

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 380, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Newberry

Newberry-NP-FS-Req#1556  
2/18/2016 4:58 PM

(Floor Amendments Only) Date and Time Filed: \_\_\_\_\_

Untimely

Amendment Cycle Extended

Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

FLOOR SUBSTITUTE  
FOR

SENATE BILL NO. 380

By: Newberry and Sharp of the  
Senate

and

McDaniel (Randy) of the  
House

FLOOR SUBSTITUTE

[ Alarm and Locksmith Industry Act - exemptions -  
background check - 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

1 the device or its installation, installs it for the protection of  
2 the individual's personal property located on another's property,  
3 and does not install the alarm devices, mechanical or electronic  
4 security devices and locks as a normal business practice on the  
5 property of another;

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

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

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

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

20 7. The solicitation of a potential alarm system customer by a  
21 person via telephone or electronic device on behalf of an Oklahoma  
22 licensed alarm company for the sale of an alarm system; or  
23  
24

1       8. The sale of an alarm product or system in a retail setting  
2 by an employee or agent of an Oklahoma licensed alarm or locksmith  
3 company upon the conditions required by Section 2 of this act.

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

7           A. Every licensed alarm or locksmith company shall be required  
8 to conduct a fingerprint-based national criminal history records  
9 search on each employee or agent before his or her employment with  
10 the licensed company. Any person employed by or acting as an agent  
11 for a licensed alarm and locksmith company on the effective date of  
12 this act who has not had the fingerprint-based national criminal  
13 history record search conducted shall have ninety (90) days to  
14 comply. No person shall be employed by or represent the licensed  
15 company as its agent if such person has been convicted of a felony  
16 offense or entered a plea of nolo contendere or plead guilty to any  
17 felony offense in this state, another state or the United States.  
18 The fees for the fingerprint-based national criminal history records  
19 search may be paid by the company or the individual.

20           B. In any retail setting where products and services are  
21 offered for sale to the general public, an employee or agent of a  
22 licensed alarm and locksmith company who is not individually  
23 licensed by this state shall be prohibited from involvement in the  
24 design, planning, specifying or laying out of a customer's burglar

1 alarm system, and the employee or agent shall not be permitted  
2 access to any customer's unique alarm access codes or other  
3 confidential information aside from the information necessary to  
4 complete the retail sale transaction. For purposes of this section  
5 and the exemption from licensure authorized in paragraph 8 of  
6 Section 1800.3 of Title 59 of the Oklahoma Statutes, "retail  
7 setting" means a commercial retail location where the licensed alarm  
8 and locksmith company offers products and services to the general  
9 public, and "commercial retail location" means an owner-occupied  
10 building zoned for commercial purposes or a leased space zoned for  
11 commercial purposes that has a twelve-month or longer lease  
12 obligation.

13 C. No sale of alarm products or services shall be authorized by  
14 an unlicensed person in a retail setting, except when such person  
15 and the licensed alarm and locksmith company are in full compliance  
16 with the provisions of this section and all sales and services  
17 offered to the general public are conducted on a consistent basis.  
18 No unlicensed person shall be permitted to perform installation of  
19 any alarm product or system as an agent or employee of a licensed  
20 alarm or locksmith company.

21 SECTION 3. This act shall become effective November 1, 2015.  
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23 55-1-1556 NP 2/18/2016 4:58:21 PM  
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