AMENDED

May 9, 2018

**H. 3038**

Introduced by Reps. Duckworth, Clemmons, Johnson, Atkinson, Daning and Whipper

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Read the first time April 4, 2017.

**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 LOCKSMITHS; TO DEFINE NECESSARY TERMINOLOGY; TO CREATE THE BOARD OF LOCKSMITHS AND TO PROVIDE FOR THE COMPOSITION, FUNCTION, AND DUTIES OF THE BOARD; TO REQUIRE APPLICANTS FOR LICENSURE TO SATISFY CERTAIN CRITERIA, COMPLETE WRITTEN TESTING REQUIREMENTS, AND SUBMIT TO FINGERPRINT‑BASED NATIONAL CRIMINAL BACKGROUND RECORDS CHECKS; AND TO REQUIRE LOCKSMITHS TO COMPLETE CERTAIN CONTINUING EDUCATION REQUIREMENTS TO MAINTAIN LICENSURE.

Amend Title To Conform

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 40-42-110. For purposes of this chapter:

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

(2) ‘Lock’ means a mechanical, electromechanical, electronic, or electromagnetic device or similar device, including 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.

(3) ‘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.

Section 40-42-120. (A)(1) In order to safeguard public welfare, health, and property and to promote the public good, a person seeking to provide or to offer to provide locksmith services to the public must submit to the department evidence that he is qualified to provide locksmith services and must obtain registration as a locksmith as provided in this chapter. The department is responsible for examining the criminal background checks of applicants for registration as locksmiths and investigating complaints and prosecuting violations of this chapter. To be qualified for registration as a locksmith in this State, an applicant must:

(a) be at least eighteen years of age;

(b) submit an application on forms prescribed by the department;

(c) pay a fifty dollar registration fee; and

(d) submit to a state criminal record check, supported by fingerprints, by the State Law Enforcement Division and a national criminal record check, supported by fingerprints, by the Federal Bureau of Investigation. The applicant is responsible for all costs associated with the criminal record checks.

(2) It is unlawful for a person to provide or to offer to provide locksmith services to the public or to use the term or title ‘locksmith’ unless registered under the provisions of this chapter.

(B) The department may not register a person who:

(1) is a registered sex offender or is convicted of, pled guilty or nolo contendere to, or has been adjudicated delinquent for an offense for which he is required to register as a sex offender as enumerated in Section 23-3-430(C);

(2) has had a prior license or registration to do business as a locksmith revoked for fraud or misrepresentation;

(3) has been convicted of a violent crime as defined by Section 16-1-60;

(4) has been convicted of a felony; or

(5) has been convicted of a crime of moral turpitude.

(C) Upon issuing the registration, the department also shall issue a registration number and a photographic identification card indicating the locksmith’s name, contact information, status as a registered locksmith, and registration number. A registered locksmith shall, on demand, provide this identification card for inspection at the request of any person to whom he seeks to provide locksmith services.

(D) The department may promulgate regulations to carry out the provisions of this chapter, provided that no regulation relating to continuing education may be promulgated.

Section 40-42-130. (A) A registration issued under this chapter must be renewed every two years on or before a date set by the department upon the payment of a renewal fee of fifty dollars and submittal of an updated criminal background check.

(B) A locksmith who allows his registration to lapse for less than one year by failing to renew the registration in accordance with this section may be reinstated by the department upon satisfactory explanation by the registered locksmith of failure to renew the registration and upon payment of a reinstatement fee and the renewal fee.

(C) If a registration has lapsed for more than two years, then the applicant must reapply for registration. A person who provides locksmith services in this State during the time that his registration is lapsed is engaging in unregistered practice and is subject to penalties provided in this title.

(D) Proceeds from registration and renewal fees shall be retained by the department for the administration of this chapter.

Section 40-42-140. A registration is not required to perform any of the following:

(1) the service, install, repair, or rebuild of automotive locks by automotive service dealers if they do not hold themselves out to the public as locksmiths;

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

(3) the duplication of keys or the sale of locks or other security accessories not prohibited from sale by the State by merchant, retail, or hardware stores 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 opening of automotive locks by the employees of towing services or repossessors 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, sign at its facilities of the service, or any other advertisement;

(6) the practice of locksmithing by a student in the course of study in programs approved by the department if the student does not hold himself out to the public as a locksmith;

(7) the service, install, repair, or rebuild of locks by a lock manufacturer or anyone employed by a lock manufacturer if he does not hold himself out to the public as a locksmith;

(8) the provision of a product or service 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) the service, install, or repair of locks for tenants at a multifamily residential building by a maintenance employee of the property management company if the maintenance employee does not hold himself out to the public as a locksmith; or

(10) motor club services, as defined in Section 39-61-20(e).”

SECTION 2. The Department of Labor, Licensing and Regulation shall develop the forms necessary for a locksmith to register within six months of the effective date of this act.

SECTION 3. This act takes effect upon approval by the Governor.

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