

B-Engrossed
House Bill 3127

Ordered by the House June 23
Including House Amendments dated May 4 and June 23

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.

Requires person performing locksmithing services to be certified by Construction Contractors Board. Creates exceptions. Requires business offering locksmithing services to be licensed by board and to provide services through employee certified by board. **Prohibits person from using certain titles that indicate or tend to indicate certification or licensure. Prohibits person from using sign, card or device that indicates or tends to indicate certification or licensure.**

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

1
2 Relating to locksmithing; and declaring an emergency.

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

4 **SECTION 1. Sections 2 to 5 of this 2009 Act are added to and made a part of ORS chapter**
5 **701.**

6 **SECTION 2. As used in sections 2 to 5 of this 2009 Act:**

7 (1) **"Key" means a mechanical, electromechanical, electronic, electromagnetic or other**
8 **device for operating a lock.**

9 (2) **"Lock" means a mechanical, electromechanical, electronic, electromagnetic or other**
10 **device that is designed to control access from one area to another or control the use of a**
11 **device in a structure or vehicle.**

12 (3) **"Locksmith" means a person who services, installs, repairs, rebuilds, rekeys, repins**
13 **or adjusts locks, hardware peripheral to locks, safes, vaults, safe deposit boxes or mechanical**
14 **or electronic security systems.**

15 **SECTION 3. (1) An individual may not undertake, offer to undertake or submit a bid to**
16 **do work as a locksmith for compensation, or with the expectation to be compensated, unless**
17 **the individual is certified as a locksmith under section 4 of this 2009 Act by the Construction**
18 **Contractors Board and is an owner of, or employed by, a business that is licensed by the**
19 **board.**

20 (2) **A business may not undertake, offer to undertake or submit a bid to provide**
21 **locksmith services unless the business is licensed by the board under this chapter and has**
22 **an owner or an employee who is certified as a locksmith under section 4 of this 2009 Act.**

23 (3) **A person may not use the title of locksmith, locksmith professional, commercial**

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 locksmith, lock installer or any title using a form of the word “locksmith” that indicates or
2 tends to indicate that the person is a locksmith or provider of locksmith services unless the
3 person is certified as a locksmith by the board or is a business licensed by the board that
4 has an owner or employee who is certified by the board as a locksmith.

5 (4) A person may not use any sign, card or device that indicates or tends to indicate that
6 the person is a locksmith or provider of locksmith services unless the person is certified as
7 a locksmith by the board or is a business licensed by the board that has an owner or em-
8 ployee who is certified by the board as a locksmith.

9 **SECTION 4.** (1) The Construction Contractors Board shall adopt rules establishing mini-
10 mum standards of practice and professional conduct for locksmiths and businesses that
11 provide locksmith services.

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

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

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

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

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

21 (d) Establishing fees necessary for the administration of sections 2 to 5 of this 2009 Act
22 that do not exceed the following amounts:

23 (A) \$100 for application.

24 (B) \$100 for testing.

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

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

27 (4) The board shall adopt rules establishing procedures for the issuance, renewal and re-
28 vocation of a locksmith certificate.

29 (5) The board may suspend or revoke a locksmith certificate if the locksmith:

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

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

33 **SECTION 5.** Sections 3 and 4 of this 2009 Act do not apply to:

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

37 (2) An individual performing work within the scope of a license described in ORS 479.905
38 to 479.945;

39 (3) A tow truck operator performing work for a towing business certified under ORS
40 822.205;

41 (4) A construction contractor licensed under this chapter or an owner, officer or em-
42 ployee of the licensed construction contractor, when acting within the scope of the contrac-
43 tor’s license, if the contractor, owner, officer or employee does not hold out as a provider
44 of locksmith services;

45 (5) Work performed by a manufacturer on a manufactured structure, modular building

1 or structure or prefabricated structure that is or was produced by the manufacturer;

2 (6) A property owner or regular employee of the property owner, when performing work
3 on the property;

4 (7) A property management company or the regular employee of a property management
5 company, when performing work on the managed property;

6 (8) A real estate property manager as defined in ORS 696.010, or the employee of a
7 property manager, performing work in the course of managing rental real estate;

8 (9) A landlord or landlord's agent, both as defined in ORS 90.100;

9 (10) A manufacturer of locks; or

10 (11) A person performing work as the representative of a manufacturer, wholesaler, dis-
11 tributor or retailer of locks.

12 SECTION 6. (1) The locksmith certification requirement established under section 3 of
13 this 2009 Act applies to locksmith work performed on or after July 1, 2010. The requirement
14 established under section 3 of this 2009 Act that a business providing locksmith services have
15 an owner or an employee who is a certified locksmith becomes operative July 1, 2010.

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

18 SECTION 7. This 2009 Act being necessary for the immediate preservation of the public
19 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
20 on its passage.

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