

THE HOUSE OF REPRESENTATIVES
Thursday, February 25, 2010

House Bill No. 2320

HOUSE BILL NO. 2320 - By: MARTIN (STEVE) of the House.

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

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

- 1 SECTION 1. AMENDATORY 59 O.S. 2001, Section 1800.2, as amended by
2 Section 2, Chapter 110, O.S.L. 2006 (59 O.S. Supp. 2009, Section 1800.2), is amended to
3 read as follows:
4 Section 1800.2 As used in the Alarm and Locksmith Industry Act:
5 1. "Alarm industry" means the sale, except as provided in Section 1800.3 of this
6 title, installation, alteration, repair, replacement, service, inspection, or maintenance of
7 alarm systems or service involving receipt of alarm signals for the purpose of employee
8 response and investigation of such signals or any combination of the foregoing activities
9 except inspections on one- and two-family dwellings are exempt;

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

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

6 4. "Committee" means the Alarm and Locksmith Industry Committee;

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

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

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

15 8. "Locksmith industry" means the sale, servicing or installing, repairing,
16 rebuilding, readying, rekeying, ~~repining~~ repinning, adjusting or installing locks,
17 mechanical or electronic security devices, annunciation devices not designed to require a
18 response by law enforcement or opening or bypassing a lock by a means other than those
19 intended by the manufacturer of such devices. For the purposes of this act, "mechanical
20 or electronic security devices" includes, but is not limited to, access control systems
21 including peripheral devices to alarm systems, fiber optic security systems, closed circuit
22 television and nurse call systems; and

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

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

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

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

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

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

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

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

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

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

8 Section 1800.3a Any person engaged in any activity regulated by the Alarm and
9 Locksmith Industry Act, when installing or repairing electrical circuits of ~~twenty-four~~
10 ~~(24)~~ ninety (90) volts or less shall not be required to obtain any license as required by the
11 Electrical Licensing Act, if such person is licensed pursuant to the provisions of the
12 Alarm and Locksmith Industry Act.

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

16 Section 1800.4 A. There is hereby created the "Alarm and Locksmith Industry
17 Committee", which shall consist of nine (9) members. One member shall be the State
18 Commissioner of Health or the Commissioner's designated representative and eight
19 members shall be appointed by the State Board of Health within thirty (30) days after
20 the effective date of this act. Seven of the appointed members shall have at least five (5)
21 years of experience in the alarm or locksmith industry or in a closely related field with
22 broad knowledge of the alarm or locksmith industry. No more than two of the appointed

1 members shall be from each working field or closely related industries of burglar alarm,
2 fire alarm, electronic access control, locksmith, closed circuit television, and nurse call
3 ~~station~~ system. One of the appointed members shall be a lay member. No member shall
4 be employed by the same person as any other member of the Committee.

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

- 8 1. Two members shall be appointed to a term ending May 31, 2007;
- 9 2. Two members shall be appointed to a term ending May 31, 2008;
- 10 3. Two members shall be appointed to a term ending May 31, 2009; and
- 11 4. Two members shall be appointed to a term ending May 31, 2010.

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

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

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

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

1 F. The Committee shall elect from among its membership a chair, vice-chair and
2 secretary to serve terms of not more than two (2) years ending on May 31 of the year
3 designated by the Committee. The chair or vice-chair shall preside at all meetings. The
4 chair, vice-chair and secretary shall perform such duties as may be decided by the
5 Committee in order to effectively administer the Alarm and Locksmith Industry Act.

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

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

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

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

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

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

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

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

1 SECTION 6. This act shall become effective November 1, 2010.
2 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
3 FINANCIAL SERVICES, dated 02-24-10 - DO PASS.