

Standards Board, employed by an employer in connection with the affairs of that employer, provided he or she is exclusively employed by the employer during the hours or times he or she is scheduled to work for that employer, and there exists an employer and employee relationship.

In this subsection an "employee" is a person who is employed by an employer who has the right to control and direct the employee who performs the services in question, not only as to the result to be accomplished by the work, but also as to the details and means by which the result is to be accomplished; and an

"employer" is any person or entity, with the exception of a private detective, private detective agency, private security contractor, private security contractor agency, private alarm contractor, or private alarm contractor agency, whose purpose it is to hire persons to perform the business of a private detective, private detective agency, private security contractor, private security contractor agency, private alarm contractor, or private alarm contractor agency.

(8) A person who sells burglar alarm systems and does not install, monitor, maintain, alter, repair, service, or respond to burglar alarm systems at protected premises or premises to be protected, provided:

(i) The burglar alarm systems are approved either by Underwriters Laboratories or another authoritative source recognized by the Department and are identified by a federally registered trademark.

(ii) The owner of the trademark has expressly authorized the person to sell the trademark owner's products, and the person provides proof of this authorization upon the request of the Department.

(iii) The owner of the trademark maintains, and provides upon the Department's request, a certificate evidencing insurance for bodily injury or property damage arising from faulty or defective products in an amount not less than \$1,000,000 combined single limit; provided that the policy of insurance need not relate exclusively to burglar alarm systems.

(9) A person who sells, installs, maintains, or repairs automobile alarm systems.

(10) Nothing in this Act prohibits any of the following:

(A) Servicing, installing, repairing, or rebuilding automotive locks by automotive service dealers, as long as they do not hold themselves out to the public as locksmiths.

(B) Police, fire, or other municipal employees from opening a lock in an emergency situation, as long as they do not hold themselves out to the public as locksmiths.

(C) Any merchant or retail or hardware store from duplicating keys, from installing, servicing, repairing, rebuilding, reprogramming, or maintaining electronic garage door devices or from selling locks or similar security accessories not prohibited from sale by the State of Illinois, as long as they do not hold themselves out to the public as locksmiths.

(D) 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, as long as they do not hold themselves out to the public as locksmiths. (E) The employees of towing services, repossessioners, or auto clubs from opening automotive locks in the normal course of their duties, as long as they do not hold themselves out to the public as locksmiths. Additionally, this Act shall not prohibit employees of towing services from opening motor vehicle locks to enable a vehicle to be moved without towing, provided that the towing service does not hold itself out to the public, by yellow page advertisement, through a sign at the facilities of the towing service, or by any other advertisement, as a locksmith. (F) The practice of locksmithing by students in the course of study in programs approved by the Department, provided that the students do not hold themselves out to the public as locksmiths. (G) Servicing, installing, repairing, or rebuilding locks by a lock manufacturer or anyone employed by a lock manufacturer, as long as they do not hold themselves out to the public as locksmiths. (H) The provision of any of the products or services in the practice of locksmithing as identified in Section 5 of this Act by a business licensed by the State of Illinois as a private alarm contractor or	
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private alarm contractor agency, as long as 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. (I) Any maintenance employee of a property management company at a multi-family residential building from servicing, installing, repairing, or opening locks for tenants as long as the maintenance employee does not hold himself or herself out to the public as a locksmith. (11) A person, firm, or corporation engaged in fire protection engineering, including the design, testing, and inspection of fire protection systems. (12) The practice of professional engineering as defined in the Professional Engineering Practice Act of 1989. (13) The practice of structural engineering as defined in the Structural Engineering Licensing Act of 1989. (14) The practice of architecture as defined in the Illinois Architecture Practice Act of 1989. (15) The activities of persons or firms licensed under the Illinois Public Accounting Act if performed in the course of their professional practice. (16) This Act does not prohibit any persons legally regulated in this State under any other Act from engaging in the	
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practice for which they are licensed, provided that they do not represent themselves by any title prohibited by this Act.

Amended by P.A. 88-535, Section 19, effective January 26, 1994; P.A. 89-366, Section 197, effective January 1, 1996;
P.A. 90-0436, effective January 1, 1998.

(446/35. Licenses - Certificates - Validation - Holder of license under prior Act)
Section 35. Licenses; certificates;
validation; holder of license under prior Act. All licenses and certificates issued by this State permitting the holder to practice as a private detective, private detective agency, private security contractor, private security contractor agency, private alarm contractor, or private alarm contractor agency that is valid and in full force on the effective date of this Act shall be considered licensed under this Act.

(446/40. Home Rule preemption) Section 40. Home Rule preemption. Pursuant to paragraph (h) of Section 6 of Article VII of the Illinois Constitution of 1970, the power to regulate the private detective, private security, private alarm, or locksmith business shall be exercised exclusively by the State and may not be exercised by any unit of local government, including home rule units.

Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/45. Board - Membership - Terms - Removal - Compensation) Section 45.
Board; membership; terms; removal; compensation.

(a) The Board shall consist of 11 members appointed by the Director, 3 of whom

shall be licensed private detectives,
2 of whom shall be licensed private security contractors, 2 of whom shall be licensed private alarm contractors, 2 of whom shall be licensed locksmiths, one of whom shall be a public member who is not licensed or registered under this Act or a similar Act of another jurisdiction and who has no connection with a business licensed under this Act, and one of whom shall represent the interests of employees who are registered under this Act. Each member shall be a resident of Illinois. Each licensed member shall have a minimum of 5 years experience as a licensee in the professional area in which the person is licensed and be in good standing and actively engaged in that profession. In making Board appointments, the Director shall give consideration to the recommendations by members of the profession and by professional organizations. The membership shall reasonably reflect representation from geographic areas in this State.

(b) Members shall serve 4 year terms and may serve until their successors are appointed and qualified. No member shall be appointed to the Board for more than 2 terms. Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term. Members of the previous board in office on the effective date of this Act shall serve for the duration of their term and may be appointed for one additional term under this Act.

(c) A member of the Board may be removed from office for just cause. A member subject to formal disciplinary

proceedings shall disqualify himself or herself from Board business until the charge is resolved. A member also shall

disqualify himself or herself from any matter on which the member may not objectively make a decision.

(d) Members shall receive compensation as set by law. Each member shall also receive reimbursement as set by the Governors Travel Control Board for expenses incurred in carrying out the duties as a Board member.

(e) A majority of Board members then appointed constitutes a quorum. A majority vote of the quorum is required for a Board decision.

(f) The Board may elect a chairman and other officers it considers necessary.

(g) Board members are not liable for any of their acts, omissions, decisions, or other conduct in connection with their duties on the Board, except those involving willful, wanton, or intentional misconduct.

Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/50. Powers and duties of Department) Section 50. Powers and duties of Department.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing acts and shall exercise all other powers and duties vested in this Act.

(b) The Director shall promulgate rules for the administration and enforcement of this Act. The Director may prescribe forms to be issued in connection with the administration and enforcement of this Act. The rules shall include

standards and criteria for registration, certification, professional conduct, and discipline. The Department shall consult

with the Board in promulgating rules. Notice of proposed rulemaking shall be transmitted to the Board, and the

Department shall review the Board's response and any recommendations. The Department shall notify the Board with proper explanation of any deviations from the Board's recommendations and responses.

(c) The Board shall propose additions or modifications to administrative rules to the Director whenever a majority of the members of the Board believe the rules are deficient for the proper administration of this Act.

(d) The Board shall have any other powers as may be required to carry out the provisions of this Act.

(446/55. Regulation of licensed persons) Section 55. Regulation of licensed persons. It is the intent of the General

Assembly that the regulation of all those licensed under this Act is the responsibility of the Department. The expertise

of those on the Board is considered essential to decisions that affect the regulation of those licensed under this Act in the interest of carrying out the police power of the State.

(446/60. Personnel - Investigators) Section 60. Personnel; investigators. The

Director may employ, in conformity with the Personnel Code, professional, technical, investigative, or clerical help on either a full or part-time basis, as may be necessary for the enforcement of this Act. Each investigator shall have a minimum of 2 years investigative experience out of the preceding 5 years.

No investigator may hold an active license issued under this Act nor may any investigator have any fiduciary interest in any business licensed under this Act. This prohibition, however, does not prohibit the investigator from holding stock in a publicly traded business licensed or regulated under this Act provided the investigator does not hold more than 5% of the stock of the business.

Any person licensed under this Act who is employed in any capacity by the Department shall surrender his or her license to the Department for the duration of employment with the Department. The license holder is responsible for maintaining his or her license in good standing and shall pay one-quarter of the required renewal fees. However, while employed by the Department the license holder is not required to maintain the insurance coverage specified in Section 75 of this Act.

(446/65. Rules and regulations) Section 65. Rules and regulations. The Department may make reasonable rules relating to this Act.

(446/70. Licensure classifications) Section 70. Licensure classifications. The

classes of individual licenses are:

- (a) Private detective.
- (b) Private security contractor.
- (c) Private alarm contractor.
- (d) Locksmith.

The classes of business certification are:

- (e) Private detective agency.
- (f) Private security contractor agency.
- (g) Private alarm contractor agency.
- (h) Locksmith agency.
- (i) Agency branch office license.

Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/75. Qualifications for licensure and agency certification) Section 75. Qualifications for licensure and agency certification.

- (a) Private Detective. A person is qualified to receive a license as a private detective if he or she meets all of the following requirements: