose of selling technology devices and
5 services to the general public in a commercial retail setting,
6 including alarm and locksmith services and equipment.

7 B. 1. Every retail counter sales agent shall undergo a
8 national criminal history records search by a third party or the
9 Department of Labor. If the individual successfully completes the
10 required records search, the individual shall not be required to
11 obtain an alarm and locksmith license when selling alarm products or
12 systems in the retail setting. For purposes of this subsection,
13 "selling" means the initial communications with the customer to
14 determine the appropriate alarm products or system to be purchased
15 and installed, but shall not include actual installation locations
16 or the final design, plan or laying out of the alarm products or
17 system.

18 2. No person shall act as a retail counter sales agent for an
19 alarm or locksmith company in this state if such person has been
20 convicted of a felony offense.

21 3. A retail counter sales agent shall not be permitted access
22 to any customer's unique alarm access codes or other confidential
23 information aside from the information necessary to complete a
24 retail sale transaction.

1 C. Any alarm or locksmith company failing to comply with the
2 provisions of this section shall be deemed in violation of the Alarm
3 and Locksmith Industry Act. The Department of Labor shall revoke or
4 suspend the license of the person for a violation of this section.

5 SECTION 3. This act shall become effective November 1, 2015.

6 Passed the Senate the 11th day of March, 2015.

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Presiding Officer of the Senate

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10 Passed the House of Representatives the ____ day of _____,
11 2015.

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Presiding Officer of the House
of Representatives

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