

An Act

ENROLLED SENATE
BILL NO. 531

By: Standridge of the Senate

and

Faught of the House

An Act relating to alarm and locksmiths; amending 59 O.S. 2011, Sections 1800.2, as last amended by Section 2, Chapter 172, O.S.L. 2015, 1800.4, as last amended by Section 1, Chapter 42, O.S.L. 2014, 1800.5, as last amended by Section 2, Chapter 22, O.S.L. 2013 and 1800.6, as amended by Section 8, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2016, Sections 1800.2, 1800.4, 1800.5 and 1800.6), which relate to the Alarm and Locksmith Industry Committee and licenses; modifying definitions; updating references; adding certain authority; construing certain license requirements; and providing an effective date.

SUBJECT: Alarm, Locksmith and Fire Sprinkler Industry Act

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1800.2, as last amended by Section 2, Chapter 172, O.S.L. 2015 (59 O.S. Supp. 2016, Section 1800.2), is amended to read as follows:

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

1. "Alarm industry" means the sale, except as provided in Section 1800.3 of this title, installation, alteration, repair, replacement, service, inspection, or maintenance of alarm systems or

service involving receipt of alarm signals for the purpose of employee response and investigation of such signals or any combination of the foregoing activities except inspections on one- and two-family dwellings are exempt;

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

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

4. "Commissioner" means the Commissioner of Labor;

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

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

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

~~7.~~ 8. "Locksmith industry" means the sale, servicing or installing, repairing, rebuilding, readying, rekeying, repinning, adjusting or installing locks, mechanical or electronic security devices, annunciation devices not designed to require a response by law enforcement or opening or bypassing a lock by a means other than those intended by the manufacturer of such devices. For the purposes of the Alarm, Locksmith and Fire Sprinkler Industry Act, "mechanical or electronic security devices" includes, but is not

limited to, access control systems including peripheral devices to alarm systems, fiber optic security systems, fire sprinklers, closed circuit television and nurse call systems; and

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

SECTION 2. AMENDATORY 59 O.S. 2011, Section 1800.4, as last amended by Section 1, Chapter 42, O.S.L. 2014 (59 O.S. Supp. 2016, Section 1800.4), is amended to read as follows:

Section 1800.4. A. There is hereby created the Alarm and Locksmith Industry Committee, which shall consist of nine (9) members. One member shall be the Commissioner of Labor or the Commissioner's designated representative and eight members shall be appointed by the Governor with the consent of the Senate. Seven of the appointed members shall have at least five (5) years of experience in the alarm or locksmith industry or in a closely related field with broad working knowledge of the alarm or locksmith industry and active employment status in such field during the term of appointment. At least one of the appointed members shall be from each working field or closely related industries of burglar alarm, fire alarm, fire sprinkler, electronic access control, locksmith, closed circuit television, and nurse call system, except when a qualified candidate for appointment is not available in the working field. One of the appointed members shall be a lay member. No member shall be employed by the same person as any other member of the Committee. ~~On the effective date of the transfer of alarm and locksmith industry as provided in this act~~ November 1, 2012, the State Commissioner of Health then serving on the Alarm and Locksmith Industry Committee shall be replaced by the Commissioner of Labor, and all other committee members shall continue to serve until their term has expired or is otherwise vacated. Nothing shall prohibit the reappointment of any member provided the reappointment does not exceed term limits.

B. The term of office of each appointed member shall be a staggered term of four (4) years with a limit of two full terms. Notwithstanding the term of office, each appointed member shall continue to serve until his or her successor has been duly qualified

and appointed. All appointees must qualify under the Alarm ~~and,~~
Locksmith and Fire Sprinkler Industry Act.

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

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

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

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

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

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

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

SECTION 3. AMENDATORY 59 O.S. 2011, Section 1800.5, as last amended by Section 2, Chapter 22, O.S.L. 2013 (59 O.S. Supp. 2016, Section 1800.5), is amended to read as follows:

Section 1800.5. A. The Alarm and Locksmith 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 qualifications of applicants pursuant to the Alarm ~~and,~~ 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 ~~and,~~ Locksmith and Fire Sprinkler Industry Act;

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

6. To assist the Commissioner in establishing and enforcing standards governing the materials, services and conduct of the licensees and their employees in regard to the alarm and locksmith industry;

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

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

9. To assist the Commissioner in identifying advances in technology and establishing categories of licenses for the Alarm ~~and,~~ Locksmith and Fire Sprinkler Industry Act and application requirements for each category including, but not limited to,

individual license, experience requirements, educational requirements, fingerprints, photographs, examinations, and fees;

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

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

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

SECTION 4. AMENDATORY 59 O.S. 2011, Section 1800.6, as amended by Section 8, Chapter 368, O.S.L. 2012 (59 O.S. Supp. 2016, Section 1800.6), is amended to read as follows:

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

SECTION 5. This act shall become effective November 1, 2017.

Passed the Senate the 14th day of March, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the 18th day of April, 2017.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____