

AMENDED IN SENATE MARCH 28, 2014
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 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 repossessor, if the duties of the person that constitute locksmithing are 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 pursuant to the Alarm Company Act if the duties of the person that constitute locksmithing are ~~ancillary to the primary duties and functions of an alarm agent~~ *performed in combination with the installation, maintenance, moving, repairing, replacing, servicing, or reconfiguration of an alarm system, as defined, and limited to work on electronic locks or access control devices that are controlled by an alarm system control device, including the removal of existing hardware.*

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

Vote: 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~~ A 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~~ *An employee who is an industrial or*
9 ~~institutional locksmiths~~ *locksmith*, provided that the ~~employees~~
10 ~~provide~~ *employee provides* locksmith services only to a single
11 employer that does not provide locksmith services for hire to the
12 public for any consideration or compensation whatsoever.

13 (c) ~~Tow truck operators who do~~ *A tow truck driver who does*
14 not originate keys for locks and whose locksmith services are
15 limited to opening motor vehicles.

16 (d) ~~Any~~ A person employed exclusively and regularly by a state
17 correctional institution, or other state or federal agency, and who
18 does not provide locksmith services for hire to the public for any
19 consideration or compensation whatsoever.

20 (e) ~~Any~~ *(1) A person registered with the bureau pursuant to*
21 ~~Chapter 11 (commencing with Section 7500) or if the duties of~~

1 *that person's position that constitute locksmithing are ancillary*
2 *to the primary duties and functions of that person's position.*

3 (2) A person licensed, certified, or registered pursuant to Chapter
4 11.6 (commencing with Section 7590) if the duties of that person's
5 position that constitute locksmithing are ~~ancillary to the primary~~
6 ~~duties and functions of that person's position~~ *performed in*
7 *combination with the installation, maintenance, moving, repairing,*
8 *replacing, servicing, or reconfiguration of an alarm system, as*
9 *defined in subdivision (n) of Section 7590.1, and limited to work*
10 *on electronic locks or access control devices that are controlled*
11 *by an alarm system control device, including the removal of*
12 *existing hardware.*

13 (f) ~~Any~~An agent or employee of a retail establishment that has
14 a primary business other than providing locksmith services,
15 providing all of the following criteria are met:

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

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

20 (3) All rekeying, recombination, and installation services
21 provided by the retail establishment subject to this chapter are
22 limited to locks purchased on the retail establishment's premises
23 and are conducted prior to purchasers taking possession of the
24 locks.

25 (4) ~~No~~An unlicensed agent or employee of the retail
26 establishment shall *not* advertise or represent himself or herself to
27 be licensed under this chapter, and ~~no~~ an agent or employee of the
28 retail establishment shall *not* advertise or represent himself or
29 herself to be a locksmith.

30 (5) ~~No~~An agent or employee of the retail establishment shall
31 *not* design or implement a master key system, as defined in
32 subdivision (o) of Section 6980.

33 (6) ~~No~~An agent or employee of the retail establishment shall
34 *not* rekey, change the combination of, alter, or install any
35 automotive locks.

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

39 (A) Standard key duplication machines.

40 (B) Key blanks.

1 (C) Pin kits.

2 (g) ~~Any~~A law enforcement officer employed by any city,
3 county, city and county, state, or federal law enforcement agency,
4 if all services are performed during the course of the officer’s
5 professional duties.

6 (h) ~~Firefighters~~A *firefighter* or emergency medical ~~personnel~~
7 *person* employed by any city, county, city and county, district, or
8 state agency, if all services are performed during the course of
9 duties as a firefighter or emergency medical person.

10 (i) A new motor vehicle dealer, as defined in Section 426 of the
11 Vehicle Code, and ~~employees~~ *an employee* of a new motor vehicle
12 dealer acting within the scope of employment at a dealership.

13 SEC. 2. Section 7590.2 of the Business and Professions Code
14 is amended to read:

15 7590.2. (a) An “alarm company operator” means ~~any~~ a person
16 who, for any consideration whatsoever, engages in business or
17 accepts employment to install, maintain, alter, sell on premises,
18 monitor, or service alarm systems or who responds to alarm
19 systems except for any alarm agent. “Alarm company operator,”
20 includes any entity that is retained by a licensed alarm company
21 operator, a customer, or any other person or entity, to monitor one
22 or more alarm systems, whether or not the entity performs any
23 other duties within the definition of an alarm company operator.
24 The provisions of this chapter, to the extent that they can be made
25 applicable, shall be applicable to the duties and functions performed
26 in monitoring alarm systems.

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

33 (c) ~~Any~~A person who is licensed, certified, or registered
34 pursuant to this chapter is exempt from locksmithing requirements,
35 pursuant to subdivision (e) of Section 6980.12, if the duties
36 performed that constitute locksmithing are ~~ancillary to the primary~~
37 ~~duties and functions of an alarm agent~~ *performed in combination*
38 *with the installation, maintenance, moving, repairing, replacing,*
39 *servicing, or reconfiguration of an alarm system, as defined in*
40 *subdivision (n) of Section 7590.1, and limited to work on electronic*

1 *locks or access control devices that are controlled by an alarm*
2 *system control device, including the removal of existing hardware.*

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

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

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