

LOUISIANA LOCKSMITH LICENSING

Chapter 13 - Locksmith Licensing

1391. Declaration of purpose

A. The purpose of the legislature in enacting this Chapter is the protection of the health, safety, security, and general welfare of those persons who use, rely upon, or are affected by the work of locksmiths in this state, as well as those who seek to practice the trade of locksmithing in a safe and professional manner. It is the policy of this state to afford such persons effective and practical protection against incompetent, inexperienced, or unlawful acts by persons acting as locksmiths and to establish uniform licensing and competence standards for locksmiths and their work. Locksmiths operate in the public trust to secure and protect property and persons and have the knowledge and tools to bypass or neutralize security devices; locksmiths must be trained in the applicable regulations and laws pertinent to the profession such as the Americans With Disabilities Act, building codes, fire and life safety codes as well as training in proper installation and maintenance of security devices for the public well-being.

B. It is the intent of the legislature that the State Licensing Board for Locksmiths shall be the sole and exclusive agency in this state empowered to examine and license natural persons engaged in or seeking to engage in the work of locksmithing in Louisiana.

1392. Definitions

For purposes of this Chapter, the following terms shall have the meanings defined herein:

(1) "Board" means the State Licensing Board for Locksmiths.

(2) "Codebook" means a compilation, in any form, of codes.

(3) "Emergency" means a life-threatening situation involving a person.

(4) "Key duplication machine" means any mechanical device which is capable of copying or reproducing keys.

(5) "Locksmith" means a security professional who has received a license under this Chapter and who engages in the practice of locksmithing as defined in this Chapter. "The practice of locksmithing" includes but is not limited to the installation, servicing, repair, originating keys, re-coding, re-combining, manipulation, or bypassing of any mechanical locking devices in a structure, vehicle, safe, vault, safe deposit box, or automatic teller machine, with the exception of a key duplicating machine and key blanks.

(6) "Locksmithing tool" means any tool that is designed, or intended by the user to be used, to open a mechanical, electronic, or electrical locking device by a means other than which is intended by the manufacturer of such a device for normal operation.

(7) "Safe-opening tool" means any tool that is designed, or intended by the user to be used, to open a safe, safe deposit box, or similar object by means other than that which is intended by the manufacturer of such safe, vault, safe deposit box, or similar object, for normal opening.

Section 1393. State Licensing Board for Locksmiths; membership; terms

A. The State Licensing Board for Locksmiths is hereby created within the Department of Public Safety and Corrections. The board shall be a body corporate and may sue and be sued. The board shall be composed of nine members who are Louisiana residents, appointed by the governor as follows:

(1) One member from each of the seven congressional districts in this state.

(2) One member appointed from the state at large.

(3) One member to represent the Department of Public Safety and Corrections and to assist with conducting background checks of all applicants.

B. (1) The board members appointed in Paragraphs (1) and (2) of Subsection A of this Section shall have at least five years experience as professional, full-time locksmiths and shall be actively working as locksmiths in this state with their residence in this state.

(2) The board members shall possess valid occupational licenses, if self-employed, and valid sales identification numbers, and they shall pay sales taxes in this state.

C. The terms of the board members shall be four years. Of those members first appointed, one from each association and one at-large member shall serve for two years. Any vacancy occurring other than by expiration of terms shall be filled for the unexpired term by appointment by the governor in the same manner as the original appointment. No member shall serve more than two consecutive full terms except that each member shall serve until his successor has been appointed and begins serving.

D. Six members shall constitute a quorum.

E. No member of the board shall be civilly liable for any act performed in good faith in the execution of his duties as a board member. The board may enter into contracts necessary or desirable to carry out its purposes. When awarding such contracts, the board shall give priority to companies located in this state.

F. The board shall elect a chairman, vice chairman, and secretary.

G. (1) The board shall meet at least two times per year and shall have other meetings upon the call of the chairman or upon written request of any three members of the board. Notice of any such meeting shall be given to board members and the public at least fourteen days in advance.

(2) The board may hold meetings in executive session by telephone. During such teleconferences, the board may only consider matters allowed to be exempted from discussion at open meetings as provided by R.S. 42:6.1. A quorum of six members shall be required for such teleconferences.

H. The members of the board shall serve without compensation but shall be reimbursed for travel and related expenses incurred, not to exceed those expenses authorized for reimbursement by the Department of Public Safety and Corrections, for each day that the member engages in board business.

I. The board shall have authority to approve written training programs as acceptable equivalents for meeting the training requirements of continuing education courses, as required by this Chapter.

1394. Powers and duties of the board; fees; rules and regulations; The Louisiana Locksmith Regulatory Trust Fund; disposition of funds

A. The board shall have authority to:

(1) Prescribe application forms for original and renewal licenses.

(2) Set application, examination, and license fees in amounts which are reasonable and necessary to defray the costs of the administration of this Chapter, which shall not be refundable except under such conditions as may be established by the board, and which

shall not exceed the following:

- (a) Application fee \$75.00
- (b) Initial license fee \$150.00
- (c) Two-year license renewal fee \$75.00
- (d) Reinstatement fee \$75.00
- (e) Duplicate or replacement license fee \$35.00

(3) Promulgate reasonable rules and regulations to implement the provisions of this Chapter.

(4) Take other action necessary to enforce this Chapter.

(5) Receive complaints concerning the conduct of any person whose activities are regulated by the board and take appropriate disciplinary action if warranted.

(6) Promulgate canons of ethics by which the professional activities of persons regulated shall be conducted.

B. The initial rules, regulations, and fees established pursuant to this Chapter shall be adopted by the board not later than January 1, 1998.

C. The board may establish by rule a provisional license program for apprentice or trainee locksmiths.

D.(1) Subject to the exceptions contained in Article VII, Section 9 of the Constitution of Louisiana, all monies received by the board pursuant to this

Chapter including but not limited to fees and fines, shall be deposited immediately upon receipt in the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer, prior to placing such remaining funds in the state general fund, shall pay an amount equal to the total amount of funds paid into the state treasury by the board pursuant to this Chapter, into a special fund which is hereby created in the state treasury and designated as the Louisiana Locksmith Regulatory Trust Fund.

(2) The monies in the Louisiana Locksmith Regulatory Trust Fund shall be used solely for implementation, administration, and enforcement of this Chapter and only in the amounts appropriated each year to the board by the legislature. Any surplus monies and interest remaining to the credit of the fund on June thirtieth of each year, after all such appropriations of the preceding fiscal year have been made, shall remain to the credit of the fund, and no part thereof shall revert to the state general fund.

1395. Licensing requirements: examination: exemptions: exceptions

A. No person shall operate as a locksmith or present himself as a locksmith in the state of Louisiana on or after July 1, 1998, without a valid and current license issued pursuant to this Chapter, except as specifically exempted herein.

B. The board shall issue a locksmith license to any applicant who satisfies each of the following:

- (1) Is at least eighteen years of age.

(2) Completes the application issued by the board pursuant to rule.

(3) Is not on parole or probation for a felony offense and has not been incarcerated for a felony offense within the five years immediately preceding the date of application.

(4) Passes the licensing examination.

(5) Pays the licensing fees.

(6) Is of good moral character , which means adherence to the laws of this state . Good moral character is a continuing requirement of licensure.

(7) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease unless a court has since declared him to be competent.

(8) Is not suffering from habitual drunkenness or from narcotic addiction or dependence.

(9) Has not been dishonorably discharged from the armed services of the United States.

(10) Has submitted to the board proof of a general liability and errors and omissions insurance policy, or its equivalent, in an amount not less than five hundred thousand dollars. This insurance requirement is a continuing requirement for licensure. Failure to maintain insurance shall result in the cancellation of the license by the board. A locksmith employed by another licensed locksmith may provide proof that his actions as a locksmith are covered by the insurance of his employer.

(11) Except as provided in Paragraph (3) of this Subsection, a person shall not be refused a license to practice, pursue, or engage in locksmithing solely because of a prior criminal conviction, unless the criminal conviction directly relates to the occupation or profession for which the license is sought. However, the board shall have authority to refuse a license if, based on all the information available, including the applicant's record of prior convictions, it finds that the applicant is unfit or unsuited to engage in locksmithing , or if the board finds that the applicant habitually breaks the laws of this state or the United States.

(12) Is a United States citizen or a legal resident alien.

(13) If a resident of another state establishes that he has complied with this Section , provides proof to the board that he has either applied for or holds a Louisiana state sales tax identification number and sales tax numbers from the parishes in which he does business , and shows proof that he pays Louisiana sales taxes.

C. The examination for locksmiths shall be conducted pursuant to the following guidelines:

(1) At reasonable times and places designated by the board, the board shall conduct an examination of applicants for licensing as locksmiths. The board shall select and certify testing sites and equipment for this purpose.

(2) The board is authorized to evaluate the competency of applicants for locksmith licenses. The board shall develop and administer an examination to evaluate competency.

D. A license issued under this Chapter is valid throughout the state but is not assignable or transferable.

E. A person shall not be required to obtain a license pursuant to this Chapter if that person does not hold himself out to the public to be a locksmith, and is any one of the following:

- (1) An officer or employee of the United States, this state, or any political subdivision of either, while engaged in the performance of his official duties within the course and scope of his employment with the United States, this state, or any political subdivision of either. However, any person who offers his services as a locksmith when similar services are performed for compensation, whether received directly or indirectly, is subject to this Chapter and its licensing requirements.
- (2) A member of the building trades performing the installation or removal of complete locks or locking devices when doing so in the course of residential or commercial new construction or remodeling.
- (3) Any automotive service dealer, lock manufacturer, or manufacturer's agent engaged in servicing, installing, repairing, or rebuilding automotive locks.
- (4) Any lock, gate, or access control manufacturer, and/or their agent, or any merchant, retail or hardware store who is in the business of duplicating keys, installing, servicing, repairing, rebuilding, reprogramming or maintaining electronic garage door devices, electric or electronic gate access control systems, or hotel/motel access control systems, or selling locks or similar security accessories not prohibited from sale by the state of Louisiana.
- (5) Any employee of a towing service, a repossession service, or an automobile club, while such person is opening automotive locks in the normal course of his duties.
- (6) A student engaged in the practice of locksmithing in his course of study.

(7) Any maintenance employee of a property management company at a multi-family residential building while such person is servicing, installing, repairing, or opening locks for tenants.

(8) Any company or any individual operating solely as a vehicle door unlocking service. However, such company or individual operating solely as a vehicle door unlocking service must keep a record of such openings pursuant to the provisions of R.S. 37:1401(B). Any person providing locksmithing services in conjunction with a vehicle door unlocking is subject to the provisions of this Chapter.

(9) Any company or individual regulated or licensed pursuant to R.S. 40:1662.1 et seq.

F. Notwithstanding any other provision of this Chapter, a sworn police, fire, or other peace officer or emergency technician may open any lock or locked motor vehicle only in an emergency situation, or if there is no licensed locksmith within that city or parish.

G. Any person who produces proof acceptable to the board that he has five years of experience as a professional locksmith prior to January 1, 1998, shall be issued an initial license without taking the licensing examination required of other applicants, provided that he satisfies all other requirements provided for in Subsection B of this Section. Any applicant licensed pursuant to this Subsection shall thereafter be subject to all provisions of this Chapter including the provisions regarding license renewal.

H. Any individual licensed under this Chapter must show his license number in all advertising.

I. Each individual license holder shall maintain his license on his person while