

**HOUSE . . . . . No. 03742**

---

The Commonwealth of Massachusetts

\_\_\_\_\_  
PRESENTED BY:

*Patricia A. Haddad, (BY REQUEST)*

\_\_\_\_\_

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to locksmith licensing.

\_\_\_\_\_  
PETITION OF:

NAME:

DISTRICT/ADDRESS:

-----  
*Patrick Higgins*

-----  
*1436 Gardner Neck Road*

*Swansea, MA 02777*

-----  
*Michael J. Rodrigues*

-----  
*First Bristol and Plymouth*

# HOUSE . . . . . No. 03742

---

By Ms. Haddad of Somerset (by request), a petition (subject to Joint Rule 12) (accompanied by bill, House, No. [BILL NUMBER]) of Patrick Higgins and Michael J. Rodrigues relative to the regulation and licensing of locksmiths. Consumer Protection and Professional Licensure.

---

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand Eleven  
\_\_\_\_\_

An Act relative to locksmith licensing.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

- 1 Preamble.
- 2 In order to protect the public of this state from the abuse and misuse of locksmithing supplies,
- 3 manuals, or equipment resulting in violation of public safety and security, locksmiths should be
- 4 licensed and regulated by this state. Locksmiths operate in the public trust to secure and protect
- 5 property and persons and should have the knowledge and tools to bypass or neutralize security
- 6 devices; locksmiths should be trained in the applicable regulations and laws pertinent to the
- 7 profession such as the ADA code, building codes, fire and life safety codes as well as training in
- 8 proper installation and maintenance of security devices for the public well-being. The regulations
- 9 or laws of this state currently do not protect its citizens from the unscrupulous use and abuse of
- 10 the tools and knowledge of the locksmithing profession by the untrained person or persons who

11 have criminal intent. Therefore, the regulation and licensing of locksmiths in this state is  
12 necessary.

### 13 Section1. Definitions

14 For the purposes of this Act, the following terms shall have the meanings indicated:

15 (a) "Building Permit", a permit issued by the authority of jurisdiction regarding the regulation of  
16 building construction, remodeling, and other physical changes to property.

17 (b) "Certificate", a document issued by the Division as proof that a license or permit has been  
18 granted.

19 (c) "Certification", the process whereby the Division or any regulatory board issues a certificate  
20 on behalf of this state to a person signifying that he/she possesses the character and minimum  
21 skills to engage properly in the profession of locksmithing.

22 (d) "Codebook", a compilation, in any form, of key codes.

23 (e) "Division" the Division of Professional Licensure.

24 (f) "Emergency", a life-threatening situation involving a person.

25 (g) "Hearing", the process for discharge of contested cases as described in the Administrative  
26 Procedure Act.

27 (h) "Inspection", a method of regulation whereby a state agency periodically examines the  
28 activities and premises of practitioners of an occupation or profession to ascertain if the  
29 practitioner is carrying out his profession or occupation in a manner consistent with the public  
30 health, safety and welfare.

31 (i) "Key Duplication Machine", any device which is capable of copying or reproducing keys.

32 (j) "Licensure", a method of regulation whereby this state, through the issuance of a license,  
33 authorizes a person possessing the character and minimum skills to engage in the practice of the  
34 locksmith profession or occupation, which is unlawful to practice without a license.

35 (k) "Locksmith", a person, or security professional who performs locksmith and access control  
36 services to the public for any type of compensation and has received a license pursuant to this  
37 Act.

38 (l) "Locksmithing Tool", any tool that is designed, or intended by the user to be used, to open a  
39 mechanical or electrical locking device by a means other than that which is intended by the  
40 manufacturer of such device for normal operation.

41 (m) "Locksmith License", a license granted to a locksmith pursuant to Section 7 of this Act.

42 (n) "Locksmith Services" means:

43 (i) Servicing or installing:

44 (1) Repairing, rebuilding, rekeying, repinning, servicing, adjusting or installing locks,  
45 mechanical or electronic security devices, safes, vaults or safe deposit boxes;

46 (2) Operating a mechanical or electrical security device, safe or vault by a means other than  
47 those intended by the manufacturer of such locking devices, safes or vaults.

48 (o) "Organization", any entity other than a natural person, including but not limited to, a  
49 corporation, partnership, sole proprietorship or association.

50 (p) "Photo Identification Card", a document with a photograph of the licensee on its face issued  
51 by the Division as proof that license has been granted.

52 (q) "Regulatory Board" means the Board of Locksmiths.

53 (r) "Registration", a method of regulation whereby any practitioner of a profession or occupation  
54 may be required to submit information concerning the location, nature, and operation of his/her  
55 practice.

56 (s) "Safe-Opening Tool", any tool that is designed, or intended by the user to be used, to open a  
57 safe, safe deposit box or similar object by means other than that which is intended by the  
58 manufacturer of such safe, vault, safe deposit box or similar object for normal opening.

59 (t) "Director", the Director of the Division of Professional Licensure.

## 60 Section 2. Board of Locksmiths

61 (a) A regulatory board, the Board of Locksmiths, shall be established to administer a system of  
62 certification and licensure. The Board of Locksmiths shall consist of members appointed by the  
63 Director as follows: locksmiths and "citizen members." Of the occupational members, all shall  
64 have at least five years' experience in the locksmith industry and be currently engaged in that  
65 industry. The Director's appointees shall all reside in this state and represent the various  
66 geographic areas of this state.

67 (b) The terms of the Board members shall be years. Of those members first appointed, three shall  
68 be appointed to -year terms, three for three-year terms, and three for two-year terms. Any  
69 vacancy occurring other than by expiration of terms shall be filled for the unexpired term by  
70 appointment by the Director. No member shall serve more than two successive full terms.

71 (c) A "citizen member" of the Board shall be a person who (1) is not by training or experience a  
72 locksmith, (2) is not a spouse, parent, child, or sibling of a locksmith, and (3) has no direct or  
73 indirect financial interest, except as a consumer, in the locksmith profession.

74 (d) The Board shall annually elect from its membership a chairman and vice-chairman. Five (5)  
75 members of the Board shall constitute a quorum.

76 (e) The powers and duties of the Board shall be as follows:

77 (i) To establish the qualification for certification or licensure to ensure competence and integrity  
78 to engage in the profession;

79 (ii) To examine, or cause to be examined, the qualification of each applicant for certification or  
80 licensure including, when necessary, the preparation, administration and grading of  
81 examinations;

82 (iii) To certify or license qualified applicants regulated by this Board;

83 (iv) To levy and collect fees for certification or licensure and renewal that are sufficient to cover  
84 all expenses for the administration and operation of the regulatory board and a proportionate  
85 share of the expenses of the Division of Professional Licensure of Professional and Occupational  
86 Regulation;

87 (v) To promulgate regulations in accordance with the Administrative Procedure Act necessary to  
88 ensure continued competency, to prevent deceptive or misleading practices by practitioners and  
89 to effectively administer the regulatory system administered by this regulatory board;

90 (vi) To receive complaints concerning the conduct of any person whose activities are regulated  
91 by the regulatory board and to take appropriate disciplinary action if necessary;

92 (vii) To ensure that inspections are conducted relating to the operations in this trade to ensure  
93 competency and lawful compliance;

94 (viii) To revoke, suspend, or fail to renew a certificate or license for just causes as enumerated in  
95 the regulations of the Board;

96 (ix) To promulgate canons of ethics under which the professional activities of person regulated  
97 shall be conducted.

#### 98 Section 3. Monetary Penalty.

99 Any person licensed or certified by a regulatory Board who violates any statute or regulation  
100 pertaining to that regulatory board who is not criminally prosecuted shall be subject to the  
101 monetary penalty provided in the section. If a regulatory Board determines that a respondent is  
102 guilty of the violation complained of, the Board shall determine the amount of the monetary  
103 penalty for the violation, which shall not exceed \$ for each violation. The penalty may be sued  
104 for and recovered.

#### 105 Section 4. Recovery of Cost After Grant of Formal Fact-Finding.

106 After a formal fact-finding, wherein a sanction is imposed to fine, suspend, revoke, or deny  
107 renewal of license, certificate or registration, the regulatory Board or the Division may assess  
108 the holder thereof the cost of conducting such a fact-finding when the Board or Division has  
109 final authority to grant license, certificate or registration, unless the Board or Division  
110 determines that the offense inadvertent or done in a good faith belief that such act did not violate  
111 a statute or regulation. The cost shall be limited to (1) the reasonable hourly rate for the hearing  
112 officer, and (2) the actual cost of recording the proceedings.

113 Section 5. Promulgation of Regulations and Standards.

114 (a) The Board shall promulgate regulations and standards for the training and licensing of  
115 locksmiths. The Board shall examine and license locksmiths and may establish classifications of  
116 training and licensing.

117 (b) Locksmith competency standards and any changes thereto shall be established by Division  
118 regulations after a public hearing and consultation with licensed locksmiths who are  
119 knowledgeable regarding locksmithing services.

120 (c) The Board or its designee is authorized to evaluate the competency of applicants for  
121 locksmith licenses. The Board may develop and administer an examination to evaluate  
122 competency, or rely on an examination developed and administered by a professional locksmith  
123 association such as the Associated Locksmiths of America's Proficiency Registration Program.

124 (d) The Board may waive examination requirements for:

125 (i) Any person who has been issued a locksmith license within the previous three years from  
126 another state which the Board has determined requires proof of competency standards equivalent  
127 to those established pursuant to Section 5 as a prerequisite for granting its locksmiths license if  
128 the license is applied for within three months of the effective date of this act.

129 (e) Any person applying for a license under this act who does not otherwise qualify shall serve  
130 an apprenticeship under a licensed locksmith or under the Board for a period of two years and  
131 shall:

132 (i) Complete 32 hours of continuing education per year of Board- approved classes;

133 (ii) Identify his/her self as an "apprentice locksmith" in all advertising.



134 Section 6. Prohibited Activities.

135 (a) No person shall act as, or offer to act as, a locksmith unless he or she has a locksmith license  
136 which has not expired or been revoked or suspended.

137 (b) No organization shall provide or offer the services of a locksmith unless such services are, or  
138 can be, provided by an employee of such organization who has a locksmith license which has not  
139 expired or been revoked or suspended.

140 (c) It shall be unlawful and a Class 1 misdemeanor for any person not licensed under the  
141 provisions of this act to advertise that he/she is in the locksmith business or to hold  
142 himself/herself out to the public as a locksmith.

143 (d) It shall be unlawful for any person to obtain ownership or possession of locksmithing tools,  
144 safe-opening tools, manuals or codebooks, either in person or through an intermediary or through  
145 mail order or other remote-procurement method, unless he or she has a locksmith license which  
146 has not expired, been revoked or suspended. It shall be unlawful for any organization to obtain  
147 ownership or possession of locksmithing tools, safe-opening tools, manuals or codebooks by  
148 means of an employee, officer or other person who violates this subsection.

149 (e) Nothing in this section shall prohibit the emergency opening services by members of police  
150 departments, fire departments, or other government agencies in their official line of duty, nor  
151 shall sales representatives who are not licensed be prohibited from making bona fide sales  
152 demonstrations to locksmiths.

153 (f) No apprentice locksmiths may have a registered locksmith working under his/her supervision.

154 (g) Nothing in this section shall prohibit the acquisition or use of any key duplication machine or  
155 key blanks.

156 (h) Nothing in this section shall prohibit the performance of servicing, installing, repairing,  
157 rebuilding of automotive locks by automotive service dealers, lock manufacturers, or  
158 manufacturers agents.

159 (i) Nothing in this section shall prohibit the installation of locks or locking devices by building  
160 trades personnel on projects that require a "building permit".

161 (j) If any person has in his/her possession any locksmithing tools, implements or outfit with  
162 intent to commit burglary, robbery or larceny, upon conviction thereof he/she shall be guilty of a  
163 Class 3 felony. The possession of such locksmithing tools, implements or outfit by any person  
164 other than a bona fide dealer, licensed locksmith, automotive reposessor, locking device  
165 manufacturer, or such manufacturer's agent, who have a reasonable need to possess locksmithing  
166 tools for demonstration, testing and research purposes shall be prima facie evidence of an intent  
167 to commit burglary, robbery or larceny.

168 (k) it shall be unlawful for any person or organization to engage in any of the following acts:

169 (i) Making use of any designation provided by statute or regulation to denote a standard of  
170 professional or occupational competence without being duly certified or licensed;

171 (ii) Making use of any title, words, letters or abbreviations which may reasonably be confused  
172 with a designation provided by statute or regulation to denote a standard of professional or  
173 occupational competence without being duly certified or licensed;

174 (iii) Providing material misrepresenting facts in an application for licensure, certification or  
175 registration;

176 (iv) Willfully refusing to furnish a regulatory board information or records required or requested  
177 pursuant to statute or regulation;

178 (v) Any person who willfully engages in any unlawful act enumerated in this section shall be  
179 guilty of a Class 1\* misdemeanor. The third of any subsequent conviction for violating this  
180 section during a 36-month period shall constitute a Class 6\* felony.

181 (l) The Division may institute proceedings in equity to enjoin any person, partnership,  
182 corporation or any other entity from engaging in any unlawful act enumerated in this section.  
183 Such proceedings shall be brought in the name of this state by the appropriate Department in the  
184 circuit court of the city or county in which the unlawful act occurred or in which the defendant  
185 resides.

186 Section 7. Licensure.

187 (a) The Board of Locksmiths or their designee shall be authorized to issue locksmith licenses to  
188 all qualified individuals in accordance with regulations established by the Division.

189 (b) Effective January 1, 2012 , no locksmith shall do business in this state without having  
190 obtained the proper locksmith license from the Board of Locksmiths. The license shall not be  
191 transferred or assigned and is valid only with respect to the person to whom it is issued. No  
192 license shall be granted if the applicant has an unpardoned felony in his/her criminal record or  
193 had any prior license to do business revoked for fraud, misrepresentation or any other act that  
194 would constitute a violation of this section.

195 (c) The terms of each license shall be no longer than years, with all licenses expiring on their  
196 anniversary unless renewed or revoked.

197 (d) Any individual shall have available the photo identification card at all times when providing  
198 locksmithing services.

199 (e) An organization shall display at its normal place of business and in a manner easily readable  
200 by the general public a certificate for the licensed locksmith.

201 (f) Any individual licensed or registered under this act must show in all advertising his/her  
202 license number.

203 (g) Any applicant for licensure who provides documentation that he/she has practiced as a  
204 locksmith for at least two consecutive years immediately preceding his/her date of application  
205 and is still engaged in the trade shall be exempt from the examination requirements contained in  
206 this Act and promulgated by the Board if he/she applies to the board prior to January 1, 2012.

207 (h) A nonresident of this state may be licensed as a locksmith by meeting on of the following  
208 requirements:

209 (i) Conform to the provisions of this Act and the regulations of the Board; or,

210 (ii) Hold a valid locksmith license in another state with which reciprocity has been established by  
211 the Board.

212 (i) Nonresident applicants shall also file with the Board an irrevocable consent that service of  
213 process upon the Director of the Division of Professional Licensure as valid and binding as  
214 service of process upon the applicant. The Director shall notify or cause to be notified by  
215 certified mail, the nonresident licensee named in a service, at the licensee's address of record.

216 Section 8. Qualifications of Applicants.

217 (a) An applicant for a locksmith license shall:

218 (i) Be at least 18 years of age;

219 (ii) Comply with the competency requirements as established by the Board;

220 (iii) Pay a license fee as established by Division regulations;

221 (iv) Comply with the insurance requirements;

222 (v) A person shall not be refused a license, certificate or registration to practice, pursue, or  
223 engage in any regulated occupation or profession solely because of a prior criminal conviction,  
224 unless the criminal conviction directly relates to the occupation or profession for which the  
225 license, certificate or registration is sought. However, the regulatory board shall have the  
226 authority to refuse a license, certificate or registration if, based on all the information available,  
227 including the applicant's record of prior convictions, it finds that the applicant is unfit or unsuited  
228 to engage in such occupation or profession;

229 (vi) Complete all application requirements pursuant to Division regulations.

230 (b) The Board or its designee shall consult with appropriate state or federal law enforcement  
231 authorities to verify whether an applicant has a criminal record prior to granting any license and,  
232 as an aid to this duty, each applicant shall be required to provide his/her fingerprints and  
233 complete an affidavit or his/her criminal record, if any, as a part of the application. The Board or  
234 its designee shall periodically consult with state and federal law enforcement officials to  
235 determine whether current licensees have new criminal convictions.

236 (c) The form of application, certificate, photo identification card and method to obtain and renew  
237 photographs shall be established by the regulations and administered by the Board or its  
238 designee.

239 Section 9. Employee Requirements.

240 All employees of a locksmith who perform locksmithing services as defined by Section 1 of this  
241 Act shall be registered with the Division. The holder of a locksmith license issued under this Act  
242 may employ in the conduct of the organization's business employees under the following  
243 provisions:

244 (a) No person shall be registered employee of a licensed locksmith who:

245 (i) Is not a citizen or legal resident alien;

246 (ii) Has been determined by the Division to be unfit by reason of conviction of a felony or  
247 misdemeanor offense in this or in another state or convicted of any crime related to the practice  
248 of locksmithing. The Division shall promulgate rules for procedures by which those  
249 circumstances shall be determined and that afford the applicant due process of law;

250 (iii) Has had an employee registration refused, denied, suspended, or revoked under this Act;

251 (iv) No person may be employed by a licensed locksmith until he/she has executed and furnished  
252 to the employer, on forms approved by the Division , a verified statement to be known as  
253 "Employee's Statement" setting forth:

254 (1) The person's full name, date of birth and residence address;

255 (2) The name of the country of which the person is a citizen; and if the person is not a citizen of  
256 the United States, proof that the person is a legal resident alien;

257 (3) The business or occupation engaged in for the five years immediately before the date of the  
258 execution of the statement, the place where the business or occupation was engaged in, and the  
259 names of employers, if any;

260 (4) That the person has not had a license or employee registration refused, revoked, or suspended  
261 under this Act;

262 (5) Any conviction for a felony as it relates to Section 8 (a) (v) of this Act;

263 (6) Any other information as may be required by the Division to show the good character,  
264 competency, and integrity of the person executing the statement.

265 (b) Each licensed locksmith shall submit to the Division, with the applicable fees, on fingerprint  
266 cards furnished by the Division , two complete sets of fingerprints that are verified to be those of  
267 the applicant. If an applicant's fingerprint cards are returned to the Division as unclassified by the  
268 screening agency, the agency has 30 days after notification is sent by the Division to resubmit  
269 such fingerprints taken by a different technician.

270 (c) Upon receipt of the verified fingerprint cards, the Division shall cause the fingerprints to  
271 compared with fingerprints of criminals now or hereafter filed with the Division. The Division  
272 may also cause the fingerprints to be checked against the fingerprints of criminals now or  
273 hereafter filed in the records of other official fingerprint files within or without this state. The  
274 Division shall notify the submitting licensed locksmith within 10 days upon the invoking of a  
275 procedure to deny registration.

276 (d) Within five days of the receipt of the application materials, the Division shall institute an  
277 investigation for a criminal record by checking the applicant's name with immediately available  
278 criminal history information systems.

279 (e) Each licensed locksmith shall maintain a record of each registered employee. The record shall  
280 contain the following information:

281 (i) A photograph taken within 10 days of the date that the employee begins employment with the  
282 licensed agency. The photograph shall be replaced with a current photograph every three  
283 calendar years;

284 (ii) The employee's statement specified in this Section;

285 (iii) A record of all Board-approved classes taken by the employee together with the dates. Each  
286 employee must take a minimum of 16 hours of continuing education per year.

287 (f) A duly authorized representative of the Division shall be allowed complete access to all  
288 records to be kept under this Section upon three days advance notice in writing provided to the  
289 licensed locksmith.

290 Section 10. Expiration and Renewal.

291 (a) Any license granted pursuant to this Act shall expire at the end of its term unless it is renewed  
292 pursuant to regulations established by the Division or revoked.

293 (b) All individuals licensed under this Act must complete a minimum of 16 hours of continuing  
294 education per year of classes approved by the Board in order to renew his/her license and provide  
295 documentation thereof.



296 (c) An affirmative vote of a majority of those serving on the board who are qualified shall be  
297 required before any action to suspend or revoke a license, or to impose a sanction on a license. A  
298 board member shall disqualify himself and withdraw from any case in which he cannot accord  
299 fair and impartial consideration. However, an affirmative vote of a majority of a quorum of the  
300 regulatory board shall be sufficient for summary suspension pursuant to specific statutory  
301 authority.

302 Section 11. Licensed Locksmith Requirements.

303 No licensed locksmith may employ any person who performs locksmithing services under this  
304 Act unless the locksmith:

305 (a) Submits to the Division the name, address, date of birth, and such other information sufficient  
306 to identify the individual, as the Division shall require by rule, including fingerprint cards and  
307 fees.

308 (b) Exercises due diligence to ensure that the person is qualified under the requirements of the  
309 Act to be a registered employee of a licensed locksmith.

310 (c) Maintains a separate roster of the names of all employees hired and whose employment was  
311 terminated within the previous month and submits the roster to the Division on or before the 10th  
312 of the month. Rosters are to be maintained by the locksmith for a period of at least 24 months.  
313 The locksmith is not required to submit a roster for any month during which no new employees  
314 were hired and the employment of no employee was terminated. Failure to maintain and submit  
315 the specified rosters is grounds for discipline under this Act. The Division may by rule prescribe  
316 further record requirements.

317 (d) Failure of a locksmith to notify the Division when a new employee is hired and to submit  
318 fingerprint cards and fees required before scheduling the person for work shall result in a fine in  
319 an amount up to \$ or other disciplinary action being imposed against the locksmith.

320 (e) If information is discovered affecting the registration of a person whose fingerprints were  
321 submitted under this Section, the Division shall so notify the locksmith that submitted the  
322 fingerprints on behalf of that person.

323 (f) Every locksmith shall furnish an employee identification card to each of its registered  
324 employees on an identification card, the form of which shall be designated by the Division. The  
325 employee identification card shall contain a recent photograph of the employee, the employee's  
326 name, the name and license number of the licensed locksmith, the employee's personal  
327 description, the signature of the employee, the date of issuance and an employee identification  
328 card number which shall be the licensed locksmith's license number followed by a unique suffix  
329 for each employee.

330 (g) No employer may issue an employee identification card to any person who is not employed  
331 by the employer in accordance with this Section or falsely state or represent that a person is or  
332 has been in his or her employ. It is unlawful for an applicant for registered employment to file  
333 with the Division the fingerprints of a person other than himself/herself, or for a licensed  
334 locksmith to fail to exercise diligence in resubmitting replacement fingerprints for those  
335 employees who have had original fingerprint submissions returned as unclassified.

336 (h) Every employer shall make a reasonable effort to obtain the identification card of every  
337 employee who terminates employment with him/her.

338 Section 12. List of Locksmiths.

339 The Division shall maintain a list of the names and addresses of all locksmiths licensed under  
340 this Act. Such lists shall also be mailed by the Division to any person upon request and payment  
341 of the required fee.

342 Section 13. Insurance.

343 A locksmith shall maintain an insurance policy sufficient for the purpose of paying claims or  
344 judgments for damages which may occur as a result of negligence of said locksmith or his  
345 employees.

346 Section 14. Customer Identification.

347 (a) Any licensed locksmith who knowingly and willfully opens any residential or commercial  
348 establishment for another by any method, whether or not for compensation, shall make a  
349 reasonable attempt to obtain correct information regarding the street address of the resident or  
350 commercial establishment and the signature of the person for whom the residence or commercial  
351 establishment was opened on a work order form and the following information regarding the  
352 person requesting entry to the resident or commercial property: name, address, telephone  
353 number, date of birth, and driver's license or identification number. A copy of each work order  
354 shall be retained for one year. It shall include the name and license number of the locksmith  
355 (performing the service and shall be open for inspection by any peace officer or by the Division  
356 during business hours or submitted to the Division upon request.

357 (b) Any licensed locksmith who opens a motor vehicle or personal property registered under the  
358 vehicle code for another by any method, whether or not for compensation, shall attempt to obtain  
359 the name, address, telephone number, and driver's license number and the identification of the  
360 person requesting entrance, and the registration or identification number of the vehicle or

361 personal property, registered under the vehicle code for which entrance is requested. Such  
362 information, together with the date the service was performed and the signature of the person  
363 requesting entrance, shall be set forth on a work order. A copy of each work order form shall be  
364 retained for one year and include the name and license number of the locksmith performing the  
365 service and shall be open for inspection by any peace officer or by the Division during business  
366 hours or submitted to the Division upon request.

367 Section 15. Effective Date.

368 The effective date of this Act shall be January 1, 2012.