



1 to short title, definitions, exemptions from act,  
2 Class 2 and 3 exemption from licensure; Alarm and  
3 Locksmith Industry Committee, duties and powers of  
4 committee, requirement for licensure, qualifications  
5 for licensure, company license application, issuance  
6 and renewal of license, duties of licensee, conduct  
7 of employees, municipal authority, disciplinary  
8 sanctions, Alarm and Locksmith Industry Revolving  
9 Fund, payment of claims, violation penalty, and  
10 rulemaking authority; modifying references; modifying  
11 definitions; modifying language; changing authority  
12 from the State Board of Health to the Commissioner of  
13 Labor; modifying composition of Alarm and Locksmith  
14 Industry Committee providing for continuation of  
15 member after certain date; deleting obsolete  
16 language; clarifying application photo requirement;  
17 designating additional uses of certain revolving  
18 funds; granting the Commissioner of Labor rulemaking  
19 authority; providing for noncodification; and  
20 providing an effective date.

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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

1 extent practicable, this shall include all computer hardware and  
2 software used in regulating the functions listed in this subsection.  
3 The State Commissioner of Health, the Commissioner of Labor and the  
4 Director of State Finance may contract for additional legal and  
5 administrative services as necessary to effectuate the transfer.

6 B. The Commissioner of Labor and the State Board of Health may  
7 enter into an agreement for the transfer of personnel exclusively  
8 related to the regulation of the alarm and locksmith industry into  
9 the unclassified service under the direction of the Commissioner of  
10 Labor. No employee shall be transferred from the State Department  
11 of Health into the unclassified service under the direction of the  
12 Commissioner of Labor except on the freely given written consent of  
13 the employee. The classified employees exclusively related to the  
14 regulation of the alarm and locksmith industry under the Merit  
15 System of Personnel Administration who are not transferred into the  
16 unclassified service as provided herein shall retain the status in  
17 the class occupied by the employee on the effective date of the  
18 transfer as allocated by the Office of Personnel Management. The  
19 salary of such employee shall not be reduced as a result of such  
20 position allocation. Employees who are transferred as provided  
21 herein shall not be required to accept a lesser grade or salary than  
22 that in effect on the effective date of this act. All employees  
23 shall retain leave, sick and annual time earned, and any retirement

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1 and longevity benefits which have accrued during their tenure in the  
2 classified service. The transfer of personnel shall be coordinated  
3 with the Office of Personnel Management.

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

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

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

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

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

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

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

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

19 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1800.2, is  
20 amended to read as follows:

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

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

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

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

12 4. "Committee" means the Alarm and Locksmith Industry  
13 Committee;

14 5. 4. "Commissioner" means the ~~State Commissioner of Health~~  
15 Commissioner of Labor;

16 6. 5. "Licensee" means any person licensed pursuant to the  
17 Alarm and Locksmith Industry Act;

18 7. 6. "Lock" means mechanical or electronic devices consisting  
19 entirely of Class 2 or Class 3 circuits and power source  
20 requirements as established by the National Electrical Code and  
21 designed to control use of a device or control ingress or egress of  
22 a structure or automobile, including, but not limited to, peripheral  
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1 devices to alarm systems, safes, vaults, safe deposit boxes, bio-  
2 metric/retina readers and mechanical or electronic key systems;

3 ~~8.~~ 7. "Locksmith industry" means the sale, servicing or  
4 installing, repairing, rebuilding, readying, rekeying, repinning,  
5 adjusting or installing locks, mechanical or electronic security  
6 devices, annunciation devices not designed to require a response by  
7 law enforcement or opening or bypassing a lock by a means other than  
8 those intended by the manufacturer of such devices. For the  
9 purposes of the Alarm and Locksmith Industry Act, "mechanical or  
10 electronic security devices" includes, but is not limited to, access  
11 control systems including peripheral devices to alarm systems, fiber  
12 optic security systems, closed circuit television and nurse call  
13 systems; and

14 ~~9.~~ 8. "Person" means an individual, sole proprietorship, firm,  
15 partnership, association, limited liability company, corporation, or  
16 other similar entity.

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

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

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

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

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

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

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

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

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

3 Section 1800.3a Any person engaged in any activity regulated by  
4 the Alarm and Locksmith Industry Act, when installing or repairing  
5 electrical circuits consisting entirely of Class 2 or Class 3  
6 circuits and power source requirements as established by the  
7 National Electrical Code shall not be required to obtain any license  
8 as required by the Electrical Licensing Act, if such person is  
9 licensed pursuant to the provisions of the Alarm and Locksmith  
10 Industry Act, provided that, however, persons performing  
11 installations, repairs or other work on any electrical circuits  
12 other than Class 2 or Class 3 circuits shall be required to be  
13 properly licensed or registered pursuant to the Electrical Licensing  
14 Act.

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

17 Section 1800.4 A. There is hereby created the "Alarm and  
18 Locksmith Industry Committee", which shall consist of nine (9)  
19 members. One member shall be the ~~State Commissioner of Health~~  
20 Commissioner of Labor or the Commissioner's designated  
21 representative and eight members shall be appointed by the ~~State~~  
22 ~~Board of Health within thirty (30) days after November 1, 1985~~  
23 Governor with the consent of the Senate. Seven of the appointed  
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1 members shall have at least five (5) years of experience in the  
2 alarm or locksmith industry or in a closely related field with broad  
3 knowledge of the alarm or locksmith industry. No more than two of  
4 the appointed members shall be from each working field or closely  
5 related industries of burglar alarm, fire alarm, electronic access  
6 control, locksmith, closed circuit television, and nurse call  
7 system. One of the appointed members shall be a lay member. No  
8 member shall be employed by the same person as any other member of  
9 the Committee. On the effective date of the transfer of alarm and  
10 locksmith industry as provided in this act, the State Commissioner  
11 of Health then serving on the Alarm and Locksmith Industry Committee  
12 shall be replaced by the Commissioner of Labor, and all other  
13 committee members shall continue to serve until their term has  
14 expired or is otherwise vacated. Nothing shall prohibit the  
15 reappointment of any member provided the reappointment does not  
16 exceed term limits.

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

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

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

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

14       D. Vacancies shall be filled by appointment by the ~~Board~~  
15 Governor with the consent of the Senate for the unexpired term of  
16 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 or as directed by the Commissioner of Labor.

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~~  
7 ~~November 1, 1985, and shall meet thereafter~~ at such times as the  
8 Committee deems necessary to implement the Alarm and Locksmith  
9 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 7. AMENDATORY 59 O.S. 2011, Section 1800.5, is  
15 amended to read as follows:

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

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

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

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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 disciplinary actions,  
5 including the denial, suspension or revocation of licenses as  
6 provided by the Alarm and Locksmith 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~~ Commissioner in  
10 establishing and enforcing standards governing the materials,  
11 services and conduct of the licensees and their employees in regard  
12 to the alarm and locksmith industry;

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

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

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

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

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

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

10 Section 1800.6 No person shall engage in an alarm or locksmith  
11 industry business in this state without first having obtained a  
12 license pursuant to the provisions of the Alarm and Locksmith  
13 Industry Act. ~~Provided, every person engaged in an alarm or  
14 locksmith industry business in this state on the effective date of  
15 the Alarm and Locksmith Industry Act shall have ninety (90) days in  
16 which to apply to the Commissioner of Health for a license. A  
17 person applying for a license within this ninety day period may  
18 continue business pending a final determination by the Commissioner  
19 of the person's application. Additional time beyond the ninety day  
20 period may be granted by the Commissioner.~~

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

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

- 8 1. Is at least twenty-one (21) years of age;
- 9 2. Has not been declared by any court of competent jurisdiction  
10 incompetent by reason of mental defect or disease, and has not been  
11 restored to competency;
- 12 3. Is not a habitual user of intoxicating liquors or  
13 habit-forming drugs;
- 14 4. Has not been discharged from the Armed Services of the  
15 United States under other than honorable conditions;
- 16 5. Is of good moral character; and
- 17 6. Meets such other standards as may be established by the  
18 ~~Board~~ Commissioner of Labor relating to experience or knowledge of  
19 the alarm or locksmith industry.

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

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

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

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

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

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

16 4. A recent photograph of a type prescribed by the ~~State Board~~  
17 ~~of Health of the applicant, if~~ Commissioner of Labor. If the  
18 applicant is a sole proprietor, the photo shall be of the applicant,  
19 or if the applicant is an entity, the photo shall be of each officer  
20 and of each partner or shareholder who owns a an interest in the  
21 entity of twenty-five percent (25%) or greater ~~interest in the~~  
22 ~~applicant, if the applicant is an entity;~~

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

8 B. An applicant for an individual license shall provide such  
9 documents, statements or other information as may be required by the  
10 ~~Board~~ Commissioner, including two classifiable sets of fingerprints  
11 of the applicant. The fingerprints may be used for a national  
12 criminal history record check as defined by Section 150.9 of Title  
13 74 of the Oklahoma Statutes.

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

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

22 Section 1800.9 A. Upon making proper application, payment of  
23 the proper license fee, and certification of approval by the Alarm

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1 and Locksmith Industry Committee, the Commissioner of ~~Health~~ Labor  
2 shall issue a license to the applicant. The license shall be valid  
3 for a one-year term.

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

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

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

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

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

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

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~~Strike thru~~ language denotes deletion from present Statutes.

1 Committee within fourteen (14) days of such cessation. If the  
2 required notice of cessation is not given to the Committee within  
3 fourteen (14) days, the license may be suspended or revoked by the  
4 Commissioner on recommendation of the Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 E. Notice of the suspension or revocation of any license by the  
2 Commissioner shall be sent by the Committee to law enforcement  
3 agencies and fire departments in the principal areas of operation of  
4 the licensee.

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

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

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

21 Section 1800.14 There is hereby created in the State Treasury a  
22 revolving fund for the ~~State Department of Health~~ Department of  
23 Labor, to be designated the "Alarm and Locksmith Industry Revolving  
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UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 Fund". The fund shall be a continuing fund, not subject to fiscal  
2 year limitations, and shall consist of all monies received by the  
3 ~~State Department of Health~~ Alarm and Locksmith Industry Committee or  
4 the Department of Labor pursuant to the Alarm and Locksmith Industry  
5 Act. All monies accruing to the credit of ~~said~~ the fund are hereby  
6 appropriated and may be budgeted and expended by the ~~Department~~  
7 Commissioner of Labor for the purpose of administration,  
8 implementing, and enforcement of the Alarm and Locksmith Industry  
9 Act, including, but not limited to, office administration and  
10 personnel expense, licensing and training, reimbursements in  
11 accordance with the State Travel Reimbursement Act, and other  
12 necessary expenses relating to the Alarm and Locksmith Industry Act.  
13 The Commissioner shall not expend or transfer any monies from this  
14 fund for any purpose not relating to the Alarm and Locksmith  
15 Industry Act. Expenditures from ~~said~~ the fund shall be made upon  
16 warrants issued by the State Treasurer against claims filed as  
17 prescribed by law with the Director of State Finance for approval  
18 and payment.

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

21 Section 1800.15 ~~All~~ The Commissioner of Labor shall pay all  
22 costs of administration of the Alarm and Locksmith Industry Act  
23 ~~shall be paid~~ from fees, monies and other revenue collected pursuant  
24

1 to the provisions of the Alarm and Locksmith Industry Act. At no  
2 time shall a claim for payment be submitted to the Director of the  
3 Office of State Finance or the State Treasurer if the revenue  
4 deposited in the Alarm and Locksmith Industry Revolving Fund to the  
5 current date does not equal or exceed the total claims for payments  
6 made to that date.

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

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

16 B. 1. In addition to any other penalties provided by law, if  
17 after a hearing in accordance with Article II of the Administrative  
18 Procedures Act, the ~~State~~ Commissioner of ~~Health~~ Labor finds any  
19 person to be in violation of any of the provisions of the Alarm and  
20 Locksmith Industry Act or the rules promulgated pursuant thereto,  
21 the person may be subject to an administrative fine of not more than  
22 Two Hundred Dollars (\$200.00) for each violation. Each day a person  
23  
24

1 is in violation may constitute a separate violation. The maximum  
2 fine shall not exceed One Thousand Dollars (\$1,000.00).

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

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

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

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

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16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
17 04/05/2012 - DO PASS, As Amended.

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