

1 ENGROSSED HOUSE
2 BILL NO. 2320

By: Martin (Steve) of the House

3 and

4 Coates of the Senate

5
6
7 An Act relating to professions and occupations;
8 amending 59 O.S. 2001, Sections 1800.2, as amended by
9 Section 2, Chapter 110, O.S.L. 2006, 1800.3, as last
10 amended by Section 11, Chapter 4, O.S.L. 2008,
11 1800.3a, as amended by Section 4, Chapter 110, O.S.L.
12 2006, 1800.4, as amended by Section 5, Chapter 110,
13 O.S.L. 2006 and 1800.5, as amended by Section 6,
14 Chapter 110, O.S.L. 2006 (59 O.S. Supp. 2009,
15 Sections 1800.2, 1800.3, 1800.3a, 1800.4 and 1800.5),
16 which relate to the Alarm and Locksmith Industry Act;
17 modifying definitions; modifying exemptions;
18 modifying terms of committee membership; modifying
19 powers and duties of the committee; and providing an
20 effective date.

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

22 SECTION 1. AMENDATORY 59 O.S. 2001, Section 1800.2, as
23 amended by Section 2, Chapter 110, O.S.L. 2006 (59 O.S. Supp. 2009,
24 Section 1800.2), is amended to read as follows:

Section 1800.2 As used in the Alarm and Locksmith Industry Act:

1. "Alarm industry" means the sale, except as provided in
Section 1800.3 of this title, installation, alteration, repair,
replacement, service, inspection, or maintenance of alarm systems or
service involving receipt of alarm signals for the purpose of

1 employee response and investigation of such signals or any
2 combination of the foregoing activities except inspections on one-
3 and two-family dwellings are exempt;

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

9 3. "Board" means the State Board of Health;

10 4. "Committee" means the Alarm and Locksmith Industry
11 Committee;

12 5. "Commissioner" means the State Commissioner of Health;

13 6. "Licensee" means any person licensed pursuant to the Alarm
14 and Locksmith Industry Act;

15 7. "Lock" means mechanical or electronic devices of ~~twenty-four~~
16 ~~(24)~~ ninety (90) volts or less, designed to control use of a device
17 or control ingress or egress of a structure or automobile,
18 including, but not limited to, peripheral devices to alarm systems,
19 safes, vaults, safe deposit boxes, bio-metric/retina readers and
20 mechanical or electronic key systems;

21 8. "Locksmith industry" means the sale, servicing or
22 installing, repairing, rebuilding, readying, rekeying, ~~repining~~
23 repinning, adjusting or installing locks, mechanical or electronic
24 security devices, annunciation devices not designed to require a

1 response by law enforcement or opening or bypassing a lock by a
2 means other than those intended by the manufacturer of such devices.
3 For the purposes of this act, "mechanical or electronic security
4 devices" includes, but is not limited to, access control systems
5 including peripheral devices to alarm systems, fiber optic security
6 systems, closed circuit television and nurse call systems; and

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

10 SECTION 2. AMENDATORY 59 O.S. 2001, Section 1800.3, as
11 last amended by Section 11, Chapter 4, O.S.L. 2008 (59 O.S. Supp.
12 2009, Section 1800.3), is amended to read as follows:

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

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

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

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

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

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

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

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

17 SECTION 3. AMENDATORY 59 O.S. 2001, Section 1800.3a, as
18 amended by Section 4, Chapter 110, O.S.L. 2006 (59 O.S. Supp. 2009,
19 Section 1800.3a), is amended to read as follows:

20 Section 1800.3a Any person engaged in any activity regulated by
21 the Alarm and Locksmith Industry Act, when installing or repairing
22 electrical circuits of ~~twenty-four (24)~~ ninety (90) volts or less
23 shall not be required to obtain any license as required by the
24

1 Electrical Licensing Act, if such person is licensed pursuant to the
2 provisions of the Alarm and Locksmith Industry Act.

3 SECTION 4. AMENDATORY 59 O.S. 2001, Section 1800.4, as
4 amended by Section 5, Chapter 110, O.S.L. 2006 (59 O.S. Supp. 2009,
5 Section 1800.4), is amended to read as follows:

6 Section 1800.4 A. There is hereby created the "Alarm and
7 Locksmith Industry Committee", which shall consist of nine (9)
8 members. One member shall be the State Commissioner of Health or the
9 Commissioner's designated representative and eight members shall be
10 appointed by the State Board of Health within thirty (30) days after
11 the effective date of this act. Seven of the appointed members
12 shall have at least five (5) years of experience in the alarm or
13 locksmith industry or in a closely related field with broad
14 knowledge of the alarm or locksmith industry. No more than two of
15 the appointed members shall be from each working field or closely
16 related industries of burglar alarm, fire alarm, electronic access
17 control, locksmith, closed circuit television, and nurse call
18 ~~station~~ system. One of the appointed members shall be a lay member.
19 No member shall be employed by the same person as any other member
20 of the Committee.

21 B. The term of office of each appointed member shall be for
22 four (4) years with a limit of two terms. Provided, the terms of
23 the first appointed members of the Committee shall be as follows:
24

1 1. Two members shall be appointed to a term ending May 31,
2 2007;

3 2. Two members shall be appointed to a term ending May 31,
4 2008;

5 3. Two members shall be appointed to a term ending May 31,
6 2009; and

7 4. Two members shall be appointed to a term ending May 31,
8 2010.

9 Provided further, each appointed member ~~shall hold office until his~~
10 ~~successor is appointed and has qualified~~ currently serving shall be
11 allowed to complete the term the member is currently serving and be
12 eligible to serve one additional term. Persons appointed on or
13 after May 1, 2011, shall be eligible to serve two full terms. All
14 appointees must qualify under the Alarm and Locksmith Industry Act.

15 C. Members of the Committee may be removed from office by the
16 Board for cause.

17 D. Vacancies shall be filled by appointment by the Board for
18 the unexpired term of the vacancy.

19 E. The members of the Committee shall serve without pay but may
20 be reimbursed for actual expenses pursuant to the State Travel
21 Reimbursement Act.

22 F. The Committee shall elect from among its membership a chair,
23 vice-chair and secretary to serve terms of not more than two (2)
24 years ending on May 31 of the year designated by the Committee. The

1 chair or vice-chair shall preside at all meetings. The chair, vice-
2 chair and secretary shall perform such duties as may be decided by
3 the Committee in order to effectively administer the Alarm and
4 Locksmith Industry Act.

5 G. A majority of Committee members shall constitute a quorum to
6 transact official business.

7 H. The Committee shall meet within thirty (30) days after the
8 effective date of this act and shall meet thereafter at such times
9 as the Committee deems necessary to implement the Alarm and
10 Locksmith Industry Act.

11 I. The Committee shall assist and advise the Commissioner of
12 Health on all matters relating to the formulation of rules,
13 regulations and standards in accordance with the Alarm and Locksmith
14 Industry Act.

15 SECTION 5. AMENDATORY 59 O.S. 2001, Section 1800.5, as
16 amended by Section 6, Chapter 110, O.S.L. 2006 (59 O.S. Supp. 2009,
17 Section 1800.5), is amended to read as follows:

18 Section 1800.5 The Alarm and Locksmith Industry Committee shall
19 have the following duties and powers:

20 1. To assist the State Commissioner of Health in licensing and
21 otherwise regulating persons engaged in an alarm or locksmith
22 industry business;

23 2. To determine qualifications of applicants pursuant to the
24 Alarm and Locksmith Industry Act;

- 1 3. To prescribe and adopt forms for license applications and
2 initiate mailing of such application forms to all persons requesting
3 such applications;
- 4 4. To assist the Commissioner in the denial, suspension or
5 revocation of licenses as provided by the Alarm and Locksmith
6 Industry Act;
- 7 5. To charge and collect such fees as are prescribed by the
8 Alarm and Locksmith Industry Act;
- 9 6. To assist the State Board of Health in establishing and
10 enforcing standards governing the materials, services and conduct of
11 the licensees and their employees in regard to the alarm and
12 locksmith industry;
- 13 7. To assist the Board in promulgating rules necessary to carry
14 out the administration of the Alarm and Locksmith Industry Act;
- 15 8. To investigate alleged violations of the provisions of the
16 Alarm and Locksmith Industry Act and of any rules and regulations
17 promulgated by the Board thereunder;
- 18 9. To assist the ~~Oklahoma~~ State Board of Health in establishing
19 categories of licenses for the Alarm and Locksmith Industry Act and
20 application requirements for each category including but not limited
21 to individual license, experience requirements, educational
22 requirements, fingerprints, photographs, examinations, and fees;
- 23 10. To assist the Commissioner in providing for grievance and
24 appeal procedures pursuant to the ~~Oklahoma~~ Administrative Procedures

