STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1866 By: Newberry of the Senate

and

McDaniel (Randy) of the House

COMMITTEE SUBSTITUTE

An Act relating to the Alarm and Locksmith Industry Act; transferring the alarm and locksmith industry from the State Department of Health to the Department of Labor; establishing authority to transfer personnel, committees, records, contracts, obligations, equipment, funds and responsibilities; allowing classified employees to be transferred into unclassified service with consent; providing for classified employees to retain certain status and salary; allowing transferred employees to retain leave and benefits; directing the Office of Personnel Management to coordinate transfer of employees; transferring certain funds; prohibiting use of transferred funds or property for purposes unrelated to the alarm and locksmith industry; restricting the State Department of Health from entering into certain contracts without approval; providing for certain board and committee members; transferring licenses, registrations and certifications; directing the Director of the Office of State Finance to coordinate transfer of certain funds and financial obligations; amending 59 O.S. 2011, Sections 1800.1, 1800.2, 1800.3, 1800.3a, 1800.4, 1800.5, 1800.6, 1800.7, 1800.8, 1800.9, 1800.10, 1800.11, 1800.12, 1800.13, 1800.14, 1800.15, 1800.16 and 1800.17, which relate to short title, definitions, exemptions from act, Class 2 and 3 exemption from licensure; Alarm and Locksmith Industry Committee, duties and powers of

committee, requirement for licensure, qualifications for licensure, company license application, issuance and renewal of license, duties of licensee, conduct of employees, municipal authority, disciplinary sanctions, Alarm and Locksmith Industry Revolving Fund, payment of claims, violation penalty, and rulemaking authority; modifying references; modifying definitions; modifying language; changing authority from the State Board of Health to the Commissioner of Labor; modifying composition of Alarm and Locksmith Industry Committee providing for continuation of member after certain date; deleting obsolete language; clarifying application photo requirement; designating additional uses of certain revolving funds; granting the Commissioner of Labor rulemaking authority; providing for noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. All powers, duties, responsibilities, employees, records and equipment of the State Board of Health, the State Department of Health, and the State Commissioner of Health relating exclusively to the regulation of locksmiths, closed circuit televisions, access controls, burglar alarms, fire alarms, and sprinkler and nurse calls are hereby transferred and shall be placed under the authority of the Department of Labor and the Commissioner of Labor. To the extent practicable, this shall include all computer hardware and software used in regulating the functions listed in this subsection. The State Commissioner of Health, the Commissioner of Labor and the

Director of State Finance may contract for additional legal and administrative services as necessary to effectuate the transfer.

B. The Commissioner of Labor and the State Board of Health may enter into an agreement for the transfer of personnel exclusively related to the regulation of the alarm and locksmith industry into the unclassified service under the direction of the Commissioner of Labor. No employee shall be transferred from the State Department of Health into the unclassified service under the direction of the Commissioner of Labor except on the freely given written consent of the employee. The classified employees exclusively related to the regulation of the alarm and locksmith industry under the Merit System of Personnel Administration who are not transferred into the unclassified service as provided herein shall retain the status in the class occupied by the employee on the effective date of the transfer as allocated by the Office of Personnel Management. The salary of such employee shall not be reduced as a result of such position allocation. Employees who are transferred as provided herein shall not be required to accept a lesser grade or salary than that in effect on the effective date of this act. All employees shall retain leave, sick and annual time earned, and any retirement and longevity benefits which have accrued during their tenure in the classified service. The transfer of personnel shall be coordinated with the Office of Personnel Management.

C. All unexpended funds, property, furnishings, equipment, supplies, records, personnel and outstanding financial obligations and encumbrances relating to the designated transfer of the Alarm and Locksmith Industry Act are hereby transferred to the Department of Labor for the continuing performance of duties relating to the Alarm and Locksmith Industry Act. No funds, property, furnishings, equipment, supplies, records, or personnel may be expended or used for any purpose other than the performance of duties and responsibilities as directed and required in this act.

D. All transferred contract personnel and any written contracts or agreements, or portions thereof, relating to any transferred personnel or any right, obligation, responsibility, duty or authority subject to the transfer specified in subsection A of this section shall remain in full force and effect upon transfer.

E. The State Board of Health, the State Department of Health and the State Commissioner of Health shall not enter into any contract or agreement relating to the alarm and locksmith industry extending beyond the effective date of the transfer without approval by the Commissioner of Labor and the Office of State Finance.

F. All board and committee members affected by the transfer provided in subsection A of this section shall retain such selection, appointment, assignment and membership term as provided by law, or any amendments thereto.

G. All licenses, registrations, certifications and accreditations subject to the transfer provided in subsection A of this section shall remain in full force and effect upon transfer to the Department of Labor.

H. The Director of State Finance is hereby directed to coordinate the transfer of funds, allotments, purchase orders, and outstanding financial obligations and encumbrances relating to the alarm and locksmith industry subject to transfer pursuant to the provisions of this act.

SECTION 2. AMENDATORY 59 O.S. 2011, Section 1800.1, is amended to read as follows:

Section 1800.1 ~~Sections 1 through 16~~ Section 1800.1 et seq. of this ~~act~~ title shall be known and may be cited as the "Alarm and Locksmith Industry Act".

SECTION 3. AMENDATORY 59 O.S. 2011, 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 employee response and investigation of such signals or any combination of the foregoing activities except inspections on one- and two-family dwellings are exempt;

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

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

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

~~5.~~ 4. "Commissioner" means the ~~State Commissioner of Health~~ Commissioner of Labor;

~~6.~~ 5. "Licensee" means any person licensed pursuant to the Alarm and Locksmith Industry Act;

~~7.~~ 6. "Lock" means mechanical or electronic devices consisting entirely of Class 2 or Class 3 circuits and power source requirements as established by the National Electrical Code and designed to control use of a device or control ingress or egress of a structure or automobile, including, but not limited to, peripheral devices to alarm systems, safes, vaults, safe deposit boxes, bio-metric/retina readers and mechanical or electronic key systems;

~~8.~~ 7. "Locksmith industry" means the sale, servicing or installing, repairing, rebuilding, readying, rekeying, repinning, adjusting or installing locks, mechanical or electronic security devices, annunciation devices not designed to require a response by law enforcement or opening or bypassing a lock by a means other than

those intended by the manufacturer of such devices. For the purposes of the Alarm and Locksmith Industry Act, "mechanical or electronic security devices" includes, but is not limited to, access control systems including peripheral devices to alarm systems, fiber optic security systems, closed circuit television and nurse call systems; and

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

SECTION 4. AMENDATORY 59 O.S. 2011, Section 1800.3, is amended to read as follows:

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

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

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

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

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

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

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

SECTION 5. AMENDATORY 59 O.S. 2011, Section 1800.3a, is amended to read as follows:

Section 1800.3a Any person engaged in any activity regulated by the Alarm and Locksmith Industry Act, when installing or repairing electrical circuits consisting entirely of Class 2 or Class 3 circuits and power source requirements as established by the National Electrical Code shall not be required to obtain any license as required by the Electrical Licensing Act, if such person is licensed pursuant to the provisions of the Alarm and Locksmith Industry Act~~,~~; provided ~~that~~, however, persons performing

installations, repairs or other work on any electrical circuits other than Class 2 or Class 3 circuits shall be required to be properly licensed or registered pursuant to the Electrical Licensing Act.

SECTION 6. AMENDATORY 59 O.S. 2011, Section 1800.4, is amended to read as follows:

Section 1800.4 A. There is hereby created the "Alarm and Locksmith Industry Committee", which shall consist of nine (9) members. One member shall be the ~~State Commissioner of Health~~ Commissioner of Labor or the Commissioner's designated representative and eight members shall be appointed by the ~~State Board of Health within thirty (30) days after November 1, 1985~~ Governor with the consent of the Senate. Seven of the appointed members shall have at least five (5) years of experience in the alarm or locksmith industry or in a closely related field with broad knowledge of the alarm or locksmith industry. No more than two of the appointed members shall be from each working field or closely related industries of burglar alarm, fire alarm, electronic access control, locksmith, closed circuit television, and nurse call system. One of the appointed members shall be a lay member. No member shall be employed by the same person as any other member of the Committee. On the effective date of the transfer of alarm and locksmith industry as provided in this act, the State Commissioner of Health then serving on the Alarm and Locksmith Industry Committee

shall be replaced by the Commissioner of Labor, and all other committee members shall continue to serve until their term has expired or is otherwise vacated. Nothing shall prohibit the reappointment of any member provided the reappointment does not exceed term limits.

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

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

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

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

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

~~Provided further, each appointed member currently serving shall be allowed to complete the term the member is currently serving and be eligible to serve one additional term. Persons appointed on or after May 1, 2011, shall be eligible to serve two full terms.~~ All appointees must qualify under the Alarm and Locksmith Industry Act.

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

D. Vacancies shall be filled by appointment by the ~~Board~~ Governor with the consent of the Senate for the unexpired term of the vacancy.

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

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

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

H. The Committee shall meet ~~within thirty (30) days after November 1, 1985, and shall meet thereafter~~ at such times as the Committee deems necessary to implement the Alarm and Locksmith Industry Act.

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

SECTION 7. AMENDATORY 59 O.S. 2011, Section 1800.5, is amended to read as follows:

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

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

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

3. To prescribe and adopt forms for license applications and initiate mailing of such application forms to all persons requesting such applications;

4. To assist the Commissioner in disciplinary actions, including the denial, suspension or revocation of licenses as provided by the Alarm and Locksmith Industry Act;

5. To charge and collect such fees as are prescribed by the Alarm and Locksmith Industry Act;

6. To assist the ~~State Board of Health~~ Commissioner in establishing and enforcing standards governing the materials, services and conduct of the licensees and their employees in regard to the alarm and locksmith industry;

7. To assist the ~~Board~~ Commissioner in promulgating rules necessary to carry out the administration of the Alarm and Locksmith Industry Act;

8. To investigate or assist in investigating alleged violations of the provisions of the Alarm and Locksmith Industry Act and ~~of~~ any rules and regulations promulgated ~~by the Board thereunder~~ thereto;

9. To assist the ~~State Board of Health~~ Commissioner in establishing categories of licenses for the Alarm and Locksmith Industry Act and application requirements for each category including but not limited to individual license, experience requirements, educational requirements, fingerprints, photographs, examinations, and fees;

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

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

SECTION 8. AMENDATORY 59 O.S. 2011, Section 1800.6, is amended to read as follows:

Section 1800.6 No person shall engage in an alarm or locksmith industry business in this state without first having obtained a license pursuant to the provisions of the Alarm and Locksmith Industry Act. ~~Provided, every person engaged in an alarm or locksmith industry business in this state on the effective date of the Alarm and Locksmith Industry Act shall have ninety (90) days in which to apply to the Commissioner of Health for a license. A person applying for a license within this ninety-day period may~~

~~continue business pending a final determination by the Commissioner of the person's application. Additional time beyond the ninety-day period may be granted by the Commissioner.~~

SECTION 9. AMENDATORY 59 O.S. 2011, Section 1800.7, is amended to read as follows:

Section 1800.7 A. Any person applying for a license to engage in an alarm or locksmith industry business pursuant to the Alarm and Locksmith Industry Act shall provide evidence to the Alarm and Locksmith Industry Committee that the individual within this state having direct supervision over the function and local operations of such alarm or locksmith industry business or a branch thereof has the following qualifications:

1. Is at least twenty-one (21) years of age;

2. Has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease, and has not been restored to competency;

3. Is not a habitual user of intoxicating liquors or habit-forming drugs;

4. Has not been discharged from the Armed Services of the United States under other than honorable conditions;

5. Is of good moral character; and

6. Meets such other standards as may be established by the ~~Board~~ Commissioner of Labor relating to experience or knowledge of the alarm or locksmith industry.

B. The applicant shall advise the Committee and furnish full information on each individual described in subsection A of this section of any conviction of a felony or any crime involving moral turpitude for which a full pardon has not been granted and furnish a recent photograph of a type prescribed by the ~~State Board of Health~~ Commissioner and two classifiable sets of fingerprints of such individual.

SECTION 10. AMENDATORY 59 O.S. 2011, Section 1800.8, is amended to read as follows:

Section 1800.8 A. An application for a company license shall include:

1. The address of the principal office of the applicant and the address of each branch office of the applicant located within this state;

2. The name per business location under which the applicant intends to do business as a licensee;

3. A statement as to the extent and scope of the applicant's alarm or locksmith industry business and all other businesses in which the applicant is engaged in this state;

4. A recent photograph of a type prescribed by the ~~State Board of Health of the applicant, if~~ Commissioner of Labor. If the applicant is a sole proprietor, the photo shall be of the applicant, or if the applicant is an entity, the photo shall be of each officer and of each partner or shareholder who owns ~~a~~ an interest in the

entity of twenty-five percent (25%) or greater ~~interest in the applicant, if the applicant is an entity~~;

5. Two classifiable sets of fingerprints of the applicant, if the applicant is a sole proprietor, or of each officer and of each partner or shareholder who owns a twenty-five percent (25%) or greater interest in the applicant, if the applicant is an entity; and

6. Such other information, statements or documents as may be required by the ~~Board~~ Commissioner.

B. An applicant for an individual license shall provide such documents, statements or other information as may be required by the ~~Board~~ Commissioner, including two classifiable sets of fingerprints of the applicant. The fingerprints may be used for a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

C. Fees for license and renewal issued pursuant to the Alarm and Locksmith Industry Act shall be adopted by the ~~Board~~ Department of Labor pursuant to Section 1-106.1 of Title 63 of the Oklahoma Statutes. Provided, the fees provided for in this subsection shall not exceed Two Hundred Fifty Dollars ($250.00). An applicant shall pay the license fee at the time the applicant makes application.

SECTION 11. AMENDATORY 59 O.S. 2011, Section 1800.9, is amended to read as follows:

Section 1800.9 A. Upon making proper application, payment of the proper license fee, and certification of approval by the Alarm and Locksmith Industry Committee, the Commissioner of ~~Health~~ Labor shall issue a license to the applicant. The license shall be valid for a one-year term.

B. Renewal of a license shall not prohibit disciplinary proceedings for an act committed prior to the renewal.

C. The ~~State Board of Health~~ Commissioner may adopt a system under which licenses expire on various dates throughout the year. For any change in such expiration dates, license fees shall be prorated on an appropriate periodic basis.

SECTION 12. AMENDATORY 59 O.S. 2011, Section 1800.10, is amended to read as follows:

Section 1800.10 A. A license shall not be altered or assigned.

B. A company license shall be posted in a conspicuous place in each alarm or locksmith industry business location of the licensee.

C. A company licensee shall notify the ~~Alarm and Locksmith Industry Committee~~ Commissioner of Labor within fourteen (14) days of any change of information furnished on the licensee's application for license or on the licensee's license including, but not limited to, change of ownership, address, business activities, or any developments related to the qualifications of the licensee or the individual described in Section 1800.7 of this title. If the licensee for any reason ceases to engage in an alarm or locksmith

industry business in this state, the licensee shall notify the Committee within fourteen (14) days of such cessation. If the required notice of cessation is not given to the Committee within fourteen (14) days, the license may be suspended or revoked by the Commissioner on recommendation of the Committee.

D. No person shall represent falsely that the person is licensed or employed by a licensee. Any such action shall constitute a violation of the Alarm and Locksmith Industry Act.

E. Each company licensee shall maintain a record containing such information relative to the licensee's employees as may be required by the ~~State Board of Health~~ Commissioner.

SECTION 13. AMENDATORY 59 O.S. 2011, Section 1800.11, is amended to read as follows:

Section 1800.11 The licensee shall be responsible to the Alarm and Locksmith Industry Committee in matters of conduct of business activities covered by the Alarm and Locksmith Industry Act. The licensee shall be responsible for the activities on the part of the licensee's employees. For purposes of the Alarm and Locksmith Industry Act, improper conduct on the part of ~~said~~ any employees which occurs within the scope of employment shall be considered by the Committee as acts of the licensee.

SECTION 14. AMENDATORY 59 O.S. 2011, Section 1800.12, is amended to read as follows:

Section 1800.12 A. Any municipality or county may levy and collect reasonable charges for alarm installation connections located in or at a police or fire department which is owned, operated or monitored by the municipality or county. Any municipality or county may require discontinuance of service of any alarm signal device which, due to mechanical malfunction or faulty equipment, causes excessive false alarms and, in the opinion of the appropriate county or municipal official, becomes a detriment to the functions of the department involved. The municipality or county may cause the disconnection of the device until the same is repaired to the satisfaction of the appropriate official~~, but~~; however the municipality or county shall advise the owner or user of the device of the disconnection in advance or as soon as reasonably practicable. The municipality or county may levy and collect reasonable reconnection fees. Mechanical malfunction and faulty equipment shall not include, for the purpose of the Alarm and Locksmith Industry Act, false alarms caused by human error or an act of God.

B. No municipality may adopt any ordinance concerning the licensing of any alarm or locksmith industry business which is or may be licensed pursuant to the Alarm and Locksmith Industry Act.

SECTION 15. AMENDATORY 59 O.S. 2011, Section 1800.13, is amended to read as follows:

Section 1800.13 A. The Commissioner of ~~Health~~ Labor on recommendation of the Alarm and Locksmith Industry Committee may suspend any license, upon the conviction of any individual named on the license or on the application for license of a felony, for a period not to exceed thirty (30) days pending a full investigation by the Committee. Such investigation shall be initiated within the thirty-day period of the suspension. A final determination by the Committee shall result in either removal of the suspension or such sanction as the Commissioner considers appropriate, as provided by the Alarm and Locksmith Industry Act.

B. The Commissioner may revoke or suspend any license, reprimand any licensee or deny any application for license or renewal if, in the judgment of the Committee:

1. The applicant or licensee has violated any provision of the Alarm and Locksmith Industry Act or any rule or regulation promulgated ~~hereunder~~ thereto;

2. The applicant or licensee has committed any offense resulting in the applicant's or licensee's conviction of a felony or crime involving moral turpitude. Provided, however, if the applicant has had no felony convictions at least ten (10) years prior to making application for a license and ~~said~~ the applicant has shown the Committee that the applicant has been rehabilitated, the Committee may recommend ~~said~~ the applicant for a license;

3. The applicant or licensee has practiced fraud, deceit, or misrepresentation;

4. The applicant or licensee has made a material misstatement in any information required by the ~~State Board of Health~~ Committee; or

5. The applicant or licensee has demonstrated incompetence or untrustworthiness in the applicant's or licensee's actions.

C. The Committee shall, before final action under subsection B of this section, provide thirty (30) days of written notice to the applicant or licensee involved, of the action intended and give sufficient opportunity for such person to request ~~a~~ an administrative hearing ~~before the Committee and the Commissioner~~ and to be represented by an attorney. A hearing shall be scheduled by the ~~Committee~~ Commissioner if so requested as provided in the Administrative Procedures Act.

D. In the event the Commissioner denies the application for, or revokes or suspends, any license or imposes any reprimand, a record of such action shall be in writing and officially signed by the Commissioner. The original copy shall be filed with the ~~State Board of Health~~ Department of Labor and a copy mailed to the affected applicant or licensee within two (2) days of the final action taken by the Commissioner.

E. Notice of the suspension or revocation of any license by the Commissioner shall be sent by the Committee to law enforcement

agencies and fire departments in the principal areas of operation of the licensee.

F. A suspended license shall be subject to expiration and may be renewed as provided by the Alarm and Locksmith Industry Act, regardless of the term of suspension~~. Provided, such~~; provided, a renewal shall not remove the suspension term.

G. A revoked license terminates on the date of revocation and cannot be reinstated~~. Provided,~~; provided, the Commissioner may reverse the revocation action. Any licensee whose license is revoked shall apply for a new license and meet all requirements for a license as stated in the Alarm and Locksmith Industry Act prior to engaging in any alarm or locksmith industry business activities. The Committee and the Commissioner shall take action on the new application and may require additional safeguards against such acts by the applicant as may have been the cause of the revocation of the prior license.

SECTION 16. AMENDATORY 59 O.S. 2011, Section 1800.14, is amended to read as follows:

Section 1800.14 There is hereby created in the State Treasury a revolving fund for the ~~State Department of Health~~ Department of Labor, to be designated the "Alarm and Locksmith Industry Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the ~~State Department of Health~~ Alarm and Locksmith Industry Committee or

the Department of Labor pursuant to the Alarm and Locksmith Industry Act. All monies accruing to the credit of ~~said~~ the fund are hereby appropriated and may be budgeted and expended by the ~~Department~~ Commissioner of Labor for the purpose of administration, implementing, and enforcement of the Alarm and Locksmith Industry Act, including, but not limited to, office administration and personnel expense, licensing and training, reimbursements in accordance with the State Travel Reimbursement Act, and other necessary expenses relating to the Alarm and Locksmith Industry Act. The Commissioner shall not expend or transfer any monies from this fund for any purpose not relating to the Alarm and Locksmith Industry Act. Expenditures from ~~said~~ the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 17. AMENDATORY 59 O.S. 2011, Section 1800.15, is amended to read as follows:

Section 1800.15 ~~All~~ The Commissioner of Labor shall pay all costs of administration of the Alarm and Locksmith Industry Act ~~shall be paid~~ from fees, monies and other revenue collected pursuant to the provisions of the Alarm and Locksmith Industry Act. At no time shall a claim for payment be submitted to the Director of the Office of State Finance or the State Treasurer if the revenue deposited in the Alarm and Locksmith Industry Revolving Fund to the

current date does not equal or exceed the total claims for payments made to that date.

SECTION 18. AMENDATORY 59 O.S. 2011, Section 1800.16, is amended to read as follows:

Section 1800.16 A. Any ~~individual or~~ person ~~who is found to be in violation~~ violating any of the provisions of the Alarm and Locksmith Industry Act, upon conviction, shall be guilty of a misdemeanor ~~and shall be punished~~ punishable by confinement in the county jail for a period not to exceed one (1) year or by the imposition of a fine not to exceed Five Hundred Dollars ($500.00), or by both such imprisonment and fine.

B. 1. In addition to any other penalties provided by law, if after a hearing in accordance with Article II of the Administrative Procedures Act, the ~~State~~ Commissioner of ~~Health~~ Labor finds any person to be in violation of any of the provisions of the Alarm and Locksmith Industry Act or the rules promulgated pursuant thereto, the person may be subject to an administrative fine of not more than Two Hundred Dollars ($200.00) for each violation. Each day a person is in violation may constitute a separate violation. The maximum fine shall not exceed One Thousand Dollars ($1,000.00).

2. All administrative fines collected pursuant to the provisions of this subsection shall be deposited in the Alarm and Locksmith Industry Revolving Fund.

SECTION 19. AMENDATORY 59 O.S. 2011, Section 1800.17, is amended to read as follows:

Section 1800.17 The ~~State Board of Health~~ Commissioner of Labor is hereby authorized to promulgate, adopt, amend, and repeal rules consistent with the provisions of the Alarm and Locksmith Industry Act for the purpose of governing the establishment and levying of administrative fines and the examination and licensure of alarm or locksmith companies, managers, technicians, and salespersons.

SECTION 20. This act shall become effective November 1, 2012.

53-2-10270 CJB 04/05/12