**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3880**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Mack, Brantley, Gilliard, Spires, Frye, Pinson, Sabb, Allen, Dillard, Knight and Williams

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Introduced in the House on March 9, 2011

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Licensure of locksmiths

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/9/2011 House Introduced and read first time ([House Journal‑page 9](file:///h:\hj%20archive\2011\03-09-11.docx))

3/9/2011 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 9](file:///h:\hj%20archive\2011\03-09-11.docx))

**VERSIONS OF THIS BILL**

[3/9/2011](file:///p:\pprever\2011-12\3880_20110309.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 42 TO TITLE 40 SO AS TO PROVIDE FOR THE LICENSURE OF LOCKSMITH AGENCIES, TO REQUIRE EMPLOYEE REGISTRATION, TO REQUIRE SIGNED WORK ORDER FORMS WHEN OPENING RESIDENCES, COMMERCIAL ESTABLISHMENTS, AND MOTOR VEHICLES, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 40 of the 1976 Code is amended by adding:

“CHAPTER 42

Locksmiths

Section 40‑42‑10. A person may not operate a locksmith agency unless licensed by the Department of Labor, Licensing and Regulation pursuant to this chapter.

Section 40‑42‑20. For purposes of this chapter:

(1) ‘Branch office’ means a business location removed from the place of business for which an agency license has been issued.

(2) ‘Department’ means the Department of Labor, Licensing and Regulation.

(3) ‘Lock’ means a 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. These devices if operated by electrical current shall include both alternating current and direct current low voltage.

(4) ‘Locksmith’ means a person who directly or indirectly engages in the business of rekeying, installing, repairing, opening, or modifying locks or who originates keys for locks.

(5) ‘Locksmith agency’ means an individual, firm, association, or corporation that engages in the locksmith business and that employs one or more persons in conducting the business.

(6) ‘Permanent employee registration card’ means a card issued by the department to an individual who has applied to the department and has been found to be employable by an agency licensed under this chapter.

Section 40‑42‑30. (A) To operate a locksmith agency in this State a person shall submit an application for licensure on forms prescribed by the department and pay the licensure fee as established by the department in regulation.

(B) To provide locksmith services, an owner or employee of a locksmith agency shall submit an application for a permanent employee registration card on forms prescribed by the department and pay the registration fee as established by the department in regulation. The applicant shall provide the department with his fingerprints to allow appropriate law enforcement authorities to verify whether an applicant has a criminal record before being issued a registration card. A registration card must not be issued if the applicant has an unpardoned felony in his criminal record or has had a prior license to do business as a locksmith revoked for fraud or misrepresentation.

(C) Upon issuing the license the department also shall issue a license number that must be noted in all advertising for that locksmith’s business.

Section 40‑42‑40. (A) A locksmith who knowingly or intentionally opens a residence or commercial establishment for another person by any method that involves an on‑site inspection of a door or entrance shall obtain a work order form signed by the person who requested entry to the residence or commercial establishment and shall record on the work order form the date of the service and that person’s:

(1) name;

(2) address;

(3) telephone number;

(4) date of birth; and

(5) driver’s license or identification number.

(B) A locksmith who knowingly or intentionally opens a motor vehicle or personal property for another person by any method, whether or not for compensation, shall obtain a work order form signed by the person who requested entry to the motor vehicle or personal property and shall record on the work order form the date of the service and that person’s:

(1) name;

(2) address;

(3) telephone number;

(4) date of birth;

(5) driver’s license or identification number; and

(6) registration and identification number of the vehicle or personal property.

(C) A locksmith shall retain each work order form created pursuant to this section for at least one year and shall make the form available for inspection by the department in the legal performance of his duties during regular business hours. The form must include the name of the locksmith who performed the service and his permanent employee registration card number.

Section 40‑42‑50. Nothing in this chapter prohibits any of the following:

(1) servicing, installing, repairing, or rebuilding automotive locks by automotive service dealers if they do not hold themselves out to the public as locksmiths;

(2) police or fire departments from opening a lock in an emergency situation if they do not hold themselves out to the public as locksmiths;

(3) merchants or retail or hardware stores from duplicating keys or from selling locks or other security accessories not prohibited from sale by the State if they do not hold themselves out to the public as locksmiths;

(4) the installation or removal of complete locks or locking devices by members of the building trades when doing so in the course of residential or commercial new construction or remodeling if they do not hold themselves out to the public as locksmiths;

(5) the employees of towing services or repossessors from opening automotive locks in the normal course of their duties if they do not hold themselves out to the public as locksmiths; additionally, this chapter does not prohibit employees of towing services from opening motor vehicles to be moved without towing if they use the work order form required by this chapter and if the towing service does not hold itself out to the public as a locksmith or locksmith agency by way of yellow page advertisement, through a sign at the facilities of the service, or by any other advertisement;

(6) the practice of locksmithing by students in the course of study in programs approved by the department if the students do not hold themselves out to the public as locksmiths;

(7) servicing, installing, repairing, or rebuilding locks by a lock manufacturer or anyone employed by a lock manufacturer if they do not hold themselves out to the public as locksmiths;

(8) the provision of any products or services in the practice of locksmithing by a business licensed by the State as a private alarm contractor agency if the principal purpose of the services provided to a customer is not the practice of locksmithing and the business does not hold itself out to the public as a locksmith agency;

(9) a maintenance employee of a property management company at a multifamily residential building from servicing, installing, or repairing locks for tenants if the maintenance employee does not hold himself out to the public as a locksmith.

Section 40‑42‑60. The department shall promulgate regulations necessary to carry out the provisions of this chapter.

Section 40‑42‑70. A locksmith who violates a provision of this chapter is guilty of a misdemeanor and upon conviction must be fined not more than one thousand dollars or imprisoned not more than ninety days, or both.”

SECTION 2. This act takes effect upon approval by the Governor.

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