

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 ENGROSSED SENATE
5 BILL NO. 531

 By: Standridge of the Senate

 and

 Faight of the House

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8
9 An Act relating to alarm and locksmiths; amending 59
10 O.S. 2011, Sections 1800.2, as last amended by
11 Section 172, Chapter 2, O.S.L. 2015, 1800.4, as last
12 amended by Section 1, Chapter 42, O.S.L. 2014,
13 1800.5, as last amended by Section 2, Chapter 22,
14 O.S.L. 2013 and 1800.6, as amended by Section 8,
15 Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2016,
16 Sections 1800.2, 1800.4, 1800.5 and 1800.6), which
17 relate to the Alarm and Locksmith Industry Committee
18 and licenses; modifying definitions; updating
19 references; adding certain authority; construing
20 certain license requirements; and providing an
21 effective date.

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

23 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1800.2, as
24 last amended by Section 2, Chapter 172, O.S.L. 2015 (59 O.S. Supp.
25 2016, Section 1800.2), is amended to read as follows:

 Section 1800.2. As used in the Alarm, Locksmith and Fire
Sprinkler Industry Act:

1 1. "Alarm industry" means the sale, except as provided in
2 Section 1800.3 of this title, installation, alteration, repair,
3 replacement, service, inspection, or maintenance of alarm systems or
4 service involving receipt of alarm signals for the purpose of
5 employee response and investigation of such signals or any
6 combination of the foregoing activities except inspections on one-
7 and two-family dwellings are exempt;

8 2. "Alarm system" means one or more devices designed either to
9 detect and signal an unauthorized intrusion or entry or to signal a
10 fire or other emergency condition, which signals are responded to by
11 public law enforcement officers, fire department personnel, private
12 guards or security officers;

13 3. "Committee" means the Alarm and Locksmith Industry
14 Committee;

15 4. "Commissioner" means the Commissioner of Labor;

16 5. "Integrated security system" means a mechanical and/or
17 electronic security device that includes, but is not limited to,
18 multiple integrated locks, burglar alarm systems, access control
19 systems, fiber optic security systems, video surveillance systems,
20 and nurse call systems, but does not include a stand-alone-single-
21 element of an integrated security system;

22 6. "Licensee" means any person licensed pursuant to the Alarm,
23 Locksmith and Fire Sprinkler Industry Act;

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1 ~~6.~~ 7. "Lock" means mechanical or electronic devices consisting
2 entirely of Class 2 or Class 3 circuits and power source
3 requirements as established by the National Electrical Code and
4 designed to control use of a device or control ingress or egress of
5 a structure or automobile, including, but not limited to, peripheral
6 devices to alarm systems, safes, vaults, safe deposit boxes,
7 biometric/retina readers and mechanical or electronic key systems;

8 ~~7.~~ 8. "Locksmith industry" means the sale, servicing or
9 installing, repairing, rebuilding, readying, rekeying, repinning,
10 adjusting or installing locks, mechanical or electronic security
11 devices, annunciation devices not designed to require a response by
12 law enforcement or opening or bypassing a lock by a means other than
13 those intended by the manufacturer of such devices. For the
14 purposes of the Alarm, Locksmith and Fire Sprinkler Industry Act,
15 "mechanical or electronic security devices" includes, but is not
16 limited to, access control systems including peripheral devices to
17 alarm systems, fiber optic security systems, fire sprinklers, closed
18 circuit television and nurse call systems; and

19 ~~8.~~ 9. "Person" means an individual, sole proprietorship, firm,
20 partnership, association, limited liability company, corporation, or
21 other similar entity.

22 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1800.4, as
23 last amended by Section 1, Chapter 42, O.S.L. 2014 (59 O.S. Supp.
24 2016, Section 1800.4), is amended to read as follows:

1 Section 1800.4. A. There is hereby created the Alarm and
2 Locksmith Industry Committee, which shall consist of nine (9)
3 members. One member shall be the Commissioner of Labor or the
4 Commissioner's designated representative and eight members shall be
5 appointed by the Governor with the consent of the Senate. Seven of
6 the appointed members shall have at least five (5) years of
7 experience in the alarm or locksmith industry or in a closely
8 related field with broad working knowledge of the alarm or locksmith
9 industry and active employment status in such field during the term
10 of appointment. At least one of the appointed members shall be from
11 each working field or closely related industries of burglar alarm,
12 fire alarm, fire sprinkler, electronic access control, locksmith,
13 closed circuit television, and nurse call system, except when a
14 qualified candidate for appointment is not available in the working
15 field. One of the appointed members shall be a lay member. No
16 member shall be employed by the same person as any other member of
17 the Committee. On ~~the effective date of the transfer of alarm and~~
18 ~~locksmith industry as provided in this act~~ November 1, 2012, the
19 State Commissioner of Health then serving on the Alarm and Locksmith
20 Industry Committee shall be replaced by the Commissioner of Labor,
21 and all other committee members shall continue to serve until their
22 term has expired or is otherwise vacated. Nothing shall prohibit
23 the reappointment of any member provided the reappointment does not
24 exceed term limits.

1 B. The term of office of each appointed member shall be a
2 staggered term of four (4) years with a limit of two full terms.
3 Notwithstanding the term of office, each appointed member shall
4 continue to serve until his or her successor has been duly qualified
5 and appointed. All appointees must qualify under the Alarm ~~and,~~
6 Locksmith and Fire Sprinkler Industry Act.

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

11 D. Vacancies shall be filled by appointment by the Governor
12 with the consent of the Senate for the unexpired term of the
13 vacancy. Should an appointment from a working field become vacant
14 or be without qualified candidates for appointment, that working
15 field may be filled by a person from 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 deems necessary to implement the Alarm ~~and,~~ Locksmith and Fire
7 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 3. 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. A. 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 qualifications of applicants pursuant to the
21 Alarm ~~and,~~ Locksmith and Fire Sprinkler Industry Act;

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

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 and Fire Sprinkler Industry
4 Act;

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

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

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

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

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

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

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

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

10 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1800.6, as
11 amended by Section 8, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2016,
12 Section 1800.6), is amended to read as follows:

13 Section 1800.6. No person shall engage in an alarm or locksmith
14 industry business in this state without first having obtained a
15 license pursuant to the provisions of the Alarm and, Locksmith and
16 Fire Sprinkler Industry Act; provided, however, a business or person
17 licensed pursuant to the Alarm, Locksmith and Fire Sprinkler
18 Industry Act shall not be required to obtain multiple licenses to
19 install, repair or modify any component of an integrated security
20 system, excluding commercial fire alarm and fire sprinkler systems.

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

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23 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM,
24 dated 04/12/2017 - DO PASS.