

1 **SENATE FLOOR VERSION**

2 February 14, 2019

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 664

By: Pugh

6
7 An Act relating to the Alarm, Locksmith and Fire
8 Sprinkler Industry Act; amending 59 O.S. 2011,
9 Sections 1800.2, as amended Section 2, Chapter 90,
10 O.S.L 2018, 1800.3, as last amended by Section 1,
11 Chapter 247, O.S.L. 2015, 1800.3a, as amended by
12 Section 5, Chapter 368, O.S.L. 2012, 1800.4, as last
13 amended by Section 2, Chapter 107, O.S.L. 2017,
14 1800.5, as last amended by Section 3, Chapter 107,
15 O.S.L. 2017, 1800.6, as last amended by Section 4,
16 Chapter 107, O.S.L. 2017, Section 2, Chapter 247,
17 O.S.L. 2015, 1800.7, as last amended by Section 3,
18 Chapter 22, O.S.L. 2013, 1800.8, as last amended by
19 Section 4, Chapter 22, O.S.L. 2013, 1800.9, as last
20 amended by Section 5, Chapter 22, O.S.L. 2013,
21 1800.10, as last amended by Section 6, Chapter 22,
22 O.S.L. 2013, 1800.11, as last amended by Section 7,
23 Chapter 22, O.S.L. 2013, 1800.12, as last amended by
24 Section 8, Chapter 22, O.S.L. 2013, 1800.13, as last
amended by Section 9, Chapter 22, O.S.L. 2013,
1800.14, as last amended by Section 44, Chapter 15,
O.S.L. 2013, 1800.15, as last amended by Section 46,
Chapter 15, O.S.L. 2013, 1800.16, as amended by
Section 18, Chapter 368, O.S.L. 2012, and 1800.17, as
amended by Section 19, Section 368, O.S.L. 2012 (59
O.S. Supp. 2018, Sections 1800.2, 1800.3, 1800.3a,
1800.4, 1800.5, 1800.6, 1800.6a, 1800.7, 1800.8,
1800.9, 1800.10, 1800.11, 1800.12, 1800.13, 1800.14,
1800.15, 1800.16 and 1800.17), which relate to the
Alarm, Locksmith and Fire Sprinkler Industry Act;
modifying language; modifying name of act; updating
references; modifying definition; updating name of
certain fund; and providing an effective date.

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

2 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1800.2, as
3 last amended by Section 2, Chapter 90, O.S.L. 2018 (59 O.S. Supp.
4 2018, Section 1800.2), is amended to read as follows:

5 Section 1800.2. As used in the Alarm, Locksmith and Fire
6 Sprinkler Industry Act:

7 1. "Alarm industry" means the sale, except as provided in
8 Section 1800.3 of this title, installation, alteration, repair,
9 replacement, service, inspection, or maintenance of alarm systems or
10 service involving receipt of alarm signals for the purpose of
11 employee response and investigation of such signals or any
12 combination of the foregoing activities except inspections on one-
13 and two-family dwellings are exempt;

14 2. "Alarm system" means one or more devices designed either to
15 detect and signal an unauthorized intrusion or entry or to signal a
16 fire or other emergency condition, which signals are responded to by
17 public law enforcement officers, fire department personnel, private
18 guards or security officers;

19 3. "Committee" means the Alarm and Locksmith Industry
20 Committee;

21 4. "Commissioner" means the Commissioner of Labor;

22 5. "Integrated security system" means a mechanical and/or
23 electronic security device that includes, but is not limited to,
24 multiple integrated locks, burglar alarm systems, access control

1 systems, fiber optic security systems, video surveillance systems,
2 and nurse call systems, but does not include a stand-alone-single-
3 element of an integrated security system;

4 6. "Licensee" means any person licensed pursuant to the Alarm,
5 Locksmith and Fire Sprinkler Industry Act;

6 7. "Lock" means mechanical or electronic devices consisting
7 entirely of Class 2 or Class 3 circuits and power source
8 requirements as established by the National Electrical Code and
9 designed to control use of a device or control ingress or egress of
10 a structure or automobile, including, but not limited to, peripheral
11 devices to alarm systems, safes, vaults, safe deposit boxes,
12 biometric/retina readers and mechanical or electronic key systems;

13 8. "Locksmith industry" means the sale, servicing or
14 installing, repairing, rebuilding, readying, rekeying, repinning,
15 adjusting or installing locks, mechanical or electronic security
16 devices, annunciation devices not designed to require a response by
17 law enforcement or opening or bypassing a lock by a means other than
18 those intended by the manufacturer of such devices. For the
19 purposes of the Alarm, Locksmith and Fire Sprinkler Industry Act,
20 "mechanical or electronic security devices" includes, but is not
21 limited to, access control systems including peripheral devices to
22 alarm systems, fiber optic security systems, fire sprinklers, closed
23 circuit television, video surveillance and nurse call systems;

1 9. "Person" means an individual, sole proprietorship, firm,
2 partnership, association, limited liability company, corporation, or
3 other similar entity; and

4 10. "Residential alarm monitoring or service contract" means a
5 contract with end users for alarm monitoring and/or services for
6 individual residential premises for their own use.

7 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1800.3, as
8 last amended by Section 1, Chapter 247, O.S.L. 2015 (59 O.S. Supp.
9 2018, Section 1800.3), is amended to read as follows:

10 Section 1800.3. The Alarm ~~and~~, Locksmith and Fire Sprinkler
11 Industry Act shall not apply to:

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

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

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

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

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

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

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

17 8. The sale of alarm or locksmith products or systems by a
18 retail counter sales agent upon the conditions required by Section ~~2~~
19 1800.6a of this ~~act~~ title.

20 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1800.3a, as
21 amended by Section 5, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2018,
22 Section 1800.3a), is amended to read as follows:

23 Section 1800.3a. Any person engaged in any activity regulated
24 by the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry Act, when

1 installing or repairing electrical circuits consisting entirely of
2 Class 2 or Class 3 circuits and power source requirements as
3 established by the National Electrical Code shall not be required to
4 obtain any license as required by the Electrical Licensing Act, if
5 such person is licensed pursuant to the provisions of the Alarm ~~and,~~
6 Locksmith and Fire Sprinkler Industry Act; provided, however,
7 persons performing installations, repairs or other work on any
8 electrical circuits other than Class 2 or Class 3 circuits shall be
9 required to be properly licensed or registered pursuant to the
10 Electrical Licensing Act.

11 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1800.4, as
12 last amended by Section 2, Chapter 107, O.S.L. 2017 (59 O.S. Supp.
13 2018, Section 1800.4), is amended to read as follows:

14 Section 1800.4. A. There is hereby created the Alarm ~~and,~~
15 Locksmith and Fire Sprinkler Industry Committee, which shall consist
16 of nine (9) members. One member shall be the Commissioner of Labor
17 or the Commissioner's designated representative and eight members
18 shall be appointed by the Governor with the consent of the Senate.
19 Seven of the appointed members shall have at least five (5) years of
20 experience in the alarm ~~or,~~ locksmith or fire sprinkler industry or
21 in a closely related field with broad working knowledge of the alarm
22 ~~or,~~ locksmith or fire sprinkler industry and active employment
23 status in such field during the term of appointment. At least one
24 of the appointed members shall be from each working field or closely

1 related industries of burglar alarm, fire alarm, fire sprinkler,
2 electronic access control, locksmith, closed circuit television,
3 video surveillance, and nurse call system, except when a qualified
4 candidate for appointment is not available in the working field.

5 One of the appointed members shall be a lay member. No member shall
6 be employed by the same person as any other member of the Committee.

7 ~~On November 1, 2012, the State Commissioner of Health then serving~~
8 ~~on the Alarm and Locksmith Industry Committee shall be replaced by~~
9 ~~the Commissioner of Labor, and all other committee members shall~~
10 ~~continue to serve until their term has expired or is otherwise~~
11 ~~vacated. Nothing shall prohibit the reappointment of any member~~
12 ~~provided the reappointment does not exceed term limits.~~

13 B. The term of office of each appointed member shall be a
14 staggered term of four (4) years with a limit of two full terms.
15 Notwithstanding the term of office, each appointed member shall
16 continue to serve until his or her successor has been duly qualified
17 and appointed. All appointees must qualify under the Alarm,
18 Locksmith and Fire Sprinkler Industry Act.

19 C. Members of the Committee may be removed from office by the
20 Governor at any time. A member missing two or more committee
21 meetings in a single year without justifiable cause may be removed
22 and replaced by the Governor at the request of the Committee.

23 D. Vacancies shall be filled by appointment by the Governor
24 with the consent of the Senate for the unexpired term of the

1 vacancy. Should an appointment from a working field become vacant
2 or be without qualified candidates for appointment, that working
3 field may be filled by a person from another working field.

4 E. The members of the Committee shall serve without pay but may
5 be reimbursed for actual expenses pursuant to the State Travel
6 Reimbursement Act.

7 F. The Committee shall elect from among its membership a chair,
8 vice-chair and secretary to serve terms of not more than two (2)
9 years ending on May 31 of the year designated by the Committee. The
10 chair or vice-chair shall preside at all meetings. The chair, vice-
11 chair and secretary shall perform such duties as may be decided by
12 the Committee in order to effectively administer the Alarm,
13 Locksmith and Fire Sprinkler Industry Act or as directed by the
14 Commissioner of Labor.

15 G. A majority of Committee members shall constitute a quorum to
16 transact official business.

17 H. The Committee shall meet at such times as the Committee
18 deems necessary to implement the Alarm, Locksmith and Fire Sprinkler
19 Industry Act.

20 I. The Committee shall assist and advise the Commissioner on
21 all matters relating to the formulation of rules, regulations and
22 standards in accordance with the Alarm, Locksmith and Fire Sprinkler
23 Industry Act.

1 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1800.5, as
2 last amended by Section 3, Chapter 107, O.S.L. 2017 (59 O.S. Supp.
3 2018, Section 1800.5), is amended to read as follows:

4 Section 1800.5. A. The Alarm ~~and~~, Locksmith and Fire Sprinkler
5 Industry Committee shall have the following duties and powers:

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

9 2. To determine qualifications of applicants pursuant to the
10 Alarm, Locksmith and Fire Sprinkler Industry Act;

11 3. To assist the Commissioner in prescribing and adopting forms
12 for license applications and initiate mailing of such application
13 forms to all persons requesting such applications;

14 4. To assist the Commissioner in disciplinary actions,
15 including the denial, suspension or revocation of licenses as
16 provided by the Alarm, Locksmith and Fire Sprinkler Industry Act;

17 5. To assist the Commissioner with charging and collecting such
18 fees as are prescribed by the Alarm, Locksmith and Fire Sprinkler
19 Industry Act;

20 6. To assist the Commissioner in establishing and enforcing
21 standards governing the materials, services and conduct of the
22 licensees and their employees in regard to the alarm ~~and~~, locksmith
23 and fire sprinkler industry;

1 7. To assist the Commissioner in promulgating rules necessary
2 to carry out the administration of the Alarm, Locksmith and Fire
3 Sprinkler Industry Act;

4 8. To investigate or assist in investigating alleged violations
5 of the provisions of the Alarm, Locksmith and Fire Sprinkler
6 Industry Act and any rules and regulations promulgated thereto;

7 9. To assist the Commissioner in identifying advances in
8 technology and establishing categories of licenses for the Alarm,
9 Locksmith and Fire Sprinkler Industry Act and application
10 requirements for each category including, but not limited to,
11 individual license, experience requirements, educational
12 requirements, fingerprints, photographs, examinations, and fees;

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

16 11. To exercise such other powers and duties as are necessary
17 to implement the Alarm, Locksmith and Fire Sprinkler Industry Act.

18 B. The Department of Labor is authorized to regulate any
19 advancements in technology that apply to the alarm, locksmith and
20 fire sprinkler industry.

21 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1800.6, as
22 last amended by Section 4, Chapter 107, O.S.L. 2017 (59 O.S. Supp.
23 2018, Section 1800.6), is amended to read as follows:

1 Section 1800.6. No person shall engage in an alarm ~~or~~,
2 locksmith or fire sprinkler industry business in this state without
3 first having obtained a license pursuant to the provisions of the
4 Alarm, Locksmith and Fire Sprinkler Industry Act; provided, however,
5 a business or person licensed pursuant to the Alarm, Locksmith and
6 Fire Sprinkler Industry Act shall not be required to obtain multiple
7 licenses to install, repair or modify any component of an integrated
8 security system, excluding commercial fire alarm and fire sprinkler
9 systems.

10 SECTION 7. AMENDATORY Section 2, Chapter 247, O.S.L.
11 2015 (59 O.S. Supp. 2018, Section 1800.6a), is amended to read as
12 follows:

13 Section 1800.6a. A. For purposes of this section and paragraph
14 8 of Section 1800.3 of ~~Title 59 of the Oklahoma Statutes~~ this title,
15 "retail counter sales agent" means an individual employed by or
16 working on behalf of an Oklahoma licensed alarm or locksmith company
17 for the purpose of selling technology devices and services to the
18 general public in a commercial retail setting, including alarm ~~and~~,
19 locksmith and fire sprinkler services and equipment.

20 B. 1. Every retail counter sales agent shall undergo a
21 national criminal history records search by a third party or the
22 Department of Labor. The Department of Labor, upon establishing
23 good cause, may demand that an alarm ~~or~~, locksmith or fire sprinkler
24 company provide the results of a criminal history records search for

1 an individual retail counter sales agent. Upon receipt of any such
2 demand, an alarm ~~ex,~~ locksmith or fire sprinkler company shall have
3 a reasonable period of time to provide the results to the Department
4 of Labor. The Department of Labor shall not disseminate the results
5 of any criminal history records search described in this subsection,
6 and such records shall not be subject to the Open Records Act. For
7 purposes of this subsection, "selling" means the initial
8 communications with the customer to determine the appropriate alarm
9 products or systems to be purchased and installed, but shall not
10 include actual installation locations or the final design, plan or
11 laying out of the alarm products or systems. No person shall act as
12 a retail counter sales agent if the results of the criminal
13 background check are unsuccessful in accordance with the Arrest and
14 Conviction Records in Employment Best Practices brochure published
15 by the United States Equal Employment Opportunity Commission.

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

20 C. Any alarm ~~ex,~~ locksmith or fire sprinkler company failing to
21 comply with the provisions of this section shall be deemed in
22 violation of the Alarm ~~and,~~ Locksmith and Fire Sprinkler Industry
23 Act. The Department of Labor may revoke or suspend the license of
24 the person for a violation of this section.

SECTION 8. AMENDATORY 59 O.S. 2011, Section 1800.7, as last amended by Section 3, Chapter 22, O.S.L. 2013 (59 O.S. Supp. 2018, Section 1800.7), is amended to read as follows:

Section 1800.7. A. Any person applying for a license to engage in an alarm or locksmith industry business pursuant to the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry Act shall provide evidence to the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry Committee that the individual within this state having direct supervision over the function and local operations of such alarm ~~or~~, locksmith or fire sprinkler industry business or a branch thereof has the following qualifications:

1. Is at least eighteen (18) years of age;

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

3. Is not a habitual user of intoxicating liquors or a user of any illegal or illicit drug or controlled substance, including, but not limited to, the non-medical use of any prescription drug or other intoxicating substance;

4. Has not been discharged from the Armed Services of the United States under dishonorable conditions;

5. Is of good moral character; and

1 6. Meets such other standards as may be established by the
2 Commissioner of Labor relating to experience or knowledge of the
3 alarm ~~or~~, locksmith or fire sprinkler industry.

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

10 SECTION 9. AMENDATORY 59 O.S. 2011, Section 1800.8, as
11 last amended by Section 4, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
12 2018, Section 1800.8), is amended to read as follows:

13 Section 1800.8. A. An application for a company license shall
14 include:

15 1. The address of the principal office of the applicant and the
16 address of each branch office of the applicant located within this
17 state;

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

20 3. A statement explaining the extent and scope of the
21 applicant's alarm ~~or~~, locksmith or fire sprinkler industry business;

22 4. A photograph taken by the Department of Labor or an entity
23 approved by the Department in accordance with the licensing
24 procedures adopted by the Department. If the applicant is a sole

1 proprietor, the photo shall be of the applicant, or if the applicant
2 is an entity, the photo shall be of each officer and of each partner
3 or shareholder who owns an interest in the entity of twenty-five
4 percent (25%) or greater;

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

10 6. Such other information, statements or documents as may be
11 required by the Commissioner of Labor.

12 B. An applicant for an individual license shall provide such
13 documents, statements or other information as may be required by the
14 Commissioner, including two classifiable sets of fingerprints of the
15 applicant. The fingerprints may be used for a national criminal
16 history record check as defined by Section 150.9 of Title 74 of the
17 Oklahoma Statutes.

18 C. Fees for license and renewal issued pursuant to the Alarm
19 ~~and~~, Locksmith and Fire Sprinkler Industry Act shall be adopted by
20 the Department of Labor. Provided, the fees provided for in this
21 subsection shall not exceed Two Hundred Fifty Dollars (\$250.00). An
22 applicant shall pay the license fee at the time the applicant makes
23 application. All fees shall be nonrefundable.

1 SECTION 10. AMENDATORY 59 O.S. 2011, Section 1800.9, as
2 last amended by Section 5, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
3 2018, Section 1800.9), is amended to read as follows:

4 Section 1800.9. A. Upon receiving proper application, payment
5 of the proper license fee, and certification of recommendation by
6 the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry Committee, the
7 Commissioner of Labor shall issue a license to the applicant. The
8 license shall be valid for a one-year term.

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

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

15 SECTION 11. AMENDATORY 59 O.S. 2011, Section 1800.10, as
16 last amended by Section 6, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
17 2018, Section 1800.10), is amended to read as follows:

18 Section 1800.10. A. A license shall not be altered or
19 assigned.

20 B. A company license shall be posted in a conspicuous place in
21 each alarm ~~or~~, locksmith or fire sprinkler industry business
22 location of the licensee.

23 C. A company licensee shall notify the Commissioner of Labor
24 within fourteen (14) days of any change of information furnished on

1 the licensee's application for license or on the licensee's license
2 including, but not limited to, change of ownership, address,
3 business activities, or any developments related to the
4 qualifications of the licensee or the individual described in
5 Section 1800.7 of this title. If the licensee for any reason ceases
6 to engage in an alarm ~~or~~, locksmith or fire sprinkler industry
7 business in this state, the licensee shall notify the Committee
8 within fourteen (14) days of such cessation. If the required notice
9 of cessation is not given to the Committee within fourteen (14)
10 days, the license may be suspended or revoked by the Commissioner on
11 recommendation of the Committee.

12 D. No person shall represent falsely that the person is
13 licensed or employed by a licensee. Any such action shall
14 constitute a violation of the Alarm ~~and~~, Locksmith and Fire
15 Sprinkler Industry Act.

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

19 SECTION 12. AMENDATORY 59 O.S. 2011, Section 1800.11, as
20 last amended by Section 7, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
21 2018, Section 1800.11), is amended to read as follows:

22 Section 1800.11. The licensee shall be responsible to the Alarm
23 ~~and~~, Locksmith and Fire Sprinkler Industry Committee in matters of
24 conduct of business activities covered by the Alarm ~~and~~, Locksmith

1 and Fire Sprinkler Industry Act. The licensee shall be responsible
2 for the activities on the part of the licensee's employees. For
3 purposes of the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry
4 Act, improper conduct on the part of any employees which occurs
5 within the scope of employment may be considered by the Committee as
6 acts of the licensee.

7 SECTION 13. AMENDATORY 59 O.S. 2011, Section 1800.12, as
8 last amended by Section 8, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
9 2018, Section 1800.12), is amended to read as follows:

10 Section 1800.12. A. Any municipality or county may levy and
11 collect reasonable charges for alarm installation connections
12 located in or at a police or fire department which is owned,
13 operated or monitored by the municipality or county. Any
14 municipality or county may require discontinuance of service of any
15 alarm signal device which, due to mechanical malfunction or faulty
16 equipment, causes excessive false alarms and, in the opinion of the
17 appropriate county or municipal official, becomes a detriment to the
18 functions of the department involved. The municipality or county
19 may cause the disconnection of the device until the same is repaired
20 to the satisfaction of the appropriate official; however the
21 municipality or county shall advise the owner or user of the device
22 of the disconnection in advance or as soon as reasonably
23 practicable. The municipality or county may levy and collect
24 reasonable reconnection fees. Mechanical malfunction and faulty

1 equipment shall not include, for the purpose of the Alarm ~~and~~,
2 Locksmith and Fire Sprinkler Industry Act, false alarms caused by
3 human error or an act of God.

4 B. No municipality may adopt any ordinance concerning the
5 licensing of any alarm ~~or~~, locksmith or fire sprinkler industry
6 business or individual which is or may be licensed pursuant to the
7 Alarm ~~and~~, Locksmith and Fire Sprinkler Industry Act.

8 SECTION 14. AMENDATORY 59 O.S. 2011, Section 1800.13, as
9 last amended by Section 9, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
10 2018, Section 1800.13), is amended to read as follows:

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

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

1 1. The applicant or licensee has violated any provision of the
2 Alarm ~~and~~, Locksmith and Fire Sprinkler Industry Act or any rule or
3 regulation promulgated thereto;

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

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

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

15 5. The applicant or licensee has demonstrated incompetence or
16 untrustworthiness in the applicant's or licensee's actions.

17 C. The Committee shall, before final action under subsection B
18 of this section, provide ~~thirty (30) days of~~ a thirty-day written
19 notice to the applicant or licensee involved, of the action intended
20 and give sufficient opportunity for such person to request an
21 administrative hearing and to be represented by an attorney. A
22 hearing shall be scheduled by the Commissioner if so requested as
23 provided in the Administrative Procedures Act.

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

7 E. Notice of the suspension or revocation of any license shall
8 be made public record.

9 F. A suspended license shall be subject to expiration and may
10 be renewed as provided by the Alarm ~~and~~, Locksmith and Fire
11 Sprinkler Industry Act, regardless of the term of suspension;
12 provided, a renewal shall not remove the suspension term.

13 G. A revoked license terminates on the date of revocation and
14 cannot be reinstated; provided, the Commissioner may reverse the
15 revocation action. Any licensee whose license is revoked shall
16 apply for a new license and meet all requirements for a license as
17 stated in the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry Act
18 prior to engaging in any alarm ~~or~~, locksmith or fire sprinkler
19 industry business activities. The Committee and the Commissioner
20 shall take action on the new application and may require additional
21 safeguards against such acts by the applicant as may have been the
22 cause of the revocation of the prior license.

1 SECTION 15. AMENDATORY 59 O.S. 2011, Section 1800.14, as
2 last amended by Section 44, Chapter 15, O.S.L. 2013 (59 O.S. Supp.
3 2018, Section 1800.14), is amended to read as follows:

4 Section 1800.14. There is hereby created in the State Treasury
5 a revolving fund for the Department of Labor, to be designated the
6 "Alarm ~~and,~~ Locksmith and Fire Sprinkler Industry Revolving Fund".
7 The fund shall be a continuing fund, not subject to fiscal year
8 limitations, and shall consist of all monies received by the Alarm
9 ~~and,~~ Locksmith and Fire Sprinkler Industry Committee or the
10 Department of Labor pursuant to the Alarm ~~and,~~ Locksmith and Fire
11 Sprinkler Industry Act. All monies accruing to the credit of the
12 fund are hereby appropriated and may be budgeted and expended by the
13 Commissioner of Labor for the purpose of administration,
14 implementing, and enforcement of the Alarm ~~and,~~ Locksmith and Fire
15 Sprinkler Industry Act, including, but not limited to, office
16 administration and personnel expense, licensing and training,
17 reimbursements in accordance with the State Travel Reimbursement
18 Act, and other necessary expenses relating to the Alarm ~~and,~~
19 Locksmith and Fire Sprinkler Industry Act. The Commissioner shall
20 not expend or transfer any monies from this fund for any purpose not
21 relating to the Alarm ~~and,~~ Locksmith and Fire Sprinkler Industry
22 Act. Expenditures from the fund shall be made upon warrants issued
23 by the State Treasurer against claims filed as prescribed by law
24

1 with the Director of the Office of Management and Enterprise
2 Services for approval and payment.

3 SECTION 16. AMENDATORY 59 O.S. 2011, Section 1800.15, as
4 last amended by Section 46, Chapter 15, O.S.L. 2013 (59 O.S. Supp.
5 2018, Section 1800.15), is amended to read as follows:

6 Section 1800.15. The Commissioner of Labor shall pay all costs
7 of administration of the Alarm ~~and,~~ Locksmith and Fire Sprinkler
8 Industry Act from fees, monies and other revenue collected pursuant
9 to the provisions of the Alarm ~~and,~~ Locksmith and Fire Sprinkler
10 Industry Act. At no time shall a claim for payment be submitted to
11 the Director of the Office of Management and Enterprise Services or
12 the State Treasurer if the revenue deposited in the Alarm ~~and,~~
13 Locksmith and Fire Sprinkler Industry Revolving Fund to the current
14 date does not equal or exceed the total claims for payments made to
15 that date.

16 SECTION 17. AMENDATORY 59 O.S. 2011, Section 1800.16, as
17 amended by Section 18, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2018,
18 Section 1800.16), is amended to read as follows:

19 Section 1800.16. A. Any person violating any of the provisions
20 of the Alarm ~~and,~~ Locksmith and Fire Sprinkler Industry Act, upon
21 conviction, shall be guilty of a misdemeanor punishable by
22 confinement in the county jail for a period not to exceed one (1)
23 year or by the imposition of a fine not to exceed Five Hundred
24 Dollars (\$500.00), or by both such imprisonment and fine.

1 B. 1. In addition to any other penalties provided by law, if
2 after a hearing in accordance with Article II of the Administrative
3 Procedures Act, the Commissioner of Labor finds any person to be in
4 violation of any of the provisions of the Alarm ~~and,~~ Locksmith and
5 Fire Sprinkler Industry Act or the rules promulgated pursuant
6 thereto, the person may be subject to an administrative fine of not
7 more than Two Hundred Dollars (\$200.00) for each violation. Each
8 day a person is in violation may constitute a separate violation.
9 The maximum fine shall not exceed One Thousand Dollars (\$1,000.00).

10 2. All administrative fines collected pursuant to the
11 provisions of this subsection shall be deposited in the Alarm ~~and,~~
12 Locksmith and Fire Sprinkler Industry Revolving Fund.

13 SECTION 18. AMENDATORY 59 O.S. 2011, Section 1800.17, as
14 amended by Section 19, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2018,
15 Section 1800.17), is amended to read as follows:

16 Section 1800.17. The Commissioner of Labor is hereby authorized
17 to promulgate, adopt, amend, and repeal rules consistent with the
18 provisions of the Alarm ~~and,~~ Locksmith and Fire Sprinkler Industry
19 Act for the purpose of governing the establishment and levying of
20 administrative fines and the examination and licensure of alarm ~~ex,~~
21 locksmith or fire sprinkler companies, managers, technicians, and
22 salespersons.

SECTION 19. This act shall become effective November 1, 2019.

COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
February 14, 2019 - DO PASS AS AMENDED