ENGROSSED HOUSE AMENDMENTS
TO
ENGROSSED SENATE BILL NO. 380 By: Newberry and Sharp of the Senate

and

McDaniel (Randy) of the House

[Alarm and Locksmith Industry Act - exemptions - background check - codification -effective date]

AMENDMENT NO. 1. Page 1, line 7 through 7 1/2, restore the stricken title to read

"An Act relating to professions and occupations; amending 59 O.S. 2011, Section 1800.3, as last amended by Section 1, Chapter 22, O.S.L. 2013 (59 O.S. Supp. 2014, Section 1800.3), which relates to the Alarm and Locksmith Industry Act; adding certain exemption; defining terms; requiring criminal history records search for certain persons; prohibiting dissemination of results; prohibiting access to certain confidential information; providing for penalties; providing for codification; and providing an effective date."

AMENDMENT NO. 2. Page 1, line 11 through page 4, line 4, delete Sections 1 and 2 and insert new Sections 1 and 2 to read

"SECTION 1. AMENDATORY 59 O.S. 2011, Section 1800.3, as last amended by Section 1, Chapter 22, O.S.L. 2013 (59 O.S. Supp. 2014, Section 1800.3), is amended to read as follows:

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

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

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

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

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

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

6. Locksmith industry activities of persons primarily engaged in selling lumber and other building materials who hold a sales tax

permit as a Group One vendor authorized to engage in business within this state pursuant to Sections 1363 and 1364 of the Oklahoma Sales Tax Code; ~~or~~

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

8. The sale of alarm or locksmith products or systems by a retail counter sales agent upon the conditions required by Section 2 of this act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1800.6a of Title 59, unless there is created a duplication in numbering, reads as follows:

A. For purposes of this section and paragraph 8 of Section 1800.3 of Title 59 of the Oklahoma Statutes, "retail counter sales agent" means an individual employed by an Oklahoma licensed alarm or locksmith company for the purpose of selling technology devices and services to the general public in a commercial retail setting, including alarm and locksmith services and equipment.

B. 1. Every retail counter sales agent shall undergo a national criminal history records search by a third party or the Department of Labor. The Department of Labor, upon establishing good cause, may demand that an alarm or locksmith company provide the results of a criminal history records search for an individual retail counter sales agent. Upon receipt of any such demand, an

alarm or locksmith company shall have a reasonable period of time to provide the results to the Department of Labor. The Department of Labor shall not disseminate the results of any criminal history records search described in this subsection, and such records shall not be subject to the Open Records Act. For purposes of this subsection, "selling" means the initial communications with the customer to determine the appropriate alarm products or systems to be purchased and installed, but shall not include actual installation locations or the final design, plan or laying out of the alarm products or systems. No person shall act as a retail counter sales agent if the results of the criminal background check are unsuccessful in accordance with the Arrest and Conviction Records in Employment Best Practices brochure published by the United States Equal Employment Opportunity Commission.

2. A retail counter sales agent shall not be permitted access to any customer's unique alarm access codes or other confidential information aside from the information necessary to complete a retail sale transaction.

C. Any alarm or locksmith company failing to comply with the provisions of this section shall be deemed in violation of the Alarm and Locksmith Industry Act. The Department of Labor may revoke or suspend the license of the person for a violation of this section."

Passed the House of Representatives the 15th day of April, 2015.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2015.

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Presiding Officer of the Senate

ENGROSSED SENATE
BILL NO. 380 By: Newberry and Sharp of the Senate

and

McDaniel (Randy) of the House

[Alarm and Locksmith Industry Act - exemptions - background check - codification -effective date]

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1800.3, as last amended by Section 1, Chapter 22, O.S.L. 2013 (59 O.S. Supp. 2014, Section 1800.3), is amended to read as follows:

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

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

2. An individual who owns and installs alarm devices, mechanical or electronic security devices and locks on the individual's own property or, if the individual does not charge for the device or its installation, installs it for the protection of the individual's personal property located on another's property, and does not install the alarm devices, mechanical or electronic

security devices and locks as a normal business practice on the property of another;

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

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

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

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

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

8. The sale of an alarm product or system by a retail counter sales agent upon the conditions required by Section 2 of this act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1800.6a of Title 59, unless there is created a duplication in numbering, reads as follows:

A. For purposes of this section and paragraph 8 of Section 1800.3 of Title 59 of the Oklahoma Statutes, "retail counter sales agent" means an individual employed by an Oklahoma licensed alarm or locksmith company for the purpose of selling technology devices and services to the general public in a commercial retail setting, including alarm and locksmith services and equipment.

B. 1. Every retail counter sales agent shall undergo a national criminal history records search by a third party or the Department of Labor. If the individual successfully completes the required records search, the individual shall not be required to obtain an alarm and locksmith license when selling alarm products or systems in the retail setting. For purposes of this subsection, "selling" means the initial communications with the customer to determine the appropriate alarm products or system to be purchased and installed, but shall not include actual installation locations or the final design, plan or laying out of the alarm products or system.

2. No person shall act as a retail counter sales agent for an alarm or locksmith company in this state if such person has been convicted of a felony offense.

3. A retail counter sales agent shall not be permitted access to any customer's unique alarm access codes or other confidential information aside from the information necessary to complete a retail sale transaction.

C. Any alarm or locksmith company failing to comply with the provisions of this section shall be deemed in violation of the Alarm and Locksmith Industry Act. The Department of Labor shall revoke or suspend the license of the person for a violation of this section.

SECTION 3. This act shall become effective November 1, 2015.

Passed the Senate the 11th day of March, 2015.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2015.

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Presiding Officer of the House of Representatives