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SENATE BILL NO. 1341

Senate Amendments in [] — February 7, 2011

A BILL to amend and reenact §§ 9.1-138, 9.1-139, 9.1-140, 9.1-143, 54.1-201, and 54.1-1102 of the Code of Virginia, to amend the Code of Virginia by adding in Chapter 11 of Title 54.1 an article numbered 5, consisting of sections numbered 54.1-1144 through 54.1-1150, and to repeal § 9.1-140.1 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; Board for Contractors; regulation of locksmith services.

Patron Prior to Engrossment—Senator Norment

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-138, 9.1-139, 9.1-140, 9.1-143, 54.1-201, and 54.1-1102 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 11 of Title 54.1 an article numbered 5, consisting of sections numbered 54.1-1144 through 54.1-1150, as follows:

§ 9.1-138. Definitions.

In addition to the definitions set forth in § 9.1-101, as used in this article, unless the context requires a different meaning:

"Alarm respondent" means an individual who responds to the signal of an alarm for the purpose of detecting an intrusion of the home, business or property of the end user.

"Armed" means a private security registrant who carries or has immediate access to a firearm in the performance of his duties.

"Armed security officer" means a natural person employed to (i) safeguard and protect persons and property or (ii) deter theft, loss, or concealment of any tangible or intangible personal property on the premises he is contracted to protect, and who carries or has access to a firearm in the performance of his duties.

"Armored car personnel" means persons who transport or offer to transport under armed security from one place to another, money, negotiable instruments or other valuables in a specially equipped motor vehicle with a high degree of security and certainty of delivery.

"Business advertising material" means display advertisements in telephone directories, letterhead, business cards, local newspaper advertising and contracts.

"Central station dispatcher" means an individual who monitors burglar alarm signal devices, burglar alarms or any other electrical, mechanical or electronic device used (i) to prevent or detect burglary, theft, shoplifting, pilferage or similar losses; (ii) to prevent or detect intrusion; or (iii) primarily to summon aid for other emergencies.

"Certification" means the method of regulation indicating that qualified persons have met the minimum requirements as private security services training schools, private security services instructors, compliance agents, or certified detector canine handler examiners.

"Compliance agent" means an individual who owns or is employed by a licensed private security services business to ensure the compliance of the private security services business with this title.

"Courier" means any armed person who transports or offers to transport from one place to another documents or other papers, negotiable or nonnegotiable instruments, or other small items of value that require expeditious services.

"Detector canine" means any dog that detects drugs or explosives.

"Detector canine handler" means any individual who uses a detector canine in the performance of private security duties.

"Detector canine handler examiner" means any individual who examines the proficiency and reliability of detector canines and detector canine handlers in the detection of drugs or explosives.

"Detector canine team" means the detector canine handler and his detector canine performing private security duties.

"Electronic security business" means any person who engages in the business of or undertakes to (i) install, service, maintain, design or consult in the design of any electronic security equipment to an end user; (ii) respond to or cause a response to electronic security equipment for an end user; or (iii) have access to confidential information concerning the design, extent, status, password, contact list, or location of an end user's electronic security equipment.

"Electronic security employee" means an individual who is employed by an electronic security business in any capacity which may give him access to information concerning the design, extent, status,

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60 password, contact list, or location of an end user's electronic security equipment.

61 "Electronic security equipment" means (i) electronic or mechanical alarm signaling devices including
62 burglar alarms or holdup alarms used to safeguard and protect persons and property; or (ii) cameras used
63 to detect intrusions, concealment or theft, to safeguard and protect persons and property. This shall not
64 include tags, labels, and other devices that are attached or affixed to items offered for sale, library
65 books, and other protected articles as part of an electronic article surveillance and theft detection and
66 deterrence system.

67 "Electronic security sales representative" means an individual who sells electronic security equipment
68 on behalf of an electronic security business to the end user.

69 "Electronic security technician" means an individual who installs, services, maintains or repairs
70 electronic security equipment.

71 "Electronic security technician's assistant" means an individual who works as a laborer under the
72 supervision of the electronic security technician in the course of his normal duties, but who may not
73 make connections to any electronic security equipment.

74 "Employed" means to be in an employer/employee relationship where the employee is providing
75 work in exchange for compensation and the employer directly controls the employee's conduct and pays
76 some taxes on behalf of the employee. The term "employed" shall not be construed to include
77 independent contractors.

78 "End user" means any person who purchases or leases electronic security equipment for use in that
79 person's home or business.

80 "Firearms training verification" means the verification of successful completion of either initial or
81 retraining requirements for handgun or shotgun training, or both.

82 "General public" means individuals who have access to areas open to all and not restricted to any
83 particular class of the community.

84 "Key cutting" means making duplicate keys from an existing key and includes no other locksmith
85 services.

86 "License number" means the official number issued to a private security services business licensed by
87 the Department.

88 "Locksmith" means any individual that performs locksmith services, or advertises or represents to the
89 general public that the individual is a locksmith even if the specific term locksmith is substituted with
90 any other term by which a reasonable person could construe that the individual possesses special skills
91 relating to locks or locking devices, including use of the words lock technician, lockman, safe
92 technician, safeman, boxman, unlocking technician, lock installer, lock opener, physical security
93 technician or similar descriptions.

94 "Locksmith services" mean selling, servicing, rebuilding, repairing, rekeying, repinning, changing the
95 combination to an electronic or mechanical locking device; programming either keys to a device or the
96 device to accept electronic controlled keys; originating keys for locks or copying keys; adjusting or
97 installing locks or deadbolts, mechanical or electronic locking devices, egress control devices, safes, and
98 vaults; opening, defeating or bypassing locks or latching mechanisms in a manner other than intended by
99 the manufacturer; with or without compensation for the general public or on property not his own nor
100 under his own control or authority.

101 "Natural person" means an individual person.

102 "Personal protection specialist" means any individual who engages in the duties of providing close
103 protection from bodily harm to any person.

104 "Private investigator" means any individual who engages in the business of, or accepts employment
105 to make, investigations to obtain information on (i) crimes or civil wrongs; (ii) the location, disposition,
106 or recovery of stolen property; (iii) the cause of accidents, fires, damages, or injuries to persons or to
107 property; or (iv) evidence to be used before any court, board, officer, or investigative committee.

108 "Private security services business" means any person engaged in the business of providing, or who
109 undertakes to provide, armored car personnel, security officers, personal protection specialists, private
110 investigators, couriers, security canine handlers, security canine teams, detector canine handlers, detector
111 canine teams, alarm respondents, ~~locksmiths~~, central station dispatchers, electronic security employees,
112 electronic security sales representatives or electronic security technicians and their assistants to another
113 person under contract, express or implied.

114 "Private security services instructor" means any individual certified by the Department to provide
115 mandated instruction in private security subjects for a certified private security services training school.

116 "Private security services registrant" means any qualified individual who has met the requirements
117 under this article to perform the duties of alarm respondent, ~~locksmith~~, armored car personnel, central
118 station dispatcher, courier, electronic security sales representative, electronic security technician,
119 electronic security technician's assistant, personal protection specialist, private investigator, security
120 canine handler, detector canine handler, unarmed security officer or armed security officer.

121 "Private security services training school" means any person certified by the Department to provide

instruction in private security subjects for the training of private security services business personnel in accordance with this article.

"Registration" means a method of regulation whereby certain personnel employed by a private security services business are required to register with the Department pursuant to this article.

"Registration category" means any one of the following categories: (i) unarmed security officer and armed security officer/courier, (ii) security canine handler, (iii) armored car personnel, (iv) private investigator, (v) personal protection specialist, (vi) alarm respondent, (vii) central station dispatcher, (viii) electronic security sales representative, (ix) electronic security technician, (x) electronic technician's assistant, *or* (xi) detector canine handler; ~~or (xii) locksmith.~~

"Security canine" means a dog that has attended, completed, and been certified as a security canine by a certified security canine handler instructor in accordance with approved Department procedures and certification guidelines. "Security canines" shall not include detector dogs.

"Security canine handler" means any individual who utilizes his security canine in the performance of private security duties.

"Security canine team" means the security canine handler and his security canine performing private security duties.

"Supervisor" means any individual who directly or indirectly supervises registered or certified private security services business personnel.

"Unarmed security officer" means a natural person who performs the functions of observation, detection, reporting, or notification of appropriate authorities or designated agents regarding persons or property on the premises he is contracted to protect, and who does not carry or have access to a firearm in the performance of his duties.

§ 9.1-139. Licensing, certification, and registration required; qualifications; temporary licenses.

A. No person shall engage in the private security services business or solicit private security business in the Commonwealth without having obtained a license from the Department. No person shall be issued a private security services business license until a compliance agent is designated in writing on forms provided by the Department. The compliance agent shall ensure the compliance of the private security services business with this article and shall meet the qualifications and perform the duties required by the regulations adopted by the Board. A compliance agent shall have either a minimum of (i) three years of managerial or supervisory experience in a private security services business; with a federal, state or local law-enforcement agency; or in a related field or (ii) five years of experience in a private security services business; with a federal, state or local law-enforcement agency; or in a related field.

B. No person shall act as private security services training school or solicit students for private security training in the Commonwealth without being certified by the Department. No person shall be issued a private security services training school certification until a school director is designated in writing on forms provided by the Department. The school director shall ensure the compliance of the school with the provisions of this article and shall meet the qualifications and perform the duties required by the regulations adopted by the Board.

C. No person shall be employed by a licensed private security services business in the Commonwealth as armored car personnel, courier, armed security officer, detector canine handler, unarmed security officer, security canine handler, private investigator, personal protection specialist, alarm respondent, ~~locksmith~~, central station dispatcher, electronic security sales representative, electronic security technician's assistant, or electronic security technician without possessing a valid registration issued by the Department, except as provided in this article.

D. A temporary license may be issued in accordance with Board regulations for the purpose of awaiting the results of the state and national fingerprint search. However, no person shall be issued a temporary license until (i) he has designated a compliance agent who has complied with the compulsory minimum training standards established by the Board pursuant to subsection A of § 9.1-141 for compliance agents, (ii) each principal of the business has submitted his fingerprints for a National Criminal Records search and a Virginia Criminal History Records search, and (iii) he has met all other requirements of this article and Board regulations.

E. No person shall be employed by a licensed private security services business in the Commonwealth unless such person is certified or registered in accordance with this chapter.

F. A temporary registration may be issued in accordance with Board regulations for the purpose of awaiting the results of the state and national fingerprint search. However, no person shall be issued a temporary registration until he has (i) complied with, or been exempted from the compulsory minimum training standards established by the Board, pursuant to subsection A of § 9.1-141, for armored car personnel, couriers, armed security officers, detector canine handlers, unarmed security officers, security canine handlers, private investigators, personal protection specialists, alarm respondents, ~~locksmith~~, central station dispatchers, electronic security sales representatives, electronic security technician's assistants, or electronic security technicians, (ii) submitted his fingerprints to be used for the conduct of

183 a National Criminal Records search and a Virginia Criminal History Records search, and (iii) met all
184 other requirements of this article and Board regulations.

185 G. A temporary certification as a private security instructor or private security training school may be
186 issued in accordance with Board regulations for the purpose of awaiting the results of the state and
187 national fingerprint search. However, no person shall be issued a temporary certification as a private
188 security services instructor until he has (i) met the education, training and experience requirements
189 established by the Board and (ii) submitted his fingerprints to be used for the conduct of a National
190 Criminal Records search and a Virginia Criminal History Records search. No person shall be issued a
191 temporary certification as a private security services training school until (a) he has designated a training
192 director, (b) each principal of the training school has submitted his fingerprints to be used for the
193 conduct of a National Criminal Records search and a Virginia Criminal History Records search, and (c)
194 he has met all other requirements of this article and Board regulations.

195 H. A licensed private security services business in the Commonwealth shall not employ as an
196 unarmed security officer, electronic security technician's assistant, unarmed alarm respondent, central
197 station dispatcher, electronic security sales representative, ~~locksmith~~, or electronic security technician,
198 any person who has not complied with, or been exempted from, the compulsory minimum training
199 standards established by the Board, pursuant to subsection A of § 9.1-141, except that such person may
200 be so employed for not more than 90 days while completing compulsory minimum training standards.

201 I. No person shall be employed as an electronic security employee, electronic security technician's
202 assistant, unarmed alarm respondent, ~~locksmith~~, central station dispatcher, electronic security sales
203 representative, electronic security technician or supervisor until he has submitted his fingerprints to the
204 Department to be used for the conduct of a National Criminal Records search and a Virginia Criminal
205 History Records search. The provisions of this subsection shall not apply to an out-of-state central
206 station dispatcher meeting the requirements of subdivision 19 of § 9.1-140.

207 J. The compliance agent of each licensed private security services business in the Commonwealth
208 shall maintain documentary evidence that each private security registrant and certified employee
209 employed by his private security services business has complied with, or been exempted from, the
210 compulsory minimum training standards required by the Board. Before January 1, 2003, the compliance
211 agent shall ensure that an investigation to determine suitability of each unarmed security officer
212 employee has been conducted, except that any such unarmed security officer, upon initiating a request
213 for such investigation under the provisions of subdivision 11 of subsection A of § 19.2-389, may be
214 employed for up to 30 days pending completion of such investigation. After January 1, 2003, no person
215 shall be employed as an unarmed security officer until he has submitted his fingerprints to the
216 Department for the conduct of a National Criminal Records search and a Virginia Criminal History
217 Records search. Any person who was employed as an unarmed security officer prior to January 1, 2003,
218 shall submit his fingerprints to the Department in accordance with subsection B of § 9.1-145.

219 K. No person with a criminal conviction for a misdemeanor involving (i) moral turpitude, (ii) assault
220 and battery, (iii) damage to real or personal property, (iv) controlled substances or imitation controlled
221 substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (v) prohibited sexual
222 behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (vi) firearms, or any
223 felony shall be (a) employed as a registered or certified employee by a private security services business
224 or training school, or (b) issued a private security services registration, certification as an unarmed
225 security officer, electronic security employee or technician's assistant, a private security services training
226 school or instructor certification, compliance agent certification, or a private security services business
227 license, except that, upon written request, the Director of the Department may waive such prohibition.

228 L. The Department may grant a temporary exemption from the requirement for licensure,
229 certification, or registration for a period of not more than 30 days in a situation deemed an emergency
230 by the Department.

231 M. All private security services businesses and private security services training schools in the
232 Commonwealth shall include their license or certification number on all business advertising materials.

233 N. A licensed private security services business in the Commonwealth shall not employ as armored
234 car personnel any person who has not complied with, or been exempted from, the compulsory minimum
235 training standards established by the Board pursuant to subsection A of § 9.1-141, except such person
236 may serve as a driver of an armored car for not more than 90 days while completing compulsory
237 minimum training standards, provided such person does not possess or have access to a firearm while
238 serving as a driver.

239 § 9.1-140. Exceptions from article; training requirements for out-of-state central station dispatchers.

240 The provisions of this article shall not apply to:

241 1. An officer or employee of the United States, the Commonwealth, or a political subdivision of
242 either, while the officer or employee is performing his official duties.

243 2. A person, except a private investigator as defined in § 9.1-138, engaged exclusively in the
244 business of obtaining and furnishing information regarding an individual's financial rating or a person

engaged in the business of a consumer reporting agency as defined by the Federal Fair Credit Reporting Act.

3. An attorney or certified public accountant licensed to practice in Virginia or his employees.

4. The legal owner of personal property which has been sold under any security agreement while performing acts relating to the repossession of such property.

5. A person receiving compensation for private employment as a security officer, or receiving compensation under the terms of a contract, express or implied, as a security officer, who is also a law-enforcement officer as defined by § 9.1-101 and employed by the Commonwealth or any of its political subdivisions.

6. Any person appointed under § 46.2-2003 or 56-353 while engaged in the employment contemplated thereunder, unless they have successfully completed training mandated by the Department.

7. Persons who conduct investigations as a part of the services being provided as a claims adjuster, by a claims adjuster who maintains an ongoing claims adjusting business, and any natural person employed by the claims adjuster to conduct investigations for the claims adjuster as a part of the services being provided as a claims adjuster.

8. Any natural person otherwise required to be registered pursuant to § 9.1-139 who is employed by a business that is not a private security services business for the performance of his duties for his employer. Any such employee, however, who carries a firearm and is in direct contact with the general public in the performance of his duties shall possess a valid registration with the Department as required by this article.

9. Persons, sometimes known as "shoppers," employed to purchase goods or services solely for the purpose of determining or assessing the efficiency, loyalty, courtesy, or honesty of the employees of a business establishment.

10. Licensed or registered private investigators from other states entering Virginia during an investigation originating in their state of licensure or registration when the other state offers similar reciprocity to private investigators licensed and registered by the Commonwealth.

11. Unarmed regular employees of telephone public service companies where the regular duties of such employees consist of protecting the property of their employers and investigating the usage of telephone services and equipment furnished by their employers, their employers' affiliates, and other communications common carriers.

12. An end user.

13. A material supplier who renders advice concerning the use of products sold by an electronics security business and who does not provide installation, monitoring, repair or maintenance services for electronic security equipment.

14. Members of the security forces who are directly employed by electric public service companies.

15. Any professional engineer or architect licensed in accordance with Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 to practice in the Commonwealth, or his employees.

16. Any person who only performs telemarketing or schedules appointments without access to information concerning the electronic security equipment purchased by an end user.

17. Any certified forensic scientist employed as an expert witness for the purpose of possibly testifying as an expert witness.

18. Members of the security forces who are directly employed by shipyards engaged in the construction, design, overhaul or repair of nuclear vessels for the United States Navy.

19. An out-of-state central station dispatcher employed by a private security services business licensed by the Department provided he (i) possesses and maintains a valid license, registration, or certification as a central station dispatcher issued by the regulatory authority of the state in which he performs the monitoring duties and (ii) has submitted his fingerprints to the regulatory authority for the conduct of a national criminal history records search.

20. Any person, or independent contractor or employee of any person, who (i) exclusively contracts directly with an agency of the federal government to conduct background investigations and (ii) possesses credentials issued by such agency authorizing such person, subcontractor or employee to conduct background investigations.

21. Any person whose occupation is limited to the technical reconstruction of the cause of accidents involving motor vehicles as defined in § 46.2-100, regardless of whether the information resulting from the investigation is to be used before a court, board, officer, or investigative committee, and who is not otherwise a private investigator as defined in § 9.1-138.

22. Retail merchants performing locksmith services, selling locks or engaged in key cutting activities conducted at the business location who do not represent themselves to the general public as locksmiths.

23. Law enforcement, fire, rescue, emergency service personnel, or other persons performing locksmith services in an emergency situation without compensation and who do not represent themselves to the general public as locksmiths.

24. Motor vehicle dealers as defined in § 46.2-1500 performing locksmith services who do not represent themselves to the general public as locksmiths.

25. Taxicab and towing businesses performing locksmith services that do not represent themselves to the general public as locksmiths.

26. Contractors licensed under Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 performing locksmith services when acting within the scope of such license who do not represent themselves to the general public as locksmiths.

27. Any contractor as defined in § 54.1-1100 (i) who is exempt from the licensure requirements of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1, (ii) where the total value referred to in a single contract or project is less than \$1,000, (iii) when the performance of locksmith services is ancillary to the work performed by such contractor, and (iv) who does not represent himself to the general public as a locksmith.

28. Any individual, employed by a retail merchant that also holds a private security services business license as a locksmith, where such individual's duties relating to such license are limited to key cutting and the key cutting is performed under the direct supervision of the licensee.

§ 9.1-143. Private Security Services Advisory Board; membership.

The Private Security Services Advisory Board is established as an advisory board within the meaning of § 2.2-2100, in the executive branch of state government. The Private Security Services Advisory Board shall consist of 13 members as follows: two members shall be private investigators; two shall be representatives of electronic security businesses; two members shall be representatives of locksmith businesses; three members shall be representatives of private security services businesses providing security officers, armed couriers, detector canine handlers, or security canine handlers; one shall be a representative of a private security services business providing armored car personnel; one shall be a representative of a private security services business involving personal protection specialists; one shall be a certified private security services instructor; one shall be a special conservator of the peace appointed pursuant to § 19.2-13; one shall be a licensed bail bondsman and one shall be a representative of law enforcement. The Private Security Services Advisory Board shall be appointed by the Criminal Justice Services Board and shall advise the Criminal Justice Services Board on all issues relating to regulation of private security services businesses.

§ 54.1-201. Powers and duties of regulatory boards.

The powers and duties of regulatory boards shall be as follows:

1. To establish the qualifications of applicants for certification, *registration*, or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.

2. To examine, or cause to be examined, the qualifications of each applicant for certification, *registration*, or licensure within its particular regulatory system, including when necessary the preparation, administration and grading of examinations.

3. To certify, *register*, or license qualified applicants as practitioners of the particular profession or occupation regulated by such board.

4. To levy and collect fees for certification, *registration*, or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the regulatory board and a proportionate share of the expenses of the Department of Professional and Occupational Regulation and the Board for Professional and Occupational Regulation.

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.

6. To ensure that inspections are conducted relating to the practice of each practitioner certified, *registered*, or licensed by the regulatory board to ensure that the practitioner is conducting his practice in a competent manner and within the lawful regulations promulgated by the board.

7. To place a regulant on probation or revoke, suspend or fail to renew a certificate, *registration*, or license for just causes as enumerated in regulations of the board. Conditions of probation may include, but not be limited to the successful completion of remedial education or examination.

8. To receive complaints concerning the conduct of any person whose activities are regulated by the regulatory board and to take appropriate disciplinary action if warranted.

9. To promulgate canons of ethics under which the professional activities of persons regulated shall be conducted.

§ 54.1-1102. Board for Contractors membership; offices; meetings; seal; record.

A. The Board for Contractors shall be composed of 15 [17 16] members as follows: one member shall be a licensed Class A general contractor; the larger part of the business of one member shall be the construction of utilities; the larger part of the business of one member shall be the construction of

commercial and industrial buildings; the larger part of the business of one member shall be the construction of single-family residences; the larger part of the business of one member shall be the construction of home improvements; one member shall be a subcontractor as generally regarded in the construction industry; one member shall be in the business of sales of construction materials and supplies; one member shall be a local building official; one member shall be a licensed plumbing contractor; one member shall be a licensed electrical contractor; one member shall be a licensed heating, ventilation and air conditioning contractor; one member shall be a certified elevator mechanic or a licensed elevator contractor; one member shall be a certified water well systems provider, [~~two members~~ one member] shall be [~~representatives of locksmith businesses~~ a representative of a locksmith business] ; and two members shall be citizen members. The terms of the Board members shall be four years.

The Board shall meet at least four times each year, once in January, April, July and October, and at such other times as may be deemed necessary. Annually, the Board shall elect from its membership a chairman and a vice-chairman to serve for a one-year term. ~~Eight~~ Nine members of the Board shall constitute a quorum.

The Board shall promulgate regulations not inconsistent with statute necessary for the licensure of contractors and tradesmen and the certification of backflow prevention device workers, and for the relicensure of contractors and tradesmen and for the recertification of backflow prevention device workers, after license or certificate suspension or revocation. The Board shall include in its regulations a requirement that as a condition for initial licensure as a contractor, the designated employee or a member of the responsible management personnel of the contractor shall have successfully completed a Board-approved basic business course, which shall not exceed eight hours of classroom instruction.

The Board may adopt regulations requiring all Class A, B, and C residential contractors, excluding subcontractors to the contracting parties and those who engage in routine maintenance or service contracts, to use legible written contracts including the following terms and conditions:

1. General description of the work to be performed;
2. Fixed price or an estimate of the total cost of the work, the amounts and schedule of progress payments, a listing of specific materials requested by the consumer and the amount of down payment;
3. Estimates of time of commencement and completion of the work; and
4. Contractor's name, address, office telephone number and license or certification number and class.

In transactions involving door-to-door solicitations, the Board may require that a statement of protections be provided by the contractor to the homeowner, consumer or buyer, as the case may be.

The Board shall adopt a seal with the words "Board for Contractors, Commonwealth of Virginia." The Director shall have charge, care and custody of the seal.

B. The Director shall maintain a record of the proceedings of the Board.

Article 5. Locksmiths.

§ 54.1-1144. Definitions.

As used in this article, unless the context requires a different meaning:

"Key cutting" means making duplicate keys from an existing key and includes no other locksmith services.

"Locksmith" means any individual that performs locksmith services, or advertises or represents to the general public that the individual is a locksmith even if the specific term locksmith is substituted with any other term by which a reasonable person could construe that the individual possesses special skills relating to locks or locking devices, including use of the words lock technician, lockman, safe technician, safeman, boxman, unlocking technician, lock installer, lock opener, physical security technician or similar descriptions.

"Locksmith services business" mean selling, servicing, rebuilding, repairing, rekeying, repinning, changing the combination to an electronic or mechanical locking device; programming either keys to a device or the device to accept electronic controlled keys; originating keys for locks or copying keys; adjusting or installing locks or deadbolts, mechanical or electronic locking devices, egress control devices, safes, and vaults; opening, defeating or bypassing locks or latching mechanisms in a manner other than intended by the manufacturer; with or without compensation for the general public or on property not his own nor under his own control or authority.

"Registration" means a method of regulation whereby an individual employed by a locksmith services business is required to register with the Board pursuant to this article.

§ 54.1-1145. Necessity for license and registration.

A. No person shall engage in the locksmith services business or solicit locksmith services business in the Commonwealth without having obtained a license from the Board.

B. No person shall be employed by a licensed locksmith services business in the Commonwealth as a locksmith without possessing a valid registration issued by the Board, except as provided in this article.

§ 54.1-1146. Exemptions.

429 *The provisions of this article shall not apply to:*

430 1. *Retail merchants performing locksmith services, selling locks or engaged in key cutting activities*
431 *conducted at the business location who do not represent themselves to the general public as locksmiths.*

432 2. *Any individual, employed by a retail merchant that also holds a license as a locksmith services*
433 *business, where such individual's duties relating to such license are limited to key cutting and the key*
434 *cutting is performed under the direct supervision of the licensee.*

435 3. *Law enforcement, fire, rescue, emergency services personnel, or other persons performing*
436 *locksmith services in an emergency situation without compensation and who do not represent themselves*
437 *to the general public as locksmiths.*

438 4. *Motor vehicle dealers as defined in § 46.2-1500 performing locksmith services who do not*
439 *represent themselves to the general public as locksmiths.*

440 5. *Taxicab and towing businesses performing locksmith services that do not represent themselves to*
441 *the general public as locksmiths.*

442 6. *Contractors performing locksmith services when acting within the scope of such license who do*
443 *not represent themselves to the general public as locksmiths.*

444 7. *Any contractor (i) where the total value referred to in a single contract or project is less than*
445 *\$1,000, (ii) when the performance of locksmith services is ancillary to the work performed by such*
446 *contractor, and (iii) who does not represent himself to the general public as a locksmith.*

447 § 54.1-1147. *Application for licensure; examinations; issuance of waiver; special provisions.*

448 A. *Any person desiring to be licensed as a locksmith services business shall file a written application*
449 *on a form prescribed by the Board. The application shall be accompanied by a fee set by the Board*
450 *pursuant to § 54.1-201 [~~÷ however, such fee shall not exceed \$200~~]. The application shall contain, at*
451 *a minimum, the applicant's name, place of employment, and business address; and information on the*
452 *knowledge, skills, abilities, and education or training of the applicant. If the application is satisfactory*
453 *to the Board, the applicant shall be required by Board regulations to take an oral or written*
454 *examination to determine his general knowledge of the locksmith services unless he is exempt pursuant*
455 *to subsection C. If the applicant successfully completes the examination, a license as a locksmith*
456 *services business shall be issued.*

457 B. *Any individual desiring to be registered as a locksmith shall file a written application on a form*
458 *prescribed by the Board. The application shall be accompanied by a fee set by the Board pursuant to*
459 *§ 54.1-201 [~~÷ however, such fee shall not exceed \$200~~]. If the application is satisfactory to the Board,*
460 *the applicant shall be required by Board regulations to take an oral or written examination to determine*
461 *his general knowledge of the locksmith services unless he is exempt pursuant to subsection C. If the*
462 *applicant successfully completes the examination, a registration as a locksmith shall be issued.*

463 C. *Notwithstanding any other provision of this article, unless an applicant is found by the Board to*
464 *have engaged in any act that would constitute grounds for disciplinary action, the Board shall issue a*
465 *license or registration, without examination, to any applicant who provides satisfactory proof to the*
466 *Board of (i) having been actively and continuously providing locksmith services immediately prior to*
467 *July 1, 2008, for at least two years, (ii) having been issued a valid license as a private security services*
468 *business to engage in the business of providing locksmith services by the Department of Criminal Justice*
469 *Services, or (iii) having a valid registration issued as a locksmith by the Department of Criminal Justice*
470 *Services.*

471 § 54.1-1148. *Expiration and renewal of license.*

472 A. *A license as a locksmith services business issued pursuant to this article shall expire [~~five~~ two]*
473 *years after its date of issuance and shall become invalid on that date unless renewed, subject to*
474 *approval of the Board. Application for renewal shall be made as provided by Board regulations and*
475 *shall be accompanied by a fee set by the Board pursuant to § 54.1-201.*

476 B. *A registration as a locksmith issued pursuant to this article shall expire [~~five~~ two] years after its*
477 *date of issuance and shall become invalid on that date unless renewed, subject to approval of the*
478 *Board. Application for renewal shall be made as provided by Board regulations and shall be*
479 *accompanied by a fee set by the Board pursuant to § 54.1-201.*

480 § 54.1-1149. *Grounds for denial or revocation of license or registration.*

481 *The Board shall have the power to require remedial education and to suspend, revoke or deny*
482 *renewal of the license of any locksmith services business or the registration of any locksmith who is*
483 *found to be in violation of the statutes or regulations governing the practice of locksmith services in the*
484 *Commonwealth.*

485 § 54.1-1150. *Prohibited acts.*

486 A. *Practicing or attempting to practice as a locksmith services business without holding a valid*
487 *license or as a locksmith without holding a valid registration, except as provided for in this article, is*
488 *prohibited and shall constitute the commission of a Class 1 misdemeanor.*

489 B. *No person shall represent himself as a locksmith services business unless he has been licensed by*
490 *the Board. Any person engaging or offering to engage in locksmith services business activities within the*

meaning of this article who, through verbal claim, sign, advertisement, or letterhead, represents himself as a locksmith services business without holding such a license from the Board shall be guilty of a Class 1 misdemeanor.

C. No person shall represent himself as a locksmith unless he has been registered by the Board. Any person engaging in or offering to perform services as a locksmith within the meaning of this article who, through verbal claim, sign, advertisement, or letterhead, represents himself as a locksmith without holding such a registration from the Board shall be guilty of a Class 1 misdemeanor.

D. No person shall be entitled to assert the lack of licensure or registration as required by this article as a defense to any action at law or suit in equity if the party who seeks to recover from such person gives substantial performance within the terms of the contract in good faith and without actual knowledge of the licensure or registration requirements of this article.

2. That the Board for Contractors shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

3. That any license issued to a locksmith services business or registration issued to a locksmith by the Department of Criminal Justice Services shall remain in effect until a license or registration is issued by the Board for Contractors pursuant to the provisions of this act.

4. That as of July 1, 2011, the Board for Contractors shall be deemed successor in interest to the Department of Criminal Justice Services to the extent that this act transfers powers and duties.

5. That all rules and regulations adopted by the Department of Criminal Justice Services that are in effect as of July 1, 2011, and that pertain to the subject of this act, shall remain in full force and effect until altered, amended, or rescinded by the Board for Contractors.

6. That § 9.1-140.1 of the Code of Virginia is repealed.

ENGROSSED

SB1341E