

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1866

By: Newberry

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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 providing for continuation of
5 member after certain date; deleting obsolete
6 language; clarifying application photo requirement;
7 designating additional uses of certain revolving
8 funds; granting the Commissioner of Labor rulemaking
9 authority; providing for noncodification; and
10 providing an effective date.

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

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

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

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 through 16~~ Section 1800.1 et seq. of
7 this ~~act~~ title shall be known and may be cited as the "Alarm and
8 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

24

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 Governor with the consent of the Senate. 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 the effective date of the transfer of alarm and
19 locksmith industry as provided in this act, the State Commissioner
20 of Health then serving on the Alarm and Locksmith Industry Committee
21 shall be replaced by the Commissioner of Labor, and all other
22 committee members shall continue to serve until their term has
23 expired or is otherwise vacated. Nothing shall prohibit the
24

1 reappointment of any member provided the reappointment does not
2 exceed term limits.

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

7 1. ~~Two members shall be appointed to a term ending May 31,~~
8 ~~2007;~~

9 2. ~~Two members shall be appointed to a term ending May 31,~~
10 ~~2008;~~

11 3. ~~Two members shall be appointed to a term ending May 31,~~
12 ~~2009; and~~

13 4. ~~Two members shall be appointed to a term ending May 31,~~
14 ~~2010.~~

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

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

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

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

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

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

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

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

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

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

- 1 1. To assist the ~~State~~ Commissioner of ~~Health~~ Labor in
2 licensing and otherwise regulating persons engaged in an alarm or
3 locksmith industry business;
- 4 2. To determine qualifications of applicants pursuant to the
5 Alarm and Locksmith Industry Act;
- 6 3. To prescribe and adopt forms for license applications and
7 initiate mailing of such application forms to all persons requesting
8 such applications;
- 9 4. To assist the Commissioner in disciplinary actions,
10 including the denial, suspension or revocation of licenses as
11 provided by the Alarm and Locksmith Industry Act;
- 12 5. To charge and collect such fees as are prescribed by the
13 Alarm and Locksmith Industry Act;
- 14 6. To assist the ~~State Board of Health~~ Commissioner in
15 establishing and enforcing standards governing the materials,
16 services and conduct of the licensees and their employees in regard
17 to the alarm and locksmith industry;
- 18 7. To assist the ~~Board~~ Commissioner in promulgating rules
19 necessary to carry out the administration of the Alarm and Locksmith
20 Industry Act;
- 21 8. To investigate or assist in investigating alleged violations
22 of the provisions of the Alarm and Locksmith Industry Act and ~~of any~~
23 rules and regulations promulgated ~~by the Board thereunder~~ thereto;

24

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

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

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

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

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

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

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

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

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

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

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

18 5. Is of good moral character; and

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

22 B. The applicant shall advise the Committee and furnish full
23 information on each individual described in subsection A of this
24 section of any conviction of a felony or any crime involving moral

1 turpitude for which a full pardon has not been granted and furnish a
2 recent photograph of a type prescribed by the ~~State Board of Health~~
3 Commissioner and two classifiable sets of fingerprints of such
4 individual.

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

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

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

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

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

17 4. A recent photograph of a type prescribed by the ~~State Board~~
18 ~~of Health of the applicant, if~~ Commissioner of Labor. If the
19 applicant is a sole proprietor, the photo shall be of the applicant,
20 or if the applicant is an entity, the photo shall be of each officer
21 and of each partner or shareholder who owns a an interest in the
22 entity of twenty-five percent (25%) or greater ~~interest in the~~
23 applicant, if the applicant is an entity;
24

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
24 and Locksmith Industry Committee, the Commissioner of ~~Health~~ Labor

1 shall issue a license to the applicant. The license shall be valid
2 for a one-year term.

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

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

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

11 Section 1800.10. A. A license shall not be altered or
12 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
24 Committee within fourteen (14) days of such cessation. If the

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

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

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

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

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

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

22 Section 1800.12. A. Any municipality or county may levy and
23 collect reasonable charges for alarm installation connections
24 located in or at a police or fire department which is owned,

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

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

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

21 Section 1800.13. A. The Commissioner of ~~Health~~ Labor on
22 recommendation of the Alarm and Locksmith Industry Committee may
23 suspend any license, upon the conviction of any individual named on
24 the license or on the application for license of a felony, for a

1 period not to exceed thirty (30) days pending a full investigation
2 by the Committee. Such investigation shall be initiated within the
3 thirty-day period of the suspension. A final determination by the
4 Committee shall result in either removal of the suspension or such
5 sanction as the Commissioner considers appropriate, as provided by
6 the Alarm and Locksmith Industry Act.

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

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

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

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

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

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

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

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

18 E. Notice of the suspension or revocation of any license by the
19 Commissioner shall be sent by the Committee to law enforcement
20 agencies and fire departments in the principal areas of operation of
21 the licensee.

22 F. A suspended license shall be subject to expiration and may
23 be renewed as provided by the Alarm and Locksmith Industry Act,
24

1 regardless of the term of suspension. ~~Provided, such;~~ provided, a
2 renewal shall not remove the suspension term.

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

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

15 Section 1800.14. There is hereby created in the State Treasury
16 a revolving fund for the ~~State Department of Health~~ Department of
17 Labor, to be designated the "Alarm and Locksmith Industry Revolving
18 Fund". The fund shall be a continuing fund, not subject to fiscal
19 year limitations, and shall consist of all monies received by the
20 ~~State Department of Health~~ Alarm and Locksmith Industry Committee or
21 the Department of Labor pursuant to the Alarm and Locksmith Industry
22 Act. All monies accruing to the credit of ~~said~~ the fund are hereby
23 appropriated and may be budgeted and expended by the ~~Department~~
24 Commissioner of Labor for the purpose of administration,

1 implementing, and enforcement of the Alarm and Locksmith Industry
2 Act, including, but not limited to, office administration and
3 personnel expense, licensing and training, reimbursements in
4 accordance with the State Travel Reimbursement Act, and other
5 necessary expenses relating to the Alarm and Locksmith Industry Act.
6 The Commissioner shall not expend or transfer any monies from this
7 fund for any purpose not relating to the Alarm and Locksmith
8 Industry Act. Expenditures from ~~said~~ the fund shall be made upon
9 warrants issued by the State Treasurer against claims filed as
10 prescribed by law with the Director of State Finance for approval
11 and payment.

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

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

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

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

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

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

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

22 Section 1800.17. The ~~State Board of Health~~ Commissioner of
23 Labor is hereby authorized to promulgate, adopt, amend, and repeal
24 rules consistent with the provisions of the Alarm and Locksmith

1 Industry Act for the purpose of governing the establishment and
2 levying of administrative fines and the examination and licensure of
3 alarm or locksmith companies, managers, technicians, and
4 salespersons.

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

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