



1 annunciation devices not designed to require a response by law  
2 enforcement or opening or bypassing a lock by a means other than  
3 those intended by the manufacturer of such devices. For the  
4 purposes of this chapter, "mechanical or electronic security  
5 devices" includes but is not limited to access control systems  
6 including peripheral devices to alarm systems, fiber optic  
7 security systems, closed circuit television, and nurse call  
8 systems.

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

12 § -2 **Exemptions.** This chapter shall not apply to:

- 13 (1) An officer or employee of this State or its political  
14 subdivisions, while the employee or officer is engaged  
15 in the performance of official duties;
- 16 (2) An individual who owns and installs mechanical or  
17 electronic security devices and locks on the  
18 individual's own property or, if the individual does  
19 not charge for the device or its installation,  
20 installs it for the protection of the individual's  
21 personal property located on another's property, and  
22 does not install the mechanical or electronic security



1 devices and locks as a normal business practice on the  
2 property of another; or

3 (3) The locksmith industry activities of either tow truck  
4 operators or repossession agents within the execution  
5 of their duties.

6 § -3 **Installation or repair of certain electrical**  
7 **circuits; exemption.** Any person engaged in any activity  
8 regulated under this chapter, when installing or repairing  
9 electrical circuits of twenty-four volts or less shall not be  
10 required to obtain any license as required by chapter 448E, if  
11 the person is licensed under this chapter.

12 § -4 **License required; time for application; extension**  
13 **of time.** No person shall engage in a locksmith industry  
14 business in this State without first having obtained a license  
15 pursuant to this chapter. Every person engaged in a locksmith  
16 industry business in this State on the effective date of this  
17 chapter shall have ninety days in which to apply to the director  
18 for a license. A person applying for a license within this  
19 ninety-day period may continue business pending a final  
20 determination by the director of the person's application.  
21 Additional time beyond the ninety-day period may be granted by  
22 the director.



1           §   -5   **Qualifications of applicants; information**  
2   **concerning felonies or crimes involving moral turpitude;**  
3   **photographs; fingerprints.** (a) Any person applying for a  
4 license to engage in a locksmith industry business under this  
5 chapter shall provide evidence to the director that the  
6 individual within this State having direct supervision over the  
7 function and local operations of the locksmith industry business  
8 or a branch thereof has the following qualifications:  
9           (1) Is at least twenty-one years of age;  
10           (2) Has not been declared by any court of competent  
11           jurisdiction incompetent by reason of mental defect or  
12           disease, and has not been restored to competency;  
13           (3) Is not a habitual user of intoxicating liquors or  
14           habit-forming drugs;  
15           (4) Has not been discharged from the armed services of the  
16           United States under other than honorable conditions,  
17           or received a bad conduct or dishonorable discharge;  
18           (5) Is of good moral character; and  
19           (6) Meets such other standards as may be established by  
20           the director relating to experience or knowledge of  
21           the alarm or locksmith industry.



1 (b) The applicant shall advise the director and furnish  
2 full information on each individual described in subsection (a)  
3 of any conviction of a felony or any crime involving moral  
4 turpitude for which a full pardon has not been granted and  
5 furnish a recent photograph of a type prescribed by the  
6 director.

7 § -6 **Application for company or individual license;**

8 **fees.** (a) An application for a company license shall include:

- 9 (1) The address of the principal office of the applicant  
10 and the address of each branch office of the applicant  
11 located within this State;
- 12 (2) The name per business location under which the  
13 applicant intends to do business as a licensee;
- 14 (3) A statement as to the extent and scope of the  
15 applicant's locksmith industry business and all other  
16 businesses in which the applicant is engaged in this  
17 State;
- 18 (4) A recent photograph of a type prescribed by the  
19 director, if the applicant is a sole proprietor, or of  
20 each officer and of each partner or shareholder who  
21 owns a twenty-five per cent or greater interest in the  
22 applicant, if the applicant is an entity;



1           (5) Two classifiable sets of fingerprints of the  
2           applicant, if the applicant is a sole proprietor, or  
3           of each officer and of each partner or shareholder who  
4           owns a twenty-five per cent or greater interest in the  
5           applicant, if the applicant is an entity; and

6           (6) Such other information, statements or documents as may  
7           be required by the director.

8           (b) An applicant for an individual license shall provide  
9           such documents, statements, or other information as may be  
10          required by the director, including two classifiable sets of  
11          fingerprints of the applicant. The fingerprints may be used for  
12          a criminal history record check.

13          (c) Fees for license and renewal issued under this chapter  
14          shall be adopted by rule. An applicant shall pay the license  
15          fee at the time the applicant makes application.

16          §   -7   **Issuance of license; term; renewal and disciplinary**  
17          **proceedings; expiration dates.** (a) Upon making proper  
18          application and payment of the proper license fee, the director  
19          shall issue a license to the applicant. The license shall be  
20          valid for a one-year term. The fee shall be deposited into the  
21          compliance resolution fund.



1 (b) Renewal of a license shall not prohibit disciplinary  
2 proceedings for an act committed prior to the renewal.

3 (c) The director may adopt a system under which licenses  
4 expire on various dates throughout the year. For any change in  
5 the expiration dates, license fees shall be prorated on an  
6 appropriate periodic basis.

7 § -8 **Alteration or assignment of license; posting;  
8 change of information; false representation as licensee;**

9 **records.** (a) A license shall not be altered or assigned.

10 (b) A company license shall be posted in a conspicuous  
11 place in each locksmith industry business location of the  
12 licensee.

13 (c) A company licensee shall notify the director within  
14 fourteen days of any change of information furnished on the  
15 licensee's application for license or on the licensee's license  
16 including but not limited to change of ownership, address,  
17 business activities, or any developments related to the  
18 qualifications of the licensee or the individual described under  
19 section -5. If the licensee for any reason ceases to engage  
20 in a locksmith industry business in this State, the licensee  
21 shall notify the director within fourteen days of the cessation.  
22 If the required notice of cessation is not given to the director



1 within fourteen days, the license may be suspended or revoked by  
2 the director.

3 (d) No person shall represent falsely that the person is  
4 licensed or employed by a licensee.

5 (e) Each company licensee shall maintain a record  
6 containing such information relative to the licensee's employees  
7 as may be required by the director.

8 § -9 **Responsibility for business activities and actions**  
9 **of employees.** The licensee shall be responsible to the director  
10 in matters of conduct of business activities covered under this  
11 chapter. The licensee shall be responsible for the activities  
12 on the part of the licensee's employees. For purposes of this  
13 chapter, improper conduct on the part of the employees which  
14 occurs within the scope of employment shall be considered by the  
15 director as acts of the licensee.

16 § -10 **Suspension or revocation of license.** (a) The  
17 director may suspend any license, upon the conviction of any  
18 individual named on the license or on the application for  
19 license of a felony, for a period not to exceed thirty days  
20 pending a full investigation. The investigation shall be  
21 initiated within the thirty-day period of the suspension. A  
22 final determination by the director shall result in either



1 removal of the suspension or such sanction as the director  
2 considers appropriate, as provided under this chapter.

3 (b) The director may revoke or suspend any license,  
4 reprimand any licensee, or deny any application for license or  
5 renewal if, in the judgment of the director:

6 (1) The applicant or licensee has violated this chapter or  
7 any rule adopted under this chapter;

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

17 (3) The applicant or licensee has practiced fraud, deceit,  
18 or misrepresentation;

19 (4) The applicant or licensee has made a material  
20 misstatement in any information required by the  
21 director; or



1           (5) The applicant or licensee has demonstrated  
2           incompetence or untrustworthiness in the applicant's  
3           or licensee's actions.

4           (c) The director, before final action under subsection  
5 (b), shall provide thirty days' written notice to the applicant  
6 or licensee involved, of the action intended and give sufficient  
7 opportunity for the person to request a hearing before the  
8 director.

9           (d) In the event the director denies the application for,  
10 or revokes or suspends, any license or imposes any reprimand, a  
11 record of the action shall be in writing and officially signed  
12 by the director.

13           (e) Notice of the suspension or revocation of any license  
14 by the director shall be sent by the director to law enforcement  
15 agencies and fire departments in the principal areas of  
16 operation of the licensee.

17           (f) A suspended license shall be subject to expiration and  
18 may be renewed as provided under this chapter, regardless of  
19 suspension; provided that the renewal shall not remove the  
20 suspension.

21           (g) A revoked license terminates on the date of revocation  
22 and cannot be reinstated; provided that the director may reverse



1 the revocation action. Any licensee whose license is revoked  
2 shall apply for a new license and meet all requirements for a  
3 license under this chapter prior to engaging in any locksmith  
4 industry business activities. The director shall take action on  
5 the new application and may require additional safeguards  
6 against such acts by the applicant as may have been the cause of  
7 the revocation of the prior license.

8       §   **-11 Violations; penalties.** (a) Any individual or  
9 person who is found to be in violation of this chapter, upon  
10 conviction, shall be guilty of a misdemeanor.

11       (b) In addition to any other penalties provided by law, if  
12 after a hearing the director finds any person to be in violation  
13 of this chapter or the rules adopted thereunder, the person may  
14 be subject to an administrative fine of not more than \$200 for  
15 each violation. Each day a person is in violation may  
16 constitute a separate violation. The maximum fine shall not  
17 exceed \$1,000.

18       (c) All administrative fines collected under this chapter  
19 shall be deposited into the compliance resolution fund.

20       §   **-12 Rules.** The director may adopt rules under chapter  
21 91 consistent with this chapter for the purpose of governing the  
22 establishment and levying of administrative fines and the



1 examination and licensure of locksmith companies, managers,  
2 technicians, and salespersons."

3 SECTION 2. This Act shall take effect on July 1, 2007.

4

INTRODUCED BY: Cindy Evans

*Duchange Meyer*

JAN 18 2007



**Report Title:**

Locksmiths

**Description:**

Requires licensing for locksmiths.

