

AMENDED IN SENATE JANUARY 14, 2014

AMENDED IN SENATE JANUARY 6, 2014

AMENDED IN ASSEMBLY MAY 6, 2013

AMENDED IN ASSEMBLY APRIL 18, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

---

---

**ASSEMBLY BILL**

**No. 759**

**Introduced by Assembly Member Daly**

February 21, 2013

---

---

An act to amend ~~Section~~ *Sections* 6980.12 and 7590.2 of the Business and Professions Code, relating to alarm companies, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 759, as amended, Daly. Alarm companies.

Existing law provides for the licensure and regulation of locksmiths and the registration of employees of locksmiths by the Bureau of Security and Investigative Services in the Department of Consumer Affairs. Existing law exempts from that regulation and licensure or registration certain individuals and practices, including, among others, a person registered with the bureau as an employee of a reposessor, if the duties of the person that constitute locksmithing are ~~ancillary~~ *ancillary* to the primary duties and functions of the person's position. Existing law, *the Alarm Company Act*, also provides for the licensure and regulation of alarm company operators and the *certification and*

registration of employees of alarm companies, *including alarm agents*, by the bureau.

This bill would expand the exemption from licensure as a locksmith or registration as an employee of a locksmith to include a person *who is licensed, certified, or registered with the bureau as an employee of an alarm company operator pursuant to the Alarm Company Act* if the duties of the person that constitute locksmithing are ~~ancillary~~ *ancillary* to the primary duties and functions of ~~the person's position~~ *an alarm agent*.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 6980.12 of the Business and Professions
- 2 Code is amended to read:
- 3 6980.12. This chapter does not apply to the following persons:
- 4 (a) Any person, or his or her agent or employee, who is the
- 5 manufacturer of a product, other than locks and keys, and who
- 6 installs, repairs, opens, or modifies locks or who makes keys for
- 7 the locks of that product as a normal incident to its marketing.
- 8 (b) Employees who are industrial or institutional locksmiths,
- 9 provided that the employees provide locksmith services only to a
- 10 single employer that does not provide locksmith services for hire
- 11 to the public for any consideration or compensation whatsoever.
- 12 (c) Tow truck operators who do not originate keys for locks and
- 13 whose locksmith services are limited to opening motor vehicles.
- 14 (d) Any person employed exclusively and regularly by a state
- 15 correctional institution, or other state or federal agency, and who
- 16 does not provide locksmith services for hire to the public for any
- 17 consideration or compensation whatsoever.
- 18 (e) Any person registered with the bureau pursuant to Chapter
- 19 11 (commencing with Section 7500) or *licensed, certified, or*
- 20 *registered pursuant to* Chapter 11.6 (commencing with Section
- 21 7590) if the duties of that person's position that constitute
- 22 locksmithing are ancillary to the primary duties and functions of
- 23 that person's position.

1 (f) Any agent or employee of a retail establishment that has a  
2 primary business other than providing locksmith services, providing  
3 all of the following criteria are met:

4 (1) The services provided by the retail establishment are limited  
5 to rekeying and recombination of locks.

6 (2) All rekeying, recombination, and installation of locks must  
7 take place on the premises of the retail establishment.

8 (3) All rekeying, recombination, and installation services  
9 provided by the retail establishment subject to this chapter are  
10 limited to locks purchased on the retail establishment's premises  
11 and are conducted prior to purchasers taking possession of the  
12 locks.

13 (4) No unlicensed agent or employee of the retail establishment  
14 shall advertise or represent himself or herself to be licensed under  
15 this chapter, and no agent or employee of the retail establishment  
16 shall advertise or represent himself or herself to be a locksmith.

17 (5) No agent or employee of the retail establishment shall design  
18 or implement a master key system, as defined in subdivision (o)  
19 of Section 6980.

20 (6) No agent or employee of the retail establishment shall rekey,  
21 change the combination of, alter, or install any automotive locks.

22 (7) The retail establishment shall not have on its premises any  
23 locksmith tool, as defined in subdivision (s) of Section 6980, other  
24 than the following:

25 (A) Standard key duplication machines.

26 (B) Key blanks.

27 (C) Pin kits.

28 (g) Any law enforcement officer employed by any city, county,  
29 city and county, state, or federal law enforcement agency, if all  
30 services are performed during the course of the officer's  
31 professional duties.

32 (h) Firefighters or emergency medical personnel employed by  
33 any city, county, city and county, district, or state agency, if all  
34 services are performed during the course of duties as a firefighter  
35 or emergency medical person.

36 (i) A new motor vehicle dealer, as defined in Section 426 of the  
37 Vehicle Code, and employees of a new motor vehicle dealer acting  
38 within the scope of employment at a dealership.

39 *SEC. 2. Section 7590.2 of the Business and Professions Code*  
40 *is amended to read:*

1 7590.2. (a) An “alarm company operator” means any person  
 2 who, for any consideration whatsoever, engages in business or  
 3 accepts employment to install, maintain, alter, sell on premises,  
 4 monitor, or service alarm systems or who responds to alarm  
 5 systems except for any alarm agent. “Alarm company operator,”  
 6 includes any entity that is retained by a licensed alarm company  
 7 ~~operator~~, operator, a customer, or any other person or entity, to  
 8 monitor one or more alarm systems, whether or not the entity  
 9 performs any other duties within the definition of an alarm  
 10 company operator. The provisions of this chapter, to the extent  
 11 that they can be made applicable, shall be applicable to the duties  
 12 and functions performed in monitoring alarm systems.

13 ~~A~~

14 (b) A person licensed as an alarm company operator may not  
 15 conduct any investigation or investigations except those that are  
 16 incidental to personal injury, or the theft, loss, embezzlement,  
 17 misappropriation, or concealment of any property, or any other  
 18 thing enumerated in this section, which he or she has been hired  
 19 or engaged to protect.

20 (c) *Any person who is licensed, certified, or registered pursuant*  
 21 *to this chapter is exempt from locksmithing requirements, pursuant*  
 22 *to subdivision (e) of Section 6980.12, if the duties performed that*  
 23 *constitute locksmithing are ancillary to the primary duties and*  
 24 *functions of an alarm agent.*

25 ~~SEC. 2.~~

26 SEC. 3. This act is an urgency statute necessary for the  
 27 immediate preservation of the public peace, health, or safety within  
 28 the meaning of Article IV of the Constitution and shall go into  
 29 immediate effect. The facts constituting the necessity are:

30 In order to assure prompt access to, and the ability to promptly  
 31 secure, residential and business properties using alarm systems  
 32 with automated locking features, it is necessary that this act take  
 33 effect immediately.