

HOUSE BILL 3812

By Hardaway

AN ACT to amend Tennessee Code Annotated, Section 62-11-104; Section 62-11-106; Section 62-11-111 and Section 62-11-112, relative to locksmith licensing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-11-104, is amended by deleting the existing language in subsection (a) and by substituting instead the following:

(a) No partnership, association, company, or corporation shall engage in, or hold itself out as engaging in, the business of locksmithing in this state without first registering as a locksmith business in accordance with this chapter. No person, partnership, association, corporation, or local or state governmental employee shall engage in, or hold themselves out as engaging in, the business of locksmithing in this state without first registering or licensing any employee, agents, or contractors operating as locksmith apprentices or locksmiths in accordance with this chapter.

SECTION 2. Tennessee Code Annotated, Section 62-11-104, is amended by deleting the existing language in subsection (b) and by substituting instead the following:

(b) Persons who are not licensed under this chapter shall not provide any locksmithing services in violation of this chapter or any rule adopted pursuant to this chapter. No person or business who is not licensed under this chapter shall use the appellation "locksmith," "locksmith apprentice" or "locksmith company," an appellation which compounds, modifies or qualifies the words "locksmith," "locksmith apprentice" or "locksmith company" or which gives or is designed to give the impression that the person or business using same is a locksmith, locksmith apprentice or locksmith company.

SECTION 3. Tennessee Code Annotated, Section 62-11-106, is amended by deleting the existing language in subsection (12) and by substituting instead the following:

(12) Deny, suspend or revoke any license, licensure, or renewal issued or to be issued under this chapter to any applicant, registrant, or licensee who fails to satisfy the requirements of this chapter or for any of the reasons stated in § 62-11-109, or failure to follow the rules established by the commissioner.

SECTION 4. Tennessee Code Annotated, Section 62-11-111, is amended by deleting subsection (a)(7) and substituting the following:

(7) Statements of any criminal records. Certain criminal convictions may disqualify an applicant for licensure as a locksmith; however, rehabilitation of individuals with a criminal record or records may be considered in the commissioner's discretion. Persons convicted of offences involving fraud or theft shall not be entitled to licensure as a locksmith.

SECTION 5. Tennessee Code Annotated, Section 62-11-111, is amended by deleting the existing language in subsection (h) and by substituting instead the following:

(h) Locksmith licenses may be renewed up to ninety (90) days after their expiration by payment of the renewal fee plus a penalty established by the commissioner for each month, or portion thereof, which elapses before payment is tendered. In the event that the renewal payment is not tendered within the specified time frame, the locksmith shall submit a new application for licensure as in the case of the issuance of the original license.

SECTION 6. , is amended by deleting the existing language in subsection (i) and by substituting instead the following:

(i) The commissioner shall not grant renewal of a locksmith license until the commissioner has received satisfactory evidence of continuing education completed during the immediately preceding license period.

SECTION 7. Tennessee Code Annotated, Section 62-11-112, is amended by deleting the existing language in subsection (b)(4) and substituting instead the following:

(4) Statements of any criminal records. Certain criminal convictions may disqualify an applicant for licensure as a locksmith apprentice; however, rehabilitation of individuals with a criminal record or records may be considered at the commissioner's discretion. Persons convicted of offences involving fraud or theft shall not be entitled to registration as a locksmith apprentice.

SECTION 8. Tennessee Code Annotated, Section 62-11-112, is amended by deleting the existing language in subsection (h) and by substituting instead the following:

(h) Locksmith apprentice registrants may be renewed up to ninety (90) days after their expiration by payment of the renewal fee plus a penalty established by the commissioner for each month, or portion thereof, which elapses before payment is tendered. In the event that the renewal payment is not tendered within the specified time frame, the locksmith apprentice shall submit a new application for registration as in the case of the issuance of the original registration.

SECTION 9. This act shall take effect on July 1, 2010, the public welfare requiring it.