

1 ENGROSSED HOUSE AMENDMENTS
TO

2 ENGROSSED SENATE BILL NO. 380

By: Newberry and Sharp of the
Senate

3
4 and

5 McDaniel (Randy) of the
6 House

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8 [Alarm and Locksmith Industry Act - exemptions -
9 background check - codification -effective date]

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11 AMENDMENT NO. 1. Page 1, line 7 through 7 1/2, restore the stricken
12 title to read

13 "An Act relating to professions and occupations;
14 amending 59 O.S. 2011, Section 1800.3, as last
15 amended by Section 1, Chapter 22, O.S.L. 2013 (59
16 O.S. Supp. 2014, Section 1800.3), which relates to
17 the Alarm and Locksmith Industry Act; adding certain
18 exemption; defining terms; requiring criminal
history records search for certain persons;
prohibiting dissemination of results; prohibiting
access to certain confidential information;
providing for penalties; providing for codification;
and providing an effective date."

19 AMENDMENT NO. 2. Page 1, line 11 through page 4, line 4, delete
20 Sections 1 and 2 and insert new Sections 1 and 2
to read

21 "SECTION 1. AMENDATORY 59 O.S. 2011, Section 1800.3, as
22 last amended by Section 1, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
23 2014, Section 1800.3), is amended to read as follows:

24

1 Section 1800.3 The Alarm and Locksmith Industry Act shall not
2 apply to:

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

6 2. An individual who owns and installs alarm devices,
7 mechanical or electronic security devices and locks on the
8 individual's own property or, if the individual does not charge for
9 the device or its installation, installs it for the protection of
10 the individual's personal property located on another's property,
11 and does not install the alarm devices, mechanical or electronic
12 security devices and locks as a normal business practice on the
13 property of another;

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

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

20 5. The locksmith industry activities of tow truck operators
21 from their towing vehicles or repossession agents within the
22 execution of their duties;

23 6. Locksmith industry activities of persons primarily engaged
24 in selling lumber and other building materials who hold a sales tax

1 permit as a Group One vendor authorized to engage in business within
2 this state pursuant to Sections 1363 and 1364 of the Oklahoma Sales
3 Tax Code; ~~or~~

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

7 8. The sale of alarm or locksmith products or systems by a
8 retail counter sales agent upon the conditions required by Section 2
9 of this act.

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

13 A. For purposes of this section and paragraph 8 of Section
14 1800.3 of Title 59 of the Oklahoma Statutes, "retail counter sales
15 agent" means an individual employed by an Oklahoma licensed alarm or
16 locksmith company for the purpose of selling technology devices and
17 services to the general public in a commercial retail setting,
18 including alarm and locksmith services and equipment.

19 B. 1. Every retail counter sales agent shall undergo a
20 national criminal history records search by a third party or the
21 Department of Labor. The Department of Labor, upon establishing
22 good cause, may demand that an alarm or locksmith company provide
23 the results of a criminal history records search for an individual
24 retail counter sales agent. Upon receipt of any such demand, an

1 alarm or locksmith company shall have a reasonable period of time to
2 provide the results to the Department of Labor. The Department of
3 Labor shall not disseminate the results of any criminal history
4 records search described in this subsection, and such records shall
5 not be subject to the Open Records Act. For purposes of this
6 subsection, "selling" means the initial communications with the
7 customer to determine the appropriate alarm products or systems to
8 be purchased and installed, but shall not include actual
9 installation locations or the final design, plan or laying out of
10 the alarm products or systems. No person shall act as a retail
11 counter sales agent if the results of the criminal background check
12 are unsuccessful in accordance with the Arrest and Conviction
13 Records in Employment Best Practices brochure published by the
14 United States Equal Employment Opportunity Commission.

15 2. A retail counter sales agent shall not be permitted access
16 to any customer's unique alarm access codes or other confidential
17 information aside from the information necessary to complete a
18 retail sale transaction.

19 C. Any alarm or locksmith company failing to comply with the
20 provisions of this section shall be deemed in violation of the Alarm
21 and Locksmith Industry Act. The Department of Labor may revoke or
22 suspend the license of the person for a violation of this section."
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1 Passed the House of Representatives the 15th day of April, 2015.

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4 Presiding Officer of the House of
5 Representatives

6 Passed the Senate the ____ day of _____, 2015.

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9 Presiding Officer of the Senate

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]
9

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

11 SECTION 3. 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 4. 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 5. 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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