

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3127

By JOINT COMMITTEE ON WAYS AND MEANS

June 23

1 On page 1 of the printed A-engrossed bill, delete lines 4 through 22 and delete page 2 and insert:

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

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

5 **“(1) ‘Key’ means a mechanical, electromechanical, electronic, electromagnetic or other**
6 **device for operating a lock.**

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

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

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

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

21 **“(3) A person may not use the title of locksmith, locksmith professional, commercial**
22 **locksmith, lock installer or any title using a form of the word ‘locksmith’ that indicates or**
23 **tends to indicate that the person is a locksmith or provider of locksmith services unless the**
24 **person is certified as a locksmith by the board or is a business licensed by the board that**
25 **has an owner or employee who is certified by the board as a locksmith.**

26 **“(4) A person may not use any sign, card or device that indicates or tends to indicate**
27 **that the person is a locksmith or provider of locksmith services unless the person is certified**
28 **as a locksmith by the board or is a business licensed by the board that has an owner or**
29 **employee who is certified by the board as a locksmith.**

30 **“SECTION 4. (1) The Construction Contractors Board shall adopt rules establishing**
31 **minimum standards of practice and professional conduct for locksmiths and businesses that**
32 **provide locksmith services.**

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

35 **“(3) The board may adopt rules to regulate the practice of locksmithing, including but**

1 not limited to rules:

2 “(a) Accepting the results of competency testing by a nationally recognized certification
3 program for locksmiths;

4 “(b) Establishing requirements for the issuance or renewal of a locksmith certificate,
5 including but not limited to training and continuing education requirements;

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

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

9 “(A) \$100 for application.

10 “(B) \$100 for testing.

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

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

13 “(4) The board shall adopt rules establishing procedures for the issuance, renewal and
14 revocation of a locksmith certificate.

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

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

18 “(b) Violates a standard of professional conduct for certified locksmiths established by
19 board rule.

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

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

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

26 “(3) A tow truck operator performing work for a towing business certified under ORS
27 822.205;

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

32 “(5) Work performed by a manufacturer on a manufactured structure, modular building
33 or structure or prefabricated structure that is or was produced by the manufacturer;

34 “(6) A property owner or regular employee of the property owner, when performing work
35 on the property;

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

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

40 “(9) A landlord or landlord’s agent, both as defined in ORS 90.100;

41 “(10) A manufacturer of locks; or

42 “(11) A person performing work as the representative of a manufacturer, wholesaler,
43 distributor or retailer of locks.

44 “SECTION 6. (1) The locksmith certification requirement established under section 3 of
45 this 2009 Act applies to locksmith work performed on or after July 1, 2010. The requirement

1 established under section 3 of this 2009 Act that a business providing locksmith services have
2 an owner or an employee who is a certified locksmith becomes operative July 1, 2010.

3 “(2) The Construction Contractors Board shall make certification as a locksmith avail-
4 able for qualified applicants no later than January 1, 2010.

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

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