An Act

ENROLLED HOUSE
BILL NO. 2320

By: Martin (Steve) of the House

and

Coates of the Senate

An Act relating to the Alarm and Locksmith Industry Act; amending 59 O.S. 2001, Sections 1800.2, as amended by Section 2, Chapter 110, O.S.L. 2006, 1800.3, as last amended by Section 11, Chapter 4, O.S.L. 2008, 1800.3a, as amended by Section 4, Chapter 110, O.S.L. 2006, 1800.4, as amended by Section 5, Chapter 110, O.S.L. 2006, and 1800.5, as amended by Section 6, Chapter 110, O.S.L. 2006 (59 O.S. Supp. 2009, Sections 1800.2, 1800.3, 1800.3a, 1800.4, and 1800.5), which relate to the Alarm and Locksmith Industry Act; modifying definitions; clarifying circuit and power source requirements; making gender neutral; modifying exemptions; requiring certain license or registration for certain circuit and power source work; modifying references; modifying terms of office for certain committee; allowing two full terms of office for certain members; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 1800.2, as amended by Section 2, Chapter 110, O.S.L. 2006 (59 O.S. Supp. 2009, Section 1800.2), is amended to read as follows:

Section 1800.2 As used in the Alarm and Locksmith 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. "Board" means the State Board of Health;

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

5. "Commissioner" means the State Commissioner of Health;

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

7. "Lock" means mechanical or electronic devices consisting entirely of ~~twenty four (24) volts or less,~~ 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, bio-metric/retina readers and mechanical or electronic key systems;

8. "Locksmith industry" means the sale, servicing or installing, repairing, rebuilding, readying, rekeying, ~~repining~~ 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 ~~this act~~ the Alarm and Locksmith 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, closed circuit television and nurse call systems; and

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

SECTION 2. AMENDATORY 59 O.S. 2001, Section 1800.3, as last amended by Section 11, Chapter 4, O.S.L. 2008 (59 O.S. Supp. 2009, Section 1800.3), is amended to read as follows:

Section 1800.3 The Alarm and Locksmith Industry Act shall not apply to:

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

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

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

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

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

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

SECTION 3. AMENDATORY 59 O.S. 2001, Section 1800.3a, as amended by Section 4, Chapter 110, O.S.L. 2006 (59 O.S. Supp. 2009, Section 1800.3a), is amended to read as follows:

Section 1800.3a Any person engaged in any activity regulated by the Alarm and Locksmith Industry Act, when installing or repairing electrical circuits consisting entirely of ~~twenty four (24) volts or less~~ Class 2 or Class 3 circuits and power source requirements as established by the National Electrical Code shall not be required to obtain any license as required by the Electrical Licensing Act, if such person is licensed pursuant to the provisions of the Alarm and Locksmith Industry Act, provided that persons performing installations, repairs or other work on any electrical circuits other than Class 2 or Class 3 circuits shall be properly licensed or registered pursuant to the Electrical Licensing Act.

SECTION 4. AMENDATORY 59 O.S. 2001, Section 1800.4, as amended by Section 5, Chapter 110, O.S.L. 2006 (59 O.S. Supp. 2009, 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 State Commissioner of Health or the Commissioner's designated representative and eight members shall be appointed by the State Board of Health within thirty (30) days after ~~the effective date of this act~~ November 1, 1985. 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 knowledge of the alarm or locksmith industry. No more than two of the appointed members shall be from each working field or closely related industries of burglar alarm, fire alarm, electronic access control, locksmith, closed circuit television, and nurse call ~~station~~ system. 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.

B. The term of office of each appointed member shall be for four (4) years with a limit of two terms. Provided, the terms of the first appointed members of the Committee shall be as follows:

1. Two members shall be appointed to a term ending May 31, 2007;

2. Two members shall be appointed to a term ending May 31, 2008;

3. Two members shall be appointed to a term ending May 31, 2009; and

4. Two members shall be appointed to a term ending May 31, 2010.

Provided further, each appointed member ~~shall hold office until his successor is appointed and has qualified~~ currently serving shall be allowed to complete the term the member is currently serving and be eligible to serve one additional term. Persons appointed on or after May 1, 2011, shall be eligible to serve two full terms. All appointees must qualify under the Alarm and Locksmith Industry Act.

C. Members of the Committee may be removed from office by the Board for cause.

D. Vacancies shall be filled by appointment by the Board for the unexpired term of the vacancy.

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 Industry Act.

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

H. The Committee shall meet within thirty (30) days after ~~the effective date of this act~~ November 1, 1985, and shall meet thereafter at such times as the Committee deems necessary to implement the Alarm and Locksmith Industry Act.

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

SECTION 5. AMENDATORY 59 O.S. 2001, Section 1800.5, as amended by Section 6, Chapter 110, O.S.L. 2006 (59 O.S. Supp. 2009, Section 1800.5), is amended to read as follows:

Section 1800.5 The Alarm and Locksmith Industry Committee shall have the following duties and powers:

1. To assist the State Commissioner of Health 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 Industry Act;

3. To prescribe and adopt forms for license applications and initiate mailing of such application forms to all persons requesting such applications;

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

5. To charge and collect such fees as are prescribed by the Alarm and Locksmith Industry Act;

6. To assist the State Board of Health 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 Board in promulgating rules necessary to carry out the administration of the Alarm and Locksmith Industry Act;

8. To investigate alleged violations of the provisions of the Alarm and Locksmith Industry Act and of any rules and regulations promulgated by the Board thereunder;

9. To assist the ~~Oklahoma~~ State Board of Health in establishing categories of licenses for the Alarm and Locksmith 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 ~~Oklahoma~~ Administrative Procedures Act for any person whose license is denied, revoked or suspended; and

11. To have such other powers and duties as are necessary to implement the Alarm and Locksmith Industry Act.

SECTION 6. This act shall become effective November 1, 2010.

Passed the House of Representatives the 13th day of May, 2010.

Presiding Officer of the House
of Representatives

Passed the Senate the 21st day of May, 2010.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 24th

day of May, **20** 10,

at 1:13 **o'clock** P **M.**

By:

Approved by the Governor of the State of Oklahoma the 5th **day of**

June, **20** 10, **at** 1:00 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

7th **day of** June, **20** 10,

at 11:20 **o'clock** A **M.**

By: