

locksmith performing the service, and shall be open for inspection by a peace officer or by the bureau during business hours or submitted to the bureau upon request.

6980.58. A licensee shall at all times be responsible for those actions of his or her employees performed in violation of this chapter, when acting within the course and scope of his or her employment.

6980.59. A licensee shall, within 30 days after such change, notify the bureau of any change of its officers required to be named pursuant to Section 6980.21. Applications, on forms prescribed by the director, shall be submitted by all new officers. The director may deny the application of a new officer if the director determines that the officer has committed any act which constitutes grounds for the denial of a license pursuant to Section 6980.71.

6980.60. No licensee shall conduct business from any location other than the location for which a license or branch office registration was issued.

6980.61. No licensee shall conduct a business as an individual, partnership, or corporation, unless the licensee holds a valid license issued to the same individual, partnership, or corporation.

6980.62. (a) Each licensee shall maintain a file or record containing the name, address, commencing date of employment, and position of each employee, and the date of termination of employment when an employee is terminated. The files and records, together with usual payroll records, shall be available for inspection by the

bureau, and copies thereof and information pertaining thereto or contained therein shall be submitted to the bureau upon written request.

(b) A licensee shall respond to the bureau's request to forward copies of the files or records and information pertaining thereto or contained therein within 30 days of the bureau's request.

6980.63. Within seven days, each licensee shall verify proof of current and valid registration issued by the bureau for each employee who is subject to registration, or shall require an employee to complete and submit an application for registration, pursuant to Section 6980.42, after employing an individual who does not possess a current and valid registration from the bureau.

6980.64. Every advertisement by a licensee soliciting or advertising business shall contain his or her name and license number as they appear in the records of the bureau.

6980.65. No licensee shall aid and abet an unlicensed locksmith in any activity for which a license is required.

6980.68. No licensee shall willfully or deliberately disregard any building or safety laws of the state or any political subdivision thereof.

6980.69. No licensee shall fail in any material respect to complete the installation, repair, opening, or modification of a lock for the price stated in the contract for services.

6980.71. (a) The director may deny a license or registration regulated by this chapter on the grounds that the applicant has done

any of the following:

- (1) Knowingly made a false statement of fact required to be revealed in the application for a license.
- (2) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which the bureau is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code.
- (3) Committed any act involving dishonesty, fraud, or deceit, with the intent to substantially benefit himself, herself, or another, or to substantially injure another.
- (4) Committed any act which, if done by a licensee, would be grounds for suspension or revocation of a license.
- (5) Been refused a license under this chapter or had a license revoked.
- (6) Been an officer, partner, or manager of any person who has been refused a license under this chapter or whose license has been suspended or revoked.
- (b) The bureau may deny a license or registration pursuant to this section only if the crime or act is substantially related to the qualifications, functions, or duties of the license or registration for which application has been made.
- (c) The denial of a license or registration shall be in writing and shall describe the basis for the denial. The denial shall inform the applicant that if he or she desires a hearing in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the review shall be requested within

30 days of the issuance of the denial.

- (d) Notwithstanding any other provision of this chapter, no person shall be denied a license or registration solely on the basis that he or she has been convicted of a felony, if he or she has obtained a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, or solely on the basis that he or she has been convicted of a misdemeanor, if he or she has met all applicable requirements of the criteria of rehabilitation as provided in Section 6980.72.
- 6980.72. (a) When considering the denial, suspension, or revocation of a license or registration for which application has been made under this chapter, the chief, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license or registration, shall consider all the following criteria:
- (1) The nature and severity of the act or crime under consideration as grounds for denial.
 - (2) The applicant's total criminal record.
 - (3) Evidence of any act committed subsequent to the act or crime under consideration as grounds for denial, suspension, or revocation which also could be considered as grounds for denial under Section 6980.71.
 - (4) The time that has elapsed since commission of the act or crime referred to in paragraph (1) or (2).
 - (5) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
 - (6) Evidence, if any, of rehabilitation submitted by the applicant.
- (b) When considering a petition for reinstatement of a license or

registration, the chief shall evaluate evidence of rehabilitation, considering those criteria of rehabilitation listed in subdivision (a).

6980.73. (a) The license or registration of a locksmith shall be automatically suspended if the locksmith is convicted of any crime which is substantially related to the functions, duties, and responsibilities of a locksmith. The automatic suspension shall be effectuated by the mailing of a notice of conviction and suspension of license to be sent by the bureau to the licensee at his or her address of record.

(b) The notice shall contain a statement of preliminary determination by the director or his or her designee that the crime stated is reasonably related to the functions, duties, and responsibilities of a locksmith.

(c) In enacting this section, the Legislature finds and declares that locksmiths convicted of crimes reasonably related to the functions, duties, and responsibilities of a locksmith shall be subject to automatic suspension of their license and that summary suspension is justified by compelling state interests of public safety and security within the meaning of the California Supreme Court's decision in *Eye Dog Foundation v. State Board of Guide Dogs for the Blind*, 67 Cal. 2d 536.

6980.74. The bureau may suspend or revoke a license issued pursuant to this chapter for acts including, but not limited to, any of the following acts which shall also be unlawful:

(a) Misrepresentation or concealment of a material fact in a license application.

(b) Interference with authorized personnel engaged in the

enforcement or administration of this chapter.

(c) Knowingly using or permitting the use of any of his or her skills, tools, or facilities for the commission of any crime.

(d) Conviction of a crime substantially related to the qualifications, functions, or duties of a locksmith.

(e) A violation of this chapter or the rules and regulations adopted under the authority of this chapter.

6980.75. A record of conviction, or a certified copy thereof, shall be conclusive evidence of conviction.

6980.76. The proceedings of the bureau to deny a license application, or to revoke or suspend a license, shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code.

6980.79. The fees prescribed by this chapter are those fixed in the following schedule:

(a) A locksmith license application fee of thirty dollars (\$30).

(b) An original license and renewal fee for a locksmith license of forty-five dollars (\$45).

(c) A branch office registration fee and branch office renewal fee of thirty-five dollars (\$35).

(d) Notwithstanding Section 163.5, the reinstatement fee as required by Section 6980.28 is the amount equal to the renewal fee plus a penalty of 50 percent thereof.

(e) An initial registration fee for an employee of twenty dollars (\$20).

(f) A registration renewal fee for an employee performing the services of a locksmith of twenty dollars (\$20).

(g) The fingerprint processing fee is that amount charged the bureau by the Department of Justice.

(h) All applicants seeking a license pursuant to this chapter shall also remit to the bureau the fingerprint fee that is charged to the bureau by the Department of Justice.

(i) The fee for a "Certificate of Licensure" of twenty dollars (\$20).

(j) A delinquency fee is the amount equal to the renewal fee plus a penalty of 50 percent thereof.

This section is repealed July 1, 1998.

6980.80. The initial application fee is considered an earned fee at the time an application for a license is received by the bureau. No refund shall be made to the applicant in the event that the applicant is found to lack the required qualifications, or is otherwise denied a license pursuant to this chapter.

6980.81. (a) The bureau shall report each month to the Controller the amount and source of all revenue received pursuant to this chapter and shall pay the entire amount thereof into the State Treasury for credit to the Private Security Services Fund.

(b) All moneys paid into the Private Security Services Fund pursuant to subdivision (a) are hereby continuously appropriated to the bureau for the purposes of this chapter.

6980.82. The director shall furnish one copy of the licensing law and rules and regulations to any applicant or licensee without charge. The director shall charge and collect a fee equivalent to the cost of producing such laws, rules and regulations, manuals, or guides, plus sales tax for each additional copy which may be

furnished on request to any applicant or licensee, and for each copy furnished on request to any other person. All moneys derived pursuant to this section, except for any sales tax collected, are hereby continuously appropriated to the bureau to cover the costs of producing copies of these laws, rules and regulations, manuals, or guides. All moneys collected for sales tax shall be remitted to the Board of Equalization.

6980.83. Application or licensee fees shall not be refunded except in accordance with Section 158.

6980.84. (a) There shall be a separate budget and expenditure statement, and a separate revenue statement, outlining all moneys derived from, and expended for, the licensing and regulation of locksmiths and registrants in accordance with the provisions of this chapter.

(b) If, at the end of any fiscal year, the moneys derived from the licensing of locksmiths and registrants is in surplus in an amount equal or greater than the moneys necessary for the regulation of locksmiths and registrants for the next two fiscal years, license or other fees shall be reduced during the following fiscal year by an amount that will reduce any surplus moneys derived from the licensing of locksmiths and registrants to an amount less than the moneys expended for the regulation of locksmiths and registrants for the next two fiscal years.