

engaging in any type of locksmithing. Each such license holder shall present his license for inspection upon demand by any law enforcement agent.

J. Each individual license holder shall notify the board on a form specified and provided by the board, within ten days of the following:

- (1) Any change in business address.
- (2) Any conviction for a felony or entry of a plea of guilty or nolo contendere to a felony charge.

1396. License renewal

A. A license issued under this Chapter is valid for two years from the date of issuance. A licensee may renew the license by filing a renewal application with the board, accompanied by the required renewal fee and proof of satisfactory completion of a minimum of sixteen hours of continuing education courses within that two-year period.

B. Any license not renewed on or before its anniversary date shall expire and may be reinstated only upon payment of the reinstatement fee authorized by this Chapter.

Section 1397. Inactive status

A license which has become inactive due to a lapse in renewal may be reactivated upon application to the board and payment of a seventy-five dollar reactivation fee. The board shall adopt rules regarding reactivation of inactive licenses, which may include reexamination procedures.

Section 1398. Denial; suspension; revocation; reinstatement

A. The board may deny, suspend, or revoke a license if there is substantial proof that the provisions of this Chapter have been violated. The board may reinstate a license for cause.

B. A violation of this Chapter or a rule adopted pursuant to this Chapter shall constitute a cause for the denial, suspension, or revocation of a license. The board may adopt rules establishing additional grounds for denial, suspension, revocation, or reinstatement of a license and establishing procedures for disciplinary actions.

C. The board shall adopt rules establishing standards of conduct and performance relative to competent and safe locksmithing in this state. Violation of these rules shall constitute cause for the suspension or revocation of a locksmith license.

D. (1) A person whose license has been revoked may apply for a new license after the expiration of thirty days from the date of revocation. Reissuance of a license shall be subject to the full examination requirements then in effect.

(2) Notwithstanding the provisions of the Administrative Procedure Act, the locksmith may appeal the revocation immediately to the board to determine if the facts warrant revocation. The board shall consider the appeal immediately, and if the revocation is overturned, the board shall immediately reinstate the license of the licensee.

E. A person whose license has been suspended must apply for reinstatement of his license prior to engaging in locksmithing. A reinstatement application may be filed at any time after expiration of the suspension. The board may require a full examination for reinstatement if it so chooses, or it may issue a reinstatement of the license without examination if the circumstances warrant.

F. Proceedings relating to the suspension or revocation of a license shall be held and conducted pursuant to the Administrative Procedure Act.

G. Notwithstanding the provisions of this Section, a person whose license has been revoked or suspended as a result of an injury or damage that occurred as a result of his lack of knowledge in a specific area of locksmithing or due to civil or criminal action taken against the person as a result of such lack of knowledge shall only be required to retake the portion of the test in which he was found to be deficient.

1399. Transition

A. Any person who is now engaged as a locksmith in this state, or who expects or wishes to operate as a locksmith in this state shall make application to the board for examination and licensing as soon as is practicable following promulgation of the applicable rules by the board.

B. In order to adequately manage the number of licensing examinations conducted in any one year, the board may establish a system to stagger the examination dates of the initial licenses to be issued under this Chapter and to use a system of provisional or temporary licenses which shall not be valid after January 1, 1999.

1400. Offenses; penalties; prohibited activities

A. A person commits a violation of this Chapter if the person possesses and utilizes for compensation the specific tools of the locksmith profession in the installation or repair of locks, the opening or closing of locks by manual, electrical, or electronic manipulation, the changing of the function or combination of locks, or the opening of locked motor vehicles without a license issued pursuant to this Chapter.

B. A person commits a violation of this Chapter if he presents himself as a

locksmith, advertises in any medium that he is a locksmith, distributes, presents, or uses business cards or placards styling himself as a locksmith, or in any other fashion misleads another person to believe that he is a locksmith, unless he is in possession of a valid locksmith license issued pursuant to this Chapter.

C. It shall be unlawful for any person to obtain ownership or possession of locksmithing tools, safe-opening tools, manuals, or codebooks, either in person or through an intermediary or through mail order or other remote procurement method unless he has a locksmith license which has not expired, been revoked, or suspended. It shall be unlawful for any organization to obtain ownership or possession of locksmithing tools, safe-opening tools, manuals, or codebooks by means of an employee, officer, or other person who violates this Chapter.

D. (1) If any person has in his possession any locksmithing tools, implements, or outfit considered to be a locksmith tool or burglar tool with intent to commit burglary, robbery, or felony theft, upon conviction thereof, he shall be guilty of a felony and shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not less than one year or more than two years, or both. The possession of such locksmithing tools, implements, or outfit by any person other than a bona fide dealer, licensed locksmith, automotive repossessor, locking device manufacturer, or such manufacturer's employee, who have reasonable need to possess locksmithing tools for demonstration, testing, and research purposes, shall be prima facie evidence of an intent to commit burglary, robbery, or felony theft.

(2) Notwithstanding the provisions of this Subsection, a retired or inactive bona fide locksmith may sell or retain his equipment without being subject to the penalties of this Subsection.

E. It shall be unlawful for any person or organization to engage in any of the following acts:

(1) Making use of any designation provided by statute or regulation to denote a standard of professional or occupational competence without being duly certified or licensed.

(2) Making use of any title, works, letters, or abbreviations which may reasonably be confused with a designation provided by statute or regulation to denote a standard of professional or occupational competence without being duly certified or licensed.

(3) Providing material misrepresentation of facts in an application for licensure, certification, or registration. However, a locksmith or other applicant may use a professional name or abbreviated name in all advertising and business dealings, provided that the use of such a name is not used to conceal illegal activities or a criminal background. The written license shall contain the locksmith's legal name followed by "AKA" and the professional name.

(4) Willfully refusing to furnish the board information or records required or requested pursuant to statute or regulation. However, the board shall request only information or records relevant to the requirements for licensure as provided in this Chapter or for investigative purposes. The board may not arbitrarily require invoices, records, banking records and receipts, or other business documents unless there is good cause to require such documents. Any information required or requested will be kept confidential, unless requested by law enforcement officers.

F. Whoever commits a violation of this Chapter is guilty of a misdemeanor and shall be fined not less than one hundred dollars for a first offense. A second offense shall be punishable by a fine of not more than five hundred dollars, or imprisonment for not more than ninety days, or both. A third offense shall be punishable by a fine of not more than one thousand dollars, or imprisonment for not more than ninety days, or both.

G. The board, through the attorney general, may institute proceedings in equity to enjoin any person, partnership, corporation, or any other entity from engaging in any unlawful act enumerated in this Section. Such proceeding shall be brought in the name of this state by the board in the district court of the parish in which the unlawful act allegedly occurred or in which the defendant resides.

1401. Customer identification; record retention

A. A locksmith who opens a residence or commercial establishment, or safe, vault, safe deposit box, automatic teller machine, or other device for safeguarding areas where access is meant to be limited for another, whether or not for compensation, shall document the street address where the work was performed on a work order form. The locksmith shall also document the name, address, telephone number, and driver's license number or other identification of the person requesting the work to be done, and obtain the signature of that person or bank employee who was a witness on the work order form, along with the number of any safe deposit box number that was opened. A copy of each work order form shall be kept by the licensed locksmith for a period of three years and shall also include the name and license number of the locksmith who performed the services. Work order forms required to be kept under this Section shall be available for inspection upon written request by certified mail made ten working days in advance by any law enforcement agency or member of the board.

B. A locksmith who opens a motor vehicle for another, whether or not for compensation, shall document on a work order form the name, address, telephone number, and driver's license number or other identification number of the person requesting entry and obtain the signature of that person, along with a description of the motor vehicle, including vehicle identification number, license plate number, and state of registration, year, make, and model of the motor vehicle being opened. A copy of each work order form shall be kept for three years by the locksmith and

shall also include the name and license number of the locksmith who performed the services. Work order forms required to be kept under this Section shall be available for inspection upon written request by certified mail made ten working days in advance by any law enforcement agency or member of the board.

Section 2. Any board member serving before August 15, 1999, shall serve the remainder of his term. All new members shall be appointed in the manner set forth in this Act.

NEW JERSEY SECURITY LICENSING

Chapter 95: Sections 2C:5-6

2. For the purpose of this act, unless otherwise indicated by the context:

(a) "Act" means this act and the rules and regulations adopted under it;

(b) "Board" means the Board of Examiners of Electrical Contractors created by section 3 of this act;

(c) "Department" means the Department of Law and Public Safety;

(d) "Electrical contractor" means a person who engages in the business of contracting to install, erect, repair or alter electrical equipment for the generation, transmission or utilization of electrical energy;

(e) "Person" means a person, firm, corporation or other legal entity;

(f) "Alarm business" means the installation, servicing or maintenance of burglar alarm, fire alarm or electronic security systems, or the monitoring or responding to alarm signals when provided in conjunction therewith. "Installation," as used in this definition, includes the survey of a premises, the design and preparation of the specifications for the equipment or system to be installed pursuant to a survey, the installation of the equipment or system, or the demonstration of the equipment or system after the installation is completed, but does not include any survey, design or preparation of specifications for equipment or for a system that is prepared by an engineer licensed pursuant to the provisions of P.L.1938, c.342 (C.45:8-27 et seq.), or an architect licensed pursuant to the provisions of chapter 3 of Title 45 of the Revised Statutes, if the survey, design, or preparation of specifications is part of a design for construction of a new building or premises or a renovation of an existing