
SENATE BILL 5177

State of Washington

62nd Legislature

2011 Regular Session

By Senator Carrell

Read first time 01/17/11. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to the licensure of locksmiths; amending RCW
2 18.170.020, 18.170.030, 18.170.070, 18.170.120, 18.170.130, 18.170.140,
3 18.170.160, 18.170.164, 18.170.180, and 18.235.020; reenacting and
4 amending RCW 18.170.010 and 43.24.150; adding a new section to chapter
5 18.170 RCW; and providing an effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 18.170.010 and 2007 c 306 s 1 and 2007 c 154 s 1 are
8 each reenacted and amended to read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "Armed private security guard" means a private security guard
12 who has a current firearms certificate issued by the commission and is
13 licensed as an armed private security guard under this chapter.

14 (2) "Armored vehicle guard" means a person who transports in an
15 armored vehicle under armed guard, from one place to another place,
16 valuables, jewelry, currency, documents, or any other item that
17 requires secure delivery.

18 (3) "Burglar alarm response runner" means a person employed by a
19 private security company to respond to burglar alarm system signals.

1 (4) "Burglar alarm system" means a device or an assembly of
2 equipment and devices used to detect or signal unauthorized intrusion,
3 movement, or exit at a protected premises, other than in a vehicle, to
4 which police or private security guards are expected to respond.

5 (5) "Chief law enforcement officer" means the elected or appointed
6 police administrator of a municipal, county, or state police or
7 sheriff's department that has full law enforcement powers in its
8 jurisdiction.

9 (6) "Classroom instruction" means training that takes place in a
10 setting where individuals receiving training are assembled together and
11 learn through lectures, study papers, class discussion, textbook study,
12 or other means of organized formal education techniques, such as video,
13 closed circuit, or other forms of electronic means, and as
14 distinguished from individual instruction.

15 (7) "Commission" means the criminal justice training commission
16 established in chapter 43.101 RCW.

17 (8) "Department" means the department of licensing.

18 (9) "Department-certified trainer" means any person who has been
19 approved by the department by receiving a passing score on a
20 department-administered examination, to administer department-provided
21 examinations and attest that training or testing requirements have been
22 met.

23 (10) "Director" means the director of the department of licensing.

24 (11) "Employer" includes any individual, firm, corporation,
25 partnership, association, company, society, manager, contractor,
26 subcontractor, bureau, agency, service, office, or an agent of any of
27 the foregoing that employs or seeks to enter into an arrangement to
28 employ any person as a private security guard.

29 (12) "Emergency" means imminent threat to life or property.

30 (13) "Firearms certificate" means the certificate issued by the
31 commission.

32 ~~((13))~~ (14) "Individual instruction" means training that takes
33 place either on-the-job or through formal education techniques, such as
34 video, closed circuit, internet, or other forms of electronic means,
35 and as distinguished from classroom instruction.

36 ~~((14))~~ (15) "Licensee" means a person granted a license required
37 by this chapter.

1 ~~((15))~~ (16) "Lock" means any mechanical, electromechanical,
2 electronic, or electromagnetic device, including any peripheral
3 hardware, such as closed circuit television systems, wireless or
4 infrared transmitters, card readers, keypads, or biometric scanners
5 that are designed to control access or egress or to control the use of
6 something.

7 (17) "Locksmith" means any person licensed to perform locksmith
8 services for compensation. "Locksmith" does not mean a person whose
9 activities are limited to making duplicate keys. For the purposes of
10 this subsection, "compensation" means money, fee, emolument, quid pro
11 quo, barter, remuneration, pay, reward, indemnification, or
12 satisfaction.

13 (18) "Locksmith services" or "locksmithing" means:

14 (a) Selling, installing, servicing, repairing, repining,
15 recombinating, and adjusting locks, safes, vaults, or safe deposit
16 boxes;

17 (b) Originating keys;

18 (c) Operating, bypassing, or neutralizing locks, safes, vaults, or
19 safe deposit boxes;

20 (d) Creating, documenting, selling, installing, managing, and
21 servicing master-key systems;

22 (e) Unlocking, bypassing, or neutralizing locks for motor vehicles;

23 (f) Originating of keys for motor vehicles, which can include the
24 programming, reprogramming, or bypassing of any security transponder,
25 or immobilizer systems or subsequent technology built by the
26 manufacturer; and

27 (g) Keying or recombinating motor vehicle locks.

28 (19) "Person" includes any individual, firm, corporation,
29 partnership, association, company, society, manager, contractor,
30 subcontractor, bureau, agency, service, office, or an agent or employee
31 of any of the foregoing.

32 ~~((16))~~ (20) "Primary responsibility" means activity that is
33 fundamental to, and required or expected in, the regular course of
34 employment and is not merely incidental to employment.

35 ~~((17))~~ (21) "Principal corporate officer" means the president,
36 vice president, treasurer, secretary, comptroller, or any other person
37 who performs the same functions for the corporation as performed by
38 these officers.

1 (~~(18)~~) (22) "Private security company" means a person or entity
2 licensed under this chapter and engaged in the business of providing
3 the services of private security guards on a contractual basis.

4 (~~(19)~~) (23) "Private security guard" means an individual who is
5 licensed under this chapter and principally employed as or typically
6 referred to as one of the following:

- 7 (a) Security officer or guard;
- 8 (b) Patrol or merchant patrol service officer or guard;
- 9 (c) Armed escort or bodyguard;
- 10 (d) Armored vehicle guard;
- 11 (e) Burglar alarm response runner; or
- 12 (f) Crowd control officer or guard.

13 (~~(20)~~) (24) "Qualifying agent" means an officer or manager of a
14 corporation who meets the requirements set forth in this chapter for
15 obtaining a license to own or operate a private security company.

16 (~~(21)~~) (25) "Sworn peace officer" means a person who is an
17 employee of the federal government, the state, a political subdivision,
18 agency, or department branch of a municipality, or other unit of local
19 government, and has law enforcement powers.

20 **Sec. 2.** RCW 18.170.020 and 2007 c 154 s 2 are each amended to read
21 as follows:

22 The requirements of this chapter do not apply to:

23 (1) A person who is employed exclusively or regularly by one
24 employer and performs the functions of a private security guard solely
25 in connection with the affairs of that employer, if the employer is not
26 a private security company;

27 (2) A sworn peace officer while engaged in the performance of the
28 officer's official duties;

29 (3) Employees of police departments, fire departments, or other
30 governmental agencies providing emergency services in their official
31 line of duty;

32 (4) A sworn peace officer while employed by any person to engage in
33 off-duty employment as a private security guard, but only if the
34 employment is approved by the chief law enforcement officer of the
35 jurisdiction where the employment takes place and the sworn peace
36 officer does not employ, contract with, or broker for profit other

1 persons to assist him or her in performing the duties related to his or
2 her private employer; (~~(e~~

3 ~~(4)~~) (5)(a) A person performing crowd management or guest services
4 including, but not limited to, a person described as a ticket taker,
5 usher, door attendant, parking attendant, crowd monitor, or event staff
6 who:

7 ~~((a))~~ (i) Does not carry a firearm or other dangerous weapon
8 including, but not limited to, a stun gun, taser, pepper mace, or
9 nightstick;

10 ~~((b))~~ (ii) Does not wear a uniform or clothing readily
11 identifiable by a member of the public as that worn by a private
12 security officer or law enforcement officer; and

13 ~~((e))~~ (iii) Does not have as his or her primary responsibility
14 the detainment of persons or placement of persons under arrest.

15 (b) The exemption provided in this subsection (5) applies only when
16 a crowd has assembled for the purpose of attending or taking part in an
17 organized event, including preevent assembly, event operation hours,
18 and postevent departure activities;

19 (6) Sales representatives providing a bona fide sales demonstration
20 of products to locksmiths;

21 (7) An in-store employee of a hardware store, do-it-yourself home
22 products store, or other retail store, when rekeying locks just
23 purchased or about to be purchased, in the store where that employee
24 works;

25 (8) Any person using a key duplicating machine or key blanks in
26 their place of business;

27 (9) A property owner maintaining a file of key cutting data for a
28 master-key system on the property;

29 (10) An employee of a financial institution or trust company that
30 provides safe, safe deposit box, or vault opening or lock services at
31 his or her place of employment;

32 (11) An automotive service dealer, a lock manufacturer, or an agent
33 of a lock manufacturer servicing, installing, repairing, or rebuilding
34 automotive locks or originating and duplicating automotive keys;

35 (12) Building trades personnel installing locks or locking devices
36 on a project that requires a building permit; or

37 (13) A tow operator or repossessing agent possessing and using car
38 opening tools to unlock vehicles to facilitate towing or repossession.

1 **Sec. 3.** RCW 18.170.030 and 1995 c 277 s 1 are each amended to read
2 as follows:

3 An applicant must meet the following minimum requirements to obtain
4 a (~~(private security guard)~~) license under this chapter:

- 5 (1) Be at least eighteen years of age;
- 6 (2) Be a citizen of the United States or a resident alien;
- 7 (3) Not have been convicted of a crime in any jurisdiction, if the
8 director determines that the applicant's particular crime directly
9 relates to his or her capacity to perform the duties of a private
10 security guard or locksmith, as applicable, and the director determines
11 that the license should be withheld to protect the citizens of
12 Washington state. The director shall make her or his determination to
13 withhold a license because of previous convictions notwithstanding the
14 restoration of employment rights act, chapter 9.96A RCW;
- 15 (4) For security guard applicants, be employed by or have an
16 employment offer from a licensed private security company or be
17 licensed as a private security company;
- 18 (5) Satisfy the training requirements established by the director;
- 19 (6) Submit a set of fingerprints;
- 20 (7) For locksmith applicants, submit proof of compliance with
21 insurance and bonding requirements, as adopted by the director;
- 22 (8) For locksmith applicants, submit evidence of successful passage
23 of the written examination as required in section 7 of this act;
- 24 (9) Pay the required nonrefundable fee for each application; (~~and~~
25 ~~+8~~) (10) Submit a fully completed application that includes
26 proper identification on a form prescribed by the director for each
27 company of employment; and
- 28 (11) Other qualifications, as established by the director.

29 **Sec. 4.** RCW 18.170.070 and 1995 c 277 s 5 are each amended to read
30 as follows:

- 31 (1) The director shall issue a private security guard license card
32 to each licensed private security guard (~~and~~), an armed private
33 security guard license card to each licensed armed private security
34 guard, and a locksmith license card to each licensed locksmith.
- 35 (a) The license card may not be used as security clearance.
- 36 (b) A private security guard shall carry the license card whenever

1 he or she is performing the duties of a private security guard and
2 shall exhibit the card upon request.

3 (c) An armed private security guard shall carry the license card
4 whenever he or she is performing the duties of an armed private
5 security guard and shall exhibit the card upon request.

6 (d) A locksmith shall carry the license card whenever he or she is
7 performing the duties of a locksmith and shall exhibit the card upon
8 request.

9 (2) The director shall issue a license certificate to each licensed
10 private security company or locksmith company.

11 (a) Within seventy-two hours after receipt of the license
12 certificate, the licensee shall post and display the certificate in a
13 conspicuous place in the principal office of the licensee within the
14 state.

15 (b) It is unlawful for any person holding a license certificate to
16 knowingly and willfully post the license certificate upon premises
17 other than those described in the license certificate or to materially
18 alter a license certificate.

19 (c) Every advertisement by a licensee that solicits or advertises
20 business shall contain the name of the licensee, the address of record,
21 and the license number as they appear in the records of the director.

22 (d) The licensee shall notify the director within thirty days of
23 any change in the licensee's officers or directors or any material
24 change in the information furnished or required to be furnished to the
25 director.

26 (3) A license issued under this section expires one year after
27 issuance. The department shall develop renewal procedures.

28 **Sec. 5.** RCW 18.170.120 and 1995 c 277 s 9 are each amended to read
29 as follows:

30 (1) Any person from another state that the director determines has
31 selection, training, and other requirements at least equal to those
32 required by this chapter, and who holds a valid license, registration,
33 identification, or similar card issued by the other state, may apply
34 for a (~~private security guard license card or armed private security~~
35 ~~guard license card~~) license under this chapter on a form prescribed by
36 the director. Upon receipt of a processing fee to be determined by the

1 director, the director shall issue the individual (~~(a private security~~
2 ~~guard license card or armed private security guard)) an applicable
3 license card.~~

4 (2) A valid private security guard license, registration,
5 identification, or similar card issued by any other state of the United
6 States is valid in this state for a period of ninety days, but only if
7 the licensee is on temporary assignment as a private security guard for
8 the same employer that employs the licensee in the state in which he or
9 she is a permanent resident.

10 (3) A person from another state on temporary assignment in
11 Washington may not solicit business in this state or represent himself
12 or herself as licensed in this state.

13 **Sec. 6.** RCW 18.170.130 and 1995 c 277 s 10 are each amended to
14 read as follows:

15 (1) Applications for licenses required under this chapter shall be
16 filed with the director on a form provided by the director. The
17 director may require any information and documentation that reasonably
18 relates to the need to determine whether the applicant meets the
19 criteria.

20 (2) After receipt of an application for a license, the director
21 shall conduct an investigation to determine whether the facts set forth
22 in the application are true and shall request that the Washington state
23 patrol compare the fingerprints submitted with the application to
24 fingerprint records available to the Washington state patrol. The
25 Washington state patrol shall forward the fingerprints of applicants
26 for an armed private security guard license to the federal bureau of
27 investigation for a national criminal history records check. The
28 applicant is required to pay the current federal and state fees for
29 fingerprint-based criminal history records check. The director may
30 require that fingerprint cards of licensees be periodically reprocessed
31 to identify criminal convictions subsequent to registration. The
32 department may consider the recent issuance of a license that required
33 a fingerprint-based national criminal information records check, in
34 order to accelerate the registration process.

35 (3) The director shall solicit comments from the chief law
36 enforcement officer of the county and city or town in which the

1 applicant's employer is located on issuance of a permanent private
2 security guard license.

3 (4) A summary of the information acquired under this section, to
4 the extent that it is public information, shall be forwarded by the
5 department to the applicant's employer.

6 NEW SECTION. **Sec. 7.** A new section is added to chapter 18.170 RCW
7 to read as follows:

8 Applicants for locksmith licensure must pass a written examination
9 that is psychometrically valid, reliable, and legally defensible by the
10 state. The examination is to be developed, maintained, and
11 administered by the department. The director may choose to use an
12 examination prepared by a national entity.

13 **Sec. 8.** RCW 18.170.140 and 1991 c 334 s 14 are each amended to
14 read as follows:

15 (1) The provisions of this chapter relating to the licensing for
16 regulatory purposes of private security guards, armed private security
17 guards, ~~((and))~~ private security companies, locksmiths, and locksmith
18 companies are exclusive. No governmental subdivision of this state may
19 enact any laws or rules licensing for regulatory purposes such persons,
20 except as provided in subsections (2) and (3) of this section.

21 (2) This section shall not be construed to prevent a political
22 subdivision of this state from levying a business license fee, business
23 and occupation tax, or other tax upon private security companies or
24 locksmith companies if such fees or taxes are levied on other types of
25 businesses within its boundaries.

26 (3) This section shall not be construed to prevent this state or a
27 political subdivision of this state from licensing or regulating
28 private security companies or locksmith companies with respect to
29 activities performed or offered that are not of a security nature.

30 **Sec. 9.** RCW 18.170.160 and 1995 c 277 s 11 are each amended to
31 read as follows:

32 (1) After June 30, 1992, any person who performs the functions and
33 duties of a private security guard in this state without being licensed
34 in accordance with this chapter, or any person presenting or attempting
35 to use as his or her own the license of another, or any person who

1 gives false or forged evidence of any kind to the director in obtaining
2 a license, or any person who falsely impersonates any other licensee,
3 or any person who attempts to use an expired or revoked license, or any
4 person who violates any of the provisions of this chapter is guilty of
5 a gross misdemeanor.

6 (2) After January 1, 1992, a person is guilty of a gross
7 misdemeanor if he or she owns or operates a private security company in
8 this state without first obtaining a private security company license.

9 (3) After June 30, 1992, the owner or qualifying agent of a private
10 security company is guilty of a gross misdemeanor if he or she employs
11 an unlicensed person to perform the duties of a private security guard
12 without issuing the employee a valid temporary registration card if the
13 employee does not have in his or her possession a permanent private
14 security guard license issued by the department. This subsection does
15 not preclude a private security company from requiring applicants to
16 attend preassignment training classes or from paying wages for
17 attending the required preassignment training classes.

18 (4) After June 30, 1992, a person is guilty of a gross misdemeanor
19 if he or she performs the functions and duties of an armed private
20 security guard in this state unless the person holds a valid armed
21 private security guard license issued by the department.

22 (5) After June 30, 1992, it is a gross misdemeanor for a private
23 security company to hire, contract with, or otherwise engage the
24 services of an unlicensed armed private security guard knowing that he
25 or she does not have a valid armed private security guard license
26 issued by the director.

27 (6) It is a gross misdemeanor for a person to possess or use any
28 vehicle or equipment displaying the word "police" or "law enforcement
29 officer" or having any sign, shield, marking, accessory, or insignia
30 that indicates that the equipment or vehicle belongs to a public law
31 enforcement agency.

32 (7) It is a gross misdemeanor for any person who performs the
33 functions and duties of a private security guard to use any name that
34 includes the word "police" or "law enforcement" or that portrays the
35 individual or a business as a public law enforcement agency.

36 (8) It is the duty of all officers of the state and political
37 subdivisions thereof to enforce the provisions of this chapter. The

1 attorney general shall act as legal adviser of the director, and render
2 such legal assistance as may be necessary in carrying out the
3 provisions of this chapter.

4 (9) After June 30, 2013, it is unlawful for any person to perform
5 or offer to perform locksmith services without having been issued a
6 valid locksmith license.

7 **Sec. 10.** RCW 18.170.164 and 1997 c 58 s 838 are each amended to
8 read as follows:

9 The director shall immediately suspend ~~((any))~~ the license ~~((issued~~
10 ~~under this chapter if the holder))~~ of a person who has been certified
11 pursuant to RCW 74.20A.320 by the department of social and health
12 services as a person who is not in compliance with a support order ~~((or~~
13 ~~a residential or visitation order))~~. If the person has continued to
14 meet all other requirements for ~~((reinstatement))~~ a license under this
15 chapter during the suspension, reissuance of the license ~~((shall be))~~
16 is automatic upon the director's receipt of a release issued by the
17 department of social and health services stating that the ~~((person))~~
18 licensee is in compliance with the child support order. The procedure
19 in RCW 74.20A.320 is the exclusive administrative remedy for contesting
20 the establishment of noncompliance with a child support order, and
21 suspension of a license under this subsection, and satisfies the
22 requirements of RCW 34.05.422.

23 (2) The director shall establish by rule under what circumstances
24 a license may be suspended or revoked. These circumstances must be
25 based upon accepted industry standards.

26 **Sec. 11.** RCW 18.170.180 and 2007 c 256 s 9 are each amended to
27 read as follows:

28 The director or the director's designee has the following authority
29 in administering this chapter:

- 30 (1) To adopt, amend, and rescind rules as deemed necessary to carry
31 out this chapter;
- 32 (2) To adopt standards of professional conduct or practice; ~~((and))~~
- 33 (3) To employ such administrative and clerical staff as necessary
34 for the enforcement of this chapter; and
- 35 (4) Adopt fees as provided in RCW 43.24.086.

1 **Sec. 12.** RCW 18.235.020 and 2010 c 179 s 18 are each amended to
2 read as follows:

3 (1) This chapter applies only to the director and the boards and
4 commissions having jurisdiction in relation to the businesses and
5 professions licensed under the chapters specified in this section.
6 This chapter does not apply to any business or profession not licensed
7 under the chapters specified in this section.

8 (2)(a) The director has authority under this chapter in relation to
9 the following businesses and professions:

10 (i) Auctioneers under chapter 18.11 RCW;

11 (ii) Bail bond agents and bail bond recovery agents under chapter
12 18.185 RCW;

13 (iii) Camping resorts' operators and salespersons under chapter
14 19.105 RCW;

15 (iv) Commercial telephone solicitors under chapter 19.158 RCW;

16 (v) Cosmetologists, barbers, manicurists, and estheticians under
17 chapter 18.16 RCW;

18 (vi) Court reporters under chapter 18.145 RCW;

19 (vii) Driver training schools and instructors under chapter 46.82
20 RCW;

21 (viii) Employment agencies under chapter 19.31 RCW;

22 (ix) For hire vehicle operators under chapter 46.72 RCW;

23 (x) Limousines under chapter 46.72A RCW;

24 (xi) Notaries public under chapter 42.44 RCW;

25 (xii) Private investigators under chapter 18.165 RCW;

26 (xiii) Professional boxing, martial arts, and wrestling under
27 chapter 67.08 RCW;

28 (xiv) Real estate appraisers under chapter 18.140 RCW;

29 (xv) Real estate brokers and salespersons under chapters 18.85 and
30 18.86 RCW;

31 (xvi) Security guards and locksmiths under chapter 18.170 RCW;

32 (xvii) Sellers of travel under chapter 19.138 RCW;

33 (xviii) Timeshares and timeshare salespersons under chapter 64.36
34 RCW;

35 (xix) Whitewater river outfitters under chapter 79A.60 RCW;

36 (xx) Home inspectors under chapter 18.280 RCW;

37 (xxi) Body artists, body piercers, and tattoo artists, and body

1 art, body piercing, and tattooing shops and businesses, under chapter
2 18.300 RCW; and

3 (xxii) Appraisal management companies under chapter 18.310 RCW.

4 (b) The boards and commissions having authority under this chapter
5 are as follows:

6 (i) The state board (~~(of registration)~~) for architects established
7 in chapter 18.08 RCW;

8 (ii) The Washington state collection agency board established in
9 chapter 19.16 RCW;

10 (iii) The state board of registration for professional engineers
11 and land surveyors established in chapter 18.43 RCW governing licenses
12 issued under chapters 18.43 and 18.210 RCW;

13 (iv) The funeral and cemetery board established in chapter 18.39
14 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

15 (v) The state board of licensure for landscape architects
16 established in chapter 18.96 RCW; and

17 (vi) The state geologist licensing board established in chapter
18 18.220 RCW.

19 (3) In addition to the authority to discipline license holders, the
20 disciplinary authority may grant or deny licenses based on the
21 conditions and criteria established in this chapter and the chapters
22 specified in subsection (2) of this section. This chapter also governs
23 any investigation, hearing, or proceeding relating to denial of
24 licensure or issuance of a license conditioned on the applicant's
25 compliance with an order entered under RCW 18.235.110 by the
26 disciplinary authority.

27 **Sec. 13.** RCW 43.24.150 and 2009 c 429 s 4, 2009 c 412 s 21, and
28 2009 c 370 s 19 are each reenacted and amended to read as follows:

29 (1) The business and professions account is created in the state
30 treasury. All receipts from business or professional licenses,
31 registrations, certifications, renewals, examinations, or civil
32 penalties assessed and collected by the department from the following
33 chapters must be deposited into the account:

34 (a) Chapter 18.11 RCW, auctioneers;

35 (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;

36 (c) Chapter 18.145 RCW, court reporters;

37 (d) Chapter 18.165 RCW, private investigators;

- 1 (e) Chapter 18.170 RCW, security guards and locksmiths;
2 (f) Chapter 18.185 RCW, bail bond agents;
3 (g) Chapter 18.280 RCW, home inspectors;
4 (h) Chapter 19.16 RCW, collection agencies;
5 (i) Chapter 19.31 RCW, employment agencies;
6 (j) Chapter 19.105 RCW, camping resorts;
7 (k) Chapter 19.138 RCW, sellers of travel;
8 (l) Chapter 42.44 RCW, notaries public;
9 (m) Chapter 64.36 RCW, timeshares;
10 (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling; and
11 (o) Chapter 18.300 RCW.

12 Moneys in the account may be spent only after appropriation.
13 Expenditures from the account may be used only for expenses incurred in
14 carrying out these business and professions licensing activities of the
15 department. Any residue in the account shall be accumulated and shall
16 not revert to the general fund at the end of the biennium.

17 (2) The director shall biennially prepare a budget request based on
18 the anticipated costs of administering the business and professions
19 licensing activities listed in subsection (1) of this section, which
20 shall include the estimated income from these business and professions
21 fees.

22 NEW SECTION. **Sec. 14.** This act takes effect July 1, 2012.

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