
Commerce & Labor Committee

HB 1531

Brief Description: Requiring background checks for those providing locksmith services.

Sponsors: Representatives McCune, Angel, Haler, Campbell, Hinkle, Bailey, Condotta, Shea, Crouse, Chandler, Pearson, O'Brien, Williams, Johnson, Kristiansen and Smith.

Brief Summary of Bill

- Requires applicants for contractor registration who perform locksmith services to obtain fingerprint-based background checks for all principals and employees.
- Requires the Department of Labor and Industries to deny or suspend registrations if a background check reveals convictions of specified crimes.

Hearing Date: 2/13/09

Staff: Alison Hellberg (786-7152)

Background:

The Contractor Registration Act (Act) requires contractors to register with the Department of Labor and Industries (Department). "Contractor" includes any person who undertakes to construct, alter, repair, add to, subtract from, improve, develop, move, wreck, or demolish any building or other structure. "General contractor" is defined as a person whose business operations require the use of more than one building trade or craft upon a single job or project or under a single building permit. "Specialty contractor" is defined as a contractor whose operations do not fall within the definition of "general contractor."

One of the specialty contractor classifications established in rule by the Department is for "locks, security alarms, and warning systems." A contractor in this specialty sets up, installs, maintains and repairs all doors and door assemblies, gates, locks and locking devices, panic and fire-rated exit devices, manual and automatic operated gate and door closures and releases, jail and prison locking devices, and permanently installed or built-in safes and vaults, as well as early warning systems.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Applicants for registration must submit an application under oath that includes the applicant's Unified Business Identifier (UBI) number and evidence of workers' compensation coverage for any employees. Applicants must also file a surety bond or other security deposit and insurance or proof of financial responsibility. A certificate of registration is valid for two years.

The Department must deny an application if the applicant has an unsatisfied final judgment against him or her in an action based on work performed subject to the Act, if the applicant was an owner, principal, or officer of a partnership, corporation, or other entity with an unsatisfied final judgment in an action based on work performed subject to the Act, or if the applicant owes the Department penalties or fees.

The Department must suspend an active registration if the registrant has an unsatisfied final judgment against it for work within the scope of the Act. The Department also must suspend a registration if the registrant is a sole proprietor or an owner, principal, or officer of a registered contractor that has an unsatisfied final judgment against it for work within the scope of the Act.

Summary of Bill:

Applicants for contractor registration and renewal who perform locksmith services must complete a fingerprint-based background check. If the applicant is a partnership, corporation, or other entity, all owners, principals, or officers must also complete the background check. Any employees must also have background checks. The applicant is responsible for paying the current federal and state fees for fingerprint-based criminal history background checks. The Department may consider the recent issuance of a license that required a fingerprint-based national criminal information background check instead of requiring a new background check.

The Department is authorized to develop by rule a process for determining which applicants and registrants perform locksmith services and ensure all registrants performing locksmith services have a fingerprint and background check done on a regular basis. "Locksmith services" include repairing, rekeying, opening, modifying, servicing, or installing any mechanical, electromechanical, electronic, or electromagnetic device, or similar device, including any peripheral hardware, that is designed to control access from one area to another, or that is designed to control the use of a device.

The Department must deny or a suspend a registration if an applicant or registrant is engaged in locksmith services and any owner, principal, officer, or employee of the applicant's business entity has been convicted in this state or elsewhere of:

- a violent offense or sex offense;
- a felony involving a schedule I or II controlled substance; or
- theft, robbery, burglary, or trespass.

Rules Authority: The Department is authorized to develop by rule a process for determining which applicants and registrants perform locksmith services.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.