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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- LOCKSMITH SERVICE  
BUSINESSES

Introduced By: Representatives Palumbo, DeSimone, and Lima

Date Introduced: February 02, 2012

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. The title of Chapter 5-57 of the General Laws entitled "BURGLAR AND  
2 HOLD-UP ALARM BUSINESSES" is hereby amended to read as follows:

3 ~~CHAPTER 5-57~~

4 ~~Burglar and Hold-Up Alarm Businesses~~

5 CHAPTER 57

6 BURGLAR AND HOLD-UP ALARM BUSINESSES AND LOCKSMITH SERVICE

7 BUSINESSES

8 SECTION 2. Sections 5-57-1, 5-57-2, 5-57-15, 5-57-16, 5-57-19, 5-57-20, 5-57-22, 5-57-  
9 23, 5-57-24, 5-57-25, 5-57-27, 5-57-29, 5-57-33, 5-57-34, 5-57-35, 5-57-37, 5-57-40 and 5-57-41  
10 of the General Laws in Chapter 5-57 entitled "Burglar and Hold-Up Alarm Businesses" are  
11 hereby amended to read as follows:

12 **5-57-1. Purpose.** -- The purpose of this chapter shall be to provide uniform procedures  
13 and qualifications throughout this state for the licensing of alarm businesses and locksmith  
14 services and the issuance of identification cards to alarm agents, locksmiths, and certain other  
15 individuals.

16 It is the clear intent of this chapter to require any business engaging or proposing to  
17 engage in either the alarm business or locksmithing service business, as defined by this act, in the  
18 State of Rhode Island to obtain and maintain a separate license for each such business in the

1 [manner set forth hereunder.](#)

2 **5-57-2. Definitions.** -- For the purpose of this chapter, the following terms, phrases,  
3 words and their derivations have the meaning given in this chapter. When not inconsistent with  
4 the context, words used in the plural number include the singular number and words used in the  
5 singular number include the plural number:

6 (1) "Alarm agent" means any individual employed within this state by an alarm business,  
7 whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling or  
8 servicing of an alarm system or responding to or causing others to respond to an alarm system.

9 (2) "Alarm business" means and includes any business, both resident and non-resident,  
10 engaged in the installation, maintenance, alteration, repair, replacement, or servicing of alarm  
11 systems or which responds to or causes others to respond to those alarm systems at a protected  
12 premises within this state. Any "alarm business" licensed under this chapter must maintain a  
13 twenty-four (24) hour per day service structure, the terms and conditions of which or procedures  
14 for implementation are established by the licensing authority through rules and regulations.

15 (3) "Alarm system" means an assembly of equipment and devices (or a single device  
16 such as a solid state unit which plugs directly into a 110-volt AC line) designed to detect and  
17 signal an unauthorized intrusion into premises or to signal an attempted robbery at premises and  
18 with respect to that signal police or private guards are expected to respond. Fire alarm systems  
19 and alarm systems which monitor temperature, humidity, or any other condition not directly  
20 related to the detection of an unauthorized intrusion into premises or an attempted robbery at  
21 premises are excluded from the provisions of this chapter.

22 [\(4\) "Car opening tool" means any tool that is designed by the manufacturer of the tool or](#)  
23 [intended by the user to be used to open any vehicle by means other than that intended by the](#)  
24 [manufacturer of the vehicle.](#)

25 [\(5\) "Change key" means a key planed and cut to operate a specific lock or a group of](#)  
26 [specific locks which all have the same combination of tumblers, pins, or wafers;](#)

27 [\(6\) "Code book or computer code software" means a compilation, in any form, of key](#)  
28 [codes.](#)

29 ~~(4)~~ (7) "Department" means the division of professional regulation within the department  
30 of labor and training.

31 ~~(5)~~ (8) "Director" means the director of the department of labor and training.

32 [\(9\) "Key machine" means any device that is designed to copy or reproduce keys or is](#)  
33 [designed to make original keys.](#)

34 ~~(6)~~ (10) "Licensing authority" means the department of labor and training.

1           (11) "Lock" means any device whose primary function is to prevent or limit movement of  
2 one object in relation to another object and requires a tool, device, or special knowledge to  
3 activate or deactivate.

4           (12) "Lock picking tool" means any tool or combination of tools that is designed by the  
5 manufacturer of the tool or intended by the user to be used to open a lock by means other than  
6 that which is intended by the manufacturer of the lock to be the normal operation of the lock.

7           (13) "Locksmith" means a person who performs locksmith or locksmithing services to the  
8 public for compensation and is licensed under this section.

9           (14) "Locksmith services" means and includes:

10           (i) Repairing, rebuilding, rekeying, repining, servicing, adjusting or installing locks,  
11 mechanical or electronic security devices, safes, vaults or safe deposit boxes; or

12           (ii) Operating a mechanical or electrical security device, safe or vault by means other  
13 than those intended by the manufacturer.

14           (15) "Locksmithing service company" means and includes any business entity, including  
15 sole proprietorships, engaging in, providing, or holding themselves out to the public as an  
16 enterprise providing those products and services set forth in subdivisions (14) and (18) of this  
17 section. For purposes of interpretation, implementation and enforcement of this chapter the terms  
18 "locksmithing service company," "locksmith service company," "locksmithing company" and  
19 "locksmith company" shall be one and the same.

20           (16) "Locksmith tool" means any tool that is designed, or intended by the user to be used,  
21 to open a mechanical or electrical locking device by a means other than that which is intended by  
22 the manufacturer for normal operation.

23           (17) "Manipulation key" means any key other than a change key or master key that can  
24 be variably positioned or manipulated in a keyway to operate a lock. For purposes of this chapter,  
25 the term manipulation key shall also include wiggle keys;

26           (18) "Master key" means a key planed and cut to operate all locks in a series or group of  
27 locks, each lock having its own change key and each lock constructed as an act of the series or  
28 group for operation with the master key. For purposes of this act, submaster keys, grand master  
29 keys, great grand master keys, emergency keys, maid's master keys, over-riding keys, or any  
30 other similar keys shall be considered as master keys;

31           ~~(7)~~ (19) "Notify by mail", when used to notify applicant of approval of license or I.D.  
32 card; or when used to forward license or permanent I.D. card to licensee or I.D. card holder  
33 means first class mail. When used to notify applicant, licensee, or I.D. card holder of intent to  
34 refuse or deny application, or suspend or revoke the license or I.D. card, or to notify a licensee,

1 applicant, or I.D. card holder of final, refusal, denial, suspension, or revocation of that  
2 application, license or I.D. card, the term "notify by mail" means certified mail, return receipt  
3 requested.

4 ~~(8)~~ (20) "Owner" means a person who holds an interest of twenty-five percent (25%),  
5 directly or indirectly, or more in an alarm business.

6 ~~(9)~~ (21) "Person" means an individual, firm, partnership, corporation, or organization of  
7 any nature.

8 ~~(10)~~ (22) "Principal corporate officer" means the president, vice president, treasurer,  
9 secretary and comptroller as well as any other person who performs functions for the corporation  
10 corresponding to those performed by the preceding officers.

11 (23) "Safe-opening tool" means any tool that is designed, or intended by the user to be  
12 used, to open a safe, safe deposit box or similar object by a means other than that which is  
13 intended by the manufacturer for normal operation.

14 ~~(11)~~ (24) "Subscriber" means a person or business, which buys or obtains an alarm  
15 system and has a contract with an alarm business to monitor and/or service the alarm system.

16 (25) "Try-out key" means a manipulation key that may or may not be one of a set of  
17 similar keys, used for a specific series, keyway, or brand of lock.

18 **5-57-15. Contents of applications for licenses Contents of applications for licenses**  
19 **for alarm businesses and alarm agents.** - (a) Applications for licenses required by the

20 provisions of this chapter shall be filed with the licensing authority on a form provided by the  
21 licensing authority. If the applicant is an individual, the application shall be subscribed and sworn  
22 to by the individual. If the applicant is a firm or partnership, the application shall be subscribed  
23 and sworn to by an owner in the case of a firm, and by at least one general partner in the case of a  
24 partnership. If the applicant is an individual and does not reside, operate any business or is not  
25 employed within the state or if in the event the applicant is a firm or partnership and no owner or  
26 general partner resides, operates a business or is employed within the state, then the application  
27 must also be subscribed and sworn to by an individual having the authority and the responsibility  
28 for the management and operations of the alarm business within the state. If the applicant is a  
29 corporation, the application shall be subscribed and sworn to by at least one principal officer of  
30 the corporation. If the applicant is a corporation and none of its principal officers is responsible  
31 for the management and operations of the alarm business within the state, the application shall be  
32 subscribed and sworn to by an individual having the authority and responsibility for the  
33 management and operations of the alarm business within the state.

34 (b) If the applicant is a corporation, the application shall specify the date and place of its

1 incorporation, the location of the applicant's principal place of business, a list of the principal  
2 officers of the corporation, owners of twenty-five percent (25%) or more of outstanding stock of  
3 all classes of the corporation, and the business address, residence address and the office or  
4 position held by each officer in the corporation.

5 (c) The application shall include the following information for each individual required  
6 to subscribe and swear to it:

7 (1) The individual's full name and address (business and residence);

8 (2) The individual's business telephone number;

9 (3) The individual's date and place of birth;

10 (4) The individual's social security number;

11 (5) The name and address of the individual's present place or places of employment or  
12 self-employment and the length of time engaged there;

13 (6) A list of all felony and misdemeanor convictions of the individual in any jurisdiction;

14 (7) Two classifiable sets of fingerprints of the individual having the authority and the  
15 responsibility for the management and operation of the alarm business within the state, recorded  
16 in any manner that may be specified by the licensing authority; and

17 (8) Whether the individual has ever been denied in any jurisdiction a license or permit to  
18 engage in the alarm business or has had the license or permit revoked.

19 (d) The application shall include the following information concerning the applicant:

20 (1) The name, address and telephone number of the alarm business and the locations  
21 where it intends to operate within the state;

22 (2) A statement as to the length of time that the applicant has been engaged in the alarm  
23 business and where engaged; and the date when the alarm business or businesses commenced  
24 operation in the state or when the alarm business intends to commence that operation;

25 (3) A statement as to whether, to the best knowledge and information of the individual  
26 signing the application, and of the owners, partners or principal corporate officers of the  
27 applicant, including those not residing within the state, have been convicted in any jurisdiction of  
28 a felony or misdemeanor. If there have been any convictions, then the application must state the  
29 names of the individuals convicted and the dates and places of the convictions.

30 (e) The licensing authority may require that the application include any other  
31 information which the licensing authority may reasonably deem necessary to determine whether  
32 the applicant or individual signing the application meets the requirements of this chapter or to  
33 establish the truth of the facts presented in the application.

34 (f) Any individual signing a license application must be at least eighteen (18) years of

1 age.

2 **5-57-16. ~~Experience or examination requirements~~ Experience or examination**  
3 **requirements relating to alarm businesses and alarm agents.** -- (a) Every alarm business shall

4 meet either the experience requirement of subsection (c) of this section or the examination  
5 requirement of subsection (f) of this section before it may engage in the alarm business.

6 (b) Applicants engaged in the alarm business on September 1, 1977 have three (3)  
7 months from the date of conditional approval of their alarm business application by the licensing  
8 authority to comply with the examination requirements of this section; provided, that if within  
9 that time the applicant is unable to engage an individual meeting the requirements of subsection  
10 (f) of this section, the licensing authority may for good cause shown, extend for a reasonable  
11 time, not to exceed ninety (90) days, the period within which the applicant shall comply with this  
12 section. Upon satisfactory completion of the examination, procedures, content, and passing scores  
13 for which are established in rules and regulations, the licensing authority shall lift its conditional  
14 approval and ~~grants~~ grant its full approval of the company licensed to do business. Applicants  
15 who do not take the examination must satisfy the experience requirement required by subsection  
16 (c) of this section.

17 (c) Experience requirement: - In order to comply with this requirement, at least one  
18 individual who is an owner, officer, partner, manager, or employee of the applicant shall establish  
19 that he or she was engaged or was employed in an alarm business in sales, installation or service  
20 for an aggregate period of three (3) years prior to the filing of the application. That individual  
21 shall file with the licensing authority sworn statements relating to the foregoing facts of at least  
22 two (2) citizens of the community or communities in which that individual was so engaged or  
23 employed. The individual whom the applicant relies upon to comply with this subsection is  
24 required to devote a substantial portion of his or her time to engaging in and/or supervising the  
25 sale, installation, or servicing of alarm systems on behalf of the applicant.

26 (d) For the purposes of the three (3) year experience requirement of subsection (c) of this  
27 section, employment by or engagement in an alarm business in one or more communities within  
28 the state may be aggregated. In the event that the individual whom the applicant relies upon to  
29 comply with subsection (c) of this section must aggregate his or her past experience in the alarm  
30 business in two (2) or more states, the individual must submit sworn statements of two (2) or  
31 more citizens of each state or states as to that experience.

32 (e) If the licensing authority determines that the applicant has not satisfactorily complied  
33 with subsection (c) of this section or that the prior experience of the individual whom the  
34 applicant relies upon to comply with subsection (c) of this section is not sufficient to permit the

1 applicant to engage in the alarm business, it may require the applicant to comply with subsection  
2 (f) of this section.

3 (f) Examination requirement: - The licensing authority shall prepare and administer at  
4 least twice annually an examination or examinations designed to measure an individual's  
5 knowledge and competence in the alarm business. It may administer separate examinations to test  
6 an individual's knowledge and competence with respect to the type and nature of the alarm  
7 business in which the applicant proposes to engage. The individual who qualifies under this  
8 subsection shall be required to devote a substantial portion of his or her time to engaging in  
9 and/or supervising the sale, installation, or servicing of alarm systems on behalf of the applicant.

10 (g) In the event that the individual whom the applicant relies upon to comply with  
11 subsection (c) of this section or to qualify under subsection (f) of this section within a period of  
12 three (3) years after that compliance or qualification for any reason ceases to perform his or her  
13 duties on a regular basis, the alarm business shall promptly notify the licensing authority by  
14 certified mail and shall make every effort to promptly obtain a substitute eligible individual  
15 acceptable to the licensing authority. If the alarm business fails to obtain a substitute eligible  
16 individual within six (6) months from and after the disqualification of the licensee, the licensing  
17 authority may revoke the alarm business license or, for good cause shown, may extend for a  
18 reasonable time the period for obtaining a substitute qualifying individual or the licensing  
19 authority may determine, based upon the experience and performance of the alarm business, that  
20 the alarm business does not need to obtain a substitute qualifying individual.

21 **5-57-19. Grounds for denial of applications.** -- The licensing authority may deny the  
22 application for an alarm business [or locksmithing service business](#) license if it finds that the  
23 applicant or the individual having the authority and the responsibility for the management and  
24 operation of the [respective](#) applicant's alarm business [or locksmithing service business](#) within the  
25 state or the individual whom the applicant relies upon to comply with subsection (c) or (f) of  
26 section 5-57-16, [subsection \(c\) or \(f\) of section 15-57-16.1](#), or any of the applicant's owners,  
27 partners or principal corporate officers have:

28 (1) Committed any act, which, if committed by a licensee, would be grounds for the  
29 revocation of a license under section 5-57-25(a);

30 (2) While unlicensed, knowingly and willfully committed or aided and abetted in the  
31 commission of any act for which a license is required by this chapter; or

32 (3) Been convicted in any jurisdiction of the United States of a felony or a misdemeanor  
33 if the licensing authority finds that the conviction reflects unfavorably on the fitness of the  
34 applicant to engage in the alarm [or locksmithing service](#) business.

1           **5-57-20. Procedure for approval or denial of applications.** -- (a) The procedure of the  
2 licensing authority in approving or denying an application shall be as follows:

3           (1) (i) If the application is approved, the licensing authority shall notify the applicant, in  
4 writing, of the approval, and shall state that if bond is not received with the application, upon  
5 compliance with section 5-57-21, a license will be issued.

6           (ii) That notification shall state that the issued license shall expire in one year, unless  
7 renewed in accordance with sections 5-57-22 and 5-57-23, and shall state the time within which  
8 application for renewal must be made;

9           (2) If ~~the~~ an application of the alarm business or locksmithing service business is denied,  
10 the licensing authority shall notify the applicant, in writing, and shall state the grounds for denial  
11 and advise the applicant of his or her right to a hearing on the denial in accordance with the  
12 provisions established by the Administrative Procedures Act, chapter 35 of title 42. If the grounds  
13 for denial are subject to correction by the applicant, the notice of denial shall state and the  
14 applicant shall be given reasonable time after receipt and acknowledgement of that notice, at the  
15 discretion of the licensing authority (or, upon application, a reasonable period of time), within  
16 which to make the required correction.

17           (b) If the application of the alarm business or locksmithing service business is denied,  
18 the applicant may schedule a hearing to be held before the licensing authority or an officer  
19 designated by the licensing authority in accordance with the provisions for that hearing as  
20 prescribed in the Administrative Procedures Act, chapter 35 of title 42.

21           **5-57-22. Renewal of licenses.** -- Application for renewal of a license must be received by  
22 the licensing authority on a form provided by the licensing authority no less than thirty (30) days  
23 prior to the expiration date of the license, subject to the right of the licensing authority to permit  
24 late filing upon good cause shown. The licensing authority may refuse to renew a license for any  
25 of the grounds stated in section 5-57-19(1) and it shall promptly notify the licensee of its intent to  
26 refuse to renew the license. The licensee may, within fifteen (15) days after receipt of the notice  
27 of intent to refuse to renew a license, request a hearing on that refusal in the manner prescribed in  
28 section 5-57-20(b). A licensee shall be permitted to continue to engage in the respective alarm or  
29 locksmithing service business while its renewal application is pending.

30           **5-57-23. Application, license, replacement and renewal fees.** -- (a) A nonrefundable  
31 application fee of one hundred twenty-five dollars (\$125) shall be remitted with each application  
32 to cover investigation and administrative costs.

33           (b) The licensing authority shall promulgate rules and regulations mandating the term of  
34 license for each license issued pursuant to this chapter; no license shall remain in force for a

1 period in excess of three (3) years.

2 (c) Any fee for the initial issuance of a license or for the renewal of a license shall be  
3 determined by multiplying the per annum fee by the term of years of the license. The entire fee  
4 for the total term of licensure shall be paid prior to issuing the initial license or renewal.

5 (d) The per annum fee for the initial issuance of a license shall be one hundred dollars  
6 (\$100.00) which shall be remitted with the application, but which shall be refunded if the  
7 application of the alarm business [or locksmithing service business](#) is denied or withdrawn before  
8 approved.

9 (e) (1) The licensee shall submit a completed renewal application form not later than  
10 thirty (30) days before the expiration of the license with a fifty dollar (\$50.00) nonrefundable  
11 administrative fee to cover the cost of processing the renewal application.

12 (2) The per annum fee for renewal shall be one hundred dollars (\$100.00). If the renewal  
13 application of the licensee is denied, the annual fee will be refunded.

14 (f) All fees shall be paid into the general fund.

15 (g) There shall be a ten dollar (\$10.00) charge for the issuance of a duplicate license to  
16 replace a lost, damaged original, or renewal license. Fees for the replacement license shall be paid  
17 into the general fund.

18 **5-57-24. Transfer for assignment of licenses -- Continuation of business upon**  
19 **owner's death.** -- (a) No license issued pursuant to the provisions of this chapter shall be  
20 assigned or transferred, either by operation of law or otherwise.

21 (b) If the license is held by an owner rather than a corporation and that owner dies,  
22 becomes disabled or ceases to engage in the alarm business, the successor, heir, devisee, or  
23 personal representative of that owner, within thirty (30) days of the death, disablement, or  
24 termination of operation by the original licensee, shall apply for ~~an~~ [the relevant](#) alarm [or](#)  
25 [locksmithing service](#) business license on a form prescribed by the licensing authority. This form  
26 shall include the same information required by section 5-57-15. The transferee shall be subject to  
27 the same requirements and procedures prescribed in sections 5-57-16 -- 5-57-21 to the extent the  
28 sections are applicable. The new applicant may assume that the unexpired portion of the license  
29 will remain in effect until its expiration date. The applicant shall pay a pro-rated license fee  
30 established by the licensing authority to include that portion of the license which remains  
31 unexpired since its last date of issue or renewal.

32 (c) In the event that a sale, assignment, or transfer of an alarm business [or locksmithing](#)  
33 [service business](#), licensed under this chapter is consummated, then the purchaser, assignee, or  
34 transferee shall be subject to the same requirements and procedures prescribed in sections 5-57-

1 15 -- 5-57-21 to the extent those sections are applicable.

2 (d) With good cause, the licensing authority may extend the period of time for filing the  
3 application required by subsections (b) and (c) of this section.

4 **5-57-25. Grounds and procedure for revocation of licenses.** -- (a) Licenses for alarm  
5 businesses [or locksmithing service business](#) may be revoked by the licensing authority in the  
6 manner stated in this section if the licensee or any of its owners, partners, principal corporate  
7 officers, or the individual having the authority and the responsibility for the management and  
8 operation of the [respective](#) alarm business, [or locksmithing service business](#), within the state are:

9 (1) Found to have violated any of the provisions of this chapter or any rule or regulation  
10 of the licensing authority which violation the licensing authority determines to reflect unfavorably  
11 upon the fitness of the licensee to engage in the [respective](#) alarm business [or locksmithing service](#)  
12 [business](#);

13 (2) Found to have knowingly and willfully given any false information of a material  
14 nature in connection with an application for a license or a renewal or reinstatement of a license or  
15 in a notice of transfer of an alarm business [or locksmithing service business](#) licensed under this  
16 chapter;

17 (3) Found to have been convicted in any jurisdiction of a felony or a misdemeanor if the  
18 licensing authority determines that the conviction reflects unfavorably on the fitness of the  
19 applicant to engage in the alarm business [or locksmithing service business subject to the license](#)  
20 [in question](#); or

21 (4) Found to have committed any act while the license was not in effect which would be  
22 cause for the revocation of a license, or grounds for the denial of an application for a license of an  
23 alarm business [or locksmithing service business](#).

24 (b) Prior to revocation of a license, the licensing authority shall promptly notify the  
25 licensee of its intent to issue an order of revocation and shall advise the licensee of his or her right  
26 to a hearing on the revocation in accordance with the provisions of the Administrative Procedures  
27 Act, chapter 35 of title 42.

28 (c) Within ninety (90) days after ~~the~~ [an alarm business or locksmithing service business](#)  
29 licensee has exhausted all rights of appeal under the Administrative Procedures Act, or, if the  
30 licensee does not seek a hearing after receipt of a notice of intent to revoke from the licensing  
31 authority, then within sixty (60) days after receipt of the notice of intent to revoke, the [alarm](#)  
32 [business or locksmithing service business](#) licensee shall notify all of its subscribers within the  
33 state of that revocation and shall maintain in its records a copy of those notices. ~~The~~ [A](#) licensee  
34 shall cease to perform any services for which it has been licensed under this chapter within sixty

1 (60) days of its receipt of the final notice of intent to revoke from the licensing authority.

2 (d) Under circumstances in which the licensing authority determines that the public  
3 health, welfare, or safety may be jeopardized by the termination of a licensee's services, the  
4 licensing authority may upon its own motion or upon application by the licensee or any party  
5 affected by that termination extend the time for the termination of the licensee's operations,  
6 subject to the reasonable, necessary and proper conditions or restrictions that it deems  
7 appropriate.

8 (e) After the licensing authority issues a notice of intent to revoke a license, the licensee  
9 may request that it be permitted to continue to operate subject to the terms of a written order of  
10 consent issued by the licensing authority, requiring the licensee to correct the conditions stated as  
11 grounds for revocation in the notice of intent to revoke and imposing reasonable conditions and  
12 restrictions on the licensee in the conduct of its business. The licensing authority may in its sole  
13 discretion grant or deny a request and may stay or postpone any proceeding being conducted  
14 pursuant to subsection (b) of this section. Negotiations for a consent order may be requested at  
15 any time during revocation proceedings and stay of pending proceedings during those  
16 negotiations are within the sole discretion of the licensing authority. If revocation proceedings are  
17 before a court and the licensing authority shall submit the proposed order to the court, which may  
18 approve or disapprove the proposed order or require modification of the proposed consent order  
19 before approval.

20 (f) The licensing authority shall enact reasonable rules and regulations for determination  
21 of whether the licensee has complied with a consent order issued pursuant to subsection (e) of this  
22 section. If the licensing authority determines that the licensee has failed to comply, it may revoke  
23 that order and conduct proceedings for the revocation of the license. If the consent order is  
24 approved by a court, then the licensing authority shall petition that court for vacation of the order.  
25 The court shall hold a hearing to determine if the order should be vacated. If the court vacates the  
26 consent order, the licensing authority may conduct proceedings for revocation of the license.

27 **5-57-27. Posting of license certificates and notices of license revocation.** -- (a) Within  
28 seventy-two (72) hours after receipt of the license certificate, the licensee shall cause the license  
29 certificate to be posted and displayed at all times in a conspicuous place in the principal office of  
30 the licensee within the state. Copies of the license certificate shall also be displayed at all times in  
31 any other offices within the state where the alarm business [or locksmithing service business](#)  
32 transacts business with its customers, so that all persons visiting that place or places may readily  
33 see the license. Those license certificates or copies shall be subject to inspection at all reasonable  
34 times by the licensing authority.

1 (b) It is unlawful for any person holding a license certificate to knowingly and willfully  
2 post that license certificate or permit that license certificate to be posted upon premises other than  
3 those described in the license certificate or to knowingly and willfully alter that license  
4 certificate. Each license certificate shall be surrendered to the licensing authority within seventy-  
5 two (72) hours after it is revoked or after the licensee ceases to do business, subject to section 5-  
6 57-20(b). If, the licensing authority or a court of competent jurisdiction has pending before it any  
7 matter relating to the renewal, revocation, or transfer of a license, the licensee is not required to  
8 surrender the license until the matter has been adjudicated and all appeals have been exhausted.  
9 When the licensee receives final notice that its license is revoked, a copy of that notice shall be  
10 displayed and posted in close proximity to the license certificate until the licensee terminates its  
11 operations.

12 ~~5-57-29. I.D. cards -- Requirement -- Application -- Issuance or denial Alarm agent~~

13 I.D. cards -- Requirement -- Application -- Issuance or denial. -- (a) It is unlawful and  
14 punishable as provided in section 5-57-41 for any individual to function as an alarm agent or to  
15 perform the duties described in subsections (b) and (c) of this section without first obtaining an  
16 identification card (referred to as "I.D." card).

17 (b) Owners, principal corporate officers, partners, and managers of all alarm businesses  
18 shall be required to obtain I.D. cards if they directly engage in selling, installing, altering,  
19 servicing, moving, maintaining, repairing, replacing, monitoring, responding to, or causing others  
20 to respond to, alarm systems within the state.

21 (c) Any individual engaged in the alarm business or employed by or associated with an  
22 alarm business within the state who is not an alarm agent but who has access to confidential  
23 information relating to a customer or subscriber of an alarm business or who monitors radio  
24 equipment used in connection with an alarm business must also obtain an I.D. card.

25 (d) Individuals required to obtain an I.D. card under this section shall file a joint  
26 application for a temporary and permanent I.D. card and upon completion, the alarm business  
27 shall immediately forward the application form to the licensing authority and shall retain a copy  
28 of the application in its files. Alarm businesses shall issue temporary I.D. cards in the manner  
29 prescribed in subsection (g) of this section until the I.D. card applicant obtains a permanent I.D.  
30 card from the licensing authority.

31 (e) A person engaged in the alarm business on September 1, 1977 has authority to and is  
32 required to issue to its alarm agents or other individuals required to obtain I.D. cards under this  
33 section temporary I.D. cards (as provided in subsection (g) of this section) while the application  
34 of that person for an alarm business license is pending. If that alarm business application is finally

1 denied, the alarm business no longer has authority to issue temporary I.D. cards. All temporary  
2 I.D. cards issued by that alarm business shall become void and shall be returned by the temporary  
3 I.D. cardholders to the issuer.

4 (f) Application for an I.D. card shall be on a form prescribed by the licensing authority  
5 and shall include the following:

6 (1) The I.D. card applicant's full name and any other names previously used, current  
7 residence and business addresses and telephone numbers;

8 (2) Date and place of birth;

9 (3) Whether the I.D. card applicant is applying as an alarm agent or as an individual  
10 required to obtain an I.D. card under subsection (b) or (c) of this section;

11 (4) A list of all felony and misdemeanor convictions of the I.D. card applicant in any  
12 jurisdiction;

13 (5) Two classifiable sets of fingerprints recorded in the manner that may be specified by  
14 the licensing authority;

15 (6) Two recent photographs of a type prescribed by the licensing authority;

16 (7) The name and address of the alarm business, which employs or will employ or  
17 engage the I.D. card applicant;

18 (8) The application shall include a statement by the alarm business which employs or  
19 will employ the I.D. card applicant or engage the I.D. card applicant as to whether that alarm  
20 business:

21 (i) Is licensed under this chapter;

22 (ii) Has a license application pending before the licensing authority; or

23 (iii) Is unlicensed and does not have an application pending before the licensing  
24 authority but was engaged in the alarm business within the state on September 1, 1977 and  
25 intends to file a timely application for an alarm business license under this chapter;

26 (9) A statement by the alarm business as to whether it has issued a temporary I.D. card to  
27 the I.D. card applicant. If the alarm business has issued a temporary I.D. card, the alarm business  
28 shall state the date of issuance of the card and the card number;

29 (10) The I.D. card applicant's employment record for the prior three (3) years;

30 (11) A statement whether the applicant has been denied an alarm agent, guard or private  
31 investigator license, permit or I.D. card or business license for an alarm business, guard or private  
32 investigator business in any jurisdiction and whether that license, permit or I.D. card has been  
33 revoked;

34 (12) A statement that the I.D. card applicant will inform the licensing authority of any

1 material change in the information stated in the I.D. card applicant's form within ten (10) days  
2 after that change; and

3 (13) Any other information, which the licensing authority may reasonably deem  
4 necessary to determine whether an applicant for an I.D. card meets the requirements of this  
5 chapter.

6 (g) A temporary I.D. card shall be issued by an alarm business licensed under this  
7 chapter to any of its alarm agents or any other individual required to obtain an I.D. card prior to  
8 the issuance of a permanent I.D. card for this individual by the licensing authority. The form for  
9 temporary I.D. cards shall be at the discretion of the alarm business, but shall only be with the  
10 approval of the licensing authority. The form for permanent I.D. cards shall be prescribed by the  
11 licensing authority and shall include the following information concerning the I.D. cardholder:

12 (1) Full name and signature;

13 (2) An I.D. card number and date of issuance of the card;

14 (3) Date and place of birth;

15 (4) Name and address of the alarm business which employs the applicant or with which  
16 the applicant is associated;

17 (5) Date of commencement of employment or association with the alarm business; and

18 (6) A recent photograph of the I.D. cardholder.

19 (h) Before issuing a permanent I.D. card, the licensing authority shall require the  
20 prospective I.D. cardholder to submit on forms provided by the licensing authority the names and  
21 addresses of two (2) references who can verify the applicant's good moral character and  
22 competency to install alarms or alarm systems and the names and addresses of employers of the  
23 prospective I.D. cardholder for the past three (3) years, and shall make reasonable and prudent  
24 inquiries to determine whether the applicant meets the requirements of this section. If the  
25 licensing authority has reason to believe that the individual required to obtain a permanent I.D.  
26 card does not meet the requirements of this section, no permanent I.D. card shall be issued by the  
27 licensing authority.

28 (i) Any alarm business issuing a temporary I.D. card shall promptly report to the  
29 licensing authority the name, address, and I.D. card number of the individual to whom it has  
30 issued a temporary I.D. card.

31 (j) The temporary or permanent I.D. card shall be carried by an individual required to  
32 obtain an I.D. card under this chapter whenever that individual is engaged in the alarm business  
33 and shall be exhibited upon request.

34 (k) Application for an I.D. card to the licensing authority shall be accompanied by a

1 thirty dollar (\$30.00) fee to cover the cost of processing the application and investigating the  
2 applicant. The fees collected shall be paid into the general fund.

3 (l) The licensing authority may refuse to issue an I.D. card if the I.D. card applicant has  
4 been convicted of a felony or a misdemeanor in any jurisdiction and the licensing authority finds  
5 that the conviction reflects unfavorably on the fitness of the applicant to engage in the alarm  
6 business or to be employed by an alarm business.

7 (m) The permanent I.D. card issued by the licensing authority shall include the items  
8 listed in subsection (g) of this section and the expiration date of the I.D. card.

9 **5-57-33. Grounds and procedure for suspension or revocation of I.D. cards** **Grounds**  
10 **and procedure for suspension or revocation of alarm agent I.D. cards.** -- (a) For purposes of  
11 this section only, when the term "alarm agent" is used, it also applies to an individual required to  
12 obtain a permanent I.D. card from the licensing authority or a temporary I.D. card from an alarm  
13 business subject to this chapter.

14 (b) Alarm agent I.D. cards may be suspended or revoked by the licensing authority in the  
15 manner prescribed in this section if the cardholder has:

16 (1) Been found to have violated any of the provisions of this chapter or any rule or  
17 regulation of the licensing authority if the licensing authority determines that the violation reflects  
18 unfavorably upon the fitness of the I.D. cardholder to function as an alarm agent;

19 (2) Knowingly and willfully given any material false information to the licensing  
20 authority in connection with an application for an I.D. card or a renewal or reinstatement of an  
21 I.D. card under this chapter or in the submission of any material fact to the licensing authority;

22 (3) Been convicted in any jurisdiction of a felony or a misdemeanor if the licensing  
23 authority finds that conviction to reflect unfavorably on the fitness of the I.D. cardholder to  
24 function as an alarm agent.

25 (c) Prior to suspension or revocation of an I.D. card, the licensing authority shall  
26 promptly notify the I.D. cardholder and the alarm business by which the cardholder is employed  
27 or engaged of the proposed action presenting in reasonable detail the ground or grounds for  
28 suspension or revocation. The I.D. cardholder may request a hearing in the same manner and in  
29 accordance with the same procedure as that provided in section 5-57-25(b).

30 (d) In the event that the licensing authority suspends or revokes an I.D. card, the  
31 cardholder, upon receipt of the notice of suspension or revocation, shall cease to perform any  
32 services related to the alarm business.

33 (e) Both the I.D. cardholder and the alarm business which employs him or her or engages  
34 him or her shall be notified by the licensing authority of final action to suspend or revoke an I.D.

1 card.

2 **5-57-34. Nontransferability of I.D. cards. --** No I.D. card issued pursuant to the  
3 provisions of this chapter shall be transferable. I.D. cards issued by the licensing authority must  
4 be surrendered to the licensing authority by the I.D. cardholder or employer of the cardholder  
5 upon termination of employment. A new application for an I.D. card must be submitted to the  
6 licensing authority if the I.D. cardholder is subsequently employed by another alarm or  
7 locksmithing business. Temporary I.D. cards issued by the respective alarm businesses or  
8 locksmithing service businesses must also be surrendered to the alarm business or locksmithing  
9 service business issuing that card by the I.D. cardholder upon termination of employment or  
10 association with the alarm or locksmithing service business in question. Willful and knowing  
11 refusal upon request of the licensing authority, ~~or~~ the alarm business or locksmithing service  
12 business to return an I.D. card is a misdemeanor. No new application or fee shall be required of a  
13 cardholder who, following voluntary termination, returns to employment with the same alarm  
14 business if reinstatement takes place within six (6) months of the issuance of the original or  
15 renewal I.D. card. After notification of reinstatement, the licensing authority shall forward the  
16 reclaimed cardholder's I.D. card to the respective employing alarm business or locksmithing  
17 service business for dispersal to the cardholder. The re-issued I.D. card shall expire two (2) years  
18 from the original date of issue. The break in service between employment, termination, and re-  
19 employment of the cardholder with the relevant alarm business or locksmithing service business  
20 shall be documented on the next application for renewal submitted at the required time to the  
21 licensing authority.

22 **5-57-35. Renewal and replacement of I.D. cards -- Notification of changes. --** (a) I.D.  
23 cards issued by the licensing authority shall be valid for a period of two (2) years. An I.D. card  
24 renewal form must be filed by the cardholder with the licensing authority not less than thirty (30)  
25 days prior to the expiration of the I.D. card. The fee for renewal of an I.D. card shall be fifteen  
26 dollars (\$15.00) and shall be paid into the general fund.

27 (b) The licensing authority may refuse to renew an I.D. card on any of the grounds stated  
28 in section 5-57-19(1), and the licensing authority shall promptly notify the I.D. cardholder of its  
29 intent to refuse to renew the license. The I.D. cardholder may within fifteen (15) days after  
30 receipt of the notice of intent to refuse to renew an I.D. card, request a hearing on that refusal in  
31 the same manner and in accordance with the same procedure as that provided in section 5-57-  
32 20(b).

33 (c) An alarm business shall notify the licensing authority within ten (10) days after the  
34 death or termination of employment of any of its employees or of any individual associated with

1 the alarm business who holds an I.D. card issued by it or by the licensing authority.

2 (d) There shall be a five dollar (\$5.00) charge for the issuance of a duplicate I.D. card to  
3 replace a lost, damaged, or destroyed original, or renewal I.D. card. Fees for the replacement shall  
4 be paid into the general fund.

5 [\(e\) A locksmithing business shall notify the licensing authority within ten \(10\) days after](#)  
6 [the death or termination of employment of any of its employees or of any individual associated](#)  
7 [with the locksmithing business who holds an I.D. card issued by it or by the licensing authority.](#)

8 **5-57-37. Activities of I.D. cardholders after notice of suspension or revocation of I.D.**  
9 **card.** -- After an alarm agent, [locksmith](#) or any other individual required to obtain an I.D. card  
10 under this chapter has received a notice of suspension or revocation of his or her I.D. card, that  
11 individual shall not engage in the alarm business [or locksmithing business in question](#) unless  
12 specifically authorized to do so by order of the licensing authority or by order of the superior  
13 court.

14 **5-57-40. Reinstatement of a revoked license or I.D. card.** -- The licensing authority  
15 shall have authority to consider a petition for reinstatement of a revoked alarm [or locksmithing](#)  
16 [service](#) business license.

17 **5-57-41. Penalties for violations.** -- (a) Any person found guilty of violating any of the  
18 following provisions of this chapter shall be subject to a fine not to exceed five hundred dollars  
19 (\$500), or imprisonment for a period not to exceed ninety (90) days, or both:

- 20 (1) Engaging in the alarm business without complying with section 5-57-14;
- 21 (2) Failure to obtain an I.D. card as required by section 5-57-29;
- 22 (3) Willful and knowing failure to file or maintain on file the surety bond as required by  
23 section 5-57-21;
- 24 (4) Willful and knowing failure of an alarm business to notify its subscribers of  
25 revocation of its license as required by section 5-57-25(c); and
- 26 (5) Willful and knowing failure to surrender a license certificate as required by section 5-  
27 57-27(b) or to surrender an I.D. card as required by section 5-57-34.

28 (b) Any person found guilty of willfully and knowingly submitting false information of a  
29 material nature in any application for an alarm business license or for an I.D. card, or for renewal  
30 applications, shall be subject to a fine not to exceed five hundred dollars (\$500), or imprisonment  
31 for a period not to exceed ninety (90) days, or both.

32 [\(c\) Any person found guilty of willfully and knowingly submitting false information of a](#)  
33 [material nature in any application for a locksmithing business license or for a locksmith I.D. card,](#)  
34 [or for renewal applications, shall be subject to a fine not to exceed five hundred dollars \(\\$500\), or](#)

1 imprisonment for a period not to exceed ninety (90) days, or both.

2 (6) Engaging in the locksmithing business without complying with section 5-57-14.1;

3 (7) Failure to obtain an I.D. card as required by section 5-57-29.1.

4 SECTION 3. Chapter 5-57 of the General Laws entitled "Burglar and Hold-Up Alarm  
5 Businesses" is hereby amended by adding thereto the following section:

6 **5-57-14.1. Locksmithing Service Business license required.** – (a) It is unlawful and  
7 punishable as provided in section 5-57-41 for any person to engage in the locksmithing service  
8 business or hold him or herself out to the consuming public within this state without having first  
9 obtained a locksmith business license from the state licensing authority, subject to subsection (k)  
10 of this section; provided, that nothing contained in this chapter shall be construed to require those  
11 entities or parties specifically exempted from the provisions of this license requirement under  
12 subsection (l) of this section.

13 (b) Persons who are not licensed under this chapter shall not provide any locksmithing  
14 services in violation of this chapter or any rule adopted pursuant to this chapter.

15 (c) No locksmith may participate in a joint venture to provide equipment or services that  
16 require licensing under this chapter unless all parties to the joint venture are licensed in  
17 accordance with this chapter.

18 (d) No locksmith may subcontract the provision of equipment or services requiring a  
19 license under this chapter to any unlicensed person, firm association, or corporation, except as  
20 provided in subsection (l) below.

21 (e) No locksmith shall retain as a registered employee any person known not to be of  
22 good moral character.

23 (f) No person who is not licensed under this chapter shall possess, use, sell, or offer to  
24 sell any code book, lock picking tool, manipulation key, try-out key, safe opening tool, or car  
25 opening tool.

26 (g) No person shall sell, offer to sell, or give to any person not licensed under this chapter  
27 any code book, lock picking tool, manipulation key, try-out key, safe opening tool, or car opening  
28 tool.

29 (h) No person who is not licensed under this chapter shall design, make, manufacture, or  
30 install any master key or any system of change keys and master keys.

31 (i) No locksmith shall open any vehicle or real property, whether or not a fee is charged,  
32 without first obtaining personal identification from the person requesting the service. Such  
33 personal identification may include, but is not limited to, personal knowledge, a driver's license or  
34 other photo identification, address, telephone number, reference from any reliable source, or a

1 description of specific or unusual items that may be found upon entry. Such information shall be  
2 recorded on a work order or invoice and shall be made available to a law enforcement officer  
3 with a properly executed court order at any reasonable time during normal business hours.

4 (j) Notwithstanding any provision of law to the contrary, no locksmith licensed under this  
5 chapter shall be prohibited from providing locksmithing services because of the manner of  
6 construction or operation of the lock or because of the location of the lock or application of the  
7 lock whether the lock is applied to any door, window, hatch, lid, gate, or other opening in or on  
8 any safe, vault, building, vehicle, aircraft, or boat. It is the intent of the general assembly that the  
9 provisions of this subsection shall be construed in their broadest possible sense.

10 (k) Every person desiring to be engaged in the locksmith service business within this state  
11 shall apply to the licensing authority for a license to operate a locksmithing service business. Any  
12 person engaged in the locksmithing service business on July 1, 2012 and filing a timely  
13 application may continue to engage in the locksmithing service business so long as such person  
14 complies with the requirements of section 5-57-16.1 and pending a final determination of the  
15 application. Any person not having previous experience in the locksmithing service business and  
16 filing as a new applicant who will be the owner or principal officer of the business or branch  
17 office in this state shall not engage in the locksmithing service business until approval by the  
18 licensing authority of his or her locksmithing service business license and I.D. card applications  
19 for himself or herself and his or her employees.

20 (l) Notwithstanding the provisions of this section, the following persons, firms,  
21 partnerships, associations, or corporations not offering any other locksmithing services are  
22 specifically excluded from the requirements of this act:

23 (1) An individual property owner personally installing locks on such owner's residence or  
24 other building not open to the public;

25 (2) Property owners, or their agent, maintaining a file of key cutting data for a master key  
26 system for their property;

27 (3) Persons, sole proprietorships, partnerships, associations, or corporations having and  
28 using key machines and key blanks for their own use;

29 (4) Retail stores or catalog sales not offering locksmithing services nor selling  
30 locksmithing tools;

31 (5) Locksmith trade publications or equipment manufacturers or distributors not  
32 providing direct locksmithing services to the public;

33 (6) Architects and engineers not providing direct sales, adjustment, or installation of  
34 locks;

1           (7) New and used car dealers cutting keys by code for the products of their affiliated new  
2 car manufacturer or manufacturers;

3           (8) Tow truck operators opening vehicles for the sole purpose of towing;

4           (9) Auto clubs opening vehicles for the purposes of allowing members of such clubs  
5 verified access to their vehicles; and

6           (10) Federal, state, or local law enforcement agents or fire and rescue personnel  
7 performing emergency openings in their official line of duty when a natural person's life is at  
8 risk.

9           **5-57-15.1. Contents of applications for locksmithing service business licenses and**  
10 **locksmiths.** – (a) Applications for licenses required by the provisions of this chapter shall be filed  
11 with the licensing authority on a form provided by the licensing authority. If the applicant is an  
12 individual, the application shall be subscribed and sworn to by the individual. If the applicant is a  
13 firm or partnership, the application shall be subscribed and sworn to by an owner in the case of a  
14 firm, and by at least one general partner in the case of a partnership. If the applicant is an  
15 individual and does not reside, operate any business or is not employed within the state or if in  
16 the event the applicant is a firm or partnership and no owner or general partner resides, operates a  
17 business or is employed within the state, then the application must also be subscribed and sworn  
18 to by an individual having the authority and the responsibility for the management and operations  
19 of the locksmithing service business within the state. If the applicant is a corporation, the  
20 application shall be subscribed and sworn to by at least one principal officer of the corporation. If  
21 the applicant is a corporation and none of its principal officers is responsible for the management  
22 and operations of the locksmithing service business within the state, the application shall be  
23 subscribed and sworn to by an individual having the authority and responsibility for the  
24 management and operations of the locksmithing service business within the state.

25           (b) If the applicant is a corporation, the application shall specify the date and place of its  
26 incorporation, the location of the applicant's principal place of business, a list of the principal  
27 officers of the corporation, owners of twenty-five percent (25%) or more of outstanding stock of  
28 all classes of the corporation, and the business address, residence address and the office or  
29 position held by each officer in the corporation.

30           (c) The application shall include the following information for each individual required to  
31 subscribe and swear to it:

32           (1) The individual's full name and address (business and residence);

33           (2) The individual's business telephone number;

34           (3) The individual's date and place of birth;

- 1           (4) The individual's social security number;  
2           (5) The name and address of the individual's present place or places of employment or  
3 self-employment and the length of time engaged there;  
4           (6) A list of all felony and misdemeanor convictions of the individual in any jurisdiction;  
5           (7) Two classifiable sets of fingerprints of the individual having the authority and the  
6 responsibility for the management and operation of the locksmithing service business within the  
7 state, recorded in any manner that may be specified by the licensing authority; and  
8           (8) Whether the individual has ever been denied, in any jurisdiction, a license or permit to  
9 engage in the locksmithing service business or has had the license or permit revoked.

10           (d) The application shall include the following information concerning the applicant:

11           (1) The name, address and telephone number of the locksmithing service business and the  
12 location(s) from which it intends to operate within the state;

13           (2) A statement as to the length of time that the applicant has been engaged in the  
14 locksmithing service business and where engaged and the date when the locksmithing service  
15 business or businesses commenced operation in the state or when the locksmithing service  
16 business intends to commence that operation;

17           (3) A statement as to whether, to the best knowledge and information of the individual  
18 signing the application, and of the owners, partners or principal corporate officers of the  
19 applicant, including those not residing within the state, have been convicted in any jurisdiction of  
20 a felony or misdemeanor. If there have been any convictions, then the application must state the  
21 name(s) of the individual(s) convicted and the dates and places of the conviction(s).

22           (e) The licensing authority may require that the application include any other information  
23 which the licensing authority may reasonably deem necessary to determine whether the applicant  
24 or individual signing the application meets the requirements of this chapter or to establish the  
25 truth of the facts presented in the application.

26           (f) Any individual signing a license application must be at least eighteen (18) years of  
27 age.

28           **5-57-16.1. Experience or examination requirements relating to locksmithing service**

29 **businesses and locksmiths. -- (a) Every locksmithing service business shall meet either the**  
30 **experience requirement of subsection (c) of this section or the examination requirement of**  
31 **subsection (f) of this section before it may engage in the locksmithing service business.**

32           (b) Applicants engaged in the locksmithing service business on January 1, 2007 have  
33 three (3) months from the date of conditional approval of their locksmithing service business  
34 application by the licensing authority to comply with the examination requirements of this

1 section; provided, that if within that time the applicant is unable to engage an individual meeting  
2 the requirements of subsection (f) of this section, the licensing authority may, for good cause  
3 shown, extend for a reasonable time, not to exceed ninety (90) days, the period within which the  
4 applicant shall comply with this section. Upon satisfactory completion of the examination,  
5 procedures, content, and passing scores for which are established in rules and regulations, the  
6 licensing authority shall lift its conditional approval and grant its full approval of the company  
7 licensed to do business. Applicants who do not take the examination must satisfy the experience  
8 requirement required by subsection (c) of this section.

9 (c) Experience requirement: In order to comply with this requirement, at least one  
10 individual who is an owner, officer, partner, manager, or employee of the applicant shall establish  
11 that he or she was engaged or was employed in a locksmithing service business in sales,  
12 installation or service for an aggregate period of three (3) years prior to the filing of the  
13 application. That individual shall file with the licensing authority sworn statements relating to the  
14 foregoing facts of at least two (2) citizens of the community or communities in which that  
15 individual was so engaged or employed. The individual whom the applicant relies upon to  
16 comply with this subsection is required to devote a substantial portion of his or her time to  
17 engaging in and/or supervising the sale, installation, or servicing of locks, locking systems and  
18 safes on behalf of the applicant.

19 (d) For the purposes of the three (3) year experience requirement of subsection (c) of this  
20 section, employment by or engagement in a locksmithing service business in one or more  
21 communities within the state may be aggregated. In the event that the individual whom the  
22 applicant relies upon to comply with subsection (c) of this section must aggregate his or her past  
23 experience in the locksmithing service business in two (2) or more states, the individual must  
24 submit sworn statements of two (2) or more citizens of each state or states as to that experience.

25 (e) If the licensing authority determines that the applicant has not satisfactorily complied  
26 with subsection (c) of this section or that the prior experience of the individual whom the  
27 applicant relies upon to comply with subsection (c) of this section is not sufficient to permit the  
28 applicant to engage in the locksmithing service business, it may require the applicant to comply  
29 with subsection (f) of this section.

30 (f) Examination requirement. The licensing authority shall prepare and administer at least  
31 twice annually an examination or examinations designed to measure an individual's knowledge  
32 and competence in the locksmithing service business. It may administer separate examinations to  
33 test an individual's knowledge and competence with respect to the type and nature of the  
34 locksmithing service business in which the applicant proposes to engage. The individual who

1 qualifies under this subsection shall be required to devote a substantial portion of his or her time  
2 to engaging in and/or supervising the sale, installation or servicing of locks, locking systems,  
3 security hardware and safes on behalf of the applicant.

4 (g) In the event that the individual whom the applicant relies upon to comply with  
5 subsection (c) of this section or to qualify under subsection (f) of this section within a period of  
6 three (3) years after that compliance or qualification for any reason ceases to perform his or her  
7 duties on a regular basis, the locksmithing service business shall promptly notify the licensing by  
8 certified mail and shall make every effort too promptly obtain a substitute eligible individual  
9 acceptable to the licensing authority. If the locksmithing service business fails to obtain a  
10 substitute eligible individual within six (6) months from and after the disqualification of the  
11 licensee, the licensing authority may revoke the locksmithing service business license or, for  
12 good cause shown, may extend for a reasonable time the period for obtaining a substitute  
13 qualifying individual or the licensing authority may determine, based upon the experience and  
14 performance of the locksmithing service business, that the locksmithing service business does not  
15 need to obtain a substitute qualifying individual.

16 **5-57-29.1. Locksmith I.D. cards -- Requirement -- Application -- Issuance or denial.**

17 (a) It is unlawful and punishable as provided in section 5-57-41 for any individual to function as  
18 a locksmith or to perform the duties described in subsections (b) and (c) of this section without  
19 first obtaining an identification card (referred to as "I.D." card).

20 (b) Owners, principal corporate officers, partners and managers of all locksmithing  
21 service businesses shall be required to obtain I.D. cards if they directly engage in selling,  
22 installing, altering, servicing, moving, maintaining, repairing, replacing, monitoring, responding  
23 to, or causing others to respond to, locks, locking systems or safes within the state.

24 (c) Any individual engaged in the locksmithing business or employed by or associated  
25 with locksmithing service business within the state who is not a locksmith but who has access to  
26 confidential information relating to a customer of a locksmithing service business must also  
27 obtain an I.D. card.

28 (d) Individuals required to obtain an I.D. card under this section shall file a joint  
29 application for a temporary and permanent I.D. card and upon completion, the locksmithing  
30 service business shall immediately forward the application form to the licensing authority and  
31 shall retain a copy of the application in its files. Locksmithing service businesses shall issue  
32 temporary I.D. cards in the manner prescribed in subsection (g) of this section until the I.D. card  
33 applicant obtains a permanent I.D. card from the licensing authority.

34 (e) A person engaged in the locksmithing service business on January 1, 2008 has

1 authority to and is required to issue to its locksmiths or other individuals required to obtain I.D.  
2 cards under this section temporary I.D. cards (as provided in subsection (g) of this section) while  
3 the application of that person for a locksmithing service business license is pending. If that  
4 locksmithing service business application is finally denied, the locksmithing service business no  
5 longer has authority to issue temporary I.D. cards. All temporary I.D. cards issued by that  
6 locksmithing service business shall become void and shall be returned by the temporary I.D.  
7 cardholders to the issuer.

8 (f) Application for an I.D. card shall be on a form prescribed by the licensing authority  
9 and shall include the following:

10 (1) The I.D. card applicant's full name and any other names previously used, current  
11 residence and business addresses and telephone numbers;

12 (2) Date and place of birth;

13 (3) Whether the I.D. card applicant is applying as a locksmith or as an individual required  
14 to obtain an I.D. card under subsection (b) or (c) of this section;

15 (4) A list of all felony and misdemeanor convictions of the I.D. card applicant in any  
16 jurisdiction;

17 (5) Two (2) classifiable sets of fingerprints recorded in the manner that may be specified  
18 by the licensing authority;

19 (6) Two (2) recent photographs of a type prescribed by the licensing authority;

20 (7) The name and address of the locksmithing service business which employs or will  
21 employ or engage the I.D. card applicant;

22 (8) The application shall include a statement by the locksmith business which employs or  
23 will employ the I.D. card applicant or engage the I.D. card applicant as to whether that  
24 locksmithing service business:

25 (i) Is licensed under this chapter;

26 (ii) Has a license application pending before the licensing authority; or

27 (iii) Is unlicensed and does not have an application pending before the licensing authority  
28 but was engaged in the locksmithing service business within the state on January 1, 2008, and  
29 intends to file a timely application for a locksmith service business license under this chapter;

30 (9) A statement by the locksmithing service business as to whether it has issued a  
31 temporary I.D. card to the I.D. card applicant. If the locksmithing service business has issued a  
32 temporary I.D. card, the locksmith business shall state the date of issuance of the card and the card  
33 number;

34 (10) The I.D. card applicant's employment record for the prior three (3) years;

1 (11) A statement whether the applicant has been denied an alarm agent, guard or private  
2 investigator license, locksmith permit or I.D. card or business license for an alarm business,  
3 guard, private investigator business or locksmithing service business in any jurisdiction and  
4 whether that license, permit or I.D. card has been revoked;

5 (12) A statement that the I.D. card applicant will inform the licensing authority of any  
6 material change in the information stated in the I.D. card applicant's form within ten (10) days  
7 after that change; and

8 (13) Any other information which the licensing authority may reasonably deem necessary  
9 to determine whether an applicant for an I.D. card meets the requirements of this chapter.

10 (g) A temporary I.D. card shall be issued by a locksmithing service business licensed  
11 under this chapter to any of its locksmiths or any other individual required to obtain an I.D. card  
12 prior to the issuance of a permanent I.D. card for this individual by the licensing authority. The  
13 form for temporary I.D. cards shall be at the discretion of the locksmithing service business, but  
14 shall only be with the approval of the licensing authority. The form for permanent I.D. cards  
15 shall be prescribed by the licensing authority and shall include the following information  
16 concerning the I.D. cardholder:

17 (1) Full name and signature;

18 (2) An I.D. card number and date of issuance of the card;

19 (3) Date and place of birth;

20 (4) Name and address of the locksmithing service business which employs the applicant  
21 or with which the applicant is associated;

22 (5) Date of commencement of employment or association with the locksmithing service  
23 business; and

24 (6) A recent photograph of the I.D. cardholder.

25 (h) Before issuing a permanent I.D. card, the licensing authority shall require the  
26 prospective I.D. cardholder to submit on forms provided by the licensing authority the names and  
27 addresses of two (2) references who can verify the applicant's good moral character and  
28 competency to work as a locksmith and the names and addresses of employers of the prospective  
29 I.D. cardholder for the past three (3) years, and shall make reasonable and prudent inquiries to  
30 determine whether the applicant meets the requirements of this section. If the licensing authority  
31 has reason to believe that the individual required to obtain a permanent I.D. card does not meet  
32 the requirements of this section, no permanent I.D. card shall be issued by the licensing authority.

33 (i) Any locksmithing service business issuing a temporary I.D. card shall promptly report  
34 to the licensing authority the name, address, and I.D. card number of the individual to whom it

1 has issued a temporary I.D. card.

2 (j) The temporary or permanent I. D. card shall be carried by an individual required to  
3 obtain an I.D. card under this chapter whenever that individual is engaged in the locksmithing  
4 service business and shall be exhibited upon request.

5 (k) Application for a locksmith I.D. card to the licensing authority shall be accompanied  
6 by a thirty dollar (\$30.00) fee to cover the cost of processing the application and investigating the  
7 applicant. The fees collected shall be paid into the general fund.

8 (l) The licensing authority may refuse to issue an I.D. card if the I.D. card applicant has  
9 been convicted of a felony or a misdemeanor in any jurisdiction and the licensing authority finds  
10 that the conviction reflects unfavorably on the fitness of the applicant to engage in the  
11 locksmithing service business or to be employed by a locksmithing service business.

12 (m) The permanent I.D. card issued by the licensing authority shall include the items  
13 listed in subsection (g) of this section and the expiration date of the I.D. card.

14 **5-57-33.1. Grounds and procedure for suspension or revocation of locksmith I.D.**

15 **cards.** – (a) For purposes of this section only, when the term locksmith is used, it also applies to  
16 an individual required to obtain a permanent I.D. card from the licensing authority or a temporary  
17 I.D. card from a locksmith business subject to this chapter.

18 (b) Locksmith I.D. cards may be suspended or revoked by the licensing authority in the  
19 manner prescribed in this section if the cardholder has:

20 (1) Been found to have violated any of the provisions of this chapter or any rule or  
21 regulation of the licensing authority if the licensing authority determines that the violation reflects  
22 unfavorably upon the fitness of the I.D. cardholder to function as a locksmith;

23 (2) Knowingly and willfully given any materials false information to the licensing  
24 authority in connection with an application for an I.D. card or a renewal or reinstatement of an  
25 I.D. card under this chapter or in the submission of any material fact to the licensing authority;

26 (3) Been convicted in any jurisdiction of a felony or a misdemeanor if the licensing  
27 authority finds that conviction to reflect unfavorably on the fitness of the I.D. cardholder to  
28 function as a locksmith.

29 (c) Prior to suspension or revocation of an I.D. card, the licensing authority shall  
30 promptly notify the I.D. cardholder and the locksmithing service business by which the  
31 cardholder is employed or engaged of the proposed action presenting in reasonable detail the  
32 ground or grounds for suspension or revocation. The I.D. cardholder may request a hearing in the  
33 same manner and in accordance with the same procedure as that provided in subsection 5-57-  
34 25(b).

1           (d) In the event that the licensing authority suspends or revokes an I.D. card, the  
2 cardholder, upon receipt of the notice of suspension or revocation, shall cease to perform any  
3 services related to the locksmithing service business.

4           (e) Both the I.D. cardholder and the locksmithing service business which employs him or  
5 her or engages him or her shall be notified by the licensing authority of final action to suspend or  
6 revoke an I.D. card.

7           SECTION 4. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- LOCKSMITH SERVICE  
BUSINESSES

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- 1           This act would add locksmithing service businesses to the chapter regulating burglar and
- 2 hold-up alarm businesses.
- 3           This act would take effect upon passage.

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LC00586  
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