



1 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1800.3, as  
2 amended by Section 4, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2012,  
3 Section 1800.3), is amended to read as follows:

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

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

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

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

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

24

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

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

9 7. The solicitation of a potential alarm system customer by a  
10 person via telephone or electronic device on behalf of an Oklahoma  
11 licensed alarm company for the sale of an alarm system.

12 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1800.5, as  
13 amended by Section 7, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2012,  
14 Section 1800.5), is amended to read as follows:

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

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

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

22 3. To ~~prescribe and adopt~~ assist the Commissioner in  
23 prescribing and adopting forms for license applications and initiate  
24

1 mailing of such application forms to all persons requesting such  
2 applications;

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

6 5. To ~~charge and collect~~ assist the Commissioner with charging  
7 and collecting such fees as are prescribed by the Alarm and  
8 Locksmith Industry Act;

9 6. To assist the Commissioner in establishing and enforcing  
10 standards governing the materials, services and conduct of the  
11 licensees and their employees in regard to the alarm and locksmith  
12 industry;

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

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

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

24

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 exercise such other powers and duties as are necessary  
5 to implement the Alarm and Locksmith Industry Act.

6 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1800.7, as  
7 amended by Section 9, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2012,  
8 Section 1800.7), is amended to read as follows:

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

16 1. Is at least ~~twenty-one (21)~~ eighteen (18) years of age;

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

20 3. Is not a habitual user of intoxicating liquors or ~~habit-~~  
21 ~~forming drugs~~ a user of any illegal or illicit drug or controlled  
22 substance, including, but not limited to, the non-medical use of any  
23 prescription drug or other intoxicating substance;  
24

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

3 5. Is of good moral character; and

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

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

13 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1800.8, as  
14 amended by Section 10, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2012,  
15 Section 1800.8), is amended to read as follows:

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

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

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

23

24

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

4 4. A recent photograph ~~of a type prescribed by the Commissioner~~  
5 ~~of Labor~~ taken by the Department of Labor or an entity approved by  
6 the Department in accordance with the licensing procedures adopted  
7 by the Department. If the applicant is a sole proprietor, the photo  
8 shall be of the applicant, or if the applicant is an entity, the  
9 photo shall be of each officer and of each partner or shareholder  
10 who owns an interest in the entity of twenty-five percent (25%) or  
11 greater;

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

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

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

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

8 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1800.9, as  
9 amended by Section 11, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2012,  
10 Section 1800.9), is amended to read as follows:

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

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

18 C. The Commissioner may adopt a system under which licenses  
19 expire on various dates throughout the year. For any change in such  
20 expiration dates, license fees shall be prorated on an appropriate  
21 periodic basis.

22 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1800.10, as  
23 amended by Section 12, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2012,  
24 Section 1800.10), is amended to read as follows:

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

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

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

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

21 E. Each company licensee shall maintain, update and provide a  
22 record containing such information relative to the licensee's  
23 employees as may be required by the Commissioner.

24

1 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1800.11, as  
2 amended by Section 13, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2012,  
3 Section 1800.11), is amended to read as follows:

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

12 SECTION 8. AMENDATORY 59 O.S. 2011, Section 1800.12, as  
13 amended by Section 14, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2012,  
14 Section 1800.12), is amended to read as follows:

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

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

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

13 SECTION 9. AMENDATORY 59 O.S. 2011, Section 1800.13, as  
14 amended by Section 15, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2012,  
15 Section 1800.13), is amended to read as follows:

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

24

1 sanction as the Commissioner considers appropriate, as provided by  
2 the Alarm and Locksmith Industry Act.

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

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

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

16 3. The applicant or licensee has practiced fraud, deceit,  
17 theft, larceny, arson, or misrepresentation;

18 4. The applicant or licensee has made a material misstatement  
19 in any information required by the Committee; or

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

22 C. The Committee shall, before final action under subsection B  
23 of this section, provide thirty (30) days of written notice to the  
24 applicant or licensee involved, of the action intended and give

1 sufficient opportunity for such person to request an administrative  
2 hearing and to be represented by an attorney. A hearing shall be  
3 scheduled by the 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 Department  
9 of Labor and a copy mailed to the affected applicant or licensee  
10 within two (2) days of the final action taken by the Commissioner.

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

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

19 G. A revoked license terminates on the date of revocation and  
20 cannot be reinstated; provided, the Commissioner may reverse the  
21 revocation action. Any licensee whose license is revoked shall  
22 apply for a new license and meet all requirements for a license as  
23 stated in the Alarm and Locksmith Industry Act prior to engaging in  
24 any alarm or locksmith industry business activities. The Committee

1 and the Commissioner shall take action on the new application and  
2 may require additional safeguards against such acts by the applicant  
3 as may have been the cause of the revocation of the prior license.

4 SECTION 10. This act shall become effective July 1, 2013.

5 SECTION 11. It being immediately necessary for the preservation  
6 of the public peace, health and safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

9

10 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND FINANCIAL  
11 SERVICES, dated 03/28/2013 - DO PASS.

12

13

14

15

16

17

18

19

20

21

22

23

24