

A-Engrossed
House Bill 3127

Ordered by the House May 4
Including House Amendments dated May 4

Sponsored by COMMITTEE ON BUSINESS AND LABOR

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Establishes Board of Locksmiths within Construction Contractors Board.] Requires person performing locksmithing services to be *[licensed by board]* **certified by Construction Contractors Board. Creates exceptions.** Requires business offering locksmithing services **to be licensed by board and** to provide services through employee *[licensed]* **certified** by board. *[Imposes information and record keeping requirements. Imposes information gathering requirement on locksmiths opening building or vehicle for person. Prohibits sale of locksmithing tools other than to locksmith or business employing locksmith. Prohibits duplicating certain keys.]*

[Makes violations of statutes or board rules subject to civil penalty, not to exceed \$10,000.]

Specifies duties of board. Allows board to suspend or revoke locksmith certificate for failure to comply with continuing education requirement or violation of certain board rules.

Requires board to implement certification process by January 1, 2010. Applies to person or business providing locksmithing services on or after July 1, 2010.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to locksmithing; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 701.

SECTION 2. (1) As used in this section:

(a) **“Key” means a mechanical, electromechanical, electronic, electromagnetic or other device for operating a lock.**

(b) **“Lock” means a mechanical, electromechanical, electronic, electromagnetic or other device that is designed to control access from one area to another or control the use of a device in a structure or vehicle.**

(c) **“Locksmith” means a person who services, installs, repairs, rebuilds, rekeys, repins or adjusts locks, hardware peripheral to locks, safes, vaults, safe deposit boxes or mechanical or electronic security systems.**

(2) **An individual may not undertake, offer to undertake or submit a bid to do work as a locksmith for compensation, or with the expectation to be compensated, unless the individual is certified as a locksmith under this section by the Construction Contractors Board and is an owner of, or employed by, a business that is licensed by the board.**

(3) **A business may not undertake, offer to undertake or submit a bid to provide locksmith services unless the business is licensed by the board under this chapter and has an owner or an employee who is certified as a locksmith under this section.**

(4) **The board shall adopt rules establishing minimum standards of practice and professional conduct for locksmiths and businesses that provide locksmith services.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (5) The board shall require that an applicant for certification as a locksmith pass a test
2 demonstrating the competency of the applicant to act as a locksmith.

3 (6) The board may adopt rules to regulate the practice of locksmithing, including but not
4 limited to rules:

5 (a) Accepting the results of competency testing by a nationally recognized certification
6 program for locksmiths;

7 (b) Establishing requirements for the issuance or renewal of a locksmith certificate, in-
8 cluding but not limited to training and continuing education requirements;

9 (c) Establishing standards of professional conduct for certified locksmiths; and

10 (d) Establishing fees necessary for the administration of this section that do not exceed
11 the following amounts:

12 (A) \$100 for application.

13 (B) \$100 for testing.

14 (C) \$300 for issuance of an initial two-year certificate.

15 (D) \$300 for renewal of a two-year certificate.

16 (7) The board shall adopt rules establishing procedures for the issuance, renewal and re-
17 vocation of a locksmith certificate.

18 (8) The board may suspend or revoke a locksmith certificate if the locksmith:

19 (a) Fails to comply with a continuing education requirement established by the board; or

20 (b) Violates a standard of professional conduct for certified locksmiths established by
21 board rule.

22 (9) Subsections (1) to (8) of this section do not apply to:

23 (a) A person offering key duplication services at a fixed location or ancillary to other
24 business activities, if the person does not undertake, offer to undertake or submit a bid to
25 undertake other locksmith services;

26 (b) An individual performing work within the scope of a license described in ORS 479.905
27 to 479.945;

28 (c) A tow truck operator performing work for a towing business certified under ORS
29 822.205; or

30 (d) An individual installing a new door, window or other article with a locking mechanism
31 that is manufactured and sold as a unit for installation in a structure, if the individual is
32 acting within the scope of employment with a person licensed under this chapter.

33 **SECTION 3.** (1) The locksmith certification requirement established under section 2 of
34 this 2009 Act applies to locksmith work performed on or after July 1, 2010. The requirement
35 established in section 2 of this 2009 Act that a business providing locksmithing services have
36 an owner or employee who is a certified locksmith becomes operative July 1, 2010.

37 (2) The Construction Contractors Board shall make certification as a locksmith available
38 for qualified applicants no later than January 1, 2010.

39 **SECTION 4.** This 2009 Act being necessary for the immediate preservation of the public
40 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
41 on its passage.