

EHB 2320

1 THE STATE SENATE
2 Wednesday, March 31, 2010

3 ENGROSSED

4 House Bill No. 2320

5 As Amended

6 ENGROSSED HOUSE BILL NO. 2320 - By: Martin (Steve) of the House and
7 Coates of the Senate.

8 [professions and occupations - Alarm and Locksmith Industry
9 Act - effective date]

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

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

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

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

22 2. "Alarm system" means one or more devices designed either to
23 detect and signal an unauthorized intrusion or entry or to signal a
24 fire or other emergency condition, which signals are responded to by

1 public law enforcement officers, fire department personnel, private
2 guards or security officers;

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

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

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

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

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

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

1 including peripheral devices to alarm systems, fiber optic security
2 systems, closed circuit television and nurse call systems; and

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

6 SECTION 2. AMENDATORY 59 O.S. 2001, Section 1800.3, as
7 last amended by Section 11, Chapter 4, O.S.L. 2008 (59 O.S. Supp.
8 2009, Section 1800.3), is amended to read as follows:

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

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

14 2. An individual who owns and installs alarm devices,
15 mechanical or electronic security devices and locks on the
16 individual's own property or, if the individual does not charge for
17 the device or its installation, installs it for the protection of
18 ~~his~~ the individual's personal property located on another's
19 property, and does not install the alarm devices, mechanical or
20 electronic security devices and locks as a normal business practice
21 on the property of another;

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

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

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

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

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

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

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

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

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

22 1. Two members shall be appointed to a term ending May 31,
23 2007;

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

3 3. Two members shall be appointed to a term ending May 31,
4 2009; and

5 4. Two members shall be appointed to a term ending May 31,
6 2010.

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

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

15 D. Vacancies shall be filled by appointment by the Board for
16 the unexpired term of the vacancy.

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

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

1 chair and secretary shall perform such duties as may be decided by
2 the Committee in order to effectively administer the Alarm and
3 Locksmith Industry Act.

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

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

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

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

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

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

22 2. To determine qualifications of applicants pursuant to the
23 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;

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

5 11. To have such other powers and duties as are necessary to
6 implement the Alarm and Locksmith Industry Act.

7 SECTION 6. This act shall become effective November 1, 2010.

8 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 3-29-10 -
9 DO PASS, As Amended.