



General Assembly

February Session, 2008

Raised Bill No. 5767

LCO No. 2458

02458 _____ GL_

Referred to Committee on General Law

Introduced by:
(GL)

AN ACT CONCERNING THE REGISTRATION OF LOCKSMITHS.

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

1 Section 1. (NEW) (*Effective October 1, 2008*) (a) As used in this
2 section:

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

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

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

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

9 (5) "Locksmithing" means the inspection, installation,
10 recombination, rekeying, service or repair of locks or locking devices,
11 but does not include: (A) The recombination or rekeying of locks or
12 cylinders by an employee of a retail or wholesale establishment on an
13 employer's property; (B) the installation or repair of locks by a person
14 registered pursuant to chapter 393c of the general statutes or registered

15 pursuant to chapter 400 of the general statutes incidental to the
16 construction of a building; (C) the installation, maintenance, repair or
17 service of a vending machine; (D) the duplication or selling of keys or
18 selling of equipment used to duplicate keys at a retail establishment; or
19 (E) work performed by a person at such person's own residence.

20 (6) "Registration" means a document or card issued by the
21 Department of Consumer Protection to a locksmith which certifies that
22 such locksmith has completed an application form, paid the required
23 registration fee, has successfully passed the required criminal history
24 records check, is not otherwise barred from becoming a locksmith and
25 has been added to the registry of locksmiths, as established in
26 subsection (b) of this act.

27 (b) (1) A person seeking registration as a locksmith shall apply to
28 the commissioner on a form provided by the commissioner. The
29 application shall include the applicant's name, residence address,
30 business address, business telephone number, a question as to whether
31 the applicant has been convicted of a felony in any state or jurisdiction,
32 and such other information as the commissioner may require. The
33 applicant shall submit to a request by the commissioner for a recent
34 criminal history records check. No registration shall be issued unless
35 the commissioner has received the results of a such records check. In
36 accordance with the provisions of section 46a-80 of the general statutes
37 and after a hearing held pursuant to chapter 54 of the general statutes,
38 the commissioner may revoke, refuse to issue or refuse to renew a
39 registration when an applicant's criminal history records check reveals
40 the applicant has been convicted of a crime of dishonesty, fraud, theft,
41 assault, other violent offense or a crime related to the performance of
42 locksmithing.

43 (2) The application fee for registration as a locksmith and the
44 biennial renewal fee for such registration shall be two hundred dollars.

45 (3) The department shall establish and maintain a registry of
46 locksmiths. The registry shall contain the names and addresses of

47 registered locksmiths and such other information as the commissioner
48 may require. Such registry shall be updated at least annually by the
49 department, be made available to the public upon request and be
50 published on the department's Internet web site.

51 (4) No person shall engage in locksmithing, use the title locksmith
52 or display or use any words, letters, figures, title, advertisement or
53 other method to indicate said person is a locksmith unless such person
54 has obtained a registration as provided by this act.

55 (5) The following persons shall be exempt from registration as a
56 locksmith, but only if the person performing the service does not hold
57 himself or herself out to the public as a locksmith: (A) Persons
58 employed by a state, municipality or other political subdivision, or by
59 any agency or department of the government of the United States,
60 acting in their official capacity; (B) automobile service dealers who
61 service, install, repair or rebuild automobile locks; (C) retail merchants
62 selling locks or similar security accessories or installing, programming,
63 repairing, maintaining, reprogramming, rebuilding or servicing
64 electronic garage door devices; (D) members of the building trades
65 who install or remove complete locks or locking devices in the course
66 of residential or commercial new construction or remodeling; (E)
67 employees of towing services, repossessioners, or an automobile club
68 representative or employee opening automotive locks in the normal
69 course of his or her business. The provisions of this act shall not
70 prohibit an employee of a towing service from opening motor vehicles
71 to enable a vehicle to be moved without towing, provided the towing
72 service does not hold itself out to the public, by directory
73 advertisement, through a sign at the facilities of the towing service or
74 by any other form of advertisement, as a locksmith; (F) students in a
75 course of study in locksmith programs approved by the department;
76 (G) warranty services by a lock manufacturer or its employees on the
77 manufacturer's own products; (H) maintenance employees of a
78 property owner or property management companies at multi-family
79 residential buildings, who service, install, repair or open locks for

80 tenants; and (I) persons employed as security personnel at schools or
81 institutions of higher education who open locks while acting in the
82 course of their employment.

83 (c) (1) Each person engaging in locksmithing shall: (A) Exhibit such
84 person's registration or a copy thereof at the person's place of business
85 and any branch, in a location visible to the general public, (B) exhibit
86 such person's registration upon request by any interested party, and
87 (C) include such person's registration number in any advertisement.

88 (2) No person shall: (A) Present or attempt to present, as such
89 person's own, the registration of another, (B) knowingly give false
90 evidence of a material nature to the commissioner for the purpose of
91 procuring a registration, (C) represent himself or herself falsely as, or
92 impersonate, a registered locksmith, (D) knowingly use or attempt to
93 use a registration which has expired or which has been suspended or
94 revoked, (E) offer to undertake any locksmith service without having a
95 current registration required under this chapter, (F) represent in any
96 manner that such person's registration constitutes an endorsement of
97 the quality of such person's workmanship or of such person's
98 competency by the commissioner, (G) employ or allow any person to
99 act as a salesman on such person's behalf unless such salesman is in
100 the direct employ of such person, or (H) represent or advertise a
101 location or branch as a place of business without obtaining the right to
102 occupy such location.

103 (d) Registrations issued to locksmiths pursuant to this act shall not
104 be transferable or assignable.

105 (e) All registrations issued under the provisions of this act shall
106 expire biennially.

107 (f) Failure to receive a notice of registration expiration or a renewal
108 application shall not exempt a locksmith from the obligation to renew
109 his or her registration.

110 (g) The commissioner may adopt regulations, in accordance with
111 chapter 54 of the general statutes, to carry out the provisions of this act.

112 (h) The commissioner may conduct investigations and hold
113 hearings on any matter subject to the provisions of this act. The
114 commissioner may issue subpoenas, administer oaths, compel
115 testimony and order the production of books, records and documents
116 in connection with such investigations. If any person refuses to appear,
117 to testify or to produce any book, record, paper or document when so
118 ordered, upon application of the commissioner or the Attorney
119 General, a judge of the Superior Court may make such order as may be
120 appropriate to aid in the enforcement of this act. The Attorney General,
121 at the request of the commissioner, is authorized to apply in the name
122 of the state of Connecticut to the Superior Court for an order
123 temporarily or permanently restraining and enjoining any person from
124 violating any provision of this act.

125 (i) The commissioner may revoke, suspend, place conditions on, or
126 refuse to renew a registration issued pursuant to this act for: (1)
127 Conduct of a character likely to mislead, deceive or defraud the public
128 or the commissioner; (2) engaging in any untruthful or misleading
129 advertising; (3) unfair or deceptive business practices; (4) gross
130 incompetence; or (5) violations of any of the provisions of this act or
131 any regulation adopted pursuant to any of such provisions.

132 (j) The commissioner may, after notice and hearing in accordance
133 with the provisions of chapter 54 of the general statutes, impose a civil
134 penalty on any person who engages in or practices the work or
135 occupation for which a registration is required by this act without
136 having first obtained such a registration, or who wilfully employs or
137 supplies for employment a person who does not have such a
138 registration, or who wilfully and falsely pretends to qualify to engage
139 in or practice such work or occupation, or who engages in or practices
140 any of the work or occupations for which a registration is required by
141 this act after the expiration of such person's registration, or who

142 violates any of the provisions of this act or the regulations adopted
143 pursuant thereto. Such penalty shall be in an amount not more than
144 five hundred dollars for a first violation of this subsection, not more
145 than seven hundred fifty dollars for a second violation of this
146 subsection occurring not more than three years after a prior violation,
147 and not more than one thousand five hundred dollars for a third or
148 subsequent violation of this subsection occurring not more than three
149 years after a prior violation. Any penalty collected pursuant to this
150 subsection shall be deposited in the consumer protection enforcement
151 account established in section 21a-8a of the general statutes.

152 (k) A violation of any of the provisions of this act shall be deemed
153 an unfair or deceptive trade practice under subsection (a) of section 42-
154 110b of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section

Statement of Purpose:

To require registration of locksmiths to protect the public.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]