

Highlights from ALOA's Model Locksmith Licensing Law

- **Every individual** who works as (or with) a locksmith is licensed or registered.
- **Licensees are educated**, tested and receive continuing education through tried-and-true educational and testing formats created by ALOA.
- **Licensing fees** are earmarked for funding this title only; **Fines** are divided between the state's general revenue fund and the state agency that causes the actual levy of a specific fine.
- Civil and criminal **penalties are strong enough to genuinely deter misconduct**.
- Licensed Locksmiths are listed on a state **“.gov” website** accessible to the public.
- **A Certification Mark is registered** with the state (if available) and US Patent & Trademark Office for display on licensee's photo ID cards and businesses displays.
- There is an **apprenticeship** (journeyman) licensing provision to encourage honesty and competency amongst those seeking entry into the profession.
- The title has **clear definitions** regarding bad business practices and title violations.
- Ongoing state and national **background checks** that review criminal and civil misconduct.
- Locksmiths are required to present ongoing **proof of general liability insurance**.
- Locksmiths must carry **State-issued Photo-ID licenses** (similar to a driver license).
- There are explicit and enumerated **grounds for denial** of licensure.
- There are **specific criminal provisions** enabling prosecution of locksmith misconduct that are separate, distinct, and in addition to state deceptive practices laws.
- **Procedures for hearing and administrative appeals** of fines and license denial are clear.
- There are strict and specific **invoicing and record keeping requirements** including an on-demand right of inspection by local police department.
- There is **an advertising code that regulates internet search engines** and traditional listing services which defines legal notice of listing violation and bans fraudulent listings.
- **Enforcement provisions include a Private Right of Action** that enables any licensed locksmith or other aggrieved party to obtain an injunction against working as a locksmith by an unlicensed or violating party. This provision includes a right to recover attorney fees in the event that the injunction is granted.

Associated Locksmiths of America, Inc.'s
MODEL LOCKSMITH LICENSING LAW

GENERAL PROVISIONS

I. Definitions

- (a) In general: In this title the following words have the meanings indicated.
- (b) Business: "Business" means a commercial entity that provides locksmith services.
- (c) Employee: "Employee" means an individual employed by a licensed locksmith to perform non-locksmithing functions on behalf of the licensed locksmith. This includes, but is not limited to, accounting, cleaning services, or operating a cash register.
- (d) Fixed business address: "Fixed business address" means a single physical location within this state where a licensee conducts business and at which the licensee (or registered agent in case of corporate licensee) is personally available:
- (1) During normal business hours; or
 - (2) Other hours as provided in the application for the license.
- (e) License: "License" means a license issued by the Secretary or State Licensing Department to provide locksmith services.
- (f) Licensed locksmith: "Licensed locksmith" means, unless the context requires otherwise, an individual licensed by the Secretary or State Licensing Department to provide locksmithing services in any capacity, whether providing to the public or internally for a business, company, association, union, institution, or other organization.
- (g) Journeyman Locksmith: "Journeyman Locksmith" means an individual employed by a licensed locksmith who provides locksmith services under the supervision, control and employ of that licensed locksmith. This designation shall be valid for a period of no longer than 2 years and is intended to serve as a pathway for responsibly introducing individuals to the profession. Journeyman Locksmiths are not required to take the Locksmith Licensing Examination but must be at least 16 years of age.
- (h) Local law enforcement unit: "Local law enforcement unit" means the Department of State Police, a police department in the State, or sheriff in the State:
- (1) Designated by the county or municipal governing body for a licensee with an in-State fixed business address; or
 - (2) Designated by the Secretary or State Licensing Department for a licensee with an out-of-state fixed business address.

(j) Provide locksmith services: "Provide locksmith services" means to engage professionally and for compensation, in any capacity including institutionally:

(1) Repairing, rebuilding, rekeying, repinning, recombining, adjusting, or installing mechanical, electrical, or electromechanical locking devices, safes, vaults, or safe deposit boxes; or

(2) Operating a mechanical, electrical, or electromechanical locking device or opening safes, vaults, or safe deposit boxes by a means other than that intended by the manufacturer of such locking devices.

(k) Qualifying Education Requirement: "Qualifying Education Requirement" refers to the locksmith education curriculum designed by the ALOA Security Professionals Association, Inc. trade association to ensure competency, proficiency, and professionalism as a prerequisite to Locksmith Licensure. This course is designed to culminate in the Locksmith Licensing Examination.

(l) Locksmith Licensing Examination: The "Locksmith Licensing Examination" shall refer to the examination given by the state to verify professional competency amongst Licensed Locksmiths. The examination shall be modeled on the certification examination conducted by the ALOA Security Professionals Association, Inc. trade association and shall be administered by the Secretary or State Licensing Board no less than 4 times per year. There shall be no limit on the number of times an applicant may sit for the Exam.

(M) Continuing Locksmith Education: Licensed Locksmiths shall complete a minimum of fifteen (15) hours every two (2) years of continuing locksmith education. The Secretary or State Licensing Department shall publish on a yearly basis a listing of approved courses offered by the Secretary or State Licensing Board or other professional locksmith associations that shall be considered toward the Continuing Locksmith Education requirement of this title.

(N) Certified Specialist Locksmith: A locksmith who worked as a locksmith for at least 5 years and has completed a minimum of hours, to be determined on a per-specialty basis, in a specialty locksmith area of expertise, including but not limited to automotive, forensic, safe & vault, high security, fire door, and motorcycle locksmithing. Such a locksmith may hold him or herself out to the public as a "Certified Automotive/Forensic etc. Locksmith".

(O) Fee: "Fee" means a money payment from a Licensed Locksmith or applicant for Locksmith Licensure to the State for as an administrative cost for licensing and license renewal. Fee payments shall be paid into a separate fund designated exclusively for funding this title and shall not be comingled with other state funds.

(P) Fine: "Fine" means a money payment paid as a penalty for violation of this title. Money collected as fines shall be divided equally between the State's General Revenue Fund and the law enforcement agency responsible for arresting or prosecuting the violation of this title.

(Q) Website: “Website” means a website, or section of the State Government’s website, on the world-wide-web (internet) created and maintained by the State to allow the public and locksmiths to immediately verify locksmith licensure. This website shall have a “.gov” extension to validate authenticity to the public and shall include a link to locksmith’s website at the option of the Licensed Locksmith.

II. Purpose

The purpose of this title is to safeguard the life, health, and property of the residents of **(Your State)** to promote their welfare by regulating persons that provide locksmith services. This title aims to impose the minimum regulation and financial burden necessary to maintain public trust in and integrity of this state’s security hardware industry.

III. Prohibited acts

The provisions of this title may not be construed to prohibit the following:

- (1) Bona fide sales demonstrations to locksmiths or locksmith suppliers by sales representatives who are not licensed to provide locksmith services;
- (2) Emergency opening services by members of police departments, fire departments, or other government agencies in their official line of duty in order to protect against imminent loss of life or property;
- (3) The acquisition, making, or use of any key duplication or key blanks;
- (4) The replacing of a removable or interchangeable core or recombining a cylinder in a lock that was specifically designed by the manufacturer to be changed by the end user by use of a key;
- (5) The installation, repair, replacement, or rebuilding of a lock by the manufacturer of the lock;
- (6) The installation, repair, replacement, or rebuilding of an automotive lock by an automotive repair and service facility, the lock manufacturer, or the manufacturer's agent;
- (7) The installation of locks by building trades personnel on projects that require a building permit;
- (8) The installation or replacement of locks by a retailer or the retailer's agent:
 - (i) On the premises of the retailer; or
 - (ii) Off the premises of the retailer if the installation or replacement of locks is incidental to the retailer's normal course of business;

IV. Federal Certification Mark & Regulations

**For further information, contact the Associated Locksmiths of America, Inc. at:
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The Secretary or State Licensing Department shall create a mark, symbol, or logo that shall be registered with the United States Patent and Trademark Office as a Certification Mark designating that the displayer of the mark is a licensed locksmith under this title. The Secretary or State Licensing Board may adopt and enforce regulations to carry out this and all other sections of this title.

V. Requirements for Employment and Application for Licensure:

(1) For an individual other than an employee of a licensed locksmith to apply for Licensure:

(i) The applicant shall submit to the Secretary or the State Licensing Department, on the form that the Secretary or State provides, the name, address, telephone number, of the individual; and

(ii) The applicant shall submit fingerprints and apply for a national and state criminal history records check required under Section IX of this subtitle.

(iii) The applicant shall complete the Qualifying Education Requirement and obtain a passing score on the state's Locksmith Licensing Examination or obtain an exemption per this title.

(2) Before an individual may begin work for a Licensed Locksmith as an employee:

(i) The Licensed Locksmith shall submit to the Secretary or the State Licensing Department, on the form that the Secretary or State provides, the name, address, telephone number, of the individual; and

(ii) The employee shall submit fingerprints and apply for a national and state criminal history records check; and

(iii) The Licensed Locksmith shall confirm the ongoing employment of each individual in his or her employ as part of his or her semi-annual locksmith license renewal; and

(iv) The Licensed Locksmith shall provide written notice of employee termination or leave of absence greater than 4 weeks to the Secretary or State Licensing Board within 10 days; and

(v) This sub-section shall not be construed to prevent the employee from commencing work during processing and background check once properly submitted.

(3) An employee who wishes to engage in locksmithing may:

(i) Apply for locksmith licensure as per this title; or

(ii) Have the licensed locksmith employer convert the employee's designation with the Secretary or State Licensing Department from "employee" to "journeyman locksmith". The designation of "journeyman locksmith" shall be valid for a period of no greater than 2 years from date of designation and shall require issuance of a license for the journeyman locksmith

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license clearly bearing both his or her and the licensed locksmith employer's licensing information. Within 2 years, a journeyman locksmith designee shall apply for regular locksmith licensure.

VI. Criminal history records background checks

(a) "Central Repository" defined: In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) National and State criminal history records check.

(1) The owner of a business that is an applicant for a license per this subtitle and an individual whose name is required to be submitted to the Secretary under this subtitle shall apply to the Central Repository for a national and State criminal history records check on a form approved by the Director of the Central Repository.

(2) As a part of an application to the Central Repository for a national and State criminal history records check, the party that is applying to become a licensed locksmith shall submit to the Central Repository:

(i) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) An application fee for a state criminal-record background check.

(iii) The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(c) Payment of costs: A licensee or applicant may pay for the costs borne by the employee or other individual requiring a criminal history records check under subsection (b) of this section.

(d) Criminal records provided by Central Repository: The Central Repository shall provide to the Secretary or the State Licensing Department:

(1) The national and State criminal history records of each individual requiring a criminal history records check under subsection (b) of this section and issue a printed statement listing any convictions and pleas of guilty or nolo contendere to any criminal charge;

(2) An update of the initial criminal history records check for an individual requiring a criminal history records check and issue a revised printed statement listing any convictions and pleas of guilty or nolo contendere to any criminal charge occurring in the State after the date of the initial criminal history records check; and

(3) An acknowledged receipt of the application for a criminal history records check by an individual requiring a criminal history records check.

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(e) Confidentiality.

(1) Information obtained by the Secretary or State Licensing Department from the Central Repository under this section:

(i) Is confidential;

(ii) May not be disseminated; and

(iii) May be used only for the license purpose authorized by this title.

(2) Paragraph (1) of this subsection does not preclude the Secretary from notifying a licensee or an applicant of the approval or disqualification of the employee for employment based on information obtained by the Secretary under this section.

(f) Contest of printed statement. -- The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in this State's Criminal Procedure Code.

(g) Verification of employment and licensure.

(1) A licensee shall inform in writing the Secretary of termination of an employee or other agent within 14 days of that termination.

(2) The Secretary or State Licensing Department shall verify periodically the continued employment or licensure of individuals requiring criminal history records checks in accordance with regulations adopted by the Secretary of Public Safety and Correctional Services.

VII. General liability insurance

(a) In general: Each licensed locksmith shall maintain general liability insurance:

(1) In the amount of at least \$ 500,000;

(2) With coverage appropriate for the individual's circumstances; and

(3) In accordance with the regulations adopted by the Secretary or State Licensing Department under this section.

(b) A licensee shall provide the Secretary or State Licensing Department with proof of insurance yearly.

(c) Notice of cancellation: A licensee shall give the Secretary or State Licensing Department notice of the cancellation of insurance at least 10 days before the effective date of the cancellation.

IX. Issuance of license

(a) Issuance: The Secretary or State Licensing Department shall issue a license to each applicant that meets the requirements of this subtitle and on receipt of:

(1) A complete national and State criminal history record report from the Central Repository in accordance with this subtitle; and

(2) Documentation of current general liability insurance in the amount required under this subtitle.

(3) Documentation, in the alternative:

(i) Of completion of the Qualifying Education Requirement and obtain a passing score on the Locksmith Licensing Exam; OR

(ii) Sufficient documentation for an exemption.

(b) An applicant for Locksmith Licensure shall be exempt from the Qualifying Education Requirement and Locksmith Licensing Examination upon submission of:

(1) Documentation establishing that he or she was engaged or was employed in a locksmith business in sales, installation or service for an aggregate period of five (5) of the previous seven (7) years prior to the filing of the application.

(2) Sworn statements relating to the foregoing facts of at least two (2) citizens of the community or communities in which that individual was so engaged or employed. The individuals on whom the applicant relies to comply with this subsection are each required to devote a substantial portion of their time engaging in and/or supervising the sale, installation, or servicing of locks or related security hardware on behalf of the applicant.

(i) For the purposes of the five (5) year experience requirement of this sub-section, employment by or engagement in an alarm business in one or more communities within the state may be aggregated.

(ii) If the Secretary or State Licensing Department determines that the applicant has not satisfactorily complied with this subsection, or that the prior experience of the individual whom the applicant relies upon to comply with this subsection is not sufficient to permit the applicant to engage in the business, it may require, within sixty (60) days, the applicant to either supplement support for work history claimed, or, in the alternative, to take and achieve a passing score on the Locksmith Licensing Exam.

(c) The applicant shall submit:

(1) The business form and owner(s) or designee; and

(2) Each employee of the applicant;

- (3) The fixed business address of the applicant;
 - (4) A telephone number at which the applicant can be reached during normal business hours, and, if applicable, an electronic mail address;
 - (5) Each address where the applicant has conducted any business during the 36 months before application;
 - (6) The driver's license number of the applicant owner or designee and each employee of the applicant; and
 - (7) The name of the insurer and policy number of the general liability insurance coverage required under the State Licensing Department Regulation related to this subtitle.
 - (8) Proof of United States Citizenship or other lawful right to work in the United States. In the event that an applicant does not have US Citizenship and is a foreign national with a United States Work Permit, a copy of the foreign passport shall be filed with this application.
- (e) Statement: The application form provided by the Secretary or State Licensing Department shall contain a statement advising the applicant that willfully making a false statement on an application is a misdemeanor, subject to a fine or imprisonment or both, as provided under Section IV of this title.
- (f) License certificate: The Secretary or State Licensing Department shall determine the size, form, and content of any license certificate that the Secretary issues.
- (g) A fixed business address within this state is required: The Secretary or State Licensing Department:
- (1) May issue a license only for a fixed business address; but
 - (2) May not issue a license for an address that is:
 - (i) A hotel or motel room;
 - (ii) A motor vehicle;
 - (iii) A post office box; or
 - (iv) An address for an apartment complex that does not specify the specific unit
 - (v) A location that does not meet the qualifications of a fixed business address as defined in General Provisions Section I(d) of this title; and
 - (3) Shall verify that the business address is associated with the registered name and all d/b/a's of the business if a corporation or analogous entity, or receive a statement the business is a sole proprietorship or partnership and documentation establishing the identity(ies) of proprietor or partners; and

(4) Shall verify on initial licensing and renewal that the business has registered for and paid state sales tax as a means of verifying honest business practices and record keeping.

(5) Shall, if business address or entity status changes, receive from the licensee an update of this information within 14 days.

(h) Age limitations: The Secretary or State Licensing Department may not issue a license to an individual who is under 18 years of age.

(j) Non-transferability: A license issued under this title is not transferable.

(k) Applicants for Locksmith Licensure engaged in the business of locksmithing on the date of execution of this bill have six (6) months from the date of conditional approval of their alarm business application by the Secretary or State Licensing Department to obtain, in the alternative, a passing score on the Locksmith Licensing Exam or to submit the required documentation for exemption therefrom per this sub-section. Upon satisfactory completion of the examination, procedures, content, and passing scores for which are established in rules and regulations or approval of exemption application, the licensing authority shall lift its conditional approval and grant its full approval for Locksmith Licensure.

(L) The State shall post a high-resolution scanned image of each Licensed Locksmith's License and Photo Identification Card on the Website.

X. Photo identification card

(a) Issuance:

(i) Each licensed locksmith shall have issued a photo identification card from the Secretary or State Licensing department that includes their full name, photograph and individual license number provided as a licensed locksmith.

(ii) Each Journeyman Locksmith shall have an identification card from the Secretary or State Licensing Department including their designation as Journeyman Locksmith, their photograph, and plus the full name and license number of the Licensed Locksmith with whom they are employed.

(iii) include the license number and expiration date of the license

(iv) bear the State's Federally Registered Certification Mark on the lower right hand corner of the card.

XI. Scope

(a) While a license is in effect the license authorizes the licensee to represent himself as a licensed locksmith and to provide locksmith services in the State. A Journeyman Locksmith shall not present himself as a licensed locksmith is considered unlicensed with respect to

providing locksmithing services except in his or her capacity as employee their licensed locksmith employer.

XII. Term and renewal

(a) Term: A license is issued for a term of 2 years.

(b) Renewal -- In general: Unless a licensee meets the insurance requirements of this subtitle, the Secretary or State Licensing Department may not renew the license of the licensee.

(c) Expiration.

(1) Unless a license is renewed for a 2-year term as provided in this section, the license expires on the second anniversary of the effective date of the license.

(2) A licensee that meets the requirements of this section may obtain a renewal of a license before the license expires for an additional 2-year term.

(3) Once expired, a license may not be renewed.

(d) Application and notice: At least 60 days before a license expires, the Secretary or State Licensing Department shall mail to the licensee, at the last known address of the licensee:

(1) a renewal application form;

(2) a form that allows a licensee to update the information submitted in the original application or state that the information is current and accurate;

(3) except as provided in subsection (e) of this section, a form that requires the licensee to agree to continue to comply with each requirement applicable to the original application; and

(4) a notice that states:

(i) the date on which the current license expires;

(ii) the date by which the Secretary or State Licensing Department must receive the renewal application for the renewal to be issued and mailed before the license expires; and

(iii) the amount of the renewal fee.

(e) Submission of criminal history records check and documentation of completion of Continuing Locksmith Education requirement with renewal. –

(i) The Secretary or State Licensing Department may require a licensee to submit a national and State criminal history records check with the renewal application.

(ii) The Secretary or State Licensing Department shall require a licensee to submit documentation of completion of 15 hours of Continuing Locksmith Education in within the 2 years since licensure or previous license renewal.

(f) Renewal authorized: The Secretary or State Licensing Department shall renew the license of each licensee who meets the requirements of this section.

(g) Change of fixed business address.

(1) A licensee may change the fixed business address for which a license is issued only if the licensee:

(i) submits to the Secretary or State Licensing Department an application to transfer the license to a new business location on a form that the Secretary provides; and

(ii) receives the written approval of the Secretary or State Licensing Department.

(2) Within 45 days after the application is filed with the Secretary or State Licensing Department, the Secretary or State Licensing Department shall approve or disapprove the application and notify the licensee of the approval or disapproval, in writing.

(3) If the Secretary or State Licensing Department approves a proposed change of fixed business address, the licensee shall:

(i) submit to the Secretary or State Licensing Department a current list of names of each employee to be employed at the new location; and

(ii) attach the written approval of the Secretary or State Licensing Department to the license until an amended license is received by the licensee.

(h) Staggered expirations: The Secretary or State Licensing Department may determine that licenses issued under this subtitle shall expire on a staggered basis.

XIII. Display; lost identification card; change of name on license

(a) Display: Each licensee shall display the license conspicuously in the place of business of the licensee.

(b) Display -- Photo identification card: A licensee and an employee of a licensee shall:

(1) carry a valid photo identification card issued by the Secretary or State Licensing department at all times the licensee is engaged in providing locksmith services; and

(2) display the valid photo identification card as required by regulation.

(c) Notice of lost or destroyed identification card: If a photo identification card is lost or destroyed, the licensee immediately shall notify the licensed locksmith that issued the photo identification card.

(d) Change of name of licensee on license.

(1) To change the name of a licensee on a license, a licensee shall submit to the Secretary:

(i) an application on the form provided by the Secretary;

(ii) the license of the licensee;

(iii) any documentation about the name change that the Secretary or State Licensing Department requires; and

(iv) the fee set by the Secretary or State Licensing Department.

(2) On receipt of the application, fee, and any required documentation, the Secretary or State Licensing Department shall issue a new license bearing the new name of the licensee.

(e) A Licensed Locksmith shall not hold him or herself out to the public as a Certified Specialist Locksmith in except as permitted per this title.

XIV. Denial, reprimand, suspension, revocation

(a) Grounds.

(1) Subject to the hearing provisions of Section XVII of this subtitle, the Secretary or State Licensing Department may deny a license to an applicant, reprimand a licensee, or suspend or revoke a license if the applicant or licensee or an agent, employee, manager, or partner of the applicant or licensee:

(i) fraudulently or deceptively obtains or attempts to obtain a license or photo identification card for the applicant or licensee or for another person;

(ii) fraudulently or deceptively uses a license or photo identification card;

(iii) presents or attempts to present the license or photo identification card of another licensee or employee of a licensee as the applicant's or licensee's license or photo identification card;

(iv) uses or attempts to use an expired, suspended, or revoked license or false photo identification card;

(v) has a similar license or certificate denied, suspended, or revoked in another jurisdiction;

(vi) under the laws of the United States or of any state, is convicted of a:

1. felony; or

2. misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to be involved in providing locksmith services;

(vii) knowingly employs or knowingly continues to employ an individual who, under the laws of the United States or of any state, is convicted of:

1. a felony that is directly related to the fitness and qualification of the employee to be involved in providing locksmith services; or

2. a misdemeanor that is directly related to the fitness and qualification of the employee to be involved in providing locksmith services;

(viii) fails to maintain the liability insurance required under Section X of this subtitle;

(ix) engages in a pattern of unfair or deceptive trade practices under the Consumer Protection Act, as determined by a final administrative order or judicial decision;

(x) knowingly uses or permits the use of any of the licensee's or an employee of a licensee's skills, tools, or facilities for the commission of any crime;

(xi) willfully fails to provide or willfully misrepresents any information required to be provided under this title;

(xii) violates this title;

(xiii) violates a regulation adopted under this title;

(xiv) is subject to an injunction against locksmithing in this or any other state; or

(xv) has been found liable in civil action directly relating to that is directly related to the fitness and qualification of the applicant or licensee to be involved in providing locksmith services in any jurisdiction.

(xvi) has failed to file state sales tax returns for locksmith services rendered over the previous two years.

(2) (i) Instead of or in addition to reprimanding a licensee or suspending or revoking a license under this subsection, the Secretary or State Licensing Department may impose a penalty not exceeding \$25,000 for each violation.

(ii) To determine the amount of the penalty imposed under this subsection, the Secretary or State Licensing Department shall consider:

1. the seriousness of the violation;

2. the harm caused by the violation;

3. the good faith of the licensee; and
4. any history of previous violations by the licensee
5. the violator's business behaviors in other jurisdictions, including history of other states' license violations, liability in civil litigation directly relating to the fitness and qualification of the violator to perform locksmithing services.
6. the violator's standing with national or state trade associations and the recommendations of those associations regarding the violator.

(3) The Secretary or State Licensing Department shall pay any penalty collected under this subsection into the General Fund of the State.

(b) Considerations: The Secretary or State Licensing Department shall consider the following facts in the granting, denial, renewal, suspension, or revocation of a license or the reprimand of an applicant or licensee when an applicant or licensee is convicted of a felony or misdemeanor described in subsection (a)(1)(vi) of this section:

- (1) the nature of the crime;
- (2) the relationship of the crime to the activities authorized by the license;
- (3) with respect to a felony, the relevance of the conviction to the fitness and qualification of the applicant or licensee to act as a locksmith;
- (4) the length of time since the conviction; and
- (5) the behavior and activities of the applicant or licensee before and after the conviction.

XV. Notice and hearing

(a) Hearing: Except as otherwise provided by the laws of this State, before the Secretary or State Licensing Department takes any final action under Section XV of this subtitle, the Secretary shall give the person against whom the action is contemplated an opportunity for a hearing before the Secretary.

(b) Notice: The Secretary or State Licensing Department shall give notice and hold the hearing by service of process in accordance with this State's Rules of Administrative Procedure.

(c) Oaths: The Secretary or State Licensing Department may administer oaths in a proceeding under this section.

(d) Nonappearance: If, after due notice, the person against whom the action is contemplated does not appear, nevertheless the Secretary or State Licensing department may hear and determine the matter.

XVI. Appeal

Any person aggrieved by a final decision of the Secretary or State Licensing Department in a contested case, as defined in Section XXX of this State's Code, may take an appeal as allowed in Section YYY.

XVII. Information to local law enforcement unit

The Secretary or State Licensing Department shall inform each local law enforcement unit of each license that is issued, renewed, changed to a new business location, denied, suspended, or revoked.

RECORDS

I. Information required on invoice

Each licensed locksmith shall include on each invoice or receipt for services the following information regarding each service call:

- (1) the address where the services were provided by the locksmith;
- (2) the type of lock being serviced;
- (3) the vehicle identification number, if applicable;
- (4) the quoted cost of the service provided to the customer prior to agreeing to provide the service;
- (5) the actual cost of the service paid by the customer; and
- (6) an itemized breakdown of charges including approximate time spent for labor or service charges. Each licensed locksmith shall include on each invoice or receipt for services the following information regarding the locksmith:
 - (1) The Locksmiths' license Number;
 - (2) The licensed Locksmith's name, the name of the individual(s) actually performing the work, registered business address, phone number, facsimile and email if applicable.
 - (3) The State's Registered Service Mark indicating Locksmith Licensure.

II. Copy of invoice to be kept at fixed business address

Unless otherwise authorized by the Secretary or State Licensing Department, a licensed locksmith shall keep a copy of each invoice or receipt for services required by this subtitle, at the fixed business address provided by the licensee to the Secretary or State Licensing Department, for 3 years after the date of the service call and, on reasonable notice from the Secretary or State Licensing Department, make required records available for inspection by the Secretary or State Licensing Department.

III. Copy of invoice to be provided to local law enforcement unit or Department

(a) In general:

(1) A licensed locksmith shall provide to a local law enforcement unit or the Department a copy of each invoice or receipt for services requested by either a local law enforcement unit or the Department.

(2) The Secretary or State Licensing Department shall encourage licensed locksmiths to develop a system for maintaining the records required by this subtitle electronically.

(b) Methods: On a request for an invoice or a receipt for services under subsection

(a) of this section, the licensed locksmith shall submit the item by one of the following methods:

(1) by delivering or mailing a copy of the invoice or receipt for services within 5 business days after receiving the request; or

(2) by transmitting a copy of the invoice or receipt for services electronically, in a format acceptable to the receiving local law enforcement unit or the Department, within 2 business days after receiving the request.

(c) Information included: Each copy of an invoice or a receipt for services, submitted to the local law enforcement unit or the Department, shall include:

(1) the license number of the licensed locksmith; and

(2) the information required for application for locksmith licensure under this subtitle.

(d) Confidentiality: A copy of an invoice or receipt for services submitted under this section:

(1) shall be kept confidential;

(2) is not a public record.

(e) Destruction: A local law enforcement unit or the Department may destroy the copy of an invoice or receipt for services submitted under this section after 1 year from the date the local law enforcement unit or the Department receives the copy.

Advertising and Directory Services

(a) Each locksmith advertisement, internet web site, email, business card, or any other means of providing notice to the public of the business providing locksmith services shall include:

- 1) the name of the licensed locksmith;
- 2) the State's Registered Certification Mark indicating Locksmith Licensure; and
- 3) the license number of the licensed locksmith.

(b) Any advertising or Directory Service Provider wishing to publicly display locksmith listings or advertisements shall comply with the following conditions:

- 1) Prior to approving advertisements or listings for public display, it is the duty of the Service Provider to verify that the subject listing is licensed.
- 2) All advertisements and listings must include state license number, and the identical name, address(s), and phone number(s) that are registered with the state licensing agency.
- 3) Violation of this section shall subject the advertising service provider to the remedies available per this title including but not limited to injunctive relief.

ENFORCEMENT

I. Knowing use of skills, tools or facilities to aid unlicensed locksmith.

A person may not knowingly use or permit the use of the licensee's or an employee of the licensee's skills, tools, or facilities to aid or abet an unlicensed locksmith in any activity for which a locksmith license is required for the commission of a crime.

II. Disregard building or safety laws.

A licensed locksmith or employee of a licensed locksmith may not willfully or deliberately disregard any building or safety laws of the State or local government unit.

III. Failure to complete work.

A licensed locksmith or employee of a licensed locksmith may not fail in any material respect to complete the installation, repair, opening, or modification of a lock for the price stated in the contract for services.

IV. Penalties.

Except for a violation of Section V of this subtitle, a person that violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 2 years or both.

V. Unauthorized practice.

(a) Prohibition: Except as otherwise provided in this title, a person may not act as, offer to act as, hold oneself out as, or impersonate a locksmith in the State unless the person is a licensee or employee of a licensee.

(b) Penalties: A individual caught in the act of representing himself as a locksmith with no valid license available for presentation is subject to immediate seizure of his tools and vehicle pending that individual's proffering proof of licensure at the time of seizure. In the event that no such proof of licensure is proffered within 30 days of seizure, seized items shall be sold at auction and proceeds divided equally between the arresting authority and the State's general revenue fund.

(c) A person who violates this section is guilty of a misdemeanor and, on first conviction, is subject to a fine of \$10,000,

(d) and, on second or subsequent conviction, is subject to a fine not exceeding \$250,000.

VI. Civil Administrative Action.

(a) In general: Subject to the notice and hearing provisions of the State's Rules of Administrative Procedure, the Secretary or State Licensing Department may bring a civil administrative action against a person that violates Section V of this subtitle.

(b) Cease and desist order; civil penalty. After a hearing, if the Secretary or State Licensing Department finds that a person has violated Section V of this subtitle, the Secretary or State Licensing Department may:

(1) order the person to cease and desist from unlawful practice; and

(2) impose a civil penalty (fine) not exceeding \$2500 for each day of unlawful practice.

(c) Appeal: Any person aggrieved by a decision and order of the Secretary or State Licensing Department under this section may take an appeal per the State's Rules of Administrative Procedure.

VII. Other Individual Remedies

(1) Without regard to any other remedy or relief to which a person is entitled, any licensed locksmith, or any other party aggrieved by a violation of this part may bring an action to obtain a declaratory judgment that an act or practice violates this part and to enjoin a person who has violated, is violating, or is otherwise likely to violate this part and/or an injunction against the practice of locksmithing. This private right of action shall include the right to relief at law and equity for unauthorized use of the State's Certification Mark indicating state locksmith licensure.

(2) In any action brought by a person who has suffered a loss as a result of a violation of this part, such person may recover actual damages, plus attorney's fees and court costs as provided in this state's Rules of Civil Procedure. However, damages, fees, or costs are not recoverable under this section against a retailer who has, in good faith, engaged in the dissemination of claims of a manufacturer or wholesaler without actual knowledge that it violated this part.

(3) The issuance of an injunction against locksmithing shall serve as prima-facie evidence of intent to defraud and shall disallow incorporated or other organizational status to shield individuals from personal liability for this or related matters.

(4) In any action brought under this section, upon motion of the party against whom such action is filed alleging that the action is frivolous, without legal or factual merit, or brought for the purpose of harassment, the court may, after hearing evidence as to the necessity therefore, require the party instituting the action to post a bond in the amount which the court finds reasonable to indemnify the defendant for any damages incurred, including reasonable attorney's fees. This subsection shall not apply to any action initiated by the enforcing authority.

(5) It is contemplated that this section shall apply to advertising and listing services, as well as other business-to-business providers who may be liable as conspirators to civil fraud or other material violations of the State Locksmith Law.

VIII. Repeated violations.

(a) Applicability: This section applies only if there is no greater criminal penalty provided under this title or other applicable law.

(b) Penalties: A person that engages in repeated violations of the provisions of this title is guilty of a felony and on conviction is subject to a fine not exceeding \$500,000.