

12101181D

HOUSE BILL NO. 373

Offered January 11, 2012

Prefiled January 10, 2012

A BILL to amend and reenact §§ 9.1-138, 9.1-139, 9.1-140, and 9.1-143 of the Code of Virginia; to amend the Code of Virginia by adding in Title 54.1 a chapter numbered 16.1, consisting of sections numbered 54.1-1607 through 54.1-1618; and to repeal § 9.1-140.1 of the Code of Virginia, relating to the transfer of the regulation of locksmiths to the Department of Professional and Occupational Regulation.

Patron—Pogge

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-138, 9.1-139, 9.1-140, and 9.1-143 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 54.1 a chapter numbered 16.1, consisting of sections numbered 54.1-1607 through 54.1-1618, 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.

"Computer or digital forensic services" means the use of highly specialized expertise for the recovery, authentication, and analysis of electronic data or computer usage.

"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.

INTRODUCED

HB373

59 "Electronic security employee" means an individual who is employed by an electronic security
60 business in any capacity which may give him access to information concerning the design, extent, status,
61 password, contact list, or location of an end user's electronic security equipment.

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

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

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

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

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

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

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

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

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

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

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

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

102 "Natural person" means an individual person.

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

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

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

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

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

canine handler, detector canine handler, unarmed security officer or armed security officer.

"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,~~

182 central station dispatchers, electronic security sales representatives, electronic security technician's
183 assistants, or electronic security technicians, (ii) submitted his fingerprints to be used for the conduct of
184 a National Criminal Records search and a Virginia Criminal History Records search, and (iii) met all
185 other requirements of this article and Board regulations.

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

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

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

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

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

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

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

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

240 § 9.1-140. Exceptions from article; training requirements for out-of-state central station dispatchers.

241 The provisions of this article shall not apply to:

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

2. A person, except a private investigator as defined in § 9.1-138, engaged exclusively in the 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.

29. 22. Any individual engaged in (i) computer or digital forensic services as defined in § 9.1-138 or in the acquisition, review, or analysis of digital or computer-based information, in order to obtain or furnish information for evidentiary purposes or to provide expert testimony before a court, or (ii) network or system vulnerability testing, including network scans and risk assessment and analysis of computers connected to a network.

§ 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 ~~15~~ 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 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.

CHAPTER 16.1.

LOCKSMITHS.

§ 54.1-1607. Definitions.

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

"Board" means the Locksmith Board.

"Code book" means a compilation, in any form, of key codes and combinations.

"Locksmith" means any individual who 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 business" means any type of corporation, partnership, limited liability company, association, or sole proprietorship operated for profit that is engaged in the business of providing, or who undertakes to provide, locksmith services.

"Locksmith services" means selling, servicing, rebuilding, repairing, rekeying, repinning, or 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; and 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.

"Locksmith tools" means tools that are designed or used to open a mechanical or electrical locking device in a way other than that which was intended by the manufacturer.

§ 54.1-1608. Locksmith Board; membership; meetings and powers.

The Locksmith Board shall be composed of five members as follows: three shall be Virginia licensed

locksmiths and two shall be citizen members. Board members shall serve four-year terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed.

The Board shall meet at least twice each year for the purpose of transacting business. Special meetings of the Board may be held at the discretion of the Director. The Board shall elect a chairman from among its members. A majority of the Board shall constitute a quorum.

§ 54.1-1609. Licenses required; penalty.

No locksmith business shall perform or offer to perform locksmith services in the Commonwealth unless the business has been licensed under the provisions of this chapter. A violation of this section shall be punishable as a Class 3 misdemeanor unless the conduct is covered under some other provision of law providing greater punishment.

§ 54.1-1610. Registration of employees of locksmith businesses required; qualification.

A. No individual shall be employed by a licensed locksmith business in the Commonwealth as a locksmith without possessing a valid registration issued by the Board.

B. An applicant shall be registered as a locksmith if the applicant meets all of the following qualifications:

1. Is of good moral and ethical character;

2. Is at least 18 years of age; and

3. Has successfully completed an examination administered by the Board that measures the knowledge and skill of the applicant in locksmith services and the laws applicable to locksmiths.

C. All registrations shall expire three years after the date they were issued unless renewed. All applications for renewal shall be filed with the Board. A registration that has expired for failure to renew may be reinstated by the Board.

§ 54.1-1611. Licensure based on experience; licensure of nonresident; reciprocity.

A. The Board may grant, upon proper application, a license to a locksmith business located in the Commonwealth and that has at least three years' experience as a licensed locksmith in another state whose standards of competency are substantially equivalent to those provided in this chapter.

B. The Board may grant, upon application, a license to a nonresident if the locksmith business meets the requirements of this chapter or the business is located in a state that recognizes licenses issued by the Board.

§ 54.1-1612. Issuance, renewal, replacement, and transfer of licenses and registrations.

A. The Board shall issue a license to any applicant who has satisfactorily met the requirements of this chapter and the regulations of the Board. Licenses and registration certificates shall show the full name of the person and an identification number and shall be signed by the chairman of the Board.

B. All licenses and registration certificates shall expire three years after the date they were issued unless renewed. All applications for renewal shall be filed with the Board. A license or registration certificate that has expired for failure to renew may be reinstated by the Board.

C. The Board shall replace any license or registration certificate that is lost, destroyed, or mutilated subject to regulations adopted by the Board.

D. A license or registration certificate may not be transferred or assigned.

§ 54.1-1613. Exemptions from licensure.

The provisions of this chapter shall not apply to:

1. A person or business required to be licensed or registered under Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1 as an alarm respondent when acting within the scope of such license or registration;

2. An employee of a towing service, a reposessor, a taxicab service, or a motor vehicle dealer as defined in § 46.2-1500, when opening automotive locks in the normal course of his duties, so long as the employee does not represent himself as a locksmith;

3. A property owner, or the owner's employee, when providing locksmith services on the property owner's property, so long as the owner or employee does not represent himself or herself as a locksmith. For purposes of this subdivision, "property" includes a hotel, motel, apartment, condominium, commercial rental property, and residential rental property;

4. A merchant, or retail or hardware store, when it lawfully duplicates keys or installs, services, repairs, rebuilds, reprograms, rekeys, or maintains locks in the normal course of its business, so long as the merchant or store does not represent itself as a locksmith;

5. A member of a law-enforcement agency, fire department, or other government agency who, when acting within the scope and course of the member's employment with the agency or department, opens locked doors to vehicles, homes, or businesses;

6. A salesperson while demonstrating the use of locksmith tools to persons licensed under this chapter;

7. A contractor licensed under Chapter 11 (§ 54.1-1100 et seq.) when acting within the scope and

428 course of such license;

429 8. A person or business when lawfully installing or maintaining a safety lock device on wastewater
430 works or waterworks when the safety lock device is required by permit or requested by the owner of the
431 wastewater works or waterworks, provided the person or business does not represent itself as a
432 locksmith. For purposes of this subdivision, "wastewater works" and "waterworks" means the same as
433 those terms are defined in § 54.1-2300;

434 9. Any person or firm that sells gun safes or locking devices for firearms when acting within the
435 scope and course of the sale of gun safes or locking devices for firearms; or

436 10 A person while performing a locksmith service in an emergency situation without receiving any
437 compensation for this service and who does not advertise those services.

438 § 54.1-1614. Photo identification.

439 Every person licensed or registered under this chapter shall be issued a photo identification card by
440 the Board. The card shall display a current photograph of the person and the person's name, address,
441 and telephone number. The licensee shall have the photo identification card available for inspection
442 while performing locksmith services.

443 § 54.1-1615. Posting licenses; advertisements.

444 A. Every locksmith business issued a license under this chapter shall display the license prominently
445 in the locksmith's place of business.

446 B. Every person advertising locksmith services performed by the person shall include in the
447 advertisement the identification number that is printed on the license issued by the Board.

448 § 54.1-1616. Responsibilities of employers.

449 Every licensee under this chapter shall provide to the Board the names of each person employed by
450 the licensee who either performs locksmith services or has access to locksmith tools. The licensee shall
451 notify the Board within 30 days of any change in the information provided pursuant to this section.

452 § 54.1-1617. Customer identification.

453 When opening a locked door to any vehicle or residential or commercial property, a licensee shall
454 make a reasonable effort to verify that the customer is the legal owner of the vehicle or property or is
455 authorized by the legal owner to gain access to the vehicle or property.

456 § 54.1-1618. Injunctions.

457 In addition to other powers, the Board may apply to the appropriate circuit court for an order
458 enjoining violations of this chapter or Board regulations. Upon a showing by the Board that any person
459 has violated the provisions of this chapter or Board regulations, the court may grant injunctive relief.

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

461 3. That all regulations adopted by the Criminal Justice Services Board that are in effect on July
462 1, 2012, and that pertain to the subject of this act shall remain in full force and effect until
463 altered, amended, or rescinded by the Locksmith Board created in accordance with this act.

464 4. All current licenses or registrations as a locksmith issued by the Department of Criminal
465 Justice Services before July 1, 2012, shall remain valid for the remainder of the licensing term,
466 unless otherwise revoked or suspended by the Department of Criminal Justice Services.

467 5. That the Locksmith Board shall promulgate regulations to implement the provisions of this act
468 to be effective within 280 days of its enactment.

469 6. That the two locksmith members of the Criminal Justice Services Board shall be appointed to
470 the Locksmith Board created in accordance with this act.

471 7. That the initial terms of the members of the Locksmith Board shall be staggered as follows: the
472 two licensed locksmith members appointed from the Criminal Justice Services Board shall serve
473 terms of four years, the two citizen members shall serve terms of three years, and the remaining
474 locksmith member shall serve a term of two years. Thereafter, appointments shall be for four-year
475 terms. The Governor shall designate the initial term to be served by each appointee.