

ASSEMBLY BILL

No. 123

Introduced by Assembly Member Rainey

January 12, 1995

An act to amend Sections 6980 and 6980.12 of the Business and Professions Code, relating to locksmiths.

LEGISLATIVE COUNSEL'S DIGEST

AB 123, as introduced, Rainey. Locksmiths: retail establishments.

Existing law defines a locksmith as a person who engages in the business of installing, repairing, opening, modifying locks, or who originates keys for locks. It is a misdemeanor for a person who is not licensed as a locksmith to perform these services, subject to specified exceptions.

This bill would create an exception for an agent or employee of a retail establishment that has a primary business other than providing locksmith services. The locksmith services must be limited in scope and performed on the premises on locks purchased from the retail establishment, as specified. In addition, an unlicensed agent or employee of the retail establishment may not represent himself or herself to be a licensed locksmith or a locksmith, redesign or implement a master key system, perform locksmithing services on automotive locks, or possess specified locksmith tools.

This bill would also exempt a law enforcement officer who performs locksmith services in the course of his or her professional duties from those licensing requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6980 of the Business and
2 Professions Code is amended to read:
3 6980. The following terms as used in this chapter have
4 the meaning expressed in this article:
5 (a) “Branch office” means any location, other than the
6 principal place of business of ~~the~~ a licensee, ~~which~~ that is
7 licensed as set forth in this chapter.
8 (b) “Bureau” means the Bureau of Security and
9 Investigative Services.
10 (c) “Chief” means the Chief of the Bureau of Security
11 and Investigative Services.
12 (d) “Department” means the Department of
13 Consumer Affairs.
14 (e) “Director” means the Director of the Department
15 of Consumer Affairs.
16 (f) “Employer” means a person who employs an
17 individual for wages or salary, lists the individual on the
18 employer’s payroll records, and withholds all legally
19 required deductions and contributions.
20 (g) “Employee” means an individual who works for an
21 employer, is listed on the employer’s payroll records, and
22 is under the employer’s direction and control. An
23 independent contractor is not an employee pursuant to
24 this chapter.
25 (h) “Employer-employee relationship” means an
26 individual who works for another and where the
27 individual’s name appears on the payroll records of the
28 employer.
29 (i) “Licensee” means a business entity, whether an
30 individual, partnership, or corporation licensed under
31 this chapter.
32 (j) “Locksmith” means any person who, for any
33 consideration whatsoever, engages, directly or indirectly
34 and as a primary or secondary object, in the business of
35 *rekeying*, installing, repairing, opening, modifying locks,



1 or who originates keys for locks. A “locksmith” ~~shall~~ *does*
2 not mean any person whose activities are limited to
3 making a duplicate key from an existing key.

4 (k) “Person” means any individual, firm, company,
5 association, organization, partnership, or corporation.

6 (l) “Registrant” means an employee registered
7 pursuant to the provisions of this chapter.

8 (m) “*Qualified managing individual (QMI)*” means
9 *any individual who has at least two years’ experience and*
10 *has passed the written examination required by this*
11 *chapter, and under whose qualifications a license is*
12 *sought for a business partnership, copartnership,*
13 *corporation, firm, or other business entity, and who will*
14 *be actively in charge of the business for which the license*
15 *is sought.*

16 (n) “Lock” means any mechanical,
17 electromechanical, electronic, or electromagnetic
18 device, or similar device, including any peripheral
19 hardware, that is designed to control access from one area
20 to another, or that is designed to control the use of a
21 device.

22 (o) “Recombination” means changing the
23 combination of any combination-actuated lock.

24 (p) “Master key system” means any system in which
25 a lock is rekeyed so that the lock can be operated by its
26 own individual key and can also be operated by a key that
27 can operate other locks if the other locks cannot be
28 operated with the lock’s individual key.

29 (q) “Key duplication machine” means any tool whose
30 only capability is to manufacture a new key by using an
31 existing key as a guide.

32 (r) “Key blank” means a key that has not been altered
33 or cut and does not include depth keys.

34 (s) “Pin kit” means a container that holds only the
35 following lock parts and materials:

- 36 (1) Bottom pins.
- 37 (2) Top pins (not including master pins).
- 38 (3) Springs.
- 39 (4) Plug follower.



1 (5) *Proprietary tools, provided by a lock*
2 *manufacturer, designed for the purpose of rekeying a*
3 *lock.*

4 (t) *“Locksmith tool” means (1) any tool designed for*
5 *the purpose of opening, bypassing, altering, rekeying,*
6 *servicing, or repairing any lock, or (2) any burglar tool,*
7 *as described in Section 466 of the Penal Code.*

8 SEC. 2. Section 6980.12 of the Business and
9 Professions Code is amended to read:

10 6980.12. This chapter does not apply to the following
11 persons:

12 (a) Any person, or his or her agent or employee, who
13 is the manufacturer of a product, other than locks and
14 keys, and who installs, repairs, opens, or modifies locks or
15 who makes keys for the locks of that product as a normal
16 incident to its marketing.

17 (b) Employees who are industrial or institutional
18 locksmiths ~~and~~, provided that ~~such~~ *the* employees
19 provide locksmith services only to a single employer ~~who~~
20 *that* does not provide locksmith services for hire to the
21 public.

22 (c) Tow truck operators who do not originate keys for
23 locks and whose locksmith services are limited to motor
24 vehicles.

25 (d) Any person employed exclusively and regularly by
26 a state correctional institution.

27 (f) Any person registered with the bureau pursuant to
28 Chapter 11 (commencing with Section 7500) if the duties
29 of that person’s position ~~which~~ *that* constitute
30 locksmithing are ancillary to the primary duties and
31 functions of that person’s position.

32 (g) *Any agent or employee of a retail establishment*
33 *that has a primary business other than providing*
34 *locksmith services, providing the following criteria are*
35 *met:*

36 (1) *The services provided by the retail establishment*
37 *are limited to rekeying, recombination, and installation of*
38 *locks.*



1 (2) *All rekeying, recombination, and installation of*
2 *locks must take place on the premises of the retail*
3 *establishment.*

4 (3) *All rekeying, recombination, and installation*
5 *services provided by the retail establishment subject to*
6 *this chapter are limited to locks purchased on the retail*
7 *establishment's premises and are conducted prior to*
8 *purchasers taking possession of the locks.*

9 (4) *No unlicensed agent or employee of the retail*
10 *establishment shall advertise or represent himself or*
11 *herself to be licensed under this chapter, and no agent or*
12 *employee of the retail establishment shall advertise or*
13 *represent himself or herself to be a locksmith.*

14 (5) *No agent or employee of the retail establishment*
15 *shall design or implement a master key system, as defined*
16 *in subdivision (p) of Section 6980.*

17 (6) *No agent or employee of the retail establishment*
18 *shall rekey, change the combination of, alter, or install*
19 *any automotive locks.*

20 (7) *The retail establishment shall not have on its*
21 *premises any locksmith tool, as defined in subdivision (t)*
22 *of Section 6980, other than the following:*

23 (A) *Key duplication machines.*

24 (B) *Key blanks.*

25 (C) *Pin kits.*

26 (h) *Any law enforcement officer employed by any*
27 *city, county, city and county, state, or federal law*
28 *enforcement agency, if all services are performed during*
29 *the course of the officer's professional duties.*

