
HOUSE BILL 2671

State of Washington 61st Legislature 2010 Regular Session

By Representatives Hurst, Carlyle, and Orcutt

Read first time 01/12/10. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the licensing of locksmiths; reenacting and
2 amending RCW 18.235.020 and 43.24.150; adding a new chapter to Title 18
3 RCW; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that in order
6 to protect the public from the abuse and misuse of locksmithing
7 supplies, manuals, or equipment resulting in violations of public
8 health and safety, locksmiths need to be licensed and regulated by the
9 state.

10 Locksmiths operate in the public trust to secure and protect
11 property and persons, and have knowledge and tools to bypass or
12 neutralize security devices. Locksmiths need to be trained in
13 applicable laws pertaining to the profession, such as the Americans
14 with disabilities act, building codes, and fire and life safety codes.
15 Locksmiths also need training on the proper installation and
16 maintenance of security devices for the public well-being. The laws of
17 this state do not currently protect the citizens from the unscrupulous
18 use and abuse of the tools and knowledge of the locksmithing profession

1 by untrained persons or persons with a criminal intent. Accordingly,
2 the purpose of this chapter is to provide for the necessary licensure
3 and regulation of locksmiths.

4 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
5 section apply throughout this chapter unless the context clearly
6 requires otherwise.

7 (1) "Board" means the state board of locksmiths as created in
8 section 5 of this act.

9 (2) "Compensation" means money, fee, emolument, quid pro quo,
10 barter, remuneration, pay, reward, indemnification, or satisfaction.

11 (3) "Department" means the department of licensing.

12 (4) "Director" means the director of the department of licensing.

13 (5) "Emergency" means imminent threat to life or property.

14 (6) "Lock" means any mechanical, electromechanical, electronic, or
15 electromagnetic device, including any peripheral hardware, such as
16 closed circuit television systems, wireless or infrared transmitters,
17 card readers, keypads, or biometric scanners that are designed to
18 control access or egress or to control the use of something.

19 (7) "Locksmith" means any person licensed to perform locksmith
20 services for compensation. "Locksmith" does not mean a person whose
21 activities are limited to making duplicate keys.

22 (8) "Locksmith services" or "locksmithing" means:

23 (a) Selling, installing, servicing, repairing, repining,
24 recombining, and adjusting locks, safes, vaults, or safe deposit
25 boxes;

26 (b) Originating, duplicating, and copying keys;

27 (c) Operating, bypassing, or neutralizing locks, safes, vaults, or
28 safe deposit boxes;

29 (d) Creating, documenting, selling, installing, managing, and
30 servicing master-key systems;

31 (e) Unlocking, bypassing, or neutralizing locks for motor vehicles;

32 (f) Originating of keys for motor vehicles, which can include the
33 programming, reprogramming, or bypassing of any security transponder,
34 or immobilizer systems or subsequent technology built by the
35 manufacturer; and

36 (g) Keying or recombining motor vehicle locks.

1 NEW SECTION. **Sec. 3.** LICENSE REQUIRED. Except as provided in
2 this chapter, it is unlawful for any person to perform or to offer to
3 perform locksmith services without having been issued a valid locksmith
4 license after June 30, 2012.

5 NEW SECTION. **Sec. 4.** EXEMPTIONS. The provisions of section 3 of
6 this act do not apply to:

7 (1) Employees of police departments, fire departments, or other
8 governmental agencies providing emergency services in their official
9 line of duty;

10 (2) Sales representatives providing a bona fide sales demonstration
11 of products to locksmiths;

12 (3) An in-store employee of a hardware store, do-it-yourself home
13 products store, or other retail store, when rekeying locks just
14 purchased or about to be purchased, in the store where that employee
15 works;

16 (4) Any person using a key-duplicating machine or key blanks in
17 their place of business;

18 (5) A property owner maintaining a file of key cutting data for a
19 master-key system on the property;

20 (6) An employee of a financial institution or trust company that
21 provides safe, safe deposit box, or vault opening or lock services at
22 his or her place of employment;

23 (7) An automotive service dealer, a lock manufacturer, or an agent
24 of a lock manufacturer servicing, installing, repairing, or rebuilding
25 automotive locks or originating and duplicating automotive keys;

26 (8) Building trades personnel installing locks or locking devices
27 on a project that requires a building permit; or

28 (9) A tow operator or repossessing agent possessing and using car
29 opening tools to unlock vehicles to facilitate towing or repossession.

30 NEW SECTION. **Sec. 5.** STATE BOARD OF LOCKSMITHS. (1) The state
31 board of locksmiths is established.

32 (2) The board must consist of nine members to be appointed by the
33 governor with the advice of the director.

34 (3) All members of the board must be residents of Washington. In
35 making appointments to the board, the governor shall consider the
36 geographic diversity of appointees. Six members of the board must be

1 locksmiths. The locksmith members must have at least five years of
2 experience as a locksmith or a safe and vault technician and be active
3 in the profession. Retired locksmiths may also be appointed, but must
4 have at least five years of experience prior to retirement. Three
5 members of the board must be members of the public who are not
6 locksmiths, not a spouse, parent, child, or sibling of a locksmith, and
7 do not have a direct or indirect financial interest, except as a
8 consumer, in the locksmith profession.

9 (4) Except as provided in this subsection, the term of each member
10 is four years. Members may not serve more than two consecutive four-
11 year terms or serve more than eleven years on the board. Of the
12 initial members, one is appointed for a one-year term, two are
13 appointed for a two-year term, two are appointed to a three-year term,
14 and the remaining are appointed for four-year terms. Thereafter,
15 members are appointed for four-year terms. To ensure that the board
16 may continue to act, a member whose term expires continues to serve
17 until his or her replacement is appointed. In the case of any vacancy
18 on the board, the governor shall appoint a new member to serve out the
19 term of the person whose position has become vacant.

20 (5) The board shall elect one of its members to serve as chair.

21 (6) The board shall meet at least quarterly in accordance with a
22 schedule established by the board.

23 (7) The board shall:

24 (a) Establish the qualifications for licensing; and

25 (b) Conduct proceedings for denying applications, suspending or
26 revoking licenses or registrations, and imposing civil penalties or
27 other remedies.

28 (8) The members of the board are entitled to compensation for each
29 day spent conducting official business and to reimbursement for travel
30 in accordance with RCW 43.03.050, 43.03.060 and 43.03.240.

31 NEW SECTION. **Sec. 6.** DIRECTOR'S AUTHORITY. The director may:

32 (1) Adopt, amend, and rescind rules approved by the board, as
33 necessary to carry out this chapter;

34 (2) Administer licensing examinations approved by the board;

35 (3) Adopt standards of professional conduct, practice, and ethics,
36 as approved by the board; and

37 (4) Adopt fees as provided in RCW 43.24.086.

1 NEW SECTION. **Sec. 7.** QUALIFICATIONS FOR LICENSING. In order to
2 qualify to be licensed as a locksmith, an applicant must submit the
3 following to the department:

4 (1) An application for development by the department;

5 (2) Proof that the applicant is at least eighteen years of age;

6 (3) Proof that the applicant has complied with insurance and
7 bonding requirements, as adopted by the board;

8 (4) Evidence of successful passage of the written examination as
9 required in section 8 of this act;

10 (5) The fee in the amount set by the director; and

11 (6) Other qualifications, as established by the board.

12 NEW SECTION. **Sec. 8.** WRITTEN EXAMINATION. Applicants for
13 licensure must pass a written examination that is psychometrically
14 valid, reliable, and legally defensible by the state. The examination
15 is to be developed, maintained, and administered by the department.
16 The board shall recommend to the director whether to use an examination
17 prepared by a national entity. If an examination prepared by a
18 national entity is used, a section specific to Washington must be
19 developed by the department and included in the examination.

20 NEW SECTION. **Sec. 9.** RENEWAL. Licenses are issued for a term of
21 five years and expire on the applicant's fifth birthday following
22 issuance of the license.

23 NEW SECTION. **Sec. 10.** CONTINUING EDUCATION REQUIREMENTS. (1) The
24 board shall adopt rules establishing continuing education requirements
25 for locksmiths. The board may not require a locksmith to complete more
26 than eight hours of continuing education per year.

27 (2) The board shall approve continuing education programs that
28 directly contribute to the competency of locksmiths.

29 (3) The board may adopt rules establishing grounds for obtaining a
30 waiver of continuing education requirements due to military service,
31 retirement, disability, absence from the state, inactive status, or
32 extreme hardship.

33 NEW SECTION. **Sec. 11.** SUSPENSION OF LICENSE. (1) The director
34 shall immediately suspend the license of a person who has been

1 certified pursuant to RCW 74.20A.320 by the department of social and
2 health services as a person who is not in compliance with a child
3 support order. If the person has continued to meet all other
4 requirements for a license under this chapter during the suspension,
5 reissuance of the license is automatic upon the board's receipt of a
6 release issued by the department of social and health services stating
7 that the licensee is in compliance with the child support order. The
8 procedure in RCW 74.20A.320 is the exclusive administrative remedy for
9 contesting the establishment of noncompliance with a child support
10 order, and suspension of a license under this subsection, and satisfies
11 the requirements of RCW 34.05.422.

12 (2) The director, with the assistance of the board, shall establish
13 by rule under what circumstances a locksmith license may be suspended
14 or revoked. These circumstances must be based upon accepted industry
15 standards and the board's cumulative experience.

16 (3) The board, through the director, shall suspend the certificate
17 of licensure of any person who has been certified by a lending agency
18 and reported to the board for nonpayment or default on a federally or
19 state-guaranteed educational loan or service-conditional scholarship.
20 Before the suspension, the agency must provide the person an
21 opportunity for a brief adjudicative proceeding under RCW 34.05.485
22 through 34.05.494 and issue a finding of nonpayment or default on a
23 federally or state-guaranteed educational loan or service-conditional
24 scholarship. The person's certificate of licensure may not be reissued
25 until the person provides the board a written release issued by the
26 lending agency stating that the person is making payments on the loan
27 in accordance with a repayment agreement approved by the lending
28 agency. If the person has continued to meet all other requirements for
29 certification of licensure during the suspension, reinstatement is
30 automatic upon receipt of the notice and payment of any reinstatement
31 fee the director may impose.

32 NEW SECTION. **Sec. 12.** FINGERPRINT-BASED BACKGROUND CHECK. The
33 department shall require applicants for a locksmith license and those
34 renewing their license to complete a fingerprint-based background check
35 through the Washington state patrol criminal identification system and
36 through the federal bureau of investigation. The applicant is required
37 to pay the current federal and state fees for fingerprint-based

1 criminal history background checks. The applicant shall submit the
2 fingerprints and required fees for the background checks to the
3 department for submission to the Washington state patrol. The
4 department may consider the recent issuance of a license that required
5 a fingerprint-based national criminal information background check, in
6 order to accelerate the registration process.

7 NEW SECTION. **Sec. 13.** (1) All licensed locksmiths shall display
8 an identification badge indicating that he or she is a licensed
9 locksmith. The board shall specify the size and content of the
10 identification badge. The identification badge must include a
11 photograph of the licensee.

12 (2) An owner of a locksmith business must display all locksmith
13 licenses in a location that is easily readable by the general public.

14 (3) A licensee shall display his or her license number on all
15 advertising.

16 NEW SECTION. **Sec. 14.** The uniform regulation of business and
17 professions act, chapter 18.235 RCW, governs unlicensed practice,
18 issuance and denial of licenses, and the discipline of licensees under
19 this chapter.

20 **Sec. 15.** RCW 18.235.020 and 2009 c 412 s 22, 2009 c 370 s 20, and
21 2009 c 102 s 5 are each reenacted and amended to read as follows:

22 (1) This chapter applies only to the director and the boards and
23 commissions having jurisdiction in relation to the businesses and
24 professions licensed under the chapters specified in this section.
25 This chapter does not apply to any business or profession not licensed
26 under the chapters specified in this section.

27 (2)(a) The director has authority under this chapter in relation to
28 the following businesses and professions:

29 (i) Auctioneers under chapter 18.11 RCW;

30 (ii) Bail bond agents and bail bond recovery agents under chapter
31 18.185 RCW;

32 (iii) Camping resorts' operators and salespersons under chapter
33 19.105 RCW;

34 (iv) Commercial telephone solicitors under chapter 19.158 RCW;

1 (v) Cosmetologists, barbers, manicurists, and estheticians under
2 chapter 18.16 RCW;

3 (vi) Court reporters under chapter 18.145 RCW;

4 (vii) Driver training schools and instructors under chapter 46.82
5 RCW;

6 (viii) Employment agencies under chapter 19.31 RCW;

7 (ix) For hire vehicle operators under chapter 46.72 RCW;

8 (x) Limousines under chapter 46.72A RCW;

9 (xi) Notaries public under chapter 42.44 RCW;

10 (xii) Private investigators under chapter 18.165 RCW;

11 (xiii) Professional boxing, martial arts, and wrestling under
12 chapter 67.08 RCW;

13 (xiv) Real estate appraisers under chapter 18.140 RCW;

14 (xv) Real estate brokers and salespersons under chapters 18.85 and
15 18.86 RCW;

16 (xvi) Security guards under chapter 18.170 RCW;

17 (xvii) Sellers of travel under chapter 19.138 RCW;

18 (xviii) Timeshares and timeshare salespersons under chapter 64.36
19 RCW;

20 (xix) Whitewater river outfitters under chapter 79A.60 RCW; (~~and~~)

21 (xx) Home inspectors under chapter 18.280 RCW; (~~and~~)

22 (xxi) Body artists, body piercers, and tattoo artists, and body
23 art, body piercing, and tattooing shops and businesses, under chapter
24 18.300 RCW; and

25 (xxii) Locksmiths under chapter 18.--- RCW (the new chapter created
26 in section 17 of this act).

27 (b) The boards and commissions having authority under this chapter
28 are as follows:

29 (i) The state board of registration for architects established in
30 chapter 18.08 RCW;

31 (ii) The Washington state collection agency board established in
32 chapter 19.16 RCW;

33 (iii) The state board of registration for professional engineers
34 and land surveyors established in chapter 18.43 RCW governing licenses
35 issued under chapters 18.43 and 18.210 RCW;

36 (iv) The funeral and cemetery board established in chapter 18.39
37 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

1 (v) The state board of licensure for landscape architects
2 established in chapter 18.96 RCW; and

3 (vi) The state geologist licensing board established in chapter
4 18.220 RCW.

5 (3) In addition to the authority to discipline license holders, the
6 disciplinary authority may grant or deny licenses based on the
7 conditions and criteria established in this chapter and the chapters
8 specified in subsection (2) of this section. This chapter also governs
9 any investigation, hearing, or proceeding relating to denial of
10 licensure or issuance of a license conditioned on the applicant's
11 compliance with an order entered under RCW 18.235.110 by the
12 disciplinary authority.

13 **Sec. 16.** RCW 43.24.150 and 2009 c 429 s 4, 2009 c 412 s 21, and
14 2009 c 370 s 19 are each reenacted and amended to read as follows:

15 (1) The business and professions account is created in the state
16 treasury. All receipts from business or professional licenses,
17 registrations, certifications, renewals, examinations, or civil
18 penalties assessed and collected by the department from the following
19 chapters must be deposited into the account:

- 20 (a) Chapter 18.11 RCW, auctioneers;
- 21 (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- 22 (c) Chapter 18.145 RCW, court reporters;
- 23 (d) Chapter 18.165 RCW, private investigators;
- 24 (e) Chapter 18.170 RCW, security guards;
- 25 (f) Chapter 18.185 RCW, bail bond agents;
- 26 (g) Chapter 18.280 RCW, home inspectors;
- 27 (h) Chapter 19.16 RCW, collection agencies;
- 28 (i) Chapter 19.31 RCW, employment agencies;
- 29 (j) Chapter 19.105 RCW, camping resorts;
- 30 (k) Chapter 19.138 RCW, sellers of travel;
- 31 (l) Chapter 42.44 RCW, notaries public;
- 32 (m) Chapter 64.36 RCW, timeshares;
- 33 (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling; (~~and~~)
- 34 (o) Chapter 18.300 RCW, body art, body piercing, and tattooing; and
- 35 (p) Chapter 18.--- RCW (the new chapter created in section 17 of
36 this act), locksmiths.

1 Moneys in the account may be spent only after appropriation.
2 Expenditures from the account may be used only for expenses incurred in
3 carrying out these business and professions licensing activities of the
4 department. Any residue in the account shall be accumulated and shall
5 not revert to the general fund at the end of the biennium.

6 (2) The director shall biennially prepare a budget request based on
7 the anticipated costs of administering the business and professions
8 licensing activities listed in subsection (1) of this section, which
9 shall include the estimated income from these business and professions
10 fees.

11 NEW SECTION. **Sec. 17.** Sections 1 through 14 of this act
12 constitute a new chapter in Title 18 RCW.

13 NEW SECTION. **Sec. 18.** This act takes effect July 1, 2011.

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