

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 1042

By: Newberry

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5
6 AS INTRODUCED

7 An Act relating to Alarm and Locksmith Industry Act;
8 amending 59 O.S. 2011, Sections 1800.5, 1800.7,
9 1800.8, 1800.9, 1800.10, 1800.11, 1800.12, and
10 1800.13, as amended by Sections 7, 9, 10, 11, 12, 13,
11 14 and 15, Chapter 368, O.S.L. 2012, (59 O.S. Supp.
12 2012, Sections 1800.7, 1800.8, 1800.9, 1800.10,
13 1800.11, 1800.12, and 1800.13), which relate to
14 powers and duties of the Committee, application and
15 issuance of license, false representations, actions
16 of employees, municipal ordinances, and suspension of
17 license; modifying authority of Committee; reducing
18 age for licensure; prohibiting use of certain
19 substances; requiring certain photograph; deleting
20 reference; modifying procedure for license issuance;
21 requiring certain records; making employee acts
22 licensee responsibility; prohibiting municipal
23 licenses; adding acts subject to revocation,
24 suspension and reprimand; making revocation or
suspension public record; providing an effective
date; and declaring an emergency.

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

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

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

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

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

6 3. To ~~prescribe and adopt~~ assist the Commissioner in
7 prescribing and adopting forms for license applications and initiate
8 mailing of such application forms to all persons requesting such
9 applications;

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

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

16 6. To assist the Commissioner in establishing and enforcing
17 standards governing the materials, services and conduct of the
18 licensees and their employees in regard to the alarm and locksmith
19 industry;

20 7. To assist the Commissioner in promulgating rules necessary
21 to carry out the administration of the Alarm and Locksmith Industry
22 Act;

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

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

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

12 11. To exercise such other powers and duties as are necessary
13 to implement the Alarm and Locksmith Industry Act.

14 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1800.7, as
15 amended by Section 9, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2012,
16 Section 1800.7), is amended to read as follows:

17 Section 1800.7. A. Any person applying for a license to engage
18 in an alarm or locksmith industry business pursuant to the Alarm and
19 Locksmith Industry Act shall provide evidence to the Alarm and
20 Locksmith Industry Committee that the individual within this state
21 having direct supervision over the function and local operations of
22 such alarm or locksmith industry business or a branch thereof has
23 the following qualifications:

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

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

4 3. Is not a habitual user of intoxicating liquors or ~~habit-~~
5 ~~forming drugs~~ a user of any illegal or illicit drug or controlled
6 substance, including, but not limited to, the non-medical use of any
7 prescription drug or other intoxicating substance;

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

10 5. Is of good moral character; and

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

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

20 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1800.8, as
21 amended by Section 10, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2012,
22 Section 1800.8), is amended to read as follows:

23 Section 1800.8. A. An application for a company license shall
24 include:

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

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

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

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

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

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

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

7 C. Fees for license and renewal issued pursuant to the Alarm
8 and Locksmith Industry Act shall be adopted by the Department of
9 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. All
13 fees shall be nonrefundable.

14 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1800.9, as
15 amended by Section 11, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2012,
16 Section 1800.9), is amended to read as follows:

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

22 B. Renewal of a license shall not prohibit disciplinary
23 proceedings for an act committed prior to the renewal.
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1 C. The Commissioner may adopt a system under which licenses
2 expire on various dates throughout the year. For any change in such
3 expiration dates, license fees shall be prorated on an appropriate
4 periodic basis.

5 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1800.10, as
6 amended by Section 12, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2012,
7 Section 1800.10), is amended to read as follows:

8 Section 1800.10. A. A license shall not be altered or
9 assigned.

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

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

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

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

7 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1800.11, as
8 amended by Section 13, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2012,
9 Section 1800.11), is amended to read as follows:

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

18 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1800.12, as
19 amended by Section 14, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2012,
20 Section 1800.12), is amended to read as follows:

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

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

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

19 SECTION 8. AMENDATORY 59 O.S. 2011, Section 1800.13, as
20 amended by Section 15, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2012,
21 Section 1800.13), is amended to read as follows:

22 Section 1800.13. A. The Commissioner of Labor on
23 recommendation of the Alarm and Locksmith Industry Committee may
24 suspend any license, upon the conviction of any individual named on

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

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

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

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

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

23 4. The applicant or licensee has made a material misstatement
24 in any information required by the Committee; 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 an administrative
7 hearing and to be represented by an attorney. A hearing shall be
8 scheduled by the Commissioner if so requested as provided in the
9 Administrative Procedures Act.

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

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

20 F. A suspended license shall be subject to expiration and may
21 be renewed as provided by the Alarm and Locksmith Industry Act,
22 regardless of the term of suspension; provided, a renewal shall not
23 remove the suspension term.

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

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

11 SECTION 10. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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