

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO.664

By: Pugh

AS INTRODUCED

An Act relating to the Alarm, Locksmith and Fire Sprinkler Industry Act; amending 59 O.S. 2011, Sections 1800.2, as amended Section 2, Chapter 90, O.S.L 2018, 1800.3, as last amended by Section 1, Chapter 247, O.S.L. 2015, 1800.3a, as amended by Section 5, Chapter 368, O.S.L. 2012, 1800.4, as last amended by Section 2, Chapter 107, O.S.L. 2017, 1800.5, as last amended by Section 3, Chapter 107, O.S.L. 2017, 1800.6, as last amended by Section 4, Chapter 107, O.S.L. 2017, Section 2, Chapter 247, O.S.L. 2015, 1800.7, as last amended by Section 3, Chapter 22, O.S.L. 2013, 1800.8, as last amended by Section 4, Chapter 22, O.S.L. 2013, 1800.9, as last amended by Section 5, Chapter 22, O.S.L. 2013, 1800.10, as last amended by Section 6, Chapter 22, O.S.L. 2013, 1800.11, as last amended by Section 7, Chapter 22, O.S.L. 2013, 1800.12, as last amended by 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 and name of act; modifying and adding definitions; providing for circumvential information; modifying board members; providing a subject matter expert; making certain member non-voting; updating name of act; providing for jpeg photo or valid passport or state ID photo for

1 applications; changing name of certain fund; and
2 providing an effective date.

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

5 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1800.2, as
6 last amended by Section 2, Chapter 90, O.S.L. 2018 (59 O.S. Supp.
7 2018, Section 1800.2), is amended to read as follows:

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

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

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

22 3. "Committee" means the Alarm and Locksmith Industry
23 Committee;

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

1 5. "Integrated security system" means a mechanical and/or
2 electronic security device that includes, but is not limited to,
3 multiple integrated locks, burglar alarm systems, access control
4 systems, fiber optic security systems, video surveillance systems,
5 and nurse call systems, but does not include a stand-alone-single-
6 element of an integrated security system;

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

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

16 8. "Locksmith industry" means the sale, servicing or
17 installing, repairing, rebuilding, readying, rekeying, repinning,
18 adjusting or installing locks, mechanical or electronic security
19 devices, annunciation devices not designed to require a response by
20 law enforcement or opening or bypassing a lock by a means other than
21 those intended by the manufacturer of such devices. ~~For the~~
22 ~~purposes of the Alarm, Locksmith and Fire Sprinkler Industry Act,~~
23 ~~"mechanical~~

1 9. "Mechanical or electronic security devices" means and
2 includes, but is not limited to, access control systems including
3 peripheral devices to alarm systems, supplemental smoke and carbon
4 monoxide detection, fiber optic security systems, fire sprinklers,
5 closed circuit television, electronic access control systems and
6 nurse call systems;

7 ~~9.~~ 10. "Person" means an individual, sole proprietorship, firm,
8 partnership, association, limited liability company, corporation, or
9 other similar entity; ~~and~~

10 ~~10.~~ 11. "Residential alarm monitoring or service contract"
11 means a contract with end users for alarm monitoring and/or services
12 for individual residential premises for their own use;

13 12. "Circumvential information" means access to confidential
14 information concerning the design, extent, status, password, or
15 other confidential information of an end user's electronic security
16 equipment;

17 13. "Driver license" means a document issued by the Department
18 of Public Safety or the driver licensing agency of another state or
19 country which grants the person named thereon the privilege to
20 drive, operate or be in actual physical control of a motor vehicle;
21 and

22 14. "Passport" means a travel document, regardless of format,
23 issued under the authority of the United States Department of State,
24 attesting to the identity and nationality of the bearer.

1 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1800.3, as
2 last amended by Section 1, Chapter 247, O.S.L. 2015 (59 O.S. Supp.
3 2018, Section 1800.3), is amended to read as follows:

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

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

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

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

19 4. The sale, installation, service, or repair of alarm systems
20 or electronic security devices such as electronic access control,
21 closed circuit television, nurse call systems and the like by
22 individuals licensed pursuant to the Electrical License Act;
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1 5. The locksmith industry activities of tow truck operators
2 from their towing vehicles or repossession agents within the
3 execution of their duties;

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

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

12 8. The sale of alarm or locksmith products or systems by a
13 retail counter sales agent ~~upon the conditions required by Section 2~~
14 ~~of this act~~ who does not have access to circumvential information.

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

18 Section 1800.3a. Any person engaged in any activity regulated
19 by the Alarm ~~and,~~ Locksmith and Fire Sprinkler Industry Act, when
20 installing or repairing electrical circuits consisting entirely of
21 Class 2 or Class 3 circuits and power source requirements as
22 established by the National Electrical Code shall not be required to
23 obtain any license as required by the Electrical Licensing Act, if
24 such person is licensed pursuant to the provisions of the Alarm ~~and,~~

1 Locksmith and Fire Sprinkler Industry Act; provided, however,
2 persons performing installations, repairs or other work on any
3 electrical circuits other than Class 2 or Class 3 circuits shall be
4 required to be properly licensed or registered pursuant to the
5 Electrical Licensing Act.

6 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1800.4, as
7 last amended by Section 2, Chapter 107, O.S.L. 2017 (59 O.S. Supp.
8 2018, Section 1800.4), is amended to read as follows:

9 Section 1800.4. A. There is hereby created the Alarm ~~and,~~
10 Locksmith and Fire Sprinkler Industry Committee, which shall consist
11 of nine (9) members. One member shall be the Commissioner of Labor
12 or the Commissioner's designated representative and eight members
13 shall be appointed by the Governor with the consent of the Senate.
14 Seven of the appointed members shall have at least five (5) years of
15 experience in the alarm ~~or,~~ locksmith or fire sprinkler industry or
16 in a closely related field with broad working knowledge of the alarm
17 ~~or,~~ locksmith or fire sprinkler industry and active employment
18 status in such field during the term of appointment. At least one
19 of the appointed members shall be from each working field or closely
20 related industries of burglar alarm, fire alarm, fire sprinkler,
21 electronic access control, locksmith, closed circuit television, and
22 nurse call system, except when a qualified candidate for appointment
23 is not available in the working field. Members of the same category
24 appointed to the Committee shall be from a small business and the

1 other from a large corporation. One ~~of the~~ appointed ~~members~~ member
2 shall be a lay member outside the industry. One member will be a
3 non-voting member that is appointed by the Commissioner who will
4 serve as a subject matter expert. The subject matter expert will
5 serve at the pleasure of the Commissioner until replaced. No member
6 shall be employed by the same person as any other member of the
7 Committee. ~~On November 1, 2012, the State Commissioner of Health~~
8 ~~then serving on the Alarm and Locksmith Industry Committee shall be~~
9 ~~replaced by the Commissioner of Labor, and all other committee~~
10 ~~members shall continue to serve until their term has expired or is~~
11 ~~otherwise vacated. Nothing shall prohibit the reappointment of any~~
12 ~~member 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~~ two terms of office, each appointed member
16 shall continue to serve until his or her successor has been duly
17 qualified and appointed. All appointees must qualify under the
18 Alarm , Locksmith and Fire Sprinkler Industry Act.

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

1 D. Vacancies shall be filled by ~~appointment by the Governor~~
2 ~~with the consent of the Senate~~ the Commissioner for the unexpired
3 term of the vacancy. Should an appointment from a working field
4 become vacant or be without qualified candidates for appointment,
5 that working field may be filled by a person from another working
6 field.

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

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

18 G. A majority of Committee members shall constitute a quorum to
19 transact official business.

20 H. The Committee shall meet at such times as the ~~Committee~~
21 Commissioner deems necessary to implement the Alarm, Locksmith and
22 Fire Sprinkler Industry Act.

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

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

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

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

2. To ~~determine~~ assist in determining qualifications of applicants pursuant to the Alarm, Locksmith and Fire Sprinkler Industry Act;

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

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

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

~~6.~~ To assist the Commissioner in establishing and enforcing standards governing the materials, services and conduct of the

1 licensees and their employees in regard to the alarm ~~and~~, locksmith
2 and fire sprinkler industry;

3 ~~7.~~ 6. To assist the Commissioner in promulgating rules
4 necessary to carry out the administration of the Alarm, Locksmith
5 and Fire Sprinkler Industry Act;

6 ~~8.~~ 7. To investigate or assist in investigating alleged
7 violations of the provisions of the Alarm, Locksmith and Fire
8 Sprinkler Industry Act and any rules and regulations promulgated
9 thereto;

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

16 ~~10.~~ 9. To assist the Commissioner in providing for grievance
17 and appeal procedures pursuant to the Administrative Procedures Act
18 for any person whose license is denied, revoked or suspended; and

19 ~~11.~~ 10. To exercise such other powers and duties as are
20 necessary to implement the Alarm, Locksmith and Fire Sprinkler
21 Industry Act.

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

1 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1800.6, as
2 last amended by Section 4, Chapter 107, O.S.L. 2017 (59 O.S. Supp.
3 2018, Section 1800.6), is amended to read as follows:

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

13 SECTION 7. AMENDATORY Section 2, Chapter 247, O.S.L.
14 2015 (59 O.S. Supp. 2018, Section 1800.6a), is amended to read as
15 follows:

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

23 B. 1. Every retail counter sales agent who has access to
24 circumvential information shall undergo a national criminal history

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

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

1 C. Any alarm ~~or~~, locksmith or fire sprinkler company failing to
2 comply with the provisions of this section shall be deemed in
3 violation of the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry
4 Act. The Department of Labor may revoke or suspend the license of
5 the person for a violation of this section.

6 SECTION 8. AMENDATORY 59 O.S. 2011, Section 1800.7, as
7 last amended by Section 3, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
8 2018, 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
11 ~~and~~, Locksmith and Fire Sprinkler Industry Act shall provide
12 evidence to the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry
13 Committee that the individual within this state having direct
14 supervision over the function and local operations of such alarm ~~or~~,
15 locksmith or fire sprinkler industry business or a branch thereof
16 has the following qualifications:

- 17 1. Is at least eighteen (18) years of age;
- 18 2. Has not been declared by any court of competent jurisdiction
19 incompetent by reason of mental defect or disease, and has not been
20 restored to competency;
- 21 3. Is not a habitual user of intoxicating liquors or a user of
22 any illegal or illicit drug or controlled substance, including, but
23 not limited to, the non-medical use of any prescription drug or
24 other intoxicating substance;

1 4. Has not been discharged from the Armed Services of the
2 United States under 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 or fire sprinkler 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 9. AMENDATORY 59 O.S. 2011, Section 1800.8, as
14 last amended by Section 4, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
15 2018, 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;

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

1 4. ~~A photograph taken by the Department of Labor or an entity~~
2 ~~approved by the Department in accordance with the licensing~~
3 ~~procedures adopted by the Department. If the applicant is a sole~~
4 ~~proprietor, the~~ A digital jpeg photo and a valid copy of his or her
5 passport, driver license or state ID. The photo shall be of the
6 applicant, or if the applicant is an entity, the photo shall be of
7 each officer and of each partner or shareholder ~~who owns an interest~~
8 ~~in the entity of twenty-five percent (25%) or greater~~ who is making
9 application along with a current state-issued identification card or
10 driver license or passport for identification purposes;

11 5. Two classifiable sets of fingerprints of the applicant, ~~if~~
12 ~~the applicant is a sole proprietor, or of each officer and of each~~
13 ~~partner or shareholder who owns a twenty-five percent (25%) or~~
14 ~~greater interest in the applicant, if the applicant is an entity;~~
15 and

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

18 B. An applicant for an individual license shall provide such
19 documents, statements or other information as may be required by the
20 Commissioner, including two classifiable sets of fingerprints of the
21 applicant and a digital jpeg photo along with a valid copy of his or
22 her passport, state driver license or state ID. The fingerprints
23 may be used for a national criminal history record check as defined
24 by Section 150.9 of Title 74 of the Oklahoma Statutes.

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

7 SECTION 10. AMENDATORY 59 O.S. 2011, Section 1800.9, as
8 last amended by Section 5, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
9 2018, Section 1800.9), is amended to read as follows:

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

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

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

21 SECTION 11. AMENDATORY 59 O.S. 2011, Section 1800.10, as
22 last amended by Section 6, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
23 2018, 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 or fire sprinkler industry business
5 location of the licensee.

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

19 D. No person shall represent falsely that the person is
20 licensed or employed by a licensee. Any such action shall
21 constitute a violation of the Alarm ~~and~~, Locksmith and Fire
22 Sprinkler Industry Act.
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1 E. Each company licensee shall maintain, update and provide a
2 record containing such information relative to the licensee's
3 employees as may be required by the Commissioner.

4 SECTION 12. AMENDATORY 59 O.S. 2011, Section 1800.11, as
5 last amended by Section 7, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
6 2018, Section 1800.11), is amended to read as follows:

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

16 SECTION 13. AMENDATORY 59 O.S. 2011, Section 1800.12, as
17 last amended by Section 8, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
18 2018, Section 1800.12), is amended to read as follows:

19 Section 1800.12. A. Any municipality or county may levy and
20 collect reasonable charges for alarm installation connections
21 located in or at a police or fire department which is owned,
22 operated or monitored by the municipality or county. Any
23 municipality or county may require discontinuance of service of any
24 alarm signal device which, due to mechanical malfunction or faulty
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1 equipment, causes excessive false alarms and, in the opinion of the
2 appropriate county or municipal official, becomes a detriment to the
3 functions of the department involved. The municipality or county
4 may cause the disconnection of the device until the same is repaired
5 to the satisfaction of the appropriate official; however the
6 municipality or county shall advise the owner or user of the device
7 of the disconnection in advance or as soon as reasonably
8 practicable. The municipality or county may levy and collect
9 reasonable reconnection fees. Mechanical malfunction and faulty
10 equipment shall not include, for the purpose of the Alarm ~~and,~~
11 Locksmith and Fire Sprinkler Industry Act, false alarms caused by
12 human error or an act of God.

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

17 SECTION 14. AMENDATORY 59 O.S. 2011, Section 1800.13, as
18 last amended by Section 9, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
19 2018, Section 1800.13), is amended to read as follows:

20 Section 1800.13. A. The Commissioner of Labor on
21 recommendation of the Alarm ~~and,~~ Locksmith and Fire Sprinkler
22 Industry Committee may suspend any license, upon the conviction of
23 any individual named on the license or on the application for
24 license of a felony, for a period not to exceed thirty (30) days

1 pending a full investigation by the Committee. Such investigation
2 shall be initiated within the thirty-day period of the suspension.
3 A final determination by the Committee shall result in either
4 removal of the suspension or such sanction as the Commissioner
5 considers appropriate, as provided by the Alarm ~~and~~, Locksmith and
6 Fire Sprinkler Industry Act.

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

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

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

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

22 4. The applicant or licensee has made a material misstatement
23 in any information required by the Committee; or
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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~~ a thirty-day written
5 notice to the applicant or licensee involved, of the action intended
6 ~~and to~~ to give sufficient opportunity for such person to request an
7 administrative hearing and to be represented by an attorney. A
8 hearing shall be scheduled by the Commissioner if so requested as
9 provided in the 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 shall
17 be made public record.

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

22 G. A revoked license terminates on the date of revocation and
23 cannot be reinstated; provided, the Commissioner may reverse the
24 revocation action. Any licensee whose license is revoked shall
25

1 apply for a new license and meet all requirements for a license as
2 stated in the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry Act
3 prior to engaging in any alarm ~~or~~, locksmith or fire sprinkler
4 industry business activities. The Committee and the Commissioner
5 shall take action on the new application and may require additional
6 safeguards against such acts by the applicant as may have been the
7 cause of the revocation of the prior license.

8 SECTION 15. AMENDATORY 59 O.S. 2011, Section 1800.14, as
9 last amended by Section 44, Chapter 15, O.S.L. 2013 (59 O.S. Supp.
10 2018, Section 1800.14), is amended to read as follows:

11 Section 1800.14. There is hereby created in the State Treasury
12 a revolving fund for the Department of Labor, to be designated the
13 "Alarm ~~and~~, Locksmith and Fire Sprinkler Industry Revolving Fund".
14 The fund shall be a continuing fund, not subject to fiscal year
15 limitations, and shall consist of all monies received by the Alarm
16 ~~and~~, Locksmith and Fire Sprinkler Industry Committee or the
17 Department of Labor pursuant to the Alarm ~~and~~, Locksmith and Fire
18 Sprinkler Industry Act. All monies accruing to the credit of the
19 fund are hereby appropriated and may be budgeted and expended by the
20 Commissioner of Labor for the purpose of administration,
21 implementing, and enforcement of the Alarm ~~and~~, Locksmith and Fire
22 Sprinkler Industry Act, including, but not limited to, office
23 administration and personnel expense, licensing and training,
24 reimbursements in accordance with the State Travel Reimbursement

1 Act, and other necessary expenses relating to the Alarm ~~and,~~
2 Locksmith and Fire Sprinkler Industry Act. The Commissioner shall
3 not expend or transfer any monies from this fund for any purpose not
4 relating to the Alarm ~~and,~~ Locksmith and Fire Sprinkler Industry
5 Act. Expenditures from the fund shall be made upon warrants issued
6 by the State Treasurer against claims filed as prescribed by law
7 with the Director of the Office of Management and Enterprise
8 Services for approval and payment.

9 SECTION 16. AMENDATORY 59 O.S. 2011, Section 1800.15, as
10 last amended by Section 46, Chapter 15, O.S.L. 2013 (59 O.S. Supp.
11 2018, Section 1800.15), is amended to read as follows:

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

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

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

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

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

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

22 Section 1800.17. The Commissioner of Labor is hereby authorized
23 to promulgate, adopt, amend, and repeal rules consistent with the
24 provisions of the Alarm ~~and~~, Locksmith and Fire Sprinkler Industry
25

1 Act for the purpose of governing the establishment and levying of
2 administrative fines and the examination and licensure of alarm ~~or~~,
3 locksmith or fire sprinkler companies, managers, technicians, and
4 salespersons.

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