

House Bill 538

By: Representative Geisinger of the 48th

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 locksmiths and apprentices; to provide
5 for qualifications for licensing and registration; to provide for continuing education; to
6 provide for certain documentation and records; to provide for identification cards; to provide
7 for the maintenance of certain information; to prohibit certain acts; to provide for penalties
8 and sanctions; to provide for exceptions; to provide for related matters; to provide effective
9 dates; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**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 style="text-align:center">"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 are 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 locksmiths.

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.

41 (2) 'Board' means the State Board of Locksmiths.

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

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

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

49 (6) 'Codebook' means a compilation, in any form, of key codes.

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

53 (8) 'Designee' means a natural person who possesses the requisite skill, knowledge, and
 54 experience; is responsible for supervising, directing, managing, and controlling the
 55 locksmith services activities of the business organization with which he or she is
 56 employed; and whose technical and personal qualifications have been determined by
 57 investigation and examination as provided in this chapter by the board and who has been
 58 issued a license as a locksmith by the board.

- 59 (9) 'Emergency' means a life-threatening situation involving a person or any animal
60 generally regarded as a pet.
- 61 (10) 'Key duplication machine' means any device capable of copying or reproducing
62 keys.
- 63 (11) 'License' means a document issued by the board and granted to a locksmith
64 according to the requirements of this chapter.
- 65 (12) 'Licensee' means a locksmith issued a license under this chapter.
- 66 (13) 'Licensing' means a method of regulation whereby the state, through the issuance
67 of a license, authorizes persons possessing the character, required skills, and insurance
68 to engage in the practice of locksmithing as a locksmith.
- 69 (14) 'Lock' means any mechanical, electromechanical, electronic, or electromagnetic
70 device or similar devices, including any peripheral hardware such as, but not limited to,
71 closed circuit television systems, wireless or infrared transmitters, card readers, keypads,
72 or biometric scanners that are designed to control access to and egress from something
73 or are designed to control the use of something.
- 74 (15) 'Lock pick' means any manual, electric, or electronic tool or device used to bypass,
75 override, or neutralize a lock by means other than intended by the manufacturer.
- 76 (16) 'Locksmith' means a natural person, at least 18 years of age, who performs
77 locksmith services for the public for compensation and whose background and experience
78 have been verified by the board. The term 'locksmith' shall not mean a person whose
79 activities are limited to making duplicate keys.
- 80 (17) 'Locksmithing' or 'locksmith services' means:
- 81 (A) Selling, installing, servicing, repairing, repinning, recombining, and adjusting
82 locks, safes, vaults, or safe deposit boxes;
- 83 (B) Originating, duplicating, and copying keys;
- 84 (C) Opening, bypassing, and neutralizing locks, safes, vaults, or safe deposit boxes;
- 85 (D) Creating, documenting, selling, installing, managing, and servicing master-key
86 systems;
- 87 (E) Unlocking, bypassing, or neutralizing locks of motor vehicles by means other than
88 intended by the manufacturer;
- 89 (F) Originating of keys for motor vehicles that includes, if necessary, the
90 programming, reprogramming, or bypassing of any security, transponder, or
91 immobilizer systems or subsequent technology built in by the manufacturer; and
- 92 (G) Keying, rekeying, or recombining of motor vehicle locks.
- 93 (18) 'Locksmithing tool' means any tool that is designed, or intended by the user to be
94 used, to open a mechanical, electronic, magnetic, or electrical locking device by any
95 means other than that intended by the manufacturer for such a device in normal operation.

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

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

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

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

109 (23) 'Photo identification card' means a document supplied by the locksmith with a
 110 photograph of the locksmith or apprentice locksmith on its face, the format of which is
 111 approved by the board.

112 (24) 'Registration' means the registering of locksmiths and apprentice locksmiths with
 113 the board pursuant to this chapter.

114 (25) 'Safe-opening tool' means any tool designed, or intended by the user to be used, to
 115 open a safe, safe deposit box, or similar object by means other than that which is intended
 116 by the manufacturer of the safe, vault, safe deposit box, or similar object for normal
 117 opening.

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

121 43-23A-3.

122 (a) There is created the State Board of Locksmiths for the purpose of administering
 123 licensing and registration of persons performing locksmith services in this state. The board
 124 shall be composed of nine members appointed by the Governor. Five board members shall
 125 be locksmiths as certified under this chapter. One board member shall be a certified
 126 electrical contractor. Three board members shall be consumers who are not by training or
 127 experience a locksmith, are not the spouse, parent, child, or sibling of a locksmith, and
 128 have no direct or indirect financial interest, except as a consumer, in the locksmith
 129 profession. Each board member, except the consumer members, shall have at least three
 130 years' experience in his or her profession and be currently engaged in that profession or
 131 shall be honorably retired from his or her profession and shall have more than five years'

132 experience in the profession prior to retirement. Each board member shall be a resident of
133 the state. Board members shall be appointed in such a manner as to equitably represent all
134 geographic areas of the state.

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

144 (c) The board shall annually elect from its membership a chairperson and a vice
145 chairperson. The board shall convene at the call of the chairperson or at the request of a
146 majority of the members of the board. Five members of the board shall constitute a
147 quorum. The affirmative vote of the majority of the members present shall be required for
148 any action or recommendation by the board.

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

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

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

155 (3) To license qualified applicants;

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

159 (5) To, either directly or through a designee, periodically consult with state and federal
160 law enforcement officials to determine whether current licensees have criminal
161 convictions;

162 (6) To receive and investigate complaints concerning the conduct of any person whose
163 activities are regulated by the board and to take appropriate disciplinary action, if
164 warranted;

165 (7) To ensure inspections are conducted relating to the operations of this profession to
166 ensure competency and lawful compliance;

167 (8) To revoke, suspend, or nonrenew licenses for just cause as enumerated in the rules
168 and regulations of the board; and

169 (9) To issue a code of ethics under which the professional activities of persons regulated
 170 shall be conducted, encouraging self-policing of all standards by all locksmiths.

171 (e) The board shall have the authority to adopt rules and regulations to implement
 172 provisions of this chapter and the board shall adopt rules and regulations including, but not
 173 limited to, the following:

174 (1) Requirements for training and licensing of locksmiths;

175 (2) Requirements for registration and training for apprentice locksmiths;

176 (3) Requirements and process for background checks and fingerprint checks for persons
 177 governed by this chapter;

178 (4) Establishment of application, examination, licensure, registration, certification,
 179 renewal, and other reasonable and necessary fees, based upon the board's estimate of the
 180 costs to the board in administering this chapter;

181 (5) Establishment of competency standards after public hearings and consultation with
 182 locksmiths;

183 (6) Establishment of a code of ethics under which the professional activities of persons
 184 regulated under this chapter shall be conducted, encouraging self-policing of all standards
 185 established under the code by such persons;

186 (7) Disciplinary guidelines applicable to each ground for disciplinary action which may
 187 be imposed by the board pursuant to this chapter and any rule or regulation of the board,
 188 including, but not limited to, specifying a meaningful range of designated penalties based
 189 upon severity and repetition of specific offenses and designation of mitigating and
 190 aggravating circumstances; and

191 (8) Establishment of minimum insurance levels.

192 43-23A-4.

193 (a) The board shall evaluate the competency of any person applying for licensing as a
 194 locksmith.

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

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

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

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

204 (3) Is a legal citizen of the United States and this state or is a legal resident alien;

- 205 (4) Complies with the competency requirements as established by board rule or
206 regulation;
- 207 (5) Shows proof of insurance as required in Code Section 43-23A-8;
- 208 (6) Has submitted to the board a set of fingerprints on a form and under procedures
209 specified by the board for a criminal records check and payment in an amount equal to
210 the costs incurred by the board for the fingerprint and criminal background check of the
211 applicant. The board, or its designee, shall periodically, including at the time of license
212 renewal, consult with state and federal law enforcement officials to determine whether
213 current licensees have new criminal convictions; and
- 214 (7) Does not have an unpardoned felony in his or her criminal record that would
215 adversely affect his or her employment in the locksmith profession or has had any prior
216 license to do business revoked for fraud or misrepresentation.
- 217 (d) An applicant shall not be refused a license to practice as a locksmith solely because of
218 a prior criminal conviction unless the criminal conviction directly relates to the ability of
219 the applicant to work in the locksmith profession. However, the board shall have the
220 authority to refuse an applicant a license, if, based on all the information available,
221 including the applicant's record of prior criminal convictions, it finds that the applicant is
222 unfit or unsuited to engage in the locksmith profession.
- 223 (e) The license granted under this chapter shall not be transferred or assigned and is valid
224 only with respect to the locksmith to whom it is issued.
- 225 (f) The application form for initial issuance or renewal of a license or registration,
226 including any forms required for fingerprint and criminal background checks, photo
227 identification cards, methods to obtain and renew photographs, and other requirements for
228 implementing this chapter shall be established by rule or regulation by the board.

229 43-23A-5.

- 230 (a) A nonresident of this state may be licensed as a locksmith by meeting one of the
231 following requirements:
- 232 (1) Conforming to the provisions of this chapter and the rules and regulations of the
233 board pertaining to this chapter; or
- 234 (2) Holding a valid locksmith license, or the equivalent thereof, in another state with
235 which reciprocity has been established by the board.
- 236 (b) The board may waive examination requirements for any person who has been issued
237 a locksmith license, or the equivalent thereof, within the previous three years, from another
238 state which the board has determined tests for competency standards equivalent to those
239 established pursuant to this chapter and the license has not expired or been revoked.

240 43-23A-6.

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

243 (b) The board shall renew a license:

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

245 (2) Upon receipt of proof of insurance as required in Code Section 43-23A-8;

246 (3) Upon receipt of a set of fingerprints on a form and under procedures specified by the
247 board for an applicant's criminal records check and payment in an amount equal to the
248 costs incurred by the board for the fingerprint and criminal background check of the
249 applicant;

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

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

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

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

264 43-23A-7.

265 (a) Before issuing a license, the board shall determine that the applicant meets the
266 following requirements:

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

268 (2) Has been determined by the board not to have been convicted of a felony or
269 misdemeanor offense in this or any other state nor convicted of any crime related to the
270 practice of locksmithing except as otherwise provided by this chapter; and

271 (3) Is at least 18 years of age if a locksmith or is at least 16 years of age if an apprentice
272 locksmith.

273 (b) All applicants shall supply the following minimum information in addition to that
274 which the board determines:

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

276 (2) The name of the country of which the person is a citizen and, if the person is not a
277 United States citizen, proof that the person is a legal resident;
278 (3) The business or occupation engaged in for the five years immediately preceding the
279 date of application;
280 (4) That the person has not had a license or registration refused, revoked, or suspended
281 under this chapter;
282 (5) Any conviction of a felony that directly relates to the ability of the applicant to work
283 in the locksmithing profession; and
284 (6) Any other information as may be required by the board to show the good character,
285 competency, and integrity of the applicant.
286 (c)(1) A person seeking a locksmith license under this chapter shall submit to the board,
287 with the applicable fees, on fingerprint cards furnished by the board, two complete sets
288 of fingerprints that are verified to be those of the applicant. If an applicant's fingerprint
289 cards are returned to the board as unclassifiable by the screening agency, the applicant
290 shall have 30 calendar days after notification is sent by the board to submit fingerprints
291 taken by a different fingerprint technician.
292 (2) It shall be unlawful for an applicant to file with the board the fingerprints of a person
293 other than himself or herself or to fail to exercise diligence in resubmitting replacement
294 fingerprints when such applicant's original fingerprint submissions are returned as
295 unclassifiable by the screening agency.
296 (d) Upon receipt of the verified fingerprint cards, the board shall cause the fingerprints to
297 be checked against the fingerprints on file with the Georgia Crime Information Center and
298 the Federal Bureau of Investigation. The board shall notify the applicant within ten
299 business days upon the invoking of a procedure to deny registration.
300 (e) Within five business days after receipt of the application materials, the board shall
301 begin the criminal records investigation by checking the applicant's name with the criminal
302 history information maintained by the Georgia Crime Information Center.
303 (f) The board shall, by rule or regulation, provide for the implementation of this Code
304 section, including fines to be levied.
305 (g) A duly authorized representative of the board shall have access to all records to be kept
306 under this Code section upon three business days' advance notice provided in writing to the
307 locksmith.
308 43-23A-8.
309 A locksmith shall maintain an insurance policy sufficient for the purpose of paying claims
310 or judgments for damages which may occur as a result of negligence of such locksmith or

311 his or her employees. Minimum insurance requirements are general or professional
312 liability and, if applicable, workers' compensation as set forth by the board.

313 43-23A-9.

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

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

321 (c)(1) An identification card for a locksmith shall include the word 'Locksmith.'

322 (2) An identification card for an apprentice locksmith shall include the words 'Apprentice
323 Locksmith.'

324 (d)(1) Any advertisement or advertising, service vehicles, and forms shall include the
325 license number of the locksmith and the name of the business listed with the board.

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

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

333 43-23A-10.

334 (a) Any locksmith who knowingly and willfully opens any motor vehicle or residential or
335 commercial establishment or originates a key for another by any method, whether or not
336 for compensation, shall make a reasonable attempt to obtain and record the following
337 information on the work order or sales receipt form:

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

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

344 (b) A copy of each work order or sales receipt shall be retained for two years and shall
345 include the name of the person performing the service.

346 (c) All invoices shall be made available to the board, its designee, or law enforcement
 347 upon lawful request by law enforcement or a letter from the board or its designee and the
 348 locksmith shall be given ten days to produce the invoice.

349 43-23A-11.

350 (a) A person shall not:

351 (1) Act as or offer to act as a locksmith and provide locksmith services unless he or she
 352 is a locksmith with a license that has not expired or been revoked or suspended;

353 (2) Advertise that he or she is in the locksmith business or hold himself or herself out to
 354 the public as a locksmith unless he or she is a licensed locksmith with a license that has
 355 not expired or been revoked or suspended;

356 (3) Obtain ownership or possession of locksmithing tools; bump, change, master,
 357 manipulation, or tryout keys; car opening tools; code-grabbing devices; lock picks;
 358 safe-opening tools; or manuals or codebooks in any format, either in person, through an
 359 intermediary, through mail order, or any other remote procurement method, unless he or
 360 she is a locksmith whose license has not expired or been revoked or suspended or is
 361 specifically exempted under this chapter;

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

366 (5) Possess locksmithing tools, implements, or outfits unless the person is a bona fide
 367 dealer, locksmith, automobile reposessor, motor vehicle recovery or towing service
 368 employee, or locking device manufacturer, or such manufacturer's agent, who has a
 369 reasonable need to possess locksmithing tools, implements, or outfits for demonstration,
 370 testing, and research purposes. Possession by any other person shall be prima-facie
 371 evidence of an intent to commit burglary, robbery, or theft; or

372 (6) Be employed as an apprentice locksmith.

373 (b) An organization shall not:

374 (1) Provide or offer locksmith services unless such services are or can be provided by a
 375 locksmith who possesses a license which has not expired or been revoked or suspended
 376 and is employed by the organization or are or can be provided by a locksmith employed
 377 by the organization; or

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

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

384 (1) Using any designation provided by statute or rule or regulation to denote a standard
 385 of professional or occupational competence required under this chapter without being
 386 duly registered or licensed under this chapter;

387 (2) Using any title, words, letters, or abbreviations which may reasonably be confused
 388 with a designation provided by statute or rule or regulation to denote a standard of
 389 professional or occupational competence required under this chapter without being duly
 390 registered or licensed under this chapter;

391 (3) Providing material misrepresenting facts in an application for licensing or
 392 registration; or

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

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

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

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

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

412 (f)(1) In addition to the penalties enumerated in subsections (d) and (e) of this Code
 413 section, any person licensed by the board who violates any law, rule or regulation, or
 414 provision of this chapter that pertains to the profession of locksmithing and who is not
 415 criminally prosecuted for the violation shall be subject to the monetary penalty provided
 416 in this subsection.

417 (2) If the board determines that a respondent is guilty of the violation complained of, the
 418 board shall determine the amount of the monetary penalty for the violation, which shall

419 not exceed \$10,000.00 for each violation. The penalty may be sued for and recovered by
 420 the board.

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

428 43-23A-12.

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

431 (1) Violation of any provision of Code Section 43-23A-11 or any other provision of this
 432 chapter; or

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

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

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

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

439 (3) Restricting the person's practice;

440 (4) Imposing an administrative fine not to exceed \$10,000.00 for each count or separate
 441 offense;

442 (5) Issuing a reprimand to the person;

443 (6) Placing the person on probation for a period of time and subject to such conditions
 444 as the board may specify. Those conditions may include, but are not limited to, requiring
 445 the licensee to undergo treatment, attend continuing education courses, submit to be
 446 reexamined, work under the supervision of another licensee, or satisfy any terms which
 447 are reasonably tailored to the violations found; or

448 (7) Other corrective action as the board may deem appropriate.

449 43-23A-13.

450 (a) The board shall maintain a list of the names and addresses of all locksmiths and
 451 apprentice locksmiths licensed under this chapter. The lists shall be made available by the
 452 board to any person upon request and payment of the required fee.

453 (b) The locksmith shall notify the board within ten business days of an apprentice
 454 locksmith no longer working under the license of the locksmith.

455 43-23A-14.

456 Effective July 1, 2011, no person shall do business in this state as a locksmith without
 457 having obtained the proper license from the board. No person other than a duly licensed
 458 locksmith or an apprentice locksmith working under the supervision of a locksmith shall
 459 provide locksmith services in this state unless exempted under Code Section 43-23A-15.

460 43-23A-15.

461 This chapter shall not apply to:

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

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

466 (3) An in-store employee of a hardware or do-it-yourself home products sales store
 467 rekeying locks in the store of the employee;

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

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

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

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

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

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

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

483 **SECTION 2.**

484 For the purposes of appointing members of the State Board of Locksmiths, this Act shall
 485 become effective upon its approval by the Governor or upon its becoming law without such
 486 approval. For all other purposes, this Act shall become effective on July 1, 2011.

487

SECTION 3.

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