

House Bill 107

By: Representatives Geisinger of the 48th, Chambers of the 81st, and Sims of the 119th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions, so as
2 to provide for legislative intent; to provide for definitions; to create the State Board of
3 Locksmiths; to provide for the membership, duties, and powers of such board; to provide for
4 fees; to provide for the licensing and registration of locksmith contractors, locksmiths, and
5 apprentices; to provide for qualifications for licensing and registration; to provide for
6 continuing education; to provide for certain documentation and records; to provide for
7 identification cards; to provide for the maintenance of certain information; to prohibit certain
8 acts; to provide for penalties and sanctions; to provide for exceptions; to provide for related
9 matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 43 of the Official Code of Georgia Annotated, relating to professions, is amended by
13 adding a new chapter to read as follows:

14 "CHAPTER 23A

15 43-23A-1.

16 (a) The General Assembly finds that:

17 (1) Locksmiths operate in the public trust to service, secure, and protect persons and
18 property;

19 (2) Locksmiths must be trained in regulations and laws applicable to their profession
20 such as the Americans with Disabilities Act, building codes, and fire and life safety
21 codes, as well as be trained in the proper installation and maintenance of security devices
22 and in the ever-evolving knowledge of motor vehicle locks, keys, and built-in security
23 systems;

24 (3) The current laws and rules of this state do not protect the citizens of this state from
 25 the unscrupulous use of the tools and knowledge of the locksmith profession by untrained
 26 persons or by persons who have criminal intent or have been convicted of certain crimes;

27 (4) As trained and tested experts in physical, motor vehicle, and electronic security,
 28 locksmiths make positive contributions to state-wide homeland security by protecting and
 29 providing services for homes, businesses, hospitals, schools, government buildings, and
 30 motor vehicles of first responders or emergency responders; and

31 (5) The licensing and regulation of persons performing locksmith services in this state
 32 is necessary to protect the safety and security of the public.

33 (b) The purpose of this chapter is to protect the public from the misuse of locksmithing
 34 knowledge, supplies, manuals, or equipment which results in the violation of public safety
 35 and security through the licensing of locksmith contractors.

36 43-23A-2.

37 As used in this chapter, the term:

38 (1) 'Apprentice locksmith' means any natural person, 16 years of age or older, who
 39 performs locksmith services for the public for compensation under the direct and
 40 continuous supervision of a locksmith contractor or locksmith.

41 (2) 'Automotive only locksmith' means a locksmith contractor, locksmith, or apprentice
 42 locksmith who provides locksmith services for motor vehicles only.

43 (3) 'Board' means the State Board of Locksmiths.

44 (4) 'Bump key' means any fabricated, specially shaped, or modified key intended to be
 45 used to unlock a lock by means other than that intended by the manufacturer.

46 (5) 'Car opening tool' means any metal, cloth, nylon, rubber, or plastic tool or device
 47 designed to enter, bypass, or otherwise overcome the locking systems or locking
 48 mechanisms of a motor vehicle by means other than intended by the manufacturer.

49 (6) 'Change key' means a key planned and cut to operate a specific group or series of
 50 locks which all have the same combination of tumblers, pins, or wafers.

51 (7) 'Codebook' means a compilation, in any form, of key codes.

52 (8) 'Code-grabbing device' means any device that can receive, record, or receive and
 53 record the code signal sent by the transmitter of a motor vehicle's security, alarm, or
 54 immobilizer system and playback the signal to disarm, bypass, or neutralize the system.

55 (9) 'Designee' means a natural person who possesses the requisite skill, knowledge, and
 56 experience; is responsible for supervising, directing, managing, and controlling the
 57 locksmith services activities of the business organization with which he or she is
 58 employed; and whose technical and personal qualifications have been determined by

59 investigation and examination as provided in this chapter by the board and who has been
60 issued a license as a locksmith contractor by the board.

61 (10) 'Emergency' means a life-threatening situation involving a person or any animal
62 generally regarded as a pet.

63 (11) 'Key duplication machine' means any device capable of copying or reproducing
64 keys.

65 (12) 'License' means a document issued by the board and granted to a locksmith
66 contractor according to the requirements of this chapter.

67 (13) 'Licensee' means a locksmith contractor issued a license under this chapter.

68 (14) 'Licensing' means a method of regulation whereby the state, through the issuance
69 of a license, authorizes persons possessing the character, required skills, and insurance
70 to engage in the practice of locksmithing as a locksmith contractor.

71 (15) 'Lock' means any mechanical, electromechanical, electronic, or electromagnetic
72 device or similar devices, including any peripheral hardware such as, but not limited to,
73 closed circuit television systems, wireless or infrared transmitters, card readers, keypads,
74 or biometric scanners that are designed to control access to and egress from something
75 or are designed to control the use of something.

76 (16) 'Lock pick' means any manual, electric, or electronic tool or device used to bypass,
77 override, or neutralize a lock by means other than intended by the manufacturer.

78 (17) 'Locksmith' means a natural person, at least 18 years of age, who performs
79 locksmith services for the public for compensation while in the employ of a locksmith
80 contractor and whose background and experience have been verified by the board.
81 Locksmith does not mean a person whose activities are limited to making duplicate keys.

82 (18) 'Locksmith contractor' means a natural person, at least 18 years of age, who has
83 been licensed by the board under this chapter, performs locksmith services for the public,
84 receives compensation for his or her services, and is the designated licensee for a
85 business providing locksmith services.

86 (19) 'Locksmithing' or 'locksmith services' means:

87 (A) Selling, installing, servicing, repairing, repinning, recombining, and adjusting
88 locks, safes, vaults, or safe-deposit boxes;

89 (B) Originating, duplicating, and copying keys;

90 (C) Opening, bypassing, and neutralizing locks, safes, vaults, or safe-deposit boxes;

91 (D) Creating, documenting, selling, installing, managing, and servicing master-key
92 systems;

93 (E) Unlocking, bypassing, or neutralizing locks of motor vehicles by means other than
94 intended by the manufacturer;

95 (F) Originating of keys for motor vehicles that includes, if necessary, the
96 programming, reprogramming, or bypassing of any security, transponder, or
97 immobilizer systems or subsequent technology built in by the manufacturer; and

98 (G) Keying, rekeying, or recombining of motor vehicle locks.

99 (20) 'Locksmithing tool' means any tool that is designed, or intended by the user to be
100 used, to open a mechanical, electronic, magnetic, or electrical locking device by any
101 means other than that intended by the manufacturer for such a device in normal operation.

102 (21) 'Manipulation key' means any key other than a change or master key that can be
103 variably positioned or manipulated in a keyway to bypass, override, or neutralize a lock
104 by means other than intended by the manufacturer to open a lock. For the purposes of
105 this chapter, the term 'manipulation key' shall also apply to wiggle and bump keys.

106 (22) 'Master key' means a key planned or cut to operate all locks in a series or group of
107 locks, with each lock in the series or group having its own unique key. For the purposes
108 of this chapter, submaster, grand master, great grand master, emergency override, and
109 maid's keys shall be considered the same as a master key.

110 (23) 'Master-key system' means a system of locks in which a lock is keyed so that it can
111 be operated by its own individual key and can also be operated by a key that can operate
112 locks in the system that are also keyed to their own individual keys.

113 (24) 'Organization' means any entity other than a natural person, including, but not
114 limited to, an association, corporation, partnership, or sole proprietorship.

115 (25) 'Photo identification card' means a document supplied by the locksmith contractor
116 with a photograph of the locksmith contractor, locksmith, or apprentice locksmith on its
117 face, the format of which is approved by the board.

118 (26) 'Registration' means the registering of locksmiths, automotive only locksmiths, and
119 apprentice locksmiths with the board pursuant to this chapter.

120 (27) 'Safe-opening tool' means any tool designed, or intended by the user to be used, to
121 open a safe, safe-deposit box, or similar object by means other than that which is intended
122 by the manufacturer of the safe, vault, safe-deposit box, or similar object for normal
123 opening.

124 (28) 'Tryout key' means a manipulation key that may or may not be one of a set of
125 similar keys used for a specific series, keyway, or brand of lock to open, bypass, override,
126 or neutralize a lock by means other than intended by the manufacturer.

127 43-23A-3.

128 (a) There is created the State Board of Locksmiths for the purpose of administering
129 licensing and registration of persons performing locksmith services in this state. The board
130 shall be composed of nine members appointed by the Governor and confirmed by the

131 Senate. Five board members shall be locksmith contractors, locksmiths, or a combination
132 of the two. Two board members shall be automotive only locksmiths. One board member
133 shall be a certified electrical contractor. One board member shall be a consumer who is not
134 by training or experience a locksmith, is not the spouse, parent, child, or sibling of a
135 locksmith, and has no direct or indirect financial interest, except as a consumer, in the
136 locksmith profession. Each board member, except the consumer member, must have at
137 least three years' experience in his or her profession and be currently engaged in that
138 profession or must be honorably retired from his or her profession and must have more than
139 five years' experience in the profession prior to retirement. Each board member must be
140 a resident of the state. Board members shall be appointed in such a manner as to equitably
141 represent all geographic areas of the state.

142 (b) Board members shall be appointed for four-year terms. No member shall serve more
143 than two consecutive four-year terms or serve for more than 11 years on the board. To
144 ensure continuity of board policies, the Governor shall initially appoint two members for
145 a one-year term, two members for a two-year term, two members for a three-year term, and
146 three members for a four-year term. As the terms of members expire, the Governor shall
147 appoint successors for terms of four years. A member whose term has expired shall
148 continue to serve until such time as a replacement is appointed and confirmed. Any
149 vacancy occurring prior to expiration of a term shall be filled by the Governor for the
150 remainder of the term.

151 (c) The board shall annually elect from its membership a chairperson and a vice
152 chairperson. The board shall convene at the call of the chairperson or at the request of a
153 majority of the members of the board. Five members of the board shall constitute a
154 quorum. The affirmative vote of the majority of the members present shall be required for
155 any action or recommendation by the board.

156 (d) The powers and duties of the board shall be as follows:

157 (1) To establish the qualifications for licensing and registration and to ensure the
158 competency and integrity of applicants to engage in the profession;

159 (2) To examine, or cause to be examined, the qualifications of each applicant for
160 licensing, including, when necessary, the preparation, administration, and grading of
161 examinations;

162 (3) To license qualified applicants;

163 (4) To establish fees for application, examination, background checks, registration,
164 licensing, and renewal of such licenses that are sufficient to cover all expenses for the
165 administration and operation of the board;

- 166 (5) To, either directly or through a designee, periodically consult with state and federal
167 law enforcement officials to determine whether current licensees have criminal
168 convictions;
- 169 (6) To receive and investigate complaints concerning the conduct of any person whose
170 activities are regulated by the board and to take appropriate disciplinary action, if
171 warranted;
- 172 (7) To ensure inspections are conducted relating to the operations of this profession to
173 ensure competency and lawful compliance;
- 174 (8) To revoke, suspend, or nonrenew licenses for just cause as enumerated in the rules
175 and regulations of the board; and
- 176 (9) To issue a code of ethics under which the professional activities of persons regulated
177 shall be conducted, encouraging self-policing of all standards by all locksmiths.
- 178 (e) The board shall have the authority to adopt rules and regulations to implement
179 provisions of this chapter and the board shall adopt rules and regulations including, but not
180 limited to, the following:
- 181 (1) Requirements for training and licensing of locksmith contractors;
- 182 (2) Requirements for registration and training for locksmiths, automotive only
183 locksmiths, and apprentices;
- 184 (3) Requirements and process for background checks and fingerprint checks for persons
185 governed by this chapter;
- 186 (4) Establishment of application, examination, licensure, registration, certification,
187 renewal, and other reasonable and necessary fees, based upon the board's estimate of the
188 costs to the board in administering this chapter;
- 189 (5) Establishment of competency standards after public hearings and consultation with
190 locksmith contractors, locksmiths, and automotive only locksmiths;
- 191 (6) Establishment of a code of ethics under which the professional activities of persons
192 regulated under this chapter shall be conducted, encouraging self-policing of all standards
193 established under the code by such persons; and
- 194 (7) Disciplinary guidelines applicable to each ground for disciplinary action which may
195 be imposed by the board pursuant to this chapter and any rule or regulation of the board,
196 including, but not limited to, specifying a meaningful range of designated penalties based
197 upon severity and repetition of specific offenses and designation of mitigating and
198 aggravating circumstances.
- 199 (f) The application form for initial issuance or renewal of a license or registration,
200 including any forms required for fingerprint and criminal background checks, photo
201 identification cards, methods to obtain and renew photographs, and other requirements for
202 implementing this chapter shall be established by rule or regulation by the board.

203 43-23A-4.

204 (a) The board shall evaluate the competency of any person applying for licensing as a
205 locksmith contractor.

206 (b) The board may develop and administer an examination program to evaluate
207 competency or, after review of its adequacy, scope, and content, rely on an examination
208 program developed and administered by others. The board shall, by rule or regulation,
209 establish the examination score needed for qualification for licensing.

210 (c) Any person desiring to be licensed as a locksmith contractor shall apply to the board
211 on forms furnished by the board. The board shall license each applicant who:

212 (1) Has completed the application form and remitted a nonrefundable application fee as
213 determined by board rule;

214 (2) Is at least 18 years of age;

215 (3) Complies with the competency requirements as established by board rule or
216 regulation;

217 (4) Shows proof of insurance as required in Code Section 43-23A-9;

218 (5) Has submitted to the board a set of fingerprints on a form and under procedures
219 specified by the board for a criminal record check and payment in an amount equal to the
220 costs incurred by the board for the fingerprint and criminal background check of the
221 applicant. The board, or its designee, shall periodically, including at the time of license
222 renewal, consult with state and federal law enforcement officials to determine whether
223 current licensees have new criminal convictions; and

224 (6) Does not have an unpardoned felony in his or her criminal record that would
225 adversely affect his or her employment in the locksmith profession or has had any prior
226 license to do business revoked for fraud or misrepresentation.

227 (d) An applicant shall not be refused a license to practice as a locksmith contractor solely
228 because of a prior criminal conviction unless the criminal conviction directly relates to the
229 ability of the applicant to work in the locksmith profession. However, the board shall have
230 the authority to refuse an applicant a license, if, based on all the information available,
231 including the applicant's record of prior criminal convictions, it finds that the applicant is
232 unfit or unsuited to engage in the locksmith profession.

233 (e) The license granted under this chapter shall not be transferred or assigned and is valid
234 only with respect to the locksmith contractor to whom it is issued.

235 43-23A-5.

236 (a) A nonresident of this state may be licensed as a locksmith contractor by meeting one
237 of the following requirements:

238 (1) Conforming to the provisions of this chapter and the rules and regulations of the
239 board pertaining to this chapter; or

240 (2) Holding a valid locksmith contractor license, or the equivalent thereof, in another
241 state with which reciprocity has been established by the board.

242 (b) The board may waive examination requirements for any person who has been issued
243 a locksmith contractor license, or the equivalent thereof, within the previous three years,
244 from another state which the board has determined tests for competency standards
245 equivalent to those established pursuant to this chapter and the license has not expired or
246 been revoked.

247 43-23A-6.

248 (a) The term of each license shall be no longer than two years. A license shall expire on
249 its anniversary date unless renewed, suspended, or revoked.

250 (b) The board shall renew a license:

251 (1) Upon receipt of the renewal application and fee;

252 (2) Upon receipt of proof of insurance as required in Code Section 43-23A-9;

253 (3) Upon receipt of a set of fingerprints on a form and under procedures specified by the
254 board for his or her criminal record check and payment in an amount equal to the costs
255 incurred by the board for the fingerprint and criminal background check of the applicant;

256 (4) Upon receipt of verification of completion of continuing education requirements as
257 delineated in subsection (d) of this Code section; and

258 (5) Upon the board determining that the applicant is qualified for relicensure.

259 (c) An applicant shall not be refused a renewal of a license to practice as a locksmith
260 contractor solely because of a prior criminal conviction unless the criminal conviction
261 directly relates to the ability of the applicant to work in the locksmith profession.
262 However, the board shall have the authority to refuse renewal of a license, if, based on all
263 the information available, including the applicant's record of prior criminal convictions, it
264 finds that the applicant is unfit or unsuited to engage in the locksmith profession.

265 (d)(1) As a prerequisite for license renewal, every two years a locksmith contractor
266 licensed under this chapter shall complete a minimum of 16 hours of continuing
267 education training classes approved by the board and must provide documentation of such
268 completion to the board. A minimum of four hours of the continuing education
269 requirement must include a review of the Americans with Disabilities Act and the Life
270 Safety Code.

271 (2) As a prerequisite for license renewal, every two years an automotive only locksmith
272 contractor licensed under this chapter shall complete a minimum of eight hours of

273 continuing education classes approved by the board and must provide documentation of
274 such completion to the board.

275 43-23A-7.

276 (a) Any employee of a locksmith contractor who performs locksmithing services as
277 defined in Code Section 43-23A-2 shall be registered with the board.

278 (b) A licensed locksmith contractor may employ or supervise, in the conduct of the
279 organization's business, a person who meets the following requirements:

280 (1) Is a United States citizen or a legal resident alien;

281 (2) Has been determined by the board not to have been convicted of a felony or
282 misdemeanor offense in this or any other state nor convicted of any crime related to the
283 practice of locksmithing;

284 (3) Is at least 18 years of age if a locksmith or is at least 16 years of age if an apprentice
285 locksmith; and

286 (4) Has not had a license or registration refused, denied, suspended, or revoked under
287 this chapter.

288 (c) No person may be employed by a locksmith contractor until he or she has executed and
289 furnished to the employer, on forms approved by the board, a verified statement, to be
290 known as the 'employee's statement,' providing:

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

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

294 (3) The business or occupation engaged in for the five years immediately preceding the
295 date of execution of the employee's statement, the location of the business or occupation,
296 and the names of employers, if any;

297 (4) That the person has not had a license or employee registration refused, revoked, or
298 suspended under this chapter;

299 (5) Any conviction of a felony that directly relates to the ability of the applicant to work
300 in the locksmithing profession; and

301 (6) Any other information as may be required by the board to show the good character,
302 competency, and integrity of the person executing the employee's statement.

303 (d)(1) A person seeking employment as a locksmith, an automotive only locksmith, or
304 an apprentice locksmith shall submit to the board, with the applicable fees, on fingerprint
305 cards furnished by the board, two complete sets of fingerprints that are verified to be
306 those of the applicant for employment. If an applicant's fingerprint cards are returned to
307 the board as unclassifiable by the screening agency, the applicant shall have 30 calendar

308 days after notification is sent by the board to submit fingerprints taken by a different
309 fingerprint technician.

310 (2) It shall be unlawful for an applicant for employment as a locksmith, automotive only
311 locksmith, or an apprentice locksmith to file with the board the fingerprints of a person
312 other than himself or herself or for an employer to fail to exercise diligence in
313 resubmitting replacement fingerprints for an employee who has had original fingerprint
314 submissions returned as unclassifiable by the screening agency.

315 (e) Upon receipt of the verified fingerprint cards, the board shall cause the fingerprints to
316 be checked against the fingerprints on file with the Georgia Crime Information Center and
317 the Federal Bureau of Investigation. The board shall notify the submitting locksmith
318 contractor within ten business days upon the invoking of a procedure to deny registration.

319 (f) Within five business days after receipt of the application materials, the board shall
320 begin the criminal record investigation by checking the applicant's name with the criminal
321 history information maintained by the Georgia Crime Information Center.

322 (g)(1) To maintain his or her standing as a locksmith, every two years a locksmith
323 employed by a locksmith contractor shall complete 16 hours of continuing education
324 training classes approved by the board and must provide documentation of such
325 completion to the board upon request.

326 (2) While serving as an apprentice, an apprentice locksmith shall complete a minimum
327 of 16 hours of board approved continuing education every year and must provide
328 documentation of such completion to the board upon request.

329 (3) A minimum of four hours per block of required continuing education training under
330 this subsection must include a review of the Americans with Disabilities Act and the Life
331 Safety Code and documentation of such completion must be provided to the board upon
332 request.

333 (4) An automotive only locksmith employed by a locksmith contractor shall also
334 complete a minimum of eight hours of board approved continuing education every two
335 years and must provide documentation of such completion to the board upon request.

336 (5) An automotive only apprentice locksmith shall complete a minimum of eight hours
337 of board approved continuing education every year and must provide documentation of
338 such completion to the board upon request.

339 (6) The locksmith, apprentice locksmith, automotive only locksmith, and automotive
340 only apprentice locksmith must also provide other information as may be required by the
341 board, by rule or regulation, to renew his or her registration biennially.

342 (h)(1) Failure of a locksmith, automotive only locksmith, apprentice locksmith, or
343 automotive only apprentice locksmith to meet the requisite continuing education
344 requirement shall result in a board imposed fine and designated time period for

345 compliance with the requirement. Failure to comply by the designated time shall result
346 in the levy of additional fines and may result in the removal of his or her standing and
347 registration as a locksmith, automotive only locksmith, apprentice locksmith, or
348 automotive only apprentice locksmith.

349 (2) The board shall, by rule or regulation, provide for the implementation of this
350 subsection, including fines to be levied.

351 (i) A duly authorized representative of the board shall have access to all records to be kept
352 under this Code section upon three business days' advance notice provided in writing to the
353 locksmith contractor.

354 43-23A-8.

355 (a) No locksmith contractor may employ any person who performs locksmith services
356 under this chapter unless the employer:

357 (1) Submits to the board the name, address, date of birth, and such other information
358 sufficient to identify the individual, as the board shall require by rule or regulation,
359 including, but not limited to, fingerprint cards and fees; and

360 (2) Exercises due diligence to ensure that the person is qualified under the requirements
361 of this chapter to be a locksmith or an apprentice locksmith.

362 (b) Each employer shall maintain a record of each employee that contains the following
363 information:

364 (1) Two photographs shall be taken within ten days of the date that the employee begins
365 employment. One copy shall be used for the employee's photo identification card. The
366 second shall be retained in the employee's personnel record by the employer. These
367 photographs shall be replaced with a current photograph every three calendar years;

368 (2) A background check on each employee, which shall be completed a minimum of
369 once every three calendar years and a copy of which shall be kept in the employee's
370 personal record for inspection and another copy of which shall be submitted to the board
371 upon request; and

372 (3) A record of continuing education accomplishments and any certificates issued.

373 (c) The locksmith contractor must supply a photo identification card to any locksmith
374 contractor, locksmith, automotive only locksmith, apprentice locksmith, and automotive
375 only apprentice locksmith under his or her supervision.

376 43-23A-9.

377 A locksmith contractor shall maintain an insurance policy sufficient for the purpose of
378 paying claims or judgments for damages which may occur as a result of negligence of such

379 contractor or his or her employees. Minimum insurance requirements are general or
380 professional liability and, if applicable, workers' compensation.

381 43-23A-10.

382 (a) Requirements for the photo identification card form, the method to obtain and renew
383 photographs, and the use and display of licenses and license numbers shall be included in
384 rules and regulations adopted by the board pursuant to Code Section 43-23A-3.

385 (b) All individuals licensed or registered under this chapter shall display a photo
386 identification card on their person at all times when performing locksmith services. Every
387 photo identification card shall contain the individual's name, the name of the business, and
388 the locksmith contractor's license number.

389 (c)(1) An identification card for a locksmith contractor or a locksmith shall include the
390 word 'Locksmith.'

391 (2) An identification card for an automotive only locksmith shall include the words
392 'Automotive Only Locksmith.'

393 (3) An identification card for an apprentice locksmith shall include the words 'Apprentice
394 Locksmith' or 'Apprentice Automotive Only Locksmith.'

395 (d) A locksmith contractor shall display a copy of his or her license at his or her normal
396 places of business and in a manner easily readable by the general public. A locksmith
397 contractor providing mobile only service shall retain a copy of his or her license in his or
398 her service vehicle for presentation to any person of the general public, any law
399 enforcement officer, or any state or local official immediately upon request.

400 (e)(1) Any advertisement or advertising, service vehicles, and forms must include the
401 license number of the locksmith contractor and the name of the business listed with the
402 board.

403 (2) For the purposes of this subsection, the term 'advertisement' or 'advertising' includes
404 any business card, stationery, brochure, flier, circular, newsletter, facsimile, form, or
405 printed or published paid advertisement in any media form, directory listing, or telephone
406 book listing.

407 (3) The board may assess a minimum fine of \$500.00 for the first violation of this
408 subsection and a minimum fine of \$1,000.00 for each subsequent violation. The penalty
409 may be sued for and recovered by the board.

410 43-23A-11.

411 (a) Any locksmith contractor or locksmith who knowingly and willfully opens any motor
412 vehicle or residential or commercial establishment or originates a key for another by any

413 method, whether or not for compensation, shall make a reasonable attempt to obtain and
414 record the following information on the work order or sales receipt form:

415 (1) The street address or location of the motor vehicle to be opened, the motor vehicle's
416 license or vehicle identification number, the street address of the resident or commercial
417 establishment to be opened, and the signature of the person for whom the motor vehicle,
418 residence, or commercial establishment was opened; and

419 (2) The name, address, telephone number, and driver's license number of the person
420 requesting the entry service, if appropriate.

421 (b) A copy of each work order or sales receipt shall be retained for two years and shall
422 include the name of the person performing the service. A copy of each work order or sales
423 receipt shall be readily available for inspection by any law enforcement officer or by the
424 board, or its designee, any time during normal business hours.

425 43-23A-12.

426 (a) A person shall not:

427 (1) Act as or offer to act as a locksmith and provide locksmith services unless he or she
428 is a locksmith contractor with a license that has not expired or been revoked or suspended
429 or is employed by a licensed locksmith contractor;

430 (2) Advertise that he or she is in the locksmith business or hold himself or herself out to
431 the public as a locksmith unless he or she is a licensed locksmith contractor with a license
432 that has not expired or been revoked or suspended or is employed as a locksmith by a
433 licensed locksmith contractor;

434 (3) Obtain ownership or possession of locksmithing tools; bump, change, master,
435 manipulation, or tryout keys; car opening tools; code-grabbing devices; lock picks;
436 safe-opening tools; or manuals or codebooks in any format, either in person, through an
437 intermediary, through mail order, or any other remote procurement method, unless he or
438 she is a locksmith contractor whose license has not expired or been revoked or
439 suspended, is employed as a locksmith, and is registered with the board or is specifically
440 exempted under this chapter;

441 (4) Obtain ownership or possession of car opening tools, either in person, through an
442 intermediary, or through mail order or any other remote procurement method, unless he
443 or she is legitimately employed in and is actively performing duties in the motor vehicle
444 repossession, recovery, repair, or towing business;

445 (5) Possess locksmithing tools, implements, or outfits unless the person is a bona fide
446 dealer, locksmith contractor, locksmith, automobile reposessor, motor vehicle recovery
447 or towing service employee, or locking device manufacturer, or such manufacturer's
448 agent, who has a reasonable need to possess locksmithing tools, implements, or outfits

449 for demonstration, testing, and research purposes. Possession by any other person shall
 450 be prima-facie evidence of an intent to commit burglary, robbery, or theft; or

451 (6) Be employed as an apprentice locksmith and act as a supervisor of any locksmith.

452 (b) An organization shall not:

453 (1) Provide or offer locksmith services unless such services are or can be provided by a
 454 locksmith contractor who possesses a license which has not expired or been revoked or
 455 suspended and is employed by the organization or are or can be provided by a locksmith
 456 employed by the organization; or

457 (2) Obtain ownership or possession of locksmithing tools; safe-opening tools; bump,
 458 change, master, manipulation, or tryouts keys; code-grabbing devices; lock picks; or car
 459 opening tools, manuals, or codebooks by means of an employee, officer, or other person
 460 who violates this Code section.

461 (c) It shall be unlawful for any person or organization to engage in any of the following
 462 acts:

463 (1) Making use of any designation provided by statute or rule or regulation to denote a
 464 standard of professional or occupational competence required under this chapter without
 465 being duly registered or licensed under this chapter;

466 (2) Making use of any title, words, letters, or abbreviations which may reasonably be
 467 confused with a designation provided by statute or rule or regulation to denote a standard
 468 of professional or occupational competence required under this chapter without being
 469 duly registered or licensed under this chapter;

470 (3) Providing material misrepresenting facts in an application for licensing or
 471 registration; or

472 (4) Willfully refusing to furnish the board information or records required or requested
 473 pursuant to state law or rules or regulations.

474 (d)(1) Any person who violates any provision of paragraphs (1) through (4) of
 475 subsection (a) of this Code section shall be guilty of a misdemeanor of a high and
 476 aggravated nature.

477 (2) Any person, other than such person as permitted in this chapter, who has in his or her
 478 possession any locksmithing tools, implements, or outfits with intent to commit burglary,
 479 robbery, or theft shall be guilty of a felony and, upon conviction thereof, shall be
 480 punished by imprisonment for not less than one nor more than five years.

481 (3) Unless otherwise specified, any person or organization that willfully engages in any
 482 unlawful act enumerated in this Code section shall be guilty of a misdemeanor of a high
 483 and aggravated nature. The third or any subsequent conviction for violating this Code
 484 section during a 36-month period shall constitute a felony and, upon conviction thereof,
 485 shall be punished by imprisonment for not less than one nor more than five years.

486 (e) The board may institute proceedings in equity to enjoin any person, partnership,
 487 corporation, or other entity from engaging in any unlawful act enumerated in this Code
 488 section. Such proceedings shall be brought in the name of the state by the board in the
 489 superior court of the county in which the unlawful act occurred or in which the defendant
 490 resides.

491 (f)(1) In addition to the above penalties, any person licensed by the board who violates
 492 any law, rule or regulation, or provision of this chapter that pertains to the profession of
 493 locksmithing and who is not criminally prosecuted for the violation shall be subject to the
 494 monetary penalty provided in this subsection.

495 (2) If the board determines that a respondent is guilty of the violation complained of, the
 496 board shall determine the amount of the monetary penalty for the violation, which shall
 497 not exceed \$10,000.00 for each violation. The penalty may be sued for and recovered by
 498 the board.

499 (3) After a hearing, wherein a sanction is imposed to fine, to suspend, revoke, or deny
 500 a license, or to deny renewal of a license, the board may assess the license holder the cost
 501 of conducting such a hearing when the board has final authority to grant a license, unless
 502 the board determines that the offense was inadvertent or done in a good faith belief that
 503 the act did not violate a state law or rule or regulation. The cost shall be limited to the
 504 reasonable hourly rate for the hearing officer and the actual cost of recording the
 505 proceedings.

506 43-23A-13.

507 (a) The following acts constitute grounds for which the disciplinary actions in
 508 subsection (b) of this Code section may be taken:

509 (1) Violation of any provision of Code Section 43-23A-12 or any other provision of this
 510 chapter; or

511 (2) Violation of a rule or regulation of the board or any order of the board previously
 512 entered in a disciplinary hearing.

513 (b) When the board finds any person guilty of any of the grounds set forth in subsection (a)
 514 of this Code section, it may enter an order taking one or more of the following actions:

515 (1) Rejecting the person's application for a license;

516 (2) Suspending or permanently revoking a person's license;

517 (3) Restricting the person's practice;

518 (4) Imposing an administrative fine not to exceed \$5,000.00 for each count or separate
 519 offense;

520 (5) Issuing a reprimand to the person;

521 (6) Placing the person on probation for a period of time and subject to such conditions
 522 as the board may specify. Those conditions may include, but are not limited to, requiring
 523 the licensee to undergo treatment, attend continuing education courses, submit to be
 524 reexamined, work under the supervision of another licensee, or satisfy any terms which
 525 are reasonably tailored to the violations found; or
 526 (7) Other corrective action as the board may deem appropriate.

527 43-23A-14.

528 (a) The board shall maintain a list of the names and addresses of all locksmith contractors
 529 licensed under this chapter as well as all locksmiths and apprentice locksmiths. The lists
 530 shall be made available by the board to any person upon request and payment of the
 531 required fee.

532 (b) The locksmith contractor shall notify the board within ten business days of a locksmith
 533 or an apprentice locksmith no longer working under the license of the locksmith contractor.

534 43-23A-15.

535 Effective July 1, 2011, no person shall do business in the state as a locksmith contractor
 536 without having obtained the proper license from the board. No person other than a duly
 537 licensed locksmith contractor, a registered locksmith working under the supervision of a
 538 locksmith contractor, or a registered apprentice locksmith working under the supervision
 539 of a locksmith contractor or a locksmith shall provide locksmith services in this state unless
 540 exempted under Code Section 43-23A-16.

541 43-23A-16.

542 This chapter shall not apply to:

543 (1) A member of a police department, fire department, or other government agency, in
 544 his or her official line of duty, providing emergency opening services;

545 (2) A sales representative providing a bona fide sales demonstration of products to
 546 locksmiths;

547 (3) An in-store employee of a hardware or do-it-yourself home products sales store
 548 rekeying locks just purchased, or about to be purchased, in the store of the employee;

549 (4) A licensed low-voltage contractor installing or servicing electromechanical,
 550 electronic, or electromagnetic devices and peripheral hardware;

551 (5) An individual acquiring or using any key duplication machine or key blanks for
 552 personal use;

553 (6) A property owner or an agent of the property owner maintaining a file of key cutting
 554 data for a master-key system on the property;

555 (7) An employee of a bank, savings and loan, credit union, or trust company providing
556 safe, safe-deposit box, or vault opening or servicing services at his or her place of
557 employment;

558 (8) An automotive service dealer, a lock manufacturer, or an agent of a lock
559 manufacturer servicing, installing, repairing, or rebuilding automotive locks;

560 (9) Building trades personnel installing locks or locking devices on a project that requires
561 a building permit; or

562 (10) A tow truck company or a tow truck operator possessing and using car opening tools
563 necessary to unlock vehicles to facilitate towing."

564 **SECTION 2.**

565 For the purposes of appointing members of the State Board of Locksmiths, this Act shall
566 become effective upon its approval by the Governor or upon its becoming law without such
567 approval. For all other purposes, this Act shall become effective on July 1, 2010.

568 **SECTION 3.**

569 All laws and parts of laws in conflict with this Act are repealed.