

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. PHEFFER, WEISENBERG, MAISEL, MARKEY, JAFFEE, CASTRO, ROSENTHAL, MILLMAN, TITUS -- Multi-Sponsored by -- M. of A. BOYLAND, COOK, DINOWITZ, GALEF, GOTTFRIED, HOOPER, McENENY, MENG, PERRY, TITONE -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the general business law, in relation to enacting the locksmith licensing act of 2011

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings. Locksmiths operate in the public
2 trust to secure and protect property and persons and have the knowledge
3 and tools to bypass or neutralize security devices. Existing laws and
4 regulations do not adequately protect citizens from the unscrupulous use
5 and abuse of the tools and knowledge of the locksmithing profession by
6 the untrained person or from those who have criminal intent. In addi-
7 tion, disreputable locksmiths and those who falsely represent themselves
8 to be locksmiths have a negative effect on the business of honest, hard-
9 working locksmiths by generating public ill will towards the profession
10 as a whole. In order to protect both reputable locksmiths and the public
11 of this state from the abuse and misuse of locksmithing supplies, manu-
12 als, or equipment, locksmiths should be licensed and regulated by this
13 state.

14 S 2. The general business law is amended by adding a new article 6-E
15 to read as follows:

16 ARTICLE 6-E
17 THE LOCKSMITH LICENSING ACT OF 2011

18 SECTION 69-AA. SHORT TITLE.
19 69-BB. DEFINITIONS.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

- 1 69-CC. LOCKSMITH ADVISORY BOARD.
- 2 69-DD. PROMULGATION OF REGULATIONS AND STANDARDS.
- 3 69-EE. PROHIBITED ACTIVITIES.
- 4 69-FF. CRIMINAL PENALTY.
- 5 69-GG. CIVIL PENALTY.
- 6 69-HH. LICENSURE.
- 7 69-II. QUALIFICATIONS OF APPLICANTS.
- 8 69-JJ. EMPLOYEE REQUIREMENTS.
- 9 69-KK. EXPIRATION AND RENEWAL.
- 10 69-LL. LIST OF LOCKSMITHS.
- 11 69-MM. INSURANCE.
- 12 69-NN. WORK ORDERS.
- 13 69-OO. EXCLUSIONS.
- 14 69-PP. APPLICABILITY.

15 S 69-AA. SHORT TITLE. THIS ACT SHALL BE KNOWN AND MAY BE CITED AS "THE
 16 LOCKSMITH LICENSING ACT OF 2011".

17 S 69-BB. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING
 18 TERMS SHALL HAVE THE MEANINGS INDICATED:

- 19 1. "BOARD" MEANS THE LOCKSMITH ADVISORY BOARD.
- 20 2. "CERTIFICATE" MEANS A DOCUMENT ISSUED BY THE DEPARTMENT AS PROOF
 21 THAT A LICENSE OR PERMIT HAS BEEN GRANTED.
- 22 3. "CERTIFICATION" MEANS THE PROCESS WHEREBY THE DEPARTMENT OR ANY
 23 REGULATORY BOARD ISSUES A CERTIFICATE ON BEHALF OF THIS STATE TO A
 24 PERSON SIGNIFYING THAT HE OR SHE POSSESSES THE CHARACTER AND MINIMUM
 25 SKILLS TO ENGAGE PROPERLY IN THE PROFESSION OF LOCKSMITHING.
- 26 4. "CODEBOOK" MEANS A COMPILATION, IN ANY FORM, OF KEY CODES.
- 27 5. "COMMISSIONER" MEANS THE COMMISSIONER OF THE DIVISION OF CRIMINAL
 28 JUSTICE SERVICES.
- 29 6. "DEPARTMENT" MEANS THE DEPARTMENT OF STATE.
- 30 7. "DIVISION" MEANS THE DIVISION OF CRIMINAL JUSTICE SERVICES.
- 31 8. "EMERGENCY" MEANS A LIFE-THREATENING SITUATION INVOLVING A PERSON.
- 32 9. "INSPECTION" MEANS A METHOD OF REGULATION WHEREBY A STATE AGENCY
 33 PERIODICALLY EXAMINES THE ACTIVITIES AND PREMISES OF PRACTITIONERS OF AN
 34 OCCUPATION OR PROFESSION TO ASCERTAIN IF THE PRACTITIONER IS CARRYING
 35 OUT HIS OR HER PROFESSION OR OCCUPATION IN A MANNER CONSISTENT WITH THE
 36 PUBLIC HEALTH, SAFETY AND WELFARE.
- 37 10. "KEY BLANK" MEANS A KEY THAT HAS NOT BEEN ALTERED OR CUT AND DOES
 38 NOT INCLUDE DEPTH KEYS.
- 39 11. "KEY DUPLICATION MACHINE" MEANS ANY DEVICE WHICH IS CAPABLE OF
 40 COPYING OR REPRODUCING KEYS.
- 41 12. "LICENSURE" MEANS A METHOD OF REGULATION WHEREBY THIS STATE,
 42 THROUGH THE ISSUANCE OF A LICENSE, AUTHORIZES A PERSON POSSESSING THE
 43 CHARACTER AND MINIMUM SKILLS TO ENGAGE IN THE PRACTICE OF THE LOCKSMITH
 44 PROFESSION OR OCCUPATION, WHICH IS UNLAWFUL TO PRACTICE WITHOUT A
 45 LICENSE.
- 46 13. "LOCKSMITH" MEANS A NATURAL PERSON WHO PERFORMS LOCKSMITH SERVICES
 47 AND ACCESS CONTROL SERVICES TO THE PUBLIC. "LOCKSMITH" DOES NOT INCLUDE
 48 ANY PERSON WHOSE ACTIVITIES ARE LIMITED TO MAKING A DUPLICATE KEY FROM
 49 AN EXISTING KEY OR WHOSE DUTIES ARE PRIMARILY CLERICAL OR FIDUCIARY.
- 50 14. "LOCKSMITHING TOOL" MEANS ANY TOOL THAT IS DESIGNED, OR INTENDED
 51 BY THE USER TO BE USED, TO OPEN A MECHANICAL OR ELECTRICAL LOCKING
 52 DEVICE BY A MEANS OTHER THAN THAT WHICH IS INTENDED BY THE MANUFACTURER
 53 OF SUCH DEVICE FOR NORMAL OPERATION.
- 54 15. "LOCKSMITH LICENSE" MEANS A LICENSE GRANTED TO A LOCKSMITH PURSU-
 55 ANT TO THIS ARTICLE.
- 56 16. "LOCKSMITH SERVICES" MEANS:

1 (A) SERVICING OR INSTALLING;

2 (B) REPAIRING, REBUILDING, REKEYING, REPINNING, SERVICING, ADJUSTING
3 OR INSTALLING LOCKS, MECHANICAL OR ELECTRONIC SECURITY DEVICES, SAFES,
4 VAULTS, OR SAFE DEPOSIT BOXES; AND

5 (C) OPERATING A LOCK, MECHANICAL OR ELECTRONIC SECURITY DEVICE, SAFE,
6 VAULT, OR SAFE DEPOSIT BOX BY A MEANS OTHER THAN THOSE INTENDED BY THE
7 MANUFACTURER OF SUCH DEVICES.

8 17. "MASTER KEY SYSTEM" MEANS ANY SYSTEM IN WHICH A LOCK IS REKEYED SO
9 THAT THE LOCK CAN BE OPERATED BY ITS OWN INDIVIDUAL KEY AND CAN ALSO BE
10 OPERATED BY A KEY THAT CAN OPERATE OTHER LOCKS IF THE OTHER LOCKS CANNOT
11 BE OPERATED WITH THE LOCK'S INDIVIDUAL KEY.

12 18. "ORGANIZATION" MEANS ANY ENTITY OTHER THAN A NATURAL PERSON,
13 INCLUDING BUT NOT LIMITED TO, A CORPORATION, PARTNERSHIP, SOLE PROPRIE-
14 TORSHIP, OR ASSOCIATION.

15 19. "PIN KIT" MEANS A CONTAINER THAT HOLDS ONLY THE FOLLOWING LOCK
16 PARTS AND MATERIALS:

17 (A) BOTTOM PINS;

18 (B) TOP PINS (NOT INCLUDING MASTER PINS);

19 (C) SPRINGS;

20 (D) PLUG FOLLOWER;

21 (E) PROPRIETARY TOOLS, PROVIDED BY A LOCK MANUFACTURER, DESIGNED FOR
22 THE PURPOSE OF REKEYING A LOCK.

23 20. "RECOMBINATION" MEANS CHANGING THE COMBINATION OF ANY COMBINA-
24 TION-ACTUATED LOCK.

25 21. "SAFE-OPENING TOOL" MEANS ANY TOOL THAT IS DESIGNED, OR INTENDED
26 BY THE USER TO BE USED, TO OPEN A SAFE, SAFE DEPOSIT BOX OR SIMILAR
27 OBJECT BY MEANS OTHER THAN THAT WHICH IS INTENDED BY THE MANUFACTURER OF
28 SUCH SAFE, VAULT, SAFE DEPOSIT BOX OR SIMILAR OBJECT FOR NORMAL OPENING.

29 22. "SECRETARY" MEANS THE SECRETARY OF STATE.

30 S 69-CC. LOCKSMITH ADVISORY BOARD. 1. THERE IS HEREBY CREATED WITHIN
31 THE DEPARTMENT THE "LOCKSMITH ADVISORY BOARD," HEREINAFTER REFERRED TO
32 AS THE "BOARD". SUCH BOARD SHALL CONSIST OF SEVEN MEMBERS: THREE LOCK-
33 SMITHS, ONE LAW ENFORCEMENT REPRESENTATIVE, AND THREE "CITIZEN MEMBERS".
34 THE LAW ENFORCEMENT REPRESENTATIVE AND ONE EACH OF THE LOCKSMITHS AND OF
35 THE CITIZEN MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, ONE EACH OF THE
36 LOCKSMITHS AND OF THE CITIZEN MEMBERS SHALL BE APPOINTED BY THE GOVERNOR
37 UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY, ONE EACH OF THE
38 LOCKSMITHS AND OF THE CITIZEN MEMBERS SHALL BE APPOINTED BY THE GOVERNOR
39 UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE. OF THE
40 OCCUPATIONAL MEMBERS, ALL SHALL HAVE AT LEAST FIVE YEARS EXPERIENCE IN
41 THE LOCKSMITH INDUSTRY AND BE CURRENTLY ENGAGED IN THAT INDUSTRY. THE
42 APPOINTEES SHALL ALL RESIDE IN THIS STATE AND REPRESENT THE STATE'S
43 RACIAL, ETHNIC, GENDER, GEOGRAPHIC, AND ECONOMIC DIVERSITY TO THE GREAT-
44 EST EXTENT POSSIBLE.

45 2. A "CITIZEN MEMBER" OF THE BOARD SHALL BE A PERSON WHO: (A) IS NOT
46 BY TRAINING OR EXPERIENCE A LOCKSMITH, (B) IS NOT A SPOUSE, PARENT,
47 CHILD, OR SIBLING OF A LOCKSMITH, AND (C) HAS NO DIRECT OR INDIRECT
48 FINANCIAL INTEREST, EXCEPT AS A CONSUMER, IN THE LOCKSMITH PROFESSION.

49 3. AT ITS FIRST MEETING, THE BOARD SHALL ELECT A CHAIRPERSON BY A
50 MAJORITY VOTE. STAFF SERVICES, INCLUDING RECORDING OF BOARD PROCEEDINGS,
51 SHALL BE PERFORMED BY PERSONNEL OF THE DEPARTMENT.

52 4. THE BOARD SHALL ADVISE THE DEPARTMENT AND THE DIVISION IN THE
53 ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE AND SHALL RECOMMEND TO
54 THE SECRETARY AND COMMISSIONER REGULATIONS NECESSARY TO EFFECTUATE THE
55 PROVISIONS OF THIS ARTICLE. ONCE THE SECRETARY DETERMINES THAT THE
56 FINAL REGULATIONS HAVE BEEN PROMULGATED, THE BOARD SHALL BE DISSOLVED.

1 5. THE MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION EXCEPT
2 THAT EACH OF THEM SHALL BE ALLOWED THE NECESSARY AND ACTUAL EXPENSES
3 WHICH HE OR SHE SHALL INCUR IN THE PERFORMANCE OF HIS OR HER DUTIES.

4 6. SHOULD ANY SEAT ON THE BOARD BECOME VACANT PRIOR TO THE BOARD'S
5 DISSOLUTION, THE GOVERNOR SHALL MAKE AN APPOINTMENT TO FILL THAT VACAN-
6 CY. IF THE BOARD MEMBER WHO PREVIOUSLY FILLED THE VACANT SEAT HAD BEEN
7 APPOINTED BASED UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY,
8 THEN THE SPEAKER MUST MAKE ANOTHER RECOMMENDATION TO THE GOVERNOR. IF
9 THE BOARD MEMBER WHO PREVIOUSLY FILLED THE VACANT SEAT HAD BEEN
10 APPOINTED BASED UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF
11 THE SENATE, THEN THE TEMPORARY PRESIDENT MUST MAKE ANOTHER RECOMMENDA-
12 TION TO THE GOVERNOR. IF A LOCKSMITH PREVIOUSLY FILLED THE VACANT SEAT,
13 THE NEW BOARD MEMBER MUST ALSO BE A LOCKSMITH. IF A LAW ENFORCEMENT
14 REPRESENTATIVE PREVIOUSLY FILLED THE VACANT SEAT, THE NEW BOARD MEMBER
15 MUST ALSO BE A LAW ENFORCEMENT REPRESENTATIVE. IF A CITIZEN MEMBER
16 PREVIOUSLY FILLED THE VACANT SEAT, THE NEW BOARD MEMBER MUST ALSO BE A
17 CITIZEN MEMBER.

18 7. IF THE GOVERNOR FAILS TO MAKE THE NECESSARY APPOINTMENTS TO THE
19 BOARD, OR IF THE SPEAKER OF THE ASSEMBLY OR THE TEMPORARY PRESIDENT OF
20 THE SENATE SHALL FAIL TO MAKE RECOMMENDATIONS TO THE GOVERNOR FOR
21 APPOINTMENT TO THE BOARD, THE CARRYING OUT OF THE REST OF THIS ARTICLE
22 SHALL NOT BE IMPEDED.

23 S 69-DD. PROMULGATION OF REGULATIONS AND STANDARDS. 1. THE DEPARTMENT
24 SHALL PROMULGATE REGULATIONS AND STANDARDS FOR THE TRAINING AND LICENS-
25 ING OF LOCKSMITHS. THE DEPARTMENT SHALL EXAMINE AND LICENSE LOCKSMITHS
26 AND MAY ESTABLISH CLASSIFICATIONS OF TRAINING AND LICENSING.

27 2. LOCKSMITH COMPETENCY STANDARDS AND ANY CHANGES THERETO SHALL BE
28 ESTABLISHED BY DEPARTMENT REGULATION AFTER A PUBLIC HEARING.

29 3. THE DEPARTMENT IS AUTHORIZED TO EVALUATE THE COMPETENCY OF APPLI-
30 CANTS FOR LOCKSMITH LICENSES. THE DEPARTMENT MAY EITHER DEVELOP AND
31 ADMINISTER AN EXAMINATION TO EVALUATE COMPETENCY, OR RELY ON AN EXAMINA-
32 TION DEVELOPED AND ADMINISTERED BY AN ACCREDITED PROFESSIONAL LOCKSMITH
33 ASSOCIATION.

34 4. THE DEPARTMENT MAY WAIVE EXAMINATION REQUIREMENTS FOR ANY PERSON
35 WHO HOLDS A VALID LOCKSMITH LICENSE IN ANOTHER STATE WITH WHICH RECI-
36 PROCITY HAS BEEN ESTABLISHED BY THE DEPARTMENT.

37 5. ANY PERSON APPLYING FOR A LICENSE UNDER THIS ACT WHO DOES NOT
38 OTHERWISE QUALIFY SHALL SERVE AN APPRENTICESHIP UNDER A LICENSED LOCK-
39 SMITH OR UNDER THE DEPARTMENT FOR A PERIOD OF TWO YEARS AND SHALL:

40 (A) COMPLETE THIRTY-TWO HOURS OF CONTINUING EDUCATION PER YEAR OF
41 DEPARTMENT-APPROVED CLASSES; AND

42 (B) IDENTIFY HIMSELF OR HERSELF AS AN "APPRENTICE LOCKSMITH" IN ALL
43 ADVERTISING.

44 S 69-EE. PROHIBITED ACTIVITIES. 1. NO PERSON SHALL ACT AS, OR OFFER TO
45 ACT AS, A LOCKSMITH UNLESS HE OR SHE HAS A LOCKSMITH LICENSE WHICH HAS
46 NOT EXPIRED OR BEEN REVOKED OR SUSPENDED.

47 2. NO ORGANIZATION SHALL PROVIDE OR OFFER THE SERVICES OF A LOCKSMITH
48 UNLESS SUCH SERVICES ARE, OR CAN BE, PROVIDED BY AN EMPLOYEE OF SUCH
49 ORGANIZATION WHO HAS A LOCKSMITH LICENSE WHICH HAS NOT EXPIRED OR BEEN
50 REVOKED OR SUSPENDED.

51 3. IT SHALL BE UNLAWFUL FOR ANY PERSON NOT LICENSED UNDER THE
52 PROVISIONS OF THIS ARTICLE TO ADVERTISE THAT HE OR SHE IS IN THE LOCK-
53 SMITH BUSINESS OR TO HOLD HIMSELF OR HERSELF OUT TO THE PUBLIC AS A
54 LOCKSMITH.

55 4. NOTHING IN THIS SECTION SHALL PROHIBIT THE EMERGENCY OPENING
56 SERVICES BY MEMBERS OF LAW ENFORCEMENT, FIRE DEPARTMENTS, OR OTHER

1 GOVERNMENT AGENCIES OR EMERGENCY PERSONNEL IN THEIR OFFICIAL LINE OF
2 DUTY.

3 5. NO APPRENTICE LOCKSMITH MAY HAVE A REGISTERED OR APPRENTICE LOCK-
4 SMITH WORKING UNDER HIS OR HER SUPERVISION.

5 6. IT SHALL BE UNLAWFUL FOR ANY PERSON OR ORGANIZATION TO ENGAGE IN
6 ANY OF THE FOLLOWING ACTS:

7 (A) MAKING USE OF ANY DESIGNATION PROVIDED BY STATUTE OR REGULATION TO
8 DENOTE A STANDARD OF PROFESSIONAL OR OCCUPATIONAL COMPETENCE WITHOUT
9 BEING DULY CERTIFIED OR LICENSED;

10 (B) MAKING USE OF ANY TITLE, WORDS, LETTERS, OR ABBREVIATIONS WHICH
11 MAY REASONABLY BE CONFUSED WITH A DESIGNATION PROVIDED BY STATUTE OR
12 REGULATION TO DENOTE A STANDARD OF PROFESSIONAL OR OCCUPATIONAL COMPE-
13 TENCE WITHOUT BEING DULY CERTIFIED OR LICENSED;

14 (C) PROVIDING MATERIAL MISREPRESENTING FACTS IN AN APPLICATION FOR
15 LICENSURE, CERTIFICATION, OR REGISTRATION; AND

16 (D) WILLFULLY REFUSING TO FURNISH THE DEPARTMENT INFORMATION OR
17 RECORDS REQUIRED OR REQUESTED PURSUANT TO STATUTE OR REGULATION.

18 S 69-FF. CRIMINAL PENALTY. ANY PERSON WHO WILLFULLY ENGAGES IN ANY
19 UNLAWFUL ACT ENUMERATED IN SECTION SIXTY-NINE-EE OF THIS ARTICLE SHALL
20 BE GUILTY OF A MISDEMEANOR. ANY SECOND OR SUBSEQUENT VIOLATION SHALL
21 CONSTITUTE A CLASS E FELONY.

22 S 69-GG. CIVIL PENALTY. 1. THE DEPARTMENT MAY INSTITUTE PROCEEDINGS IN
23 EQUITY TO ENJOIN ANY PERSON, PARTNERSHIP, CORPORATION, OR ANY OTHER
24 ENTITY FROM ENGAGING IN ANY UNLAWFUL ACT ENUMERATED IN SECTION
25 SIXTY-NINE-EE OF THIS ARTICLE. SUCH PROCEEDINGS SHALL BE BROUGHT IN THE
26 NAME OF THIS STATE BY THE DEPARTMENT IN THE CIRCUIT COURT OF THE CITY OR
27 COUNTY IN WHICH THE UNLAWFUL ACT OCCURRED OR IN WHICH THE DEFENDANT
28 RESIDES.

29 2. ANY PERSON LICENSED BY THE DEPARTMENT WHO KNOWINGLY VIOLATES ANY
30 STATUTE OR REGULATION PERTAINING TO THIS ARTICLE WHO IS NOT CRIMINALLY
31 PROSECUTED SHALL BE SUBJECT TO THE MONETARY PENALTY PROVIDED IN THIS
32 SECTION. IF THE DEPARTMENT DETERMINES THAT A RESPONDENT IS GUILTY OF THE
33 VIOLATION COMPLAINED OF, THE DEPARTMENT SHALL DETERMINE THE AMOUNT OF
34 THE MONETARY PENALTY FOR THE VIOLATION, WHICH SHALL NOT EXCEED ONE THOU-
35 SAND DOLLARS FOR EACH VIOLATION.

36 3. AFTER A FORMAL FACT-FINDING, WHEREIN A SANCTION IS IMPOSED TO FINE,
37 SUSPEND, REVOKE, OR DENY RENEWAL OF LICENSE, THE DEPARTMENT MAY ASSESS
38 THE HOLDER THEREOF THE COST OF CONDUCTING SUCH A FACT-FINDING WHEN THE
39 DEPARTMENT HAS FINAL AUTHORITY TO GRANT LICENSE, CERTIFICATE OR REGIS-
40 TRATION, UNLESS THE DEPARTMENT DETERMINES THAT THE OFFENSE IS INADVERT-
41 ENT OR DONE IN A GOOD FAITH BELIEF THAT SUCH ACT DID NOT VIOLATE A STAT-
42 UTE OR REGULATION. THE COST SHALL BE LIMITED TO (A) THE REASONABLE
43 HOURLY RATE FOR THE HEARING OFFICER, AND (B) THE ACTUAL COST OF RECORD-
44 ING THE PROCEEDINGS.

45 S 69-HH. LICENSURE. 1. THE SECRETARY OR HIS OR HER DESIGNEE SHALL BE
46 AUTHORIZED TO ISSUE LOCKSMITH LICENSES TO ALL QUALIFIED INDIVIDUALS IN
47 ACCORDANCE WITH REGULATIONS ESTABLISHED BY THE DEPARTMENT.

48 2. EFFECTIVE NOVEMBER FIRST, TWO THOUSAND TWELVE, NO LOCKSMITH SHALL
49 DO BUSINESS IN THIS STATE WITHOUT HAVING OBTAINED THE PROPER LOCKSMITH
50 LICENSE FROM THE DEPARTMENT. THE LICENSE SHALL NOT BE TRANSFERRED OR
51 ASSIGNED AND IS VALID ONLY WITH RESPECT TO THE PERSON TO WHOM IT IS
52 ISSUED. NO LICENSE SHALL BE GRANTED IF THE APPLICANT HAS AN UNPARDONED
53 FELONY IN HIS OR HER CRIMINAL RECORD OR HAD ANY PRIOR LICENSE TO DO
54 BUSINESS REVOKED FOR FRAUD, MISREPRESENTATION, OR ANY OTHER ACT THAT
55 WOULD CONSTITUTE A VIOLATION OF THIS SECTION. A PERSON SHALL NOT BE
56 REFUSED A LICENSE SOLELY BECAUSE OF A PRIOR CRIMINAL CONVICTION, UNLESS

1 THE CRIMINAL CONVICTION DIRECTLY RELATES TO THE PROFESSION OF LOCKSMITH-
2 ING. HOWEVER, THE DEPARTMENT SHALL HAVE THE AUTHORITY TO REFUSE A
3 LICENSE IF, BASED ON ALL THE INFORMATION AVAILABLE, INCLUDING THE APPLI-
4 CANT'S RECORD OF PRIOR CONVICTIONS, IT FINDS THAT THE APPLICANT IS UNFIT
5 OR UNSUITED TO ENGAGE IN THE PROFESSION OF LOCKSMITHING.

6 3. THE TERMS OF EACH LICENSE SHALL BE NO LONGER THAN TWO YEARS, WITH
7 ALL LICENSES EXPIRING ON THEIR ANNIVERSARY UNLESS RENEWED OR REVOKED.

8 4. ANY INDIVIDUAL SHALL HAVE AVAILABLE THE PHOTO IDENTIFICATION CARD
9 AT ALL TIMES WHEN PROVIDING LOCKSMITHING SERVICES.

10 5. AN ORGANIZATION SHALL DISPLAY AT ITS NORMAL PLACE OF BUSINESS AND
11 IN A MANNER EASILY READABLE BY THE GENERAL PUBLIC A CERTIFICATE FOR EACH
12 LICENSED LOCKSMITH EMPLOYED BY THE ORGANIZATION. EACH CERTIFICATE SHALL
13 CONTAIN THE LICENSEE'S NAME AND LICENSE NUMBER.

14 6. ANY INDIVIDUAL LICENSED OR REGISTERED UNDER THIS ARTICLE MUST SHOW
15 IN ALL ADVERTISING HIS OR HER LICENSE NUMBER.

16 7. ANY APPLICANT FOR LICENSURE WHO PROVIDES DOCUMENTATION THAT HE OR
17 SHE HAS PRACTICED AS A LOCKSMITH FOR AT LEAST TWO CONSECUTIVE YEARS
18 IMMEDIATELY PRECEDING HIS OR HER DATE OF APPLICATION AND IS STILL
19 ENGAGED IN THE TRADE SHALL BE EXEMPT FROM THE EXAMINATION REQUIREMENTS
20 CONTAINED IN THIS ARTICLE AND PROMULGATED BY THE DEPARTMENT IF HE OR SHE
21 APPLIES TO THE DEPARTMENT AND SUBMITS RELEVANT DOCUMENTATION PRIOR TO
22 NOVEMBER FIRST, TWO THOUSAND TWELVE. THE REQUIREMENTS FOR SUCH AN APPLI-
23 CATION SHALL BE DETERMINED BY THE DEPARTMENT. RELEVANT DOCUMENTATION
24 SHALL BE DETERMINED BY THE DEPARTMENT AND CAN INCLUDE, BUT IS NOT LIMIT-
25 ED TO, COMPLETION CERTIFICATES FROM AUTHORIZED CONTINUING LOCKSMITH
26 EDUCATION COURSES, MEMBERSHIP IN AN ACCREDITED PROFESSIONAL LOCKSMITH
27 ASSOCIATION, TEACHING LOCKSMITH CONTINUING EDUCATION COURSES, AND ARTI-
28 CLES WRITTEN BY THE LOCKSMITH THAT HAVE BEEN PUBLISHED IN PEER-REVIEWED
29 JOURNALS. THIS IS NOT INTENDED TO PROHIBIT A PRACTICING LOCKSMITH FROM
30 TAKING THE EXAM SHOULD HE OR SHE WISH TO DO SO.

31 8. A NONRESIDENT OF THIS STATE MAY BE LICENSED AS A LOCKSMITH BY MEET-
32 ING ONE OF THE FOLLOWING REQUIREMENTS:

33 (A) HE OR SHE CONFORMS TO THE PROVISIONS OF THIS ARTICLE AND THE REGU-
34 LATIONS OF THE DEPARTMENT; OR

35 (B) HE OR SHE HOLDS A VALID LOCKSMITH LICENSE IN ANOTHER STATE WITH
36 WHICH RECIPROCITY HAS BEEN ESTABLISHED BY THE DEPARTMENT.

37 NONRESIDENT APPLICANTS SHALL ALSO FILE WITH THE DEPARTMENT AN IRREV-
38 OCABLE CONSENT THAT SERVICE OF PROCESS UPON THE SECRETARY IS AS VALID
39 AND BINDING AS SERVICE OF PROCESS UPON THE APPLICANT. THE SECRETARY OR
40 HIS OR HER DESIGNEE SHALL NOTIFY OR CAUSE TO BE NOTIFIED BY CERTIFIED
41 MAIL THE NONRESIDENT LICENSEE NAMED IN A SERVICE AT THE LICENSEE'S
42 ADDRESS OF RECORD.

43 S 69-II. QUALIFICATIONS OF APPLICANTS. 1. AN APPLICANT FOR A LOCKSMITH
44 LICENSE SHALL:

45 (A) BE AT LEAST EIGHTEEN YEARS OF AGE;

46 (B) COMPLY WITH THE COMPETENCY REQUIREMENTS AS ESTABLISHED BY THE
47 DEPARTMENT;

48 (C) PAY A LICENSE FEE AS ESTABLISHED BY DEPARTMENT REGULATIONS;

49 (D) COMPLY WITH THE INSURANCE REQUIREMENTS OUTLINED IN SECTION SIXTY-
50 NINE-MM OF THIS ARTICLE; AND

51 (E) COMPLETE ALL APPLICATION REQUIREMENTS PURSUANT TO DEPARTMENT REGU-
52 LATIONS.

53 2. TWO COMPLETE SETS OF FINGERPRINTS THAT ARE VERIFIED TO BE THOSE OF
54 THE APPLICANT ALONG WITH A FINGERPRINT FEE, IN SUCH AMOUNT AS SHALL BE
55 DETERMINED BY THE DEPARTMENT, FOR THE COST OF THE DIVISION'S FULL SEARCH
56 AND RETAIN PROCEDURES. BEFORE APPROVING AN APPLICATION, IT SHALL BE THE

1 DUTY OF THE DEPARTMENT TO FORWARD ONE COPY OF SUCH FINGERPRINTS TO THE
2 DIVISION. UPON RECEIPT OF SUCH FINGERPRINTS, THE DIVISION SHALL, PURSU-
3 ANT TO ITS FULL SEARCH AND RETAIN PROCEDURES, FORWARD TO THE DEPARTMENT
4 A REPORT WITH RESPECT TO THE APPLICANT'S PREVIOUS CRIMINAL HISTORY, IF
5 ANY, OR A STATEMENT THAT THE APPLICANT HAS NO PREVIOUS CRIMINAL HISTORY.
6 IF ADDITIONAL COPIES OF FINGERPRINTS ARE REQUIRED, THE APPLICANT SHALL
7 FURNISH THEM UPON REQUEST. IF AN APPLICANT'S FINGERPRINT CARDS ARE
8 RETURNED TO THE DEPARTMENT AS UNCLASSIFIED BY THE DIVISION, THE AGENCY
9 HAS THIRTY DAYS AFTER NOTIFICATION IS SENT BY THE DEPARTMENT TO RESUBMIT
10 SUCH FINGERPRINTS TAKEN BY A DIFFERENT TECHNICIAN.

11 3. THE FORM OF APPLICATION, CERTIFICATE, PHOTO IDENTIFICATION CARD,
12 AND METHOD TO OBTAIN AND RENEW PHOTOGRAPHS SHALL BE ESTABLISHED BY THE
13 DEPARTMENT REGULATION AND ADMINISTERED BY THE SECRETARY OR HIS OR HER
14 DESIGNEE.

15 S 69-JJ. EMPLOYEE REQUIREMENTS. 1. ALL EMPLOYEES OF A LOCKSMITH WHO
16 PERFORM LOCKSMITHING SERVICES AS DEFINED BY SECTION SIXTY-NINE-BB OF
17 THIS ARTICLE SHALL HOLD A VALID LOCKSMITH LICENSE ISSUED BY THE DEPART-
18 MENT. THE HOLDER OF A LOCKSMITH LICENSE ISSUED UNDER THIS ARTICLE MAY
19 EMPLOY IN THE CONDUCT OF THE ORGANIZATION'S BUSINESS EMPLOYEES PURSUANT
20 TO THIS SECTION.

21 2. NO PERSON SHALL BE A REGISTERED EMPLOYEE OF A LICENSED LOCKSMITH
22 WHO:

23 (A) HAS BEEN DETERMINED BY THE DEPARTMENT TO BE UNFIT BY REASON OF
24 CONVICTION OF A FELONY OR MISDEMEANOR OFFENSE IN THIS OR IN ANOTHER
25 STATE OR CONVICTED OF ANY CRIME RELATED TO THE PRACTICE OF LOCKSMITHING.
26 THE DEPARTMENT SHALL PROMULGATE RULES FOR PROCEDURES BY WHICH THOSE
27 CIRCUMSTANCES SHALL BE DETERMINED AND THAT AFFORD THE APPLICANT DUE
28 PROCESS OF LAW;

29 (B) HAS HAD A LOCKSMITH LICENSE REFUSED, DENIED, SUSPENDED, OR REVOKED
30 UNDER THIS ARTICLE; OR

31 (C) HAS OTHERWISE VIOLATED ANY PROVISION OF THIS ARTICLE.

32 3. EACH LICENSED LOCKSMITH SHALL MAINTAIN A RECORD OF EACH LOCKSMITH
33 IN HIS OR HER EMPLOY. IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY
34 LAW, THE RECORD SHALL CONTAIN THE FOLLOWING INFORMATION:

35 (A) THE EMPLOYEE'S LICENSE NUMBER;

36 (B) A RECORD OF ALL DEPARTMENT-APPROVED CONTINUING EDUCATION CLASSES
37 TAKEN OR TAUGHT BY THE LOCKSMITH TOGETHER WITH THE DATES. EACH EMPLOYEE
38 MUST TAKE A MINIMUM OF SIXTEEN HOURS OF CONTINUING EDUCATION PER YEAR;
39 AND

40 (C) A RECORD OF ANY ARTICLES RELATED TO LOCKSMITHING WRITTEN BY THE
41 LOCKSMITH THAT WERE PUBLISHED IN PEER-REVIEWED JOURNALS.

42 4. THE LOCKSMITH WILL MAINTAIN A SEPARATE ROSTER OF THE NAMES OF ALL
43 EMPLOYEES HIRED AND ALL EMPLOYEES WHO LEFT THE LOCKSMITH'S EMPLOY FOR
44 ANY REASON WITHIN THE PREVIOUS MONTH AND SUBMIT THE ROSTER TO THE
45 DEPARTMENT ON OR BEFORE THE TENTH OF THE MONTH. THIS ROSTER SHALL
46 INCLUDE EMPLOYEES WHO ARE LICENSED LOCKSMITHS AND THOSE WHO ARE NOT. FOR
47 EACH EMPLOYEE, THE ROSTER SHALL INCLUDE THE EMPLOYEE'S NAME, ADDRESS,
48 DATE OF BIRTH, JOB TITLE, DATE OF HIRE, AND, IF APPLICABLE, THE EMPLOY-
49 EE'S LOCKSMITH LICENSE NUMBER. ROSTERS ARE TO BE MAINTAINED BY THE LOCK-
50 SMITH FOR A PERIOD OF AT LEAST TWENTY-FOUR MONTHS. THE LOCKSMITH IS NOT
51 REQUIRED TO SUBMIT A ROSTER FOR ANY MONTH DURING WHICH THERE WERE NO
52 EMPLOYMENT CHANGES. FAILURE TO MAINTAIN AND SUBMIT THE SPECIFIED ROSTER
53 SHALL RESULT IN A FINE IN AN AMOUNT UP TO FIVE HUNDRED DOLLARS OR OTHER
54 DISCIPLINARY ACTION BEING IMPOSED AGAINST THE LOCKSMITH. THE DEPARTMENT
55 MAY BY RULE PRESCRIBE FURTHER RECORD REQUIREMENTS.

1 5. A DULY AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT SHALL BE ALLOWED
2 COMPLETE ACCESS TO ALL RECORDS TO BE KEPT UNDER THIS SECTION UPON THREE
3 DAYS ADVANCE NOTICE IN WRITING PROVIDED TO THE LICENSED LOCKSMITH.

4 6. ANY LICENSED LOCKSMITH WHO KNOWINGLY HIRES AND/OR MAINTAINS AN
5 EMPLOYEE WHO IS IN VIOLATION OF THIS SECTION SHALL HAVE HIS OR HER
6 LICENSE TEMPORARILY SUSPENDED PENDING FURTHER ACTION BY THE DEPARTMENT.

7 S 69-KK. EXPIRATION AND RENEWAL. 1. ANY LICENSE GRANTED PURSUANT TO
8 THIS ARTICLE SHALL EXPIRE AT THE END OF ITS TERM UNLESS IT IS RENEWED
9 PURSUANT TO REGULATIONS ESTABLISHED BY THE DEPARTMENT OR REVOKED. THE
10 REGULATIONS FOR RENEWAL SHALL BE REASONABLE AND SHALL INCLUDE A REASON-
11 ABLE FEE THE COST OF WHICH SHALL NOT EXCEED THE ORIGINAL LICENSING FEE.

12 2. ALL INDIVIDUALS LICENSED UNDER THIS ARTICLE MUST COMPLETE AND/OR
13 TEACH A MINIMUM OF SIXTEEN HOURS OF CONTINUING EDUCATION PER YEAR OF
14 CLASSES APPROVED BY THE DEPARTMENT IN ORDER TO RENEW HIS OR HER LICENSE
15 AND PROVIDE DOCUMENTATION THEREOF. THE DEPARTMENT MAY, AT ITS
16 DISCRETION, ALLOW THE LICENSEE TO USE ARTICLES WRITTEN BY THE LICENSEE
17 THAT HAVE BEEN PUBLISHED IN PEER-REVIEWED JOURNALS TO MEET THIS REQUIRE-
18 MENT.

19 S 69-LL. LIST OF LOCKSMITHS. THE DEPARTMENT SHALL MAINTAIN A LIST OF
20 THE NAMES AND ADDRESSES OF ALL LOCKSMITHS LICENSED UNDER THIS ARTICLE.
21 THE LIST SHALL BE MADE AVAILABLE TO THE PUBLIC IN WRITTEN FORM UPON
22 REQUEST AND PAYMENT OF A REASONABLE FEE AND ON THE DEPARTMENT'S INTERNET
23 WEBSITE.

24 S 69-MM. INSURANCE. A LOCKSMITH SHALL MAINTAIN AN INSURANCE POLICY
25 SUFFICIENT FOR THE PURPOSE OF PAYING CLAIMS OR JUDGMENTS FOR DAMAGES
26 WHICH MAY OCCUR AS A RESULT OF NEGLIGENCE OF SAID LOCKSMITH OR HIS OR
27 HER EMPLOYEES. THE DEPARTMENT MAY ASK FOR PROOF OF INSURANCE AT ITS
28 DISCRETION.

29 S 69-NN. WORK ORDERS. 1. ANY LICENSED LOCKSMITH WHO KNOWINGLY AND
30 WILLFULLY PERFORMS A LOCKSMITH SERVICE, WHETHER OR NOT FOR COMPENSATION,
31 SHALL COMPLETE A WORK ORDER AT THE TIME THE SERVICE WAS PERFORMED AND
32 PROVIDE A COPY OF THE COMPLETED WORK ORDER TO THE PERSON FOR WHOM THE
33 SERVICE WAS PERFORMED.

34 2. THE WORK ORDER SHALL CONTAIN THE FOLLOWING INFORMATION:

35 (A) A DESCRIPTION OF THE WORK PERFORMED, THE APPROXIMATE LENGTH OF
36 TIME INVOLVED, AND AN ITEMIZED BREAKDOWN OF ANY FEES;

37 (B) THE NAME, SIGNATURE, BUSINESS CONTACT INFORMATION, AND LICENSE
38 NUMBER OF THE LOCKSMITH PERFORMING THE SERVICE;

39 (C) IF THE SERVICE PERFORMED BY THE LOCKSMITH INVOLVES THE OPENING OF
40 ANY RESIDENTIAL OR COMMERCIAL ESTABLISHMENT FOR ANOTHER PERSON BY ANY
41 METHOD, THE LOCKSMITH SHALL OBTAIN AND RECORD THE STREET ADDRESS OF THE
42 RESIDENT OR COMMERCIAL ESTABLISHMENT, THE SIGNATURE OF THE PERSON FOR
43 WHOM THE SERVICE WAS PERFORMED, AND THE FOLLOWING INFORMATION REGARDING
44 THE PERSON FOR WHOM THE SERVICE WAS PERFORMED: NAME, ADDRESS, TELEPHONE
45 NUMBER;

46 (D) IF THE SERVICE PERFORMED BY THE LOCKSMITH INVOLVES THE OPENING OF
47 A MOTOR VEHICLE, PERSONAL PROPERTY REGISTERED UNDER THE VEHICLE CODE, OR
48 ANY OTHER PIECE OF PERSONAL PROPERTY FOR ANOTHER PERSON BY ANY METHOD,
49 THE LOCKSMITH SHALL OBTAIN AND RECORD THE LOCATION WHERE THE WORK WAS
50 PERFORMED, THE VIN NUMBER OF THE VEHICLE (IF APPLICABLE), THE SIGNATURE
51 OF THE PERSON FOR WHOM THE SERVICE WAS PERFORMED, AND THE FOLLOWING
52 INFORMATION REGARDING THE PERSON FOR WHOM THE SERVICE WAS PERFORMED:
53 NAME, ADDRESS, TELEPHONE NUMBER;

54 (E) A STATEMENT DECLARING THAT THE PERSON FOR WHOM THE WORK WAS
55 PERFORMED AND WHO SIGNED THE WORK ORDER IS AUTHORIZED TO HAVE ENGAGED
56 THE SERVICES OF THE LOCKSMITH FOR THE WORK DESCRIBED ON THE WORK ORDER.

1 BEFORE PERFORMING THE SERVICE, THE LOCKSMITH SHALL MAKE A REASONABLE
2 GOOD FAITH EFFORT TO ASCERTAIN IF THE PERSON FOR WHOM THE SERVICE IS TO
3 BE PERFORMED IS AUTHORIZED TO ENGAGE THE LOCKSMITH TO DO SO. IF THE
4 PERSON IS NOT THE OWNER OF THE BUILDING, VEHICLE, OR ITEM TO BE OPENED,
5 THE LOCKSMITH SHALL OBTAIN AND NOTE ON THE WORK ORDER THE NAME, ADDRESS,
6 AND TELEPHONE NUMBER OF THE OWNER AS WELL AS A DESCRIPTION OF THE
7 RELATIONSHIP BETWEEN THE OWNER AND THE CUSTOMER;

8 (F) IF THE LOCKSMITH CANNOT AFTER A REASONABLE GOOD FAITH EFFORT
9 OBTAIN ANY OF THE ABOVE INFORMATION, THE LOCKSMITH SHALL INDICATE SO ON
10 THE WORK ORDER AND STATE HIS OR HER REASON OR REASONS FOR PROCEEDING
11 WITH THE SERVICE IN THE ABSENCE OF SUCH IDENTIFICATION.

12 3. THE LOCKSMITH SHALL RETAIN A COPY OF EACH WORK ORDER FOR A MINIMUM
13 OF ONE YEAR.

14 4. THE WORK ORDERS SHALL BE OPEN FOR INSPECTION BY ANY LAW ENFORCEMENT
15 OFFICER WHO IS AUTHORIZED TO VIEW SUCH RECORDS OR BY THE DEPARTMENT
16 DURING BUSINESS HOURS OR SUBMITTED TO THE DEPARTMENT UPON REQUEST. THE
17 DEPARTMENT SHALL CREATE AND MAINTAIN A SAMPLE WORK ORDER FORM AND MAKE
18 SUCH FORM AVAILABLE ON THE DEPARTMENT WEBSITE FOR USE BY LOCKSMITHS.

19 S 69-00. EXCLUSIONS. THIS ARTICLE DOES NOT APPLY TO THE FOLLOWING
20 PERSONS:

21 1. ANY PERSON, OR HIS OR HER AGENT OR EMPLOYEE, WHO IS THE MANUFACTUR-
22 ER OF A PRODUCT, OTHER THAN LOCKS AND KEYS, AND WHO INSTALLS, REPAIRS,
23 OPENS, OR MODIFIES LOCKS OR WHO MAKES KEYS FOR THE LOCKS OF THAT PRODUCT
24 AS A NORMAL INCIDENT TO ITS MARKETING.

25 2. EMPLOYEES WHO ARE INDUSTRIAL OR INSTITUTIONAL LOCKSMITHS AND
26 PROVIDED THAT SUCH EMPLOYEES PROVIDE LOCKSMITH SERVICES ONLY TO A SINGLE
27 EMPLOYER WHO DOES NOT PROVIDE LOCKSMITH SERVICES FOR HIRE TO THE PUBLIC.

28 3. TOW TRUCK OPERATORS AND MOTOR VEHICLE REPAIR TECHNICIANS WHO DO NOT
29 ORIGINATE KEYS FOR LOCKS AND WHOSE LOCKSMITH SERVICES ARE LIMITED TO
30 MOTOR VEHICLE LOCKS.

31 4. MOTOR VEHICLE MANUFACTURES AND DEALERS AND THEIR AUTHORIZED AGENTS
32 SO LONG AS THE LOCKSMITH SERVICES ARE LIMITED TO SERVICING, INSTALLING,
33 REPAIRING, AND REBUILDING OF AUTOMOTIVE LOCKS.

34 5. ANY PERSON EMPLOYED EXCLUSIVELY AND REGULARLY BY A STATE CORREC-
35 TIONAL INSTITUTION WHILE ACTING IN THE NORMAL COURSE OF HIS OR HER
36 EMPLOYMENT.

37 6. ANY AGENT OR EMPLOYEE OF A RETAIL ESTABLISHMENT THAT HAS A PRIMARY
38 BUSINESS OTHER THAN PROVIDING LOCKSMITH SERVICES, PROVIDING ALL OF THE
39 FOLLOWING CRITERIA ARE MET:

40 (A) THE LOCKSMITH SERVICES PROVIDED BY THE RETAIL ESTABLISHMENT ARE
41 LIMITED TO KEY DUPLICATING, REKEYING AND RECOMBINATION OF LOCKS, AND THE
42 SALE OF PREVIOUSLY MANUFACTURED LOCKS;

43 (B) ANY KEY DUPLICATING, REKEYING AND RECOMBINATION, AND INSTALLATION
44 OF LOCKS MUST TAKE PLACE ON THE PREMISES OF THE RETAIL ESTABLISHMENT;

45 (C) NO UNLICENSED AGENT OR EMPLOYEE OF THE RETAIL ESTABLISHMENT SHALL
46 ADVERTISE OR REPRESENT HIMSELF OR HERSELF TO BE LICENSED UNDER THIS
47 CHAPTER, AND NO AGENT OR EMPLOYEE OF THE RETAIL ESTABLISHMENT SHALL
48 ADVERTISE OR REPRESENT HIMSELF OR HERSELF TO BE A LOCKSMITH;

49 (D) NO AGENT OR EMPLOYEE OF THE RETAIL ESTABLISHMENT SHALL DESIGN OR
50 IMPLEMENT A MASTER KEY SYSTEM; AND

51 (E) THE RETAIL ESTABLISHMENT SHALL NOT HAVE ON ITS PREMISES ANY LOCK-
52 SMITH TOOL, OTHER THAN THE FOLLOWING:

53 (I) KEY DUPLICATION MACHINES;

54 (II) KEY BLANKS; OR

55 (III) PIN KITS.

1 7. RETAIL MERCHANTS WHO INSTALL, PROGRAM, REPAIR, MAINTAIN, REPROGRAM,
2 REBUILD, OR SERVICE ELECTRONIC GARAGE DOOR DEVICES, SO LONG AS THE
3 MERCHANT IS NOT ALSO PROVIDING LOCKSMITH SERVICES AS DEFINED IN SECTION
4 SIXTY-NINE-BB OF THIS ARTICLE.

5 8. MAINTENANCE EMPLOYEES AND SECURITY PERSONNEL WHO OPEN LOCKS WHILE
6 ACTING IN THE NORMAL COURSE OF THEIR EMPLOYMENT.

7 9. ANY LAW ENFORCEMENT OFFICER EMPLOYED BY ANY CITY, COUNTY, STATE, OR
8 FEDERAL LAW ENFORCEMENT AGENCY, IF ALL SERVICES ARE PERFORMED DURING THE
9 COURSE OF THE OFFICER'S PROFESSIONAL DUTIES.

10 10. FIREFIGHTERS OR EMERGENCY PERSONNEL EMPLOYED BY ANY CITY, COUNTY,
11 DISTRICT, STATE, OR FEDERAL AGENCY, IF ALL SERVICES ARE PERFORMED DURING
12 THE COURSE OF DUTIES AS A FIREFIGHTER OR EMERGENCY PERSON.

13 11. SALES REPRESENTATIVES WHO ARE NOT LICENSED, WHO DO NOT IDENTIFY
14 THEMSELVES AS LOCKSMITHS, AND WHOSE BUSINESS IS RESTRICTED TO MAKING
15 BONA FIDE SALES DEMONSTRATIONS TO LOCKSMITHS.

16 S 69-PP. APPLICABILITY. 1. THIS ARTICLE SHALL APPLY TO ALL LOCKSMITHS,
17 PROVIDED, HOWEVER, THAT A POLITICAL SUBDIVISION MAY IMPOSE OTHER
18 REQUIREMENTS THAT ARE IN ADDITION TO THE MINIMUM STANDARDS SET FORTH IN
19 THIS ARTICLE.

20 2. THE PROVISIONS OF THIS ARTICLE SHALL NOT BE CONSTRUED TO LIMIT IN
21 ANY WAY THE AUTHORITY OF A POLITICAL SUBDIVISION TO ENACT, IMPLEMENT AND
22 CONTINUE TO ENFORCE LOCAL LAWS AND REGULATIONS GOVERNING LOCKSMITHS THAT
23 WERE IN EFFECT PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE, OR TO ENACT,
24 IMPLEMENT AND ENFORCE ANY AMENDMENTS THERETO AFTER THE EFFECTIVE DATE OF
25 THIS ARTICLE.

26 S 3. If any clause, sentence, paragraph, section or part of this arti-
27 cle shall be adjudged by any court of competent jurisdiction to be
28 invalid and after exhaustion of all further judicial review, the judg-
29 ment shall not affect, impair or invalidate the remainder thereof, but
30 shall be confined in its operation to the clause, sentence, paragraph,
31 section or part of this article directly involved in the controversy in
32 which the judgment shall have been rendered.

33 S 4. This act shall take effect on the one hundred eightieth day after
34 it shall have become a law; provided, however, that effective immediate-
35 ly, the addition, amendment and/or repeal of any rule or regulation
36 necessary for the implementation of this act on its effective date are
37 authorized and directed to be made and completed on or before such
38 effective date.