
A BILL FOR AN ACT

RELATING TO LOCKSMITHS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that in order to protect
2 the public from the abuse and misuse of locksmithing supplies,
3 manuals, or equipment resulting in violation of public safety
4 and security, locksmiths need to be licensed and regulated by
5 the State. Locksmiths operate in the public trust to secure and
6 protect property and persons and have the knowledge and tools to
7 bypass or neutralize security devices. Locksmiths need to be
8 trained in the applicable laws pertinent to the profession such
9 as the Americans with Disabilities Act, building codes, and fire
10 and safety codes, as well as training in proper installation and
11 maintenance of security devices for the public well-being. The
12 laws of this State currently do not protect its citizens from
13 the unscrupulous use and abuse of the tools and knowledge of the
14 locksmithing profession by untrained persons or persons who have
15 criminal intent. Accordingly, the purpose of this Act is to
16 provide for the necessary licensure of and regulation of
17 locksmiths.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 LOCKSMITH LICENSING ACT

6 § -1 Title. This chapter shall be known and may be
7 cited as "The Locksmith Licensing Act of 2009".

8 § -2 Definitions. For the purposes of this chapter, the
9 following terms shall have the following meanings, unless the
10 context indicates otherwise:

11 "Board" means the board of locksmiths.

12 "Building permit" means a permit issued by the appropriate
13 county with regard to permitting of building construction,
14 remodeling, and other physical changes to property.

15 "Codebook" means a compilation, in any form, of key codes.

16 "Department" means the department of commerce and consumer
17 affairs.

18 "Director" means the director of commerce and consumer
19 affairs.

20 "Emergency" means a life-threatening situation involving a
21 person.



1 "Hearing" means an administrative hearing conducted
2 pursuant to chapter 91.

3 "Inspection" means a periodic examination by the department
4 of the activities and premises of locksmiths to ascertain if the
5 locksmith is carrying out the profession in a manner consistent
6 with the public health, safety, and welfare.

7 "Key duplication machine" means any device that is capable
8 of copying or reproducing keys.

9 "License" or "licensure" refers to the issuance of a
10 license by the department to a person possessing the necessary
11 character and minimum skills to engage in the practice of the
12 locksmith profession.

13 "Licensee" refers to a locksmith licensed under this
14 chapter.

15 "Locksmith" means a natural person who performs locksmith
16 and access control services to the public for compensation and
17 who has received a license pursuant to this chapter.

18 "Locksmithing tool" means any tool that is designed, or
19 intended by the user to be used, to open a mechanical or
20 electrical locking device by a means other than that which is
21 intended by the manufacturer of such device for normal
22 operation.



1 "Locksmith services" or "locksmithing services" means:

- 2 (1) Servicing, installing, repairing, rebuilding,
3 rekeying, repinning, or adjusting locks, mechanical or
4 electronic security devices, safes, vaults, or safe
5 deposit boxes; or
- 6 (2) Operating a mechanical or electrical security device,
7 safe, or vault by a means other than those intended by
8 the manufacturer of the locking devices, safes, or
9 vaults.

10 "Organization" means any entity other than a natural
11 person, including but not limited to a corporation, partnership,
12 sole proprietorship, or association.

13 "Photo identification card" means a document with a
14 photograph of the licensee on its face issued by the board as
15 proof that a license has been granted.

16 "Safe-opening tool" means any tool that is designed, or
17 intended by the user to be used, to open a safe, vault, safe
18 deposit box, or similar object by means other than that which is
19 intended by the manufacturer of the safe, vault, safe deposit
20 box, or similar object for normal opening.

21 **§ -3 Board of locksmiths.** (a) The board of locksmiths
22 is established in the department of commerce and consumer

1 affairs in order to license and regulate the locksmith
2 profession. The board shall consist of nine members appointed
3 by the governor as follows:

- 4 (1) Six locksmiths; and
- 5 (2) Three public members.

6 Of the occupational members, all shall have at least five
7 years experience in the locksmith profession and be currently
8 engaged in that profession. The members of the board shall be
9 residents of this State and shall represent the various
10 geographic areas of this State.

11 (b) The terms of the board members shall be four years.
12 Of those members first appointed, three shall be appointed to
13 four-year terms, three for three-year terms, and three for two-
14 year terms. Any vacancy occurring other than by expiration of
15 the member's term shall be filled for the unexpired term by
16 appointment by the governor. No member shall serve more than
17 two successive full terms.

18 (c) A public member of the board shall be a person who:

- 19 (1) Is not by training or experience a locksmith;
- 20 (2) Is not a spouse, parent, child, or sibling of a
21 locksmith; and



1 (3) Has no direct or indirect financial interest, except
2 as a consumer, in the locksmith profession.

3 (d) The board shall annually elect from its membership a
4 chairperson and vice-chairperson. Five members of the board
5 shall constitute a quorum.

6 (e) The powers and duties of the board shall be as
7 follows:

8 (1) To establish the qualification for licensure to ensure
9 competence and integrity to engage in the profession;

10 (2) To examine, or cause to be examined, the qualification
11 of each applicant for licensure including, when
12 necessary, the preparation, administration, and
13 grading of examinations;

14 (3) To license qualified applicants regulated by the
15 board;

16 (4) To levy and collect fees for licensure and renewal
17 that are sufficient to cover all expenses for the
18 administration and operation of the board and a
19 proportionate share of the expenses of the department.
20 Fees collected under this paragraph shall be deposited
21 into the compliance resolution fund under section
22 26-9(o);



- 1 (5) To adopt rules in accordance with chapter 91 to ensure
2 continued competency, to prevent deceptive or
3 misleading practices by locksmiths, and to effectively
4 administer the regulatory system administered by the
5 board;
- 6 (6) To receive complaints concerning the conduct of any
7 person whose activities are regulated by the board and
8 to take appropriate disciplinary action if warranted;
- 9 (7) To ensure that inspections are conducted relating to
10 the operations of licensees to ensure competency and
11 lawful compliance;
- 12 (8) To revoke, suspend, or refuse to renew a certificate
13 or license for just cause as enumerated in the rules
14 of the board; and
- 15 (9) To promulgate canons of ethics under which the
16 professional activities of person regulated shall be
17 conducted.

18 § -4 Monetary penalty. Any person who violates this
19 chapter or any rule adopted thereunder shall be subject to a
20 monetary penalty. Monetary penalties imposed by the board shall
21 not exceed \$ for each violation. Moneys collected under

1 this paragraph shall be deposited into the compliance resolution
2 fund under section 26-9(o).

3 **§ -5 Recovery of cost after grant of formal fact-**
4 **finding.** After a formal fact-finding, wherein a sanction is
5 imposed to fine, suspend, revoke, or deny the renewal of a
6 license or registration, the board may assess the holder thereof
7 the cost of conducting the fact-finding when the board has final
8 authority to grant a license or registration, unless the board
9 determines that the offense is inadvertent or was done in a good
10 faith belief that the act did not violate the law. The cost
11 shall be limited to the reasonable hourly rate for the hearings
12 officer and the actual cost of recording the proceedings.

13 **§ -6 Adoption of rules and standards.** (a) The board
14 shall adopt rules and standards for the training and licensing
15 of locksmiths. The board shall examine and license locksmiths
16 and may establish classifications of training and licensing.

17 (b) Locksmith competency standards and any changes thereto
18 shall be established by rule after a public hearing and
19 consultation with licensed locksmiths who are knowledgeable
20 regarding locksmithing services.

21 **§ -7 Prohibited activities.** (a) No person shall act
22 as, or offer to act as, a locksmith unless the person holds a



1 license to practice locksmithing that has not expired or been
2 revoked or suspended.

3 (b) No business entity shall provide or offer the services
4 of a locksmith unless those services are to be provided by an
5 officer or employee of that entity who holds a license to
6 practice locksmithing that has not expired or been revoked or
7 suspended.

8 (c) It shall be a misdemeanor for any person not licensed
9 under this chapter to advertise that the person is in the
10 locksmith business or to hold oneself out to the public as a
11 locksmith.

12 (d) It shall be unlawful for any person to obtain
13 ownership or possession of locksmithing tools, safe-opening
14 tools, manuals, or codebooks, either in person or through an
15 intermediary or through mail order or other remote-procurement
16 methods, unless the person holds a license under this chapter
17 that has not expired, been revoked, or been suspended. It shall
18 be unlawful for any organization to obtain ownership or
19 possession of locksmithing tools, safe-opening tools, manuals,
20 or codebooks by means of an employee, officer, or other person
21 who violates this subsection.



1 (e) Nothing in this section shall prohibit the emergency
2 opening services by members of police departments, fire
3 departments, or other government agencies within the scope of
4 their official duties, nor shall sales representatives who are
5 not licensed be prohibited from making bona fide sales
6 demonstrations to locksmiths.

7 (f) No apprentice locksmith may have registered employees
8 working under the apprentice's supervision.

9 (g) Nothing in this section shall prohibit the acquisition
10 or use of any key duplication machine or key blanks.

11 (h) Nothing in this section shall prohibit the performance
12 of servicing, installing, repairing, or rebuilding of automotive
13 locks by automotive service dealers, lock manufacturers, or
14 manufacturers agents.

15 (i) Nothing in this section shall prohibit the
16 installation of locks or locking devices by building trades
17 personnel on projects that require a building permit.

18 (j) It shall be unlawful for any person to have in the
19 person's possession any locksmithing tools, implements, or
20 outfits with intent to commit burglary, robbery, or larceny.
21 The possession of locksmithing tools, implements, or outfits by
22 any person other than a bona fide dealer, licensed locksmith,



1 automotive repossessor, locking device manufacturer, or
2 manufacturer's agent, who has a reasonable need to possess
3 locksmithing tools for demonstration, testing, and research
4 purposes shall be prima facie evidence of an intent to commit
5 burglary, robbery, or larceny.

6 (k) It shall be unlawful for any person or business entity
7 to engage in any of the following acts:

- 8 (1) Making use of any designation provided by statute or
9 rule to denote a standard of professional or
10 occupational competence without being duly licensed;
- 11 (2) Making use of any title, words, letters, or
12 abbreviations that may reasonably be confused with a
13 designation provided by statute or rule to denote a
14 standard of professional or occupational competence
15 without being duly licensed;
- 16 (3) Materially misrepresenting facts in an application for
17 licensure or registration; or
- 18 (4) Wilfully refusing to furnish the board with
19 information or records required or requested pursuant
20 to this chapter or any implementing rules.
- 21 (1) Any person who engages in any unlawful act enumerated
22 in this section shall be guilty of a misdemeanor. Any



1 subsequent violation within a thirty-six month period shall
2 constitute a class C felony.

3 (m) The department may institute proceedings to enjoin any
4 person, partnership, corporation, or any other entity from
5 engaging in any unlawful act enumerated in this section. The
6 proceedings shall be brought in the name of the State in the
7 circuit court of the circuit in which the unlawful act occurred
8 or in which the defendant resides.

9 § -8 **Licensure.** (a) The board of locksmiths may issue
10 licenses to practice locksmithing to all qualified individuals.

11 (b) No person shall engage in performing locksmithing
12 services in this State without having obtained a license to
13 practice locksmithing from the board of locksmiths. The license
14 shall not be transferred or assigned and is valid only with
15 respect to the person to whom it is issued. No license shall be
16 granted if the applicant has an unpardoned felony in the
17 applicant's criminal record or has had any prior license to
18 practice locksmithing revoked for fraud, misrepresentation, or
19 any other act that would constitute a violation of this chapter.

20 (c) The term of each license shall be no longer than
21 years, with all licenses expiring on their anniversary
22 unless sooner renewed or revoked.



1 (d) No licensee shall perform locksmithing services unless
2 the licensee shall have available a photo identification card.

3 (e) Every licensee shall display at the licensee's place
4 of business and in a manner easily readable by the general
5 public the license of the licensee.

6 (f) Every licensee shall indicate the license number of
7 the licensee in any and all advertising for locksmithing
8 services to be performed by the licensee.

9 (g) Any applicant for licensure who provides documentation
10 that the applicant has been practicing as a locksmith for at
11 least two consecutive years immediately preceding the date of
12 application and is still engaged in the profession shall be
13 exempt from the examination requirements of this chapter,
14 provided that the applicant applies for licensure prior to
15 1, 2009.

16 (h) A nonresident of this State may be licensed as a
17 locksmith by meeting one of the following requirements:

- 18 (1) Receiving a license under this chapter; or
19 (2) Holding a valid license to practice locksmithing in
20 another state with which reciprocity has been
21 established by the board.



1 (i) For nonresident licensees, service of process shall be
2 made upon the director. The director shall then notify or cause
3 to be notified by certified mail, the nonresident licensee named
4 in a service, at the licensee's address of record.

5 § -9 Qualifications for licensure. (a) An applicant
6 for a license shall:

- 7 (1) Be at least eighteen years of age;
- 8 (2) Comply with the competency requirements as established
9 by the board;
- 10 (3) Pay a license fee as established by the board through
11 rules;
- 12 (4) Comply with the insurance requirements of this
13 chapter;
- 14 (5) Not have been convicted in any jurisdiction of a crime
15 which reflects unfavorably on the fitness of the
16 applicant to engage in the profession, unless the
17 conviction has been annulled or expunged by court
18 order or for which a pardon has been granted; and
- 19 (6) Complete all application requirements pursuant to
20 board rule.

21 (b) The board shall be authorized to evaluate the
22 competency of applicants for locksmith licenses. The board may



1 either develop and administer an examination to evaluate
2 competency or rely on an examination developed and administered
3 by a recognized professional locksmith association.

4 (c) The board may waive examination requirements for any
5 person who has been issued a license to practice locksmithing
6 within the past three years from another state that the board
7 has determined requires proof of competency standards equivalent
8 to those required in this State; provided that the license is
9 applied for within three months of the effective date of this
10 chapter.

11 (d) Any person applying for a license under this chapter
12 who does not otherwise qualify shall serve an apprenticeship
13 under a licensee or under the board for a period of two years
14 and shall:

15 (1) Complete thirty-two hours of continuing education per
16 year of board-approved classes; and

17 (2) Identify oneself as an "apprentice locksmith" in any
18 advertising.

19 (e) Each applicant shall be required to provide
20 information, including fingerprints of the applicant and such
21 other information as the board may require, to investigate the
22 character, competency, and integrity of the applicant. The



1 board shall conduct such investigation of the applicant's
2 background, character, competency, and integrity as it deems
3 appropriate, and shall request, in accordance with section
4 846-2.7, criminal history records of the applicant from each
5 jurisdiction in which the application form indicates the
6 applicant lived for any substantial period of time. The Hawaii
7 criminal justice data center shall provide such information on
8 request to the director of commerce and consumer affairs.

9 (f) The form of application, photo identification card,
10 and method to obtain and renew photographs shall be established
11 by the board through rules.

12 § -10 **Employee requirements.** (a) All employees of a
13 licensee who perform locksmithing services shall be registered
14 with the board.

15 (b) No person shall be a registered employee of a licensee
16 unless the person:

- 17 (1) Is a citizen or legal resident alien;
- 18 (2) Has not been determined by the board to be unfit by
19 reason of conviction of a felony or misdemeanor
20 offense in this State or any another state or
21 convicted of any crime related to the practice of
22 locksmithing. The department shall adopt rules for



1 procedures by which those circumstances shall be
2 determined and that afford the applicant due process
3 of law; and

4 (3) Has not had an employee registration refused,
5 suspended, or revoked under this chapter.

6 (c) No person may be employed by a licensee until the
7 person has executed and furnished to the licensee, on forms
8 approved by the board, a verified statement to be known as an
9 "employee's statement" setting forth:

10 (1) The person's full name, date of birth, and residence
11 address;

12 (2) The name of the country of which the person is a
13 citizen; and if the person is not a citizen of the
14 United States, proof that the person is a legal
15 resident alien;

16 (3) The business or occupation engaged in for the five
17 years immediately before the date of the execution of
18 the statement, the place where the business or
19 occupation was engaged in, and the names of employers,
20 if any;



1 (4) That the person has not had a license or employee
2 registration refused, revoked, or suspended under this
3 chapter;

4 (5) Any conviction for a felony relating to locksmithing;

5 (6) Any other information as may be required by the board
6 that attests to the good character, competency, and
7 integrity of the person executing the statement.

8 (d) Each licensee shall submit to the board, with the
9 applicable fees, on fingerprint cards furnished by the board,
10 two complete sets of fingerprints that are verified to be those
11 of the applicant.

12 (e) The employer, with the written authorization of the
13 employee, shall conduct a criminal history record check of all
14 new employees employed in a locksmith capacity directly through
15 the Hawaii criminal justice data center upon certification to
16 the board that the signature on the authorization is authentic.

17 (f) Each licensee shall maintain a record of each
18 registered employee. The record shall contain the following
19 information:

20 (1) A photograph taken within ten days of the date that
21 the employee begins employment with the licensee. The



1 photograph shall be replaced with a current photograph
2 every three calendar years;

3 (2) The employee's statement; and

4 (3) A record of all board-approved classes taken by the
5 employee together with the dates. Each employee must
6 take a minimum of sixteen hours of continuing
7 education courses per year.

8 (g) A duly authorized representative of the department
9 shall be allowed complete access to all records to be kept
10 pursuant to this section upon three days advance notice in
11 writing provided to the licensee.

12 § -11 License expiration and renewal. (a) Any license
13 granted pursuant to this chapter shall expire at the end of its
14 term unless renewed pursuant to rules established by the board.

15 (b) In order to be eligible for license renewal, all
16 individuals licensed under this chapter must complete a minimum
17 of sixteen hours of continuing education per year in classes
18 approved by the board.

19 (c) An affirmative vote by a majority of all board members
20 shall be required to suspend or revoke a license or to impose a
21 sanction on a license; provided that an affirmative vote of a
22 majority of a quorum of the board shall be sufficient for



1 summary suspension or its equivalent. A board member shall
2 disqualify oneself and withdraw from any case in which the board
3 member cannot accord fair and impartial consideration.

4 § -12 Licensee requirements with regard to employees.

5 (a) No licensee may employ any person who performs locksmithing
6 services unless the licensee:

7 (1) Submits to the board the name, address, date of birth,
8 and such other information sufficient to identify the
9 person, as the board shall require by rule, including
10 fingerprint cards and fees;

11 (2) Exercises due diligence to ensure that the person is
12 qualified under the requirements of this chapter to be
13 a registered employee of a licensee; and

14 (3) Maintains for any month in which an employee was hired
15 or terminated, a roster of all employees who were
16 either hired or terminated the previous month and
17 submits the roster to the board by the tenth of the
18 month.

19 (b) The licensee shall maintain each roster for at least
20 twenty-four months. The licensee shall not be required to
21 submit a roster for any month during which no employee was hired



1 or terminated. Failure to maintain and submit the specified
2 rosters is grounds for discipline under this chapter.

3 (c) Failure of a licensee to notify the board when a new
4 employee is hired and to submit fingerprint cards and fees
5 required before scheduling the person for work is a violation of
6 this chapter. Violations are subject to a fine of up to
7 \$ or other disciplinary action.

8 (d) If information is discovered affecting the
9 registration of a person whose fingerprints were submitted under
10 this section, the board shall so notify the licensee that
11 submitted the fingerprints on behalf of that person.

12 (e) Every licensee shall furnish an employee
13 identification card to each of its registered employees based
14 upon a card format established by the board. The employee
15 identification card shall contain a recent photograph of the
16 employee, the employee's name, the name and license number of
17 the licensee, the employee's personal description, the signature
18 of the employee, the date of issuance, and an employee
19 identification card number that shall be the licensee's license
20 number followed by a unique suffix for each employee.

21 (f) No licensee may issue an employee identification card
22 to any person who is not employed by the licensee in accordance



1 with this section or falsely state or represent that a person is
2 or has been in the employ of the licensee. It shall be a
3 violation for an applicant for registered employment to file
4 with the board the fingerprints of a person other than oneself,
5 or for a licensee to fail to exercise diligence in resubmitting
6 replacement fingerprints for those employees who have had
7 original fingerprint submissions returned as unclassified.

8 (g) Every licensee shall make a reasonable effort to
9 obtain the identification card of every employee who terminates
10 employment with the licensee.

11 § -13 **List of locksmiths.** The department shall maintain
12 a list of the names and addresses of all locksmiths licensed
13 under this chapter. The lists shall also be mailed by the
14 department to any person upon request and payment of appropriate
15 fees.

16 § -14 **Insurance.** A licensee shall maintain an insurance
17 policy sufficient for the purpose of paying claims or judgments
18 for damages that may occur as a result of any negligence by the
19 licensee or the licensee's employees.

20 § -15 **Customer identification.** (a) Any licensee who
21 knowingly and wilfully opens any residential or commercial
22 establishment for another by any method, whether or not for



1 compensation, shall make a reasonable attempt to obtain correct
2 information regarding the street address of the resident or
3 commercial establishment and the signature of the person for
4 whom the residence or commercial establishment was opened on a
5 work order form. The licensee shall obtain from the person
6 requesting entry to the resident or commercial property the
7 requestor's name, address, telephone number, date of birth, and
8 driver's license or other identification number. A copy of each
9 work order shall be retained for one year. It shall include the
10 name and license number of the licensee performing the service
11 and shall be available for inspection by the director during
12 business hours or submitted to the director upon request.

13 (b) Any licensee who opens a motor vehicle registered
14 under chapter 286 for another by any method, whether or not for
15 compensation, shall attempt to obtain information regarding the
16 name, address, telephone number, and driver's license number or
17 other identification of the person requesting the entrance, as
18 well as the registration or identification number of the vehicle
19 for which entrance is requested. The information, together with
20 the date the service was performed and the signature of the
21 person requesting entrance, shall be set forth on a work order.
22 A copy of each work order form shall be retained for one year



1 and include the name and license number of the licensee
2 performing the service and shall be available for inspection by
3 the director during business hours or submitted to the director
4 upon request."

5 SECTION 3. Section 846-2.7, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

7 "(b) Criminal history record checks may be conducted by:

8 (1) The department of health on operators of adult foster
9 homes or developmental disabilities domiciliary homes
10 and their employees, as provided by section 333F-22;

11 (2) The department of health on prospective employees,
12 persons seeking to serve as providers, or
13 subcontractors in positions that place them in direct
14 contact with clients when providing non-witnessed
15 direct mental health services as provided by section
16 321-171.5;

17 (3) The department of health on all applicants for
18 licensure for, operators for, and prospective
19 employees, and volunteers at one or more of the
20 following: skilled nursing facility, intermediate
21 care facility, adult residential care home, expanded
22 adult residential care home, assisted living facility,



1 home health agency, hospice, adult day health center,
2 special treatment facility, therapeutic living
3 program, intermediate care facility for the mentally
4 retarded, hospital, rural health center and
5 rehabilitation agency, and, in the case of any of the
6 above-related facilities operating in a private
7 residence, on any adult living in the facility other
8 than the client as provided by section 321-15.2;

9 (4) The department of education on employees, prospective
10 employees, and teacher trainees in any public school
11 in positions that necessitate close proximity to
12 children as provided by section 302A-601.5;

13 (5) The counties on employees and prospective employees
14 who may be in positions that place them in close
15 proximity to children in recreation or child care
16 programs and services;

17 (6) The county liquor commissions on applicants for liquor
18 licenses as provided by section 281-53.5;

19 (7) The department of human services on operators and
20 employees of child caring institutions, child placing
21 organizations, and foster boarding homes as provided
22 by section 346-17;



- 1 (8) The department of human services on prospective
2 adoptive parents as established under section 346-
3 19.7;
- 4 (9) The department of human services on applicants to
5 operate child care facilities, prospective employees
6 of the applicant, and new employees of the provider
7 after registration or licensure as provided by section
8 346-154;
- 9 (10) The department of human services on persons exempt
10 pursuant to section 346-152 to be eligible to provide
11 child care and receive child care subsidies as
12 provided by section 346-152.5;
- 13 (11) The department of human services on operators and
14 employees of home and community-based case management
15 agencies and operators and other adults, except for
16 adults in care, residing in foster family homes as
17 provided by section 346-335;
- 18 (12) The department of human services on staff members of
19 the Hawaii youth correctional facility as provided by
20 section 352-5.5;
- 21 (13) The department of human services on employees,
22 prospective employees, and volunteers of contracted



- 1 providers and subcontractors in positions that place
2 them in close proximity to youth when providing
3 services on behalf of the office or the Hawaii youth
4 correctional facility as provided by section 352D-4.3;
- 5 (14) The judiciary on employees and applicants at detention
6 and shelter facilities as provided by section 571-34;
- 7 (15) The department of public safety on employees and
8 prospective employees who are directly involved with
9 the treatment and care of persons committed to a
10 correctional facility or who possess police powers
11 including the power of arrest as provided by section
12 353C-5;
- 13 (16) The department of commerce and consumer affairs on
14 applicants for private detective or private guard
15 licensure as provided by section 463-9;
- 16 (17) Private schools and designated organizations on
17 employees and prospective employees who may be in
18 positions that necessitate close proximity to
19 children; provided that private schools and designated
20 organizations receive only indications of the states
21 from which the national criminal history record



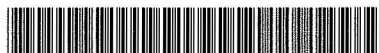
1 information was provided as provided by section
2 302C-1;

3 (18) The public library system on employees and prospective
4 employees whose positions place them in close
5 proximity to children as provided by section 302A-
6 601.5;

7 (19) The State or any of its branches, political
8 subdivisions, or agencies on applicants and employees
9 holding a position that has the same type of contact
10 with children, vulnerable adults, or persons committed
11 to a correctional facility as other public employees
12 who hold positions that are authorized by law to
13 require criminal history record checks as a condition
14 of employment as provided by section 78-2.7;

15 (20) The department of human services on licensed adult day
16 care center operators, employees, new employees,
17 subcontracted service providers and their employees,
18 and adult volunteers as provided by section 346-97;

19 (21) The department of human services on purchase of
20 service contracted and subcontracted service providers
21 and their employees serving clients of the adult and



1 community care services branch, as provided by section
2 346-97;

3 (22) The department of human services on foster grandparent
4 program, retired and senior volunteer program, senior
5 companion program, and respite companion program
6 participants as provided by section 346-97;

7 (23) The department of human services on contracted and
8 subcontracted service providers and their current and
9 prospective employees that provide home and community-
10 based services under Section 1915(c) of the Social
11 Security Act (Title 42 United States Code Section
12 1396n(c)), or under any other applicable section or
13 sections of the Social Security Act for the purposes
14 of providing home and community-based services, as
15 provided by section 346-97;

16 (24) The department of commerce and consumer affairs on
17 proposed directors and executive officers of a bank,
18 savings bank, savings and loan association, trust
19 company, and depository financial services loan
20 company as provided by section 412:3-201;

21 (25) The department of commerce and consumer affairs on
22 proposed directors and executive officers of a



1 nondepository financial services loan company as
2 provided by section 412:3-301;

3 (26) The department of commerce and consumer affairs on the
4 original chartering applicants and proposed executive
5 officers of a credit union as provided by section
6 412:10-103;

7 ~~[(27)]~~ The department of commerce and consumer affairs on:

8 (A) Each principal of every non-corporate applicant
9 for a money transmitter license; and

10 (B) The executive officers, key shareholders, and
11 managers in charge of a money transmitter's
12 activities of every corporate applicant for a
13 money transmitter license,

14 as provided by section 489D-9; ~~[and]~~

15 (28) The department of commerce and consumer affairs on
16 applicants for licensure as a locksmith as provided by
17 section -9; and

18 ~~[(28)]~~ (29) Any other organization, entity, or the State,
19 its branches, political subdivisions, or agencies as
20 may be authorized by state law."

1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval.
7

INTRODUCED BY:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]



Report Title:

Locksmith; Licensing

Description:

Requires licensure for and regulation of locksmiths.

