

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1756

By: Sykes

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5
6 AS INTRODUCED

7 An Act relating to the Alarm and Locksmith Industry
8 Act; transferring the alarm and locksmith industry
9 from the Department of Health to the Department of
10 Labor; establishing authority to transfer personnel,
11 committees, records, contracts, obligations,
12 equipment, funds and responsibilities; allowing
13 classified employees to be transferred into
14 unclassified service with consent; providing for
15 classified employees to retain certain status and
16 salary; allowing transferred employees to retain
17 leave and benefits; directing the Office of Personnel
18 Management to coordinate transfer of employees;
19 transferring certain funds; prohibiting use of
20 transferred funds or property for purposes unrelated
21 to the alarm and locksmith industry; restricting the
22 State Department of Health from entering into certain
23 contracts without approval; providing for certain
24 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

1 definitions; modifying language; changing authority
2 from the State Board of Health to the Commissioner of
3 Labor; modifying composition of Alarm and Locksmith
4 Industry Committee upon expiration of certain terms;
5 deleting obsolete language; clarifying application
6 photo requirement; designating additional uses of
7 certain revolving funds; granting the Commissioner of
8 Labor rulemaking authority; providing for
9 noncodification; and providing an effective date.

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

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

13 A. All powers, duties, responsibilities, employees, records and
14 equipment of the State Board of Health, the State Department of
15 Health, and the State Commissioner of Health relating exclusively to
16 the regulation of locksmiths, closed circuit televisions, access
17 controls, burglar alarms, fire alarms, and sprinkler and nurse calls
18 are hereby transferred and shall be placed under the authority of
19 the Department of Labor and the Commissioner of Labor. To the
20 extent practicable, this shall include all computer hardware and
21 software used in regulating the functions listed in this subsection.
22 The State Commissioner of Health, the Commissioner of Labor and the
23 Director of State Finance may contract for additional legal and
24 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

1 related to the regulation of the alarm and locksmith industry into
2 the unclassified service under the direction of the Commissioner of
3 Labor. No employee shall be transferred from the State Department
4 of Health into the unclassified service under the direction of the
5 Commissioner of Labor except on the freely given written consent of
6 the employee. The classified employees exclusively related to the
7 regulation of the alarm and locksmith industry under the Merit
8 System of Personnel Administration who are not transferred into the
9 unclassified service as provided herein shall retain the status in
10 the class occupied by the employee on the effective date of the
11 transfer as allocated by the Office of Personnel Management. The
12 salary of such employee shall not be reduced as a result of such
13 position allocation. Employees who are transferred as provided
14 herein shall not be required to accept a lesser grade or salary than
15 that in effect on the effective date of this act. All employees
16 shall retain leave, sick and annual time earned, and any retirement
17 and longevity benefits which have accrued during their tenure in the
18 classified service. The transfer of personnel shall be coordinated
19 with the Office of Personnel Management.

20 C. All unexpended funds, property, furnishings, equipment,
21 supplies, records, personnel and outstanding financial obligations
22 and encumbrances relating to the designated transfer of the Alarm
23 and Locksmith Industry Act are hereby transferred to the Department
24 of Labor for the continuing performance of duties relating to the

1 Alarm and Locksmith Industry Act. No funds, property, furnishings,
2 equipment, supplies, records, or personnel may be expended or used
3 for any purpose other than the performance of duties and
4 responsibilities as directed and required in this act.

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

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

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

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

23 H. The Director of State Finance is hereby directed to
24 coordinate the transfer of funds, allotments, purchase orders, and

1 outstanding financial obligations and encumbrances relating to the
2 alarm and locksmith industry subject to transfer pursuant to the
3 provisions of this act.

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

6 Section 1800.1. ~~Sections 1~~ This section through ~~16~~ Section
7 1800.17 of this ~~act~~ title shall be known and may be cited as the
8 "Alarm and Locksmith Industry Act".

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

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

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

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

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

2 4. "Committee" means the Alarm and Locksmith Industry

3 Committee;

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

5 Commissioner of Labor;

6 ~~6.~~ 5. "Licensee" means any person licensed pursuant to the

7 Alarm and Locksmith Industry Act;

8 ~~7.~~ 6. "Lock" means mechanical or electronic devices consisting

9 entirely of Class 2 or Class 3 circuits and power source

10 requirements as established by the National Electrical Code and

11 designed to control use of a device or control ingress or egress of

12 a structure or automobile, including, but not limited to, peripheral

13 devices to alarm systems, safes, vaults, safe deposit boxes, bio-

14 metric/retina readers and mechanical or electronic key systems;

15 ~~8.~~ 7. "Locksmith industry" means the sale, servicing or

16 installing, repairing, rebuilding, readying, rekeying, repinning,

17 adjusting or installing locks, mechanical or electronic security

18 devices, annunciation devices not designed to require a response by

19 law enforcement or opening or bypassing a lock by a means other than

20 those intended by the manufacturer of such devices. For the

21 purposes of the Alarm and Locksmith Industry Act, "mechanical or

22 electronic security devices" includes, but is not limited to, access

23 control systems including peripheral devices to alarm systems, fiber

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1 optic security systems, closed circuit television and nurse call
2 systems; and

3 ~~9.~~ 8. "Person" means an individual, sole proprietorship, firm,
4 partnership, association, limited liability company, corporation, or
5 other similar entity.

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

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

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

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

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

23 4. The sale, installation, service, or repair of alarm systems
24 or electronic security devices such as electronic access control,

1 closed circuit television, nurse call systems and the like by
2 individuals licensed pursuant to the Electrical Licensing Act;

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

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

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

13 Section 1800.3a. Any person engaged in any activity regulated
14 by the Alarm and Locksmith Industry Act, when installing or
15 repairing electrical circuits consisting entirely of Class 2 or
16 Class 3 circuits and power source requirements as established by the
17 National Electrical Code shall not be required to obtain any license
18 as required by the Electrical Licensing Act, if such person is
19 licensed pursuant to the provisions of the Alarm and Locksmith
20 Industry Act; provided that, however, persons performing
21 installations, repairs or other work on any electrical circuits
22 other than Class 2 or Class 3 circuits shall be required to be
23 properly licensed or registered pursuant to the Electrical Licensing
24 Act.

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

3 Section 1800.4. A. There is hereby created the "Alarm and
4 Locksmith Industry Committee", which shall consist of nine (9)
5 members. One member shall be the ~~State Commissioner of Health~~
6 Commissioner of Labor or the Commissioner's designated
7 representative and eight members shall be appointed by the ~~State~~
8 ~~Board of Health within thirty (30) days after November 1, 1985~~
9 Commissioner as provided in this section. ~~Seven of the appointed~~
10 ~~members shall have at least five (5) years of experience in the~~
11 ~~alarm or 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 ~~system. One of the appointed members shall be a lay member. No~~
17 ~~member shall be employed by the same person as any other member of~~
18 ~~the Committee. On and after the effective date of this act, as~~
19 membership terms expire or are vacated, the Commissioner shall
20 choose members from lists of at least three names to be furnished
21 whenever needed as follows:

22 1. One locksmith member from a list to be furnished by a
23 statewide organization representing locksmith, closed circuit
24 television, and access control contractors of this state;

1 2. One closed circuit television member from a list to be
2 furnished by a statewide organization representing locksmith, closed
3 circuit television, and access control contractors of this state;

4 3. One access control member from a list to be furnished by a
5 statewide organization representing locksmith, closed circuit
6 television, and access control contractors of this state;

7 4. One burglar alarm member from a list to be furnished by a
8 statewide organization representing burglar alarm, fire alarm, and
9 nurse call contractors of this state;

10 5. One fire alarm member from a list to be furnished by a
11 statewide organization representing burglar alarm, fire alarm, and
12 nurse call contractors of this state;

13 6. One nurse call member from a list to be furnished by a
14 statewide organization representing burglar alarm, fire alarm, and
15 nurse call contractors of this state;

16 7. One sprinkler system member from a list to be furnished by a
17 statewide organization representing alarm, locksmith, and sprinkler
18 system contractors of this state; and

19 8. One lay member from a list to be furnished by a statewide
20 organization representing alarm, locksmith, and sprinkler system
21 contractors of this state.

22 B. The term of office of each appointed member shall be ~~for~~ a
23 staggered term of four (4) years with a limit of two terms.

1 ~~Provided, the terms of the first appointed members of the Committee~~
2 ~~shall be as follows:~~

3 ~~1. Two members shall be appointed to a term ending May 31,~~
4 ~~2007;~~

5 ~~2. Two members shall be appointed to a term ending May 31,~~
6 ~~2008;~~

7 ~~3. Two members shall be appointed to a term ending May 31,~~
8 ~~2009; and~~

9 ~~4. Two members shall be appointed to a term ending May 31,~~
10 ~~2010.~~

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

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

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

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

23 F. The Committee shall elect from among its membership a chair,
24 vice-chair and secretary to serve terms of not more than two (2)

1 years ending on May 31 of the year designated by the Committee. The
2 chair or vice-chair shall preside at all meetings. The chair, vice-
3 chair and secretary shall perform such duties as may be decided by
4 the Committee in order to effectively administer the Alarm and
5 Locksmith Industry Act or as directed by the Commissioner.

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

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

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

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

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

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

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

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

4 4. To assist the Commissioner in 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
23 requirements, educational requirements, fingerprints, photographs,
24 examinations, and fees;

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

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

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

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

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

21 Section 1800.7. A. Any person applying for a license to engage
22 in an alarm or locksmith industry business pursuant to the Alarm and
23 Locksmith Industry Act shall provide evidence to the Alarm and
24 Locksmith Industry Committee that the individual within this state

1 having direct supervision over the function and local operations of
2 such alarm or locksmith industry business or a branch thereof has
3 the following qualifications:

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

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

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

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

12 5. Is of good moral character; and

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

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

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

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

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

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

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

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

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

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

1 B. An applicant for an individual license shall provide such
2 documents, statements or other information as may be required by the
3 ~~Board~~ Commissioner, including two classifiable sets of fingerprints
4 of the applicant. The fingerprints may be used for a national
5 criminal history record check as defined by Section 150.9 of Title
6 74 of the Oklahoma Statutes.

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

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

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

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

22 C. The ~~State Board of Health~~ Commissioner may adopt a system
23 under which licenses expire on various dates throughout the year.

24

1 For any change in such expiration dates, license fees shall be
2 prorated on an appropriate periodic basis.

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

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

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

9 C. A company licensee shall notify the ~~Alarm and Locksmith~~
10 ~~Industry Committee~~ Commissioner of Labor within fourteen (14) days
11 of any change of information furnished on the licensee's application
12 for license or on the licensee's license including, but not limited
13 to, change of ownership, address, business activities, or any
14 developments related to the qualifications of the licensee or the
15 individual described in Section 1800.7 of this title. If the
16 licensee for any reason ceases to engage in an alarm or locksmith
17 industry business in this state, the licensee shall notify the
18 Committee within fourteen (14) days of such cessation. If the
19 required notice of cessation is not given to the Committee within
20 fourteen (14) days, the license may be suspended or revoked by the
21 Commissioner on recommendation of the Committee.

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

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

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

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

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

16 Section 1800.12. A. Any municipality or county may levy and
17 collect reasonable charges for alarm installation connections
18 located in or at a police or fire department which is owned,
19 operated or monitored by the municipality or county. Any
20 municipality or county may require discontinuance of service of any
21 alarm signal device which, due to mechanical malfunction or faulty
22 equipment, causes excessive false alarms and, in the opinion of the
23 appropriate county or municipal official, becomes a detriment to the
24 functions of the department involved. The municipality or county

1 may cause the disconnection of the device until the same is repaired
2 to the satisfaction of the appropriate official, ~~but~~; however the
3 municipality or county shall advise the owner or user of the device
4 of the disconnection in advance or as soon as reasonably
5 practicable. The municipality or county may levy and collect
6 reasonable reconnection fees. Mechanical malfunction and faulty
7 equipment shall not include, for the purpose of the Alarm and
8 Locksmith Industry Act, false alarms caused by human error or an act
9 of God.

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

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

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

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

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

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

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

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

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

21 C. The Committee shall, before final action under subsection B
22 of this section, provide thirty (30) days of written notice to the
23 applicant or licensee involved, of the action intended and give
24 sufficient opportunity for such person to request ~~a~~ an

1 ~~administrative hearing before the Committee and the Commissioner~~ and
2 to be represented by an attorney. A hearing shall be scheduled by
3 the ~~Committee~~ Commissioner if so requested as provided in the
4 Administrative Procedures Act.

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

12 E. Notice of the suspension or revocation of any license by the
13 Commissioner shall be sent by the Committee to law enforcement
14 agencies and fire departments in the principal areas of operation of
15 the licensee.

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

20 G. A revoked license terminates on the date of revocation and
21 cannot be reinstated. ~~Provided,;~~ provided, the Commissioner may
22 reverse the revocation action. Any licensee whose license is
23 revoked shall apply for a new license and meet all requirements for
24 a license as stated in the Alarm and Locksmith Industry Act prior to

1 engaging in any alarm or locksmith industry business activities.
2 The Committee and the Commissioner shall take action on the new
3 application and may require additional safeguards against such acts
4 by the applicant as may have been the cause of the revocation of the
5 prior license.

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

8 Section 1800.14. There is hereby created in the State Treasury
9 a revolving fund for the ~~State Department of Health~~ Department of
10 Labor, to be designated the "Alarm and Locksmith Industry Revolving
11 Fund". The fund shall be a continuing fund, not subject to fiscal
12 year limitations, and shall consist of all monies received by the
13 ~~State Department of Health~~ Alarm and Locksmith Industry Committee or
14 the Department of Labor pursuant to the Alarm and Locksmith Industry
15 Act. All monies accruing to the credit of ~~said~~ the fund are hereby
16 appropriated and may be budgeted and expended by the ~~Department~~
17 Commissioner of Labor for the purpose of administration,
18 implementing, and enforcement of the Alarm and Locksmith Industry
19 Act, including, but not limited to, office administration and
20 personnel expense, licensing and training, reimbursements in
21 accordance with the State Travel Reimbursement Act, and other
22 necessary expenses relating to the Alarm and Locksmith Industry Act.
23 The Commissioner shall not expend or transfer any monies from this
24 fund for any purpose not relating to the Alarm and Locksmith

1 Industry Act. Expenditures from ~~said~~ the fund shall be made upon
2 warrants issued by the State Treasurer against claims filed as
3 prescribed by law with the Director of State Finance for approval
4 and payment.

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

7 Section 1800.15. ~~All~~ The Commissioner of Labor shall pay all
8 costs of administration of the Alarm and Locksmith Industry Act
9 ~~shall be paid~~ from fees, monies and other revenue collected pursuant
10 to the provisions of the Alarm and Locksmith Industry Act. At no
11 time shall a claim for payment be submitted to the Director of the
12 Office of State Finance or the State Treasurer if the revenue
13 deposited in the Alarm and Locksmith Industry Revolving Fund to the
14 current date does not equal or exceed the total claims for payments
15 made to that date.

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

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

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

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

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

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

22 SECTION 20. This act shall become effective November 1, 2012.
23

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