



House of Representatives

General Assembly

File No. 663

February Session, 2000

Substitute House Bill No. 5849

House of Representatives, April 26, 2000

The Committee on Finance, Revenue and Bonding reported through REP. MCDONALD of the 148th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

An Act Concerning The Licensing Of Locksmiths.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) As used in this act:

2 (1) "Branch" means any location other than the principal place of
3 business of a locksmith.

4 (2) "Commissioner" means the Commissioner of Consumer
5 Protection.

6 (3) "Department" means the Department of Consumer Protection.

7 (4) "Locksmith" means a person engaged in locksmithing.

8 (5) "Locksmithing" means the inspection, installation,
9 recombination, rekeying, service or repair of locks or locking devices,
10 but does not include: (A) The recombination or rekeying of locks or

11 cylinders by an employee of a retail establishment on an employer's
12 property; (B) the installation or repair of locks by a person registered
13 pursuant to chapter 393c of the general statutes or registered pursuant
14 to chapter 400 of the general statutes incidental to the construction of a
15 building; (C) the installation, maintenance, repair or service of a
16 vending machine; (D) the duplication or selling of keys or selling of
17 equipment used to duplicate keys at a retail establishment; or (E) work
18 performed by a person at such person's own residence.

19 (6) "Person" means an individual, corporation, association,
20 partnership or any other legal entity.

21 Sec. 2. (NEW) No person shall engage in any work as a locksmith in
22 this state without first obtaining a license from the commissioner as
23 provided in this act.

24 Sec. 3. (NEW) (a) Any person seeking a license as a locksmith shall
25 apply to the commissioner, in writing, on a form provided by the
26 commissioner. Such application shall include the applicant's name, the
27 name under which the applicant will do business, the applicant's
28 business address and such other information as the commissioner may
29 require.

30 (b) Each application for a license under this act shall be
31 accompanied by a fee of one hundred fifty dollars. Licenses shall be
32 renewed annually. The fee for renewal of such license shall be one
33 hundred dollars.

34 (c) The department shall not issue a license to any applicant who
35 fails to pass an examination prescribed by the department. Passing
36 scores on the examination shall be prescribed by the department.

37 (d) The department shall not issue a license under the provisions of
38 this act to an applicant unless the applicant for the license provides the
39 department with: (1) A photograph taken not more than one year

40 immediately preceding the filing date of the application; (2) two legible
41 sets of fingerprints of the applicant; (3) a personal description of the
42 applicant; and (4) information concerning any criminal record of the
43 applicant. The department shall request a state criminal history records
44 check for each applicant from the State Police Bureau of Identification.
45 The department may forward such fingerprints to the Federal Bureau
46 of Investigation for a national criminal history records check. If the
47 department submits the applicant's fingerprints to the Federal Bureau
48 of Investigation for such records check, the commissioner may, in the
49 commissioner's discretion, issue such license before the commissioner
50 receives a report from said bureau relative to such applicant's record.
51 Upon receipt of such report, the department shall inform the applicant
52 and render a decision on the application not later than two weeks after
53 the receipt of the report. If such report has not been received eight
54 weeks after a complete application for a license has been made, the
55 department shall inform the applicant of such delay, in writing.

56 (e) Upon receipt of the completed application form, payment of the
57 license fee and a determination by the commissioner of the applicant's
58 suitability to engage in locksmithing, the commissioner shall: (1) Issue
59 and deliver to the applicant a license as a locksmith and a pocket
60 identification card, or (2) refuse to issue such license. The
61 commissioner may refuse to issue or refuse to renew any license issued
62 under this act, for any of the reasons stated in subsection (c) of section
63 4 of this act. The commissioner shall not deny an applicant a license by
64 reason of a prior conviction of a crime, except as provided in section
65 46a-80 of the general statutes. Upon refusal to issue a license, the
66 commissioner shall notify the applicant of such refusal, the grounds
67 for the commissioner's refusal and the applicant's right to request a
68 hearing not later than ten days from the date of receipt of the notice of
69 refusal. In the event the applicant requests a hearing within such ten
70 days, the commissioner shall conduct a hearing concerning such
71 refusal in accordance with the provisions of chapter 54 of the general
72 statutes concerning contested matters.

73 Sec. 4. (NEW) (a) Each locksmith shall: (1) Display the original or a
74 copy of the locksmith's license at the location of the locksmith's
75 principal place of business and each branch location; and (2) carry and
76 display a valid pocket identification card at all times while engaged in
77 the work of a locksmith.

78 (b) No person shall: (1) Present or attempt to present, as such
79 person's own, any locksmith license of another; (2) knowingly give
80 false evidence of a material nature to the commissioner for the purpose
81 of procuring a locksmith license; (3) use or attempt to use a locksmith
82 license that has expired or that has been suspended or revoked; (4)
83 offer to perform or perform locksmithing without having first obtained
84 a license under this act; (5) represent in any manner that such person's
85 license constitutes an endorsement of the quality of such person's
86 workmanship or of such person's competency by the commissioner; or
87 (6) falsely represent, in any manner, to be licensed under this act.

88 (c) The commissioner may revoke or suspend any license as a
89 locksmith for: (1) Conduct of a character likely to mislead, deceive or
90 defraud the public or said commissioner; (2) gross incompetence; or (3)
91 violation of any of the provisions of this act or any regulation adopted
92 pursuant to this act.

93 (d) The commissioner shall not revoke or suspend any license as a
94 locksmith except upon notice and hearing in accordance with the
95 provisions of chapter 54 of the general statutes.

96 Sec. 5. (NEW) This act does not apply to: (1) The state or any
97 political subdivision of the state; (2) any department or agency of the
98 state or its subdivisions; or (3) the government of the United States or
99 any of its departments or agencies.

100 Sec. 6. (NEW) (a) Each locksmith and each agent or representative of
101 a locksmith shall require suitable proof of identification from a
102 customer prior to performing a service pursuant to this act and shall

103 maintain such information for a period of two years on a work order
104 issued for such service. Any such work order shall also include the
105 name and license number of the locksmith.

106 (b) Any locksmith who knowingly and wilfully unlocks any
107 residence or commercial establishment for another by any method
108 shall record on a work order the street address of the residence or
109 commercial establishment and obtain the signature of the person for
110 whom the residence or commercial establishment was opened. The
111 locksmith shall also record on such work order the name, address,
112 telephone number, date of birth and driver's license number of the
113 person requesting entry to any such residence or commercial
114 establishment.

115 (c) Any locksmith who makes keys capable of providing entry to a
116 motor vehicle, by any method, shall record on a work order the
117 signature, name, address, telephone number, date of birth and driver's
118 license number of the person requesting entry to any such motor
119 vehicle, the license and registration numbers of the motor vehicle and
120 a description of the motor vehicle, including the year, make, model
121 and color of such motor vehicle.

122 Sec. 7. (NEW) Any person who violates any provision of this act
123 shall be fined not more than five thousand dollars.

124 Sec. 8. (NEW) The commissioner may adopt regulations, in
125 accordance with chapter 54 of the general statutes, to implement the
126 provisions of this act.

FIN Committee Vote: Yea 30 Nay 13 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Increased Cost, Revenue Gain

Affected Agencies: Department of Consumer Protection

Municipal Impact: None

Explanation

State Impact:

Establishing licenses for locksmiths will result in a revenue gain to the Department of Consumer Protection. The licensure application fee is \$150 and the annual licensure renewal fee is \$100. The extent of the revenue gain cannot be determined because the number of individuals making an application for a locksmith license is unknown.

It is expected that any modifications to the automated licensing system necessary for a new license can be accommodated within the Department of Consumer Protection’s existing resources and will have no fiscal impact. It is assumed that the licensee would apply directly to an outside testing service for the examination necessary for licensure. If the department administers the examination there would be an indeterminate additional cost.

The bill requires the department to ensure that licensed locksmiths maintain detailed records about the services they perform. Because licensing and inspecting locksmiths is a departure from the other

trades licensed by the department, the department will require a Special Investigator (AR-20) with an annual salary of \$38,675 not including fringe benefits. It is anticipated that related other expenses and equipment can be handled within the existing resources of the department

This bill requires the Department of Public Safety (DPS) to complete a state criminal history records check for every applicant for a locksmith's license. Such records checks can be done through computers at DPS with minimal cost to the agency. Additionally the bill permits the Department of Consumer Protection to send an applicant's fingerprints to the Federal Bureau of Investigations (FBI) to conduct a national criminal history check. It is assumed that the \$24 fee required by the FBI to conduct these criminal background checks will be paid for from the \$150 licensure application fee.

The bill subjects violators of this bill to a penalty of \$5,000, which may result in revenue gain depending upon on the amount of penalty imposed and the number of occurrences.

OLR Amended Bill Analysis

sHB 5849

AN ACT CONCERNING THE LICENSING OF LOCKSMITHS.

SUMMARY:

This bill requires locksmiths to be licensed by the Department of Consumer Protection (DCP). It defines a "locksmith" as someone who, with certain exceptions, inspects, installs, recombines, services, or repairs locks and locking devices. To be licensed an applicant must apply to the DCP commissioner, pay the license fee, and pass a competency examination.

The bill requires an applicant to provide his fingerprints and information about his criminal record. DCP must ensure that the applicant has passed his examination and request a state criminal history records check before issuing a license. It may also request a federal criminal history records check. The DCP commissioner must determine that the applicant is suitable after a criminal history records check.

The bill requires locksmiths to display their licenses and check their customer's identification before performing a service. For example, when opening a residence or commercial establishment, the bill requires locksmiths to record the customer's name, address, telephone number, date of birth, and driver's license number.

The bill prohibits locksmiths from engaging in certain practices and authorizes the DCP commissioner to impose discipline and adopt implementing regulations. Violators are subject to fines of up to \$5,000.

EFFECTIVE DATE: October 1, 2000

LICENSE APPLICATION

An applicant for a locksmith license must state his name, business name and address, and provide (1) a photograph taken within the

previous year; (2) two legible sets of fingerprints; (3) a personal description; (4) information about his criminal record; and (5) any other information the DCP commissioner requires.

Criminal History Records Checks.

DCP must request a state criminal history records check from the State Police Bureau of Identification. It may also send an applicant's fingerprints to the Federal Bureau of Investigation (FBI) for a federal criminal history records check. If they are sent, the DCP commissioner may issue a license before he receives the FBI report. The commissioner must inform the applicant when he receives the report and decide on the application within two weeks. DCP must inform the applicant in writing of a delay if the FBI report is not received within eight weeks of the date he filed a "sufficient application."

The bill prohibits the commissioner from denying a license due to a prior conviction of a crime except as permitted by law (see BACKGROUND).

Appeal of a Denial

After receiving a completed application and fee and determining the applicant's suitability, the commissioner must either issue or refuse to issue a license. In the latter case, the commissioner must notify the applicant and inform him of the grounds for refusal and that he has 10 days to request a hearing. If he requests a hearing, the bill requires the commissioner to hold it in accordance with the procedure for hearing contested cases under the Uniform Administrative Procedure Act.

LOCKSMITH IDENTIFICATION

The bill requires DCP to issue a license and a pocket identification card to each licensed locksmith. It requires a locksmith to (1) display his license at his principal place of business and at all branches and (2) carry and display the pocket card when working as a locksmith.

RECORD KEEPING REQUIREMENTS

The bill requires locksmiths, or their agents or representatives, to

require suitable proof of identification from customers before providing services and to keep the information on file for two years.

For all types of locksmith services, the bill requires a locksmith to write work orders that include his name and license number and the identification information provided by the customer.

The bill requires a locksmith who knowingly and willfully opens a residence or commercial establishment to record on the work order the street address and the customer's name, signature, address, telephone number, date of birth, and driver's license number.

The bill requires a locksmith who makes keys capable of opening a motor vehicle to record on the work order (1) the customer's name, signature, address, telephone number, date of birth, and driver's license number and (2) the vehicle's license and registration numbers and description including its year, make, model, and color.

PROHIBITED ACTS

The bill prohibits a locksmith from (1) presenting or trying to present another's license as his own; (2) knowingly giving false material evidence to the commissioner to obtain a license; (3) using or trying to use an expired, suspended, or revoked license; (4) working or offering to work without a license; (5) representing that the license constitutes state endorsement of his competency or the quality of his work; or (6) falsely representing that he is licensed.

DISCIPLINE

The bill authorizes the commissioner to suspend, revoke, or refuse to issue or renew a license after a hearing for (1) conduct likely to mislead; (2) gross incompetence; or (3) any violation of the bill or its implementing regulations.

FEES

The bill requires applicants to pay an initial fee of \$150. The annual renewal fee is \$100.

EXEMPTIONS

The bill exempts the federal and state governments and the state's political subdivisions.

It also exempts (1) the recombination or rekeying of locks by a retail employee at a store; (2) installing or repairing locks by registered home improvement contractors and registered major contractors incidental to the construction of a building; (3) installing, servicing, or repairing a vending machine; (4) duplicating or selling keys or key cutting machines at a retail establishment; and (5) work performed by an individual at his own home.

BACKGROUND***Denial of Employment Based on Prior Conviction***

The law generally prohibits the state from denying someone employment or disqualifying him from engaging in any occupation, trade, vocation, profession, or business for which a license, permit, certificate, or registration is required solely because of a prior conviction. It allows the state to deny employment or a necessary credential if it determines the applicant is not suitable after considering (1) the nature of the crime and its relationship to the job for which the person has applied; (2) information relating to the applicant's degree of rehabilitation; and (3) the time elapsed since his conviction or release.

Legislative History

The House referred the original bill (File 178) to the Judiciary Committee on March 28. On March 31, the committee reported it favorably without change. The House referred the bill to the Finance, Revenue and Bonding Committee on April 11. On April 17, the committee amended the bill by deleting the grandfather provision and reporting it favorably. The provision required DCP to license without examination individuals who met certain criteria.

COMMITTEE ACTION

General Law Committee

Joint Favorable Report
Yea 15 Nay 0

Judiciary Committee

Joint Favorable Report
Yea 22 Nay 4

Finance, Revenue and Bonding Committee

Joint Favorable Substitute
Yea 30 Nay 13