

1 **SENATE FLOOR VERSION**

2 February 21, 2013

3 **AS AMENDED**

4 SENATE BILL NO. 1042

By: Newberry of the Senate

and

Schwartz of the House

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8 **[Alarm and Locksmith Industry Act - reducing age for**
9 **licensure - making revocations public - effective**
10 **date -**

emergency]

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

13 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1800.5, as
14 amended by Section 7, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2012,
15 Section 1800.5), is amended to read as follows:

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

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

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

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

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;

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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 2. 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 3. 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;

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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 4. 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 5. 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.

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1 SECTION 6. 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 7. 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 8. 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

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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 9. This act shall become effective July 1, 2013.

5 SECTION 10. 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 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
10 February 21, 2013 - DO PASS AS AMENDED

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