

Assembly Bill No. 123

CHAPTER 122

An act to amend Sections 6980 and 6980.12 of the Business and Professions Code, relating to locksmiths.

[Approved by Governor July 17, 1995. Filed with
Secretary of State July 18, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

AB 123, Rainey. Locksmiths: retail establishments.

Existing law defines a locksmith as a person who engages in the business of installing, repairing, opening, modifying locks, or who originates keys for locks. It is a misdemeanor for a person who is not licensed as a locksmith to perform these services, subject to specified exceptions.

This bill would create an exception for an agent or employee of a retail establishment that has a primary business other than providing locksmith services. The locksmith services must be limited in scope and performed on the premises on locks purchased from the retail establishment, as specified. In addition, an unlicensed agent or employee of the retail establishment may not represent himself or herself to be a licensed locksmith or a locksmith, redesign or implement a master key system, perform locksmithing services on automotive locks, or possess specified locksmith tools.

This bill would also exempt from licensing requirements law enforcement officers, firefighters, and emergency medical personnel who perform locksmith services in the course of their duties.

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

SECTION 1. Section 6980 of the Business and Professions Code is amended to read:

6980. The following terms as used in this chapter have the meaning expressed in this article:

(a) "Branch office" means any location, other than the principal place of business of a licensee that is licensed as set forth in this chapter.

(b) "Bureau" means the Bureau of Security and Investigative Services.

(c) "Chief" means the Chief of the Bureau of Security and Investigative Services.

(d) "Department" means the Department of Consumer Affairs.

(e) "Director" means the Director of the Department of Consumer Affairs.



(f) “Employer” means a person who employs an individual for wages or salary, lists the individual on the employer’s payroll records, and withholds all legally required deductions and contributions.

(g) “Employee” means an individual who works for an employer, is listed on the employer’s payroll records, and is under the employer’s direction and control. An independent contractor is not an employee pursuant to this chapter.

(h) “Employer-employee relationship” means an individual who works for another and where the individual’s name appears on the payroll records of the employer.

(i) “Licensee” means a business entity, whether an individual, partnership, or corporation, licensed under this chapter.

(j) “Locksmith” means any person who, for any consideration whatsoever, engages, directly or indirectly and as a primary or secondary object, in the business of rekeying, installing, repairing, opening, modifying locks, or who originates keys for locks. A “locksmith” does not mean any person whose activities are limited to making a duplicate key from an existing key.

(k) “Person” means any individual, firm, company, association, organization, partnership, or corporation.

(l) “Registrant” means an employee registered pursuant to the provisions of this chapter.

(m) “Lock” means any mechanical, electromechanical, electronic, or electromagnetic device, or similar device, including any peripheral hardware, that is designed to control access from one area to another, or that is designed to control the use of a device.

(n) “Recombination” means changing the combination of any combination-actuated lock.

(o) “Master key system” means any system in which a lock is rekeyed so that the lock can be operated by its own individual key and can also be operated by a key that can operate other locks if the other locks cannot be operated with the lock’s individual key.

(p) “Key duplication machine” means any tool whose only capability is to manufacture a new key by using an existing key as a guide.

(q) “Key blank” means a key that has not been altered or cut and does not include depth keys.

(r) “Pin kit” means a container that holds only the following lock parts and materials:

- (1) Bottom pins.
- (2) Top pins (not including master pins).
- (3) Springs.
- (4) Plug follower.

(5) Proprietary tools, provided by a lock manufacturer, designed for the purpose of rekeying a lock.

(s) “Locksmith tool” means (1) any tool designed for the purpose of opening, bypassing, altering, rekeying, servicing, or repairing any



lock, or (2) any burglar tool, as described in Section 466 of the Penal Code.

SEC. 2. Section 6980.12 of the Business and Professions Code is amended to read:

6980.12. This chapter does not apply to the following persons:

(a) Any person, or his or her agent or employee, who is the manufacturer of a product, other than locks and keys, and who installs, repairs, opens, or modifies locks or who makes keys for the locks of that product as a normal incident to its marketing.

(b) Employees who are industrial or institutional locksmiths, provided that the employees provide locksmith services only to a single employer that does not provide locksmith services for hire to the public.

(c) Tow truck operators who do not originate keys for locks and whose locksmith services are limited to motor vehicles.

(d) Any person employed exclusively and regularly by a state correctional institution.

(e) Any person registered with the bureau pursuant to Chapter 11 (commencing with Section 7500) if the duties of that person's position that constitute locksmithing are ancillary to the primary duties and functions of that person's position.

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

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

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

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

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

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

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

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

(A) Key duplication machines.

(B) Key blanks.

(C) Pin kits.



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

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

