

SENATE BILL REPORT

SB 5177

As of February 9, 2011

Title: An act relating to the licensure of locksmiths.

Brief Description: Concerning the licensure of locksmiths.

Sponsors: Senator Carrell.

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 1/20/11.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Staff: Ingrid Mungia (786-7423)

Background: The Department of Licensing (Department) regulates many businesses and professions under specific licensing laws. Each business and profession is under either the disciplinary authority of the Director of the Department (Director), or a board or commission charged with regulating that particular profession. The Uniform Regulation of Business and Professions Act (URBPA) provides consolidated disciplinary procedures for these licensed businesses and professions.

Washington does not currently regulate locksmiths.

Summary of Bill: Beginning July 1, 2013, a license from the Department is required to perform locksmith services for compensation. The provisions licensing security guards and security guard companies are expanded to include the licensing of locksmiths and locksmith companies.

Locksmith services is the selling, installing, servicing, repairing, repining, recombining, and adjusting locks, safes, vaults, or safe deposit boxes; originating keys; operating, bypassing, or neutralizing locks, safes, vaults, or safe deposit boxes; creating, documenting, selling, installing, managing, and servicing master-key systems; unlocking, bypassing, or neutralizing locks for motor vehicles; originating of keys for motor vehicles; and keying or recombining motor vehicle locks.

Requirements for Licensure. To qualify for a locksmith license, an applicant must meet the following minimum requirements:

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- be at least eighteen years old;
- be a citizen of the United States or resident alien;
- not have been convicted of a crime in any jurisdiction;
- satisfy the training requirements established by the Director;
- submit a set of fingerprints;
- submit proof of compliance with insurance and bonding requirements, as adopted by the Director;
- submit evidence of successful passage of the written examination;
- pay the required nonrefundable fee; and
- other qualifications, as established by the Director.

The Director must issue a locksmith license card to each licensed locksmith. A locksmith must carry the license card whenever he or she is performing the duties of a locksmith and must exhibit the card upon request. A locksmith license expires after one year. The Department must develop license renewal procedures.

The Director may license an applicant who is a licensed or registered locksmith from another state if the individual's training and requirements are determined by the Director to be equivalent to Washington's requirements. A person from another state on temporary assignment in Washington may not solicit business in this state or represent himself or herself as licensed in this state.

Examination. Applicants for locksmith licensure must pass a written examination that is psychometrically valid, reliable, and legally defensible by the state. The examination is to be developed, maintained, and administered by the Department. The Director may choose to use an examination prepared by a national entity.

Exemptions from Licensure. The licensing requirements for security guards, security companies, and locksmiths do not apply to:

- a person who is employed exclusively or regularly by one employer and performs the function of a private security guard solely in connection with the affairs of that employer, if the employer is not a private security company;
- a sworn peace officer while engaged in the performance of the officer's official duties;
- employees of police departments, fire departments, or other governmental agencies providing emergency services in their official line of duty;
- a sworn peace officer while employed by any person to engage in off-duty employment as a private security guard;
- sales representatives providing a bona fide sales demonstration of products to locksmiths;
- an in-store employee of a hardware store, do-it-yourself home products store, or other retail store, when rekeying locks just purchased or about to be purchased, in the store where that employee works;
- any person using a key duplicating machine or key blanks in their place of business;
- a property owner maintaining a file of key cutting data for a master-key system on the property;
- an employee of a financial institution or trust company that provides safe, safe deposit box, or vault opening or lock services at his or her place of employment;

- an automotive service dealer, a lock manufacturer, or an agent of a lock manufacturer servicing, installing, repairing, or rebuilding automotive locks or originating and duplicating automotive keys;
- building trades personnel installing locks or locking devices on a project that requires a building permit; or
- a tow operator or repossessing agent possessing and using car opening tools to unlock vehicles to facilitate towing or repossession.

Locksmith Company. The Director must issue a license certificate to a licensed locksmith company. Within 72 hours after receipt of the license certificate, the licensee must post and display the certificate in a conspicuous place in the principal office of the licensee within the state. It is unlawful for any person holding a license certificate to knowingly and willfully post the license certificate upon a premises other than those described in the license certificate or to materially alter a license certificate. Every advertisement by a licensee must contain the name, address, and license number of the licensee as they appear in the records of the Director. The licensee must notify the Director within 30 days of any change in the licensee's officers or directors or any material change in the information furnished or required to be furnished to the director.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2012.

Staff Summary of Public Testimony: CON: The last two sessions there have been bills with similar goals. The appropriate way to handle this is through the Attorney General Office with the Consumer Protection Division. The way this bill is written is unattainable. The City of Olympia does have requirements for locksmiths. This bill would have a financial impact on small businesses. There are currently registration and bonding requirements under the contractor registration provisions from the Department of Labor and Industries. There are a lot of different locksmith specialties that would make a locksmith exam difficult.

Persons Testifying: CON: Jeffrey Trinin, Always Safe & Lock, Inc; Todd Sherman, Sherman Security & Locks.