



## 1995 ASSEMBLY BILL 939

February 23, 1996 - Introduced by Representatives ALBERS, KREIBICH, BRANCEL, OWENS, ZUKOWSKI and MUSSER, cosponsored by Senator SCHULTZ. Referred to Committee on Consumer Affairs.

1 **AN ACT to create** 15.405 (18), 440.08 (2) (a) 41d., 440.08 (2) (a) 41h., 440.08 (2)  
2 (a) 41p., 440.08 (2) (a) 41t. and chapter 460 of the statutes; **relating to:** the reg-  
3 ulation of locksmiths, creating a locksmith examining board, granting rule-  
4 making authority and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

This bill establishes requirements for the licensure of professional locksmiths, locksmiths and locksmith agencies and the registration of locksmith apprentices. The bill also creates a 5-member locksmith examining board (examining board) to administer and enforce the requirements. The examining board is attached to the department of regulation and licensing (DORL).

Under the bill, with certain exceptions, no person may engage in the practice of locksmithing unless the person is: 1) licensed as a professional locksmith by the examining board; 2) licensed as a locksmith by the examining board and employed by a licensed locksmith agency; or 3) registered as a locksmith apprentice by the examining board, employed by a licensed locksmith agency and practicing under the supervision of a professional locksmith or a locksmith.

The exceptions to the practice restrictions established by the bill include the following: 1) the opening of locks in an emergency by a law enforcement officer, fire fighter or other municipal employee; and 2) certain locksmithing activities, such as the sale, installation, opening or repairing of locks, by motor vehicle dealers and mechanics, retail and hardware stores, members of building and construction trades, towing service or motor club personnel and lock manufacturers. The bill also permits certain governmental and private entities to employ a locksmith or apprentice locksmith without obtaining a locksmith agency license.

The bill also prohibits a person from owning or possessing locksmithing tools that are specifically designed to compromise or bypass locks, safe-opening tools or code books unless he or she is licensed or registered under the bill. This prohibition

does not apply to tools designed exclusively to open motor vehicle locks and that are owned or possessed by a towing service, a motor club or a person authorized to repossess motor vehicles.

In addition, the bill does all of the following:

1. Establishes the requirements that a person must meet to qualify for registration as a locksmith apprentice and the requirements for licensure as a locksmith or professional locksmith. The bill specifies that a person must pass an examination to qualify for licensure as a locksmith or professional locksmith, except that the examination requirement for professional locksmith licensure does not apply until 3 years after the bill becomes law.

2. Establishes requirements for the licensure of locksmith agencies. In particular, the bill requires certain persons, such as officers, directors or partners, who are responsible for the locksmith agency to be licensed as professional locksmiths.

3. Requires an apprentice locksmith, locksmith and professional locksmith to complete a work order form which contains identification and other information concerning a customer whenever the apprentice locksmith, locksmith or professional locksmith opens a residence, commercial establishment, motor vehicle, safe, vault, safe deposit box, automatic teller machine or other device for a customer. The bill also requires towing service and motor club personnel who open a motor vehicle to complete the same work order form that a locksmith must complete.

4. Requires every professional locksmith and locksmith agency to have in effect liability insurance of the type and in the amount required by rules promulgated by the examining board.

5. Requires a person licensed or registered under the bill to complete continuing education requirements established by the examining board in order to be able to renew his or her license or registration.

6. Requires locksmith agencies to keep a list of its employes, which must be furnished to DORL, and to keep certain records concerning its employes.

7. Requires the examining board to issue identification cards to every person licensed or registered under the bill.

8. Provides for the reciprocal licensing of persons licensed in another state or territory of the United States if the licensing requirements of the other state or territory are substantially equivalent to the requirements for licensing established in the bill or, if the licensing requirements of the other state or territory are not by themselves substantially equivalent to the requirements for licensing established in the bill, if the applicant has additional qualifications that give him or her substantially the same qualifications as those needed for licensure under the bill.

9. Authorizes the examining board to reprimand a person licensed or registered by the examining board or to deny, limit, suspend or revoke a license or registration granted by the examining board if the applicant or the person licensed or registered has engaged in certain conduct or has violated any statute that is administered by, or any rule that is promulgated by, the examining board relating to the practice of locksmithing.



1           (1) “Examining board” means the locksmith examining board.

2           (2) “Locksmith” means an individual who is licensed as a locksmith under s.  
3 460.08 (2) or (4).

4           (3) “Locksmith agency” means a business entity that is licensed under s. 460.08  
5 (5).

6           (4) “Practice of locksmithing” means servicing, installing, originating first  
7 keys, recoding, recombining, manipulating or bypassing any of the following:

8           (a) A mechanical or electronic security device that is used to control access to  
9 or exit from premises, motor vehicles, safes, vaults, safe deposit boxes, automatic  
10 teller machines or other areas to which access is intended to be limited.

11           (b) A detection device, including burglar and motor vehicle alarms and closed  
12 circuit television.

13           (5) “Professional locksmith” means an individual who is licensed as a profes-  
14 sional locksmith under s. 460.08 (3) or (4).

15           (6) “Registered apprentice” means an individual who is registered under s.  
16 460.08 (1) as an apprentice locksmith.

17           **460.02 License or registration required.** No person may engage or attempt  
18 to engage in the practice of locksmithing or hold himself or herself out as authorized  
19 to engage in the practice of locksmithing unless the person meets one of the following  
20 requirements:

21           (1) The person is a professional locksmith.

22           (2) The person is a locksmith and is an employe of a locksmith agency, if he or  
23 she engages in the practice of locksmithing while acting within the scope of his or her  
24 employment with the locksmith agency.

1           **(3)** The person is a registered apprentice and is an employe of a locksmith  
2 agency, if he or she engages in the practice of locksmithing while under the supervi-  
3 sion of a locksmith or professional locksmith and while acting within the scope of his  
4 or her employment with the locksmith agency.

5           **460.04 Exemptions. (1)** Notwithstanding s. 460.02, no license or registration  
6 is required under this chapter for any of the following activities if the person engaged  
7 in the activity does not hold himself or herself out as a registered apprentice, a lock-  
8 smith, a professional locksmith or a locksmith agency:

9           (a) The servicing, installing, repairing or rebuilding of motor vehicle locks by  
10 a motor vehicle dealer or motor vehicle mechanic.

11           (b) The opening of locks in an emergency by a law enforcement officer, fire fight-  
12 er or other municipal employe. For purposes of this subsection, "emergency" means  
13 a situation in which human life is in jeopardy.

14           (c) The duplication of keys or sale of locks or other security devices by a retail  
15 or hardware store.

16           (d) The installation or removal of complete locks, locking devices or access con-  
17 trol devices by members of the building or construction trades during residential or  
18 commercial new construction or residential or commercial remodeling, if a building  
19 permit is required for the construction or remodeling and is obtained.

20           (e) The opening of motor vehicle locks by the employe of a towing service or a  
21 motor club, if all of the following apply:

22           1. The employe is acting within the scope of his or her employment.

23           2. The practice of locksmithing by the employe is limited to gaining access to  
24 motor vehicles.

1           3. The employe has in effect liability insurance in the same amount as that spe-  
2           cified in the rules promulgated under s. 460.06 (4) (a), or his or her employer has in  
3           effect liability insurance in the same amount as that specified in the rules promul-  
4           gated under s. 460.06 (4) (b).

5           4. The employe complies with s. 460.16 (2), (2m) and (3).

6           (f) The opening of motor vehicle locks by a person authorized to repossess motor  
7           vehicles or an employe of such a person, if the person or employe is acting within the  
8           scope of his or her employment and the practice of locksmithing by the person or em-  
9           ploye is limited to gaining access to motor vehicles.

10          (g) The practice of locksmithing by a student in a program of locksmithing  
11          education approved by the examining board.

12          (h) The servicing, installing, repairing or rebuilding of locks by a lock manufac-  
13          turer or the employe of a lock manufacturer.

14          (i) The servicing, installing, repairing or rebuilding of access control devices by  
15          an alarm installer or alarm agency or an employe of an alarm installer or alarm  
16          agency who is acting within the scope of his or her employment.

17          (2) Notwithstanding s. 460.02 (1) and (2), a federal, state or local government  
18          agency, a college or university or a business establishment, industrial plant or other  
19          private entity, may, without being licensed as a locksmith agency, employ a locksmith  
20          or a registered apprentice to engage in the practice of locksmithing if the locksmith  
21          or registered apprentice engages in the practice of locksmithing only while acting in  
22          the scope of his or her employment and only when he or she is on the premises of his  
23          or her employer.

24          **460.06 Duties of board.** The examining board shall do all of the following:

1           **(1)** Promulgate rules establishing a method for examining an applicant for a  
2 license or registration under s. 460.08 that satisfies the requirements under s. 460.10  
3 and that will ascertain the fitness and qualifications of the applicant. The examina-  
4 tion may consist of a written examination only.

5           **(2)** Conduct examinations that satisfy the requirements of the rules promul-  
6 gated under sub. (1) or accept results of examinations conducted by other agencies  
7 or organizations that satisfy the requirements of the rules promulgated under sub.  
8 (1).

9           **(3)** Establish a standard application form for use by applicants for registration  
10 or licensure under s. 460.08. The form shall require the applicant to provide identifi-  
11 cation information that is necessary to permit the examining board to conduct a state  
12 and federal criminal history record search.

13           **(4)** Promulgate rules establishing all of the following:

14           (a) The minimum amount of liability insurance that a professional locksmith  
15 shall have in effect to practice as a professional locksmith.

16           (b) The minimum amount of liability insurance that a locksmith agency shall  
17 have in effect to operate as a locksmith agency.

18           (c) Continuing education requirements that a person licensed or registered un-  
19 der this chapter must satisfy to be eligible for renewal of his or her license or registra-  
20 tion.

21           (d) A code of ethics governing the practice of locksmithing by all persons li-  
22 censed or registered under this chapter.

23           **(5)** Provide a unique registration number to each apprentice locksmith regis-  
24 tered under this chapter and a unique license number to each locksmith, professional  
25 locksmith and locksmith agency licensed under this chapter.

1           **(6)** Promulgate rules necessary to administer this chapter.

2           **460.08 Licensure; registration. (1)** APPRENTICE LOCKSMITHS. The examining  
3 board shall register an individual as a locksmith apprentice if the individual does all  
4 of the following:

5           (a) Submits an application to the examining board on a form prescribed by the  
6 examining board.

7           (b) Pays the fee specified in s. 440.05 (6).

8           (c) Submits evidence satisfactory to the examining board that he or she is a citi-  
9 zen of the United States or is an alien lawfully admitted for permanent residence.

10           (d) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory  
11 to the examining board that he or she has not been arrested for or convicted of a crime  
12 during the 5-year period immediately preceding the date of his or her application.

13           (e) Submits evidence satisfactory to the examining board that he or she has not  
14 had a locksmith license, a professional locksmith license or a locksmith agency li-  
15 cense denied, suspended or revoked.

16           **(2)** LOCKSMITHS. The examining board shall grant a locksmith license to an in-  
17 dividual who does all of the following:

18           (a) Submits an application to the examining board on a form prescribed by the  
19 examining board.

20           (b) Pays the fee specified in s. 440.05 (1).

21           (c) Submits evidence satisfactory to the examining board that he or she is a citi-  
22 zen of the United States or is an alien lawfully admitted for permanent residence.

23           (d) Submits evidence satisfactory to the examining board that he or she is at  
24 least 18 years of age.



1 (e) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory  
2 to the examining board that he or she has not been arrested for or convicted of a crime  
3 during the 5-year period immediately preceding the date of his or her application.

4 (f) Submits evidence satisfactory to the examining board that he or she satisfies  
5 one of the following:

6 1. He or she has been registered under sub. (1) and employed as an apprentice  
7 locksmith for at least 2 years.

8 2. He or she has completed a course of locksmithing education approved by the  
9 examining board.

10 (g) Passes an examination conducted or authorized by the examining board  
11 that satisfies the requirements specified under s. 460.10 (1).

12 **(3) PROFESSIONAL LOCKSMITHS.** The examining board shall grant a professional  
13 locksmith license to an individual who does all of the following:

14 (a) Submits an application to the examining board on a form prescribed by the  
15 examining board.

16 (b) Pays the fee specified in s. 440.05 (1).

17 (c) Submits evidence satisfactory to the examining board that he or she is a citi-  
18 zen of the United States or is an alien lawfully admitted for permanent residence.

19 (d) Submits evidence satisfactory to the examining board that he or she is at  
20 least 18 years of age.

21 (e) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory  
22 to the examining board that he or she has not been arrested for or convicted of a crime  
23 during the 5-year period immediately preceding the date of his or her application.

24 (f) Submits evidence satisfactory to the examining board that he or she has  
25 been licensed under sub. (2).

1 (g) Passes 5 or more categories of an examination conducted or authorized by  
2 the examining board that satisfies the requirements specified under s. 460.10 (2).  
3 This paragraph applies beginning on the first day of the 37th month beginning after  
4 the effective date of this paragraph .... [revisor inserts date].

5 (4) RECIPROCAL LICENSES. The examining board shall grant a locksmith license  
6 or a professional locksmith license to an individual who is licensed, certified or regis-  
7 tered as a locksmith in another state or territory of the United States if the individual  
8 does all of the following:

9 (a) Submits an application to the examining board on a form prescribed by the  
10 examining board.

11 (b) Pays the fee specified in s. 440.05 (2).

12 (c) Submits evidence satisfactory to the examining board of one of the following:

13 1. That the requirements of the state or territory in which the individual is li-  
14 censed, certified or registered are substantially equivalent to the requirements for  
15 licensure under sub. (2), if the individual is applying for a locksmith license, or sub.  
16 (3), if the individual is applying for a professional locksmith license.

17 2. If the requirements of the state or territory in which the individual is li-  
18 censed, certified or registered do not by themselves satisfy subd. 1., that the appli-  
19 cant has qualifications in addition to those needed for licensure, certification or regis-  
20 tration in the other state or territory that give the applicant qualifications that are  
21 substantially equivalent to the qualifications necessary to meet the requirements for  
22 licensure under sub. (2), if the individual is applying for a locksmith license, or sub.  
23 (3), if the individual is applying for a professional locksmith license.

24 (5) LOCKSMITH AGENCIES. The examining board shall grant a locksmith agency  
25 license to a business entity that does all of the following:

1 (a) Submits an application to the examining board on a form prescribed by the  
2 examining board.

3 (b) Pays the fee specified in s. 440.05 (1).

4 (c) Submits evidence satisfactory to the examining board that the individual  
5 who is the sole proprietor is licensed as a professional locksmith under sub. (3), if the  
6 business entity is a sole proprietorship.

7 (d) Submits evidence satisfactory to the examining board that at least one offi-  
8 cer, director or manager who is responsible for the daily business of the corporation  
9 or limited liability company is licensed as a professional locksmith under sub. (3), if  
10 the business entity is a corporation or limited liability company. An officer, director  
11 or manager of a corporation or limited liability company may not be responsible for  
12 the daily business of more than one locksmith agency.

13 (e) Submits evidence satisfactory to the examining board that each member of  
14 the firm, partnership or association is licensed as a professional locksmith under sub.  
15 (3), if the business entity is not a sole proprietorship, corporation or limited liability  
16 company.

17 (f) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory  
18 to the examining board that no person who owns, manages, controls or has a financial  
19 interest in the business entity has been arrested for or convicted of a crime during  
20 the 5-year period immediately preceding the date of the application for a locksmith  
21 agency license.

22 **(6) EXAMINATION REQUIREMENT FOR PERSONS LICENSED UNDER WAIVER PROVISIONS.**

23 (a) *Locksmiths.* A locksmith who is granted a license under 1995 Wisconsin Act ....  
24 (this act), section 7 (2) (a) , shall, no later than the first day of the 37th month begin-  
25 ning after the effective date of this paragraph .... [revisor inserts date], pass an

1 examination conducted or authorized by the examining board that satisfies the re-  
2 quirements specified under s. 460.10 (1).

3 (b) *Professional locksmiths.* A professional locksmith who is granted a license  
4 under 1995 Wisconsin Act .... (this act), section 7 (2) (b) , shall, no later than the first  
5 day of the 37th month beginning after the effective date of this paragraph .... [revisor  
6 inserts date], pass 5 or more categories of an examination conducted or authorized  
7 by the examining board that satisfies the requirements specified under s. 460.10 (2).

8 **460.10 Examinations.** (1) The examination required under s. 460.08 (2) (g)  
9 shall include all of the following topics:

10 (a) Codes and code equipment.

11 (b) Pin and disc tumbler cylinder servicing.

12 (c) Blank key identification.

13 (d) Key duplication and impressioning.

14 (e) Professional lock opening techniques.

15 (f) Lockset functions.

16 (g) Servicing of locksets.

17 (h) Basic master keying.

18 (i) Cabinet, furniture and mailbox locks.

19 (k) Applicable building and safety code provisions and the federal Americans  
20 with disabilities act of 1990, 42 USC 12101 to 12213.

21 (2) The examination required under s. 460.08 (3) (g) shall include 5 or more of  
22 the following topics chosen by the individual who takes the examination:

23 (a) Basic motor vehicle locks.

24 (b) Advanced motor vehicle locks.

25 (c) Automatic door closers.

- 1 (d) High security cylinder servicing.
- 2 (e) Tubular cylinder servicing.
- 3 (f) Exit hardware.
- 4 (g) Keyless mechanical locks.
- 5 (h) Lever tumbler locks other than safe deposit lever tumbler locks.
- 6 (i) Motorcycle locks.
- 7 (j) Combination-type safe locks.
- 8 (k) Safe deposit locks.
- 9 (L) Time locks.
- 10 (m) Lockset installation.
- 11 (n) Advanced master keying.
- 12 (p) Opening and servicing safes.
- 13 (q) Installing and servicing vaults.
- 14 (r) Best-style interchangeable cores.
- 15 (s) Interchangeable cores other than best-style locks.
- 16 (t) Electromagnetic access control.
- 17 (v) Alarms.
- 18 (w) Detention locks.

19 **460.12 Locksmith agency employe requirements.** (1) A locksmith agency  
20 licensed under this chapter may not employ an individual to engage in the practice  
21 of locksmithing unless the individual is a registered apprentice, a locksmith or a pro-  
22 fessional locksmith.

23 (2) Upon employing an individual, a locksmith agency shall submit to the ex-  
24 amining board the name, address and date of birth of the individual and other infor-

1       mation, as specified by the examining board by rule, sufficient to identify the indi-  
2       vidual.

3           **(3)** (a) A locksmith agency shall maintain a list of all employes hired and a list  
4       of all employes terminated during the previous month and, except as provided in par.  
5       (c), submit the lists to the examining board by the 10th day of the month immediately  
6       following the month for which the list was compiled.

7           (b) The locksmith agency shall retain copies of the lists required under par. (a)  
8       covering the immediately preceding 24-month period.

9           (c) A locksmith agency is not required to submit the applicable list under par.  
10       (a) if the locksmith agency did not hire or terminate an employe during the month  
11       covered by the list.

12           **(4)** A locksmith agency shall maintain a record of each employe that contains  
13       all of the following information:

14           (a) A photograph of the employe that was taken within 10 days of the date that  
15       the employe began employment with the locksmith agency. The photograph shall be  
16       replaced with a current photograph every 3 years.

17           (b) An employe statement that contains all of the following:

18               1. The employe's full name, date of birth and residence address.

19               2. The name of the country of which the employe is a citizen and, if the employe  
20       is not a citizen of the United States, proof that the employe is an alien lawfully ad-  
21       mitted for permanent residence.

22               3. The business or occupation in which the employe was engaged for the 5-year  
23       period immediately preceding the date on which the employe executes the statement,  
24       the place in which the employe engaged in the business or occupation and, if applica-  
25       ble, the names of the employe's employers during that period.

1           4. A statement that the employe has not had a license or employe registration  
2 under this chapter denied, revoked or suspended.

3           5. A list of the employe's criminal convictions, if any.

4           6. A statement as to whether the employe has ever been found incompetent un-  
5 der ch. 880 and whether the employe has subsequently been found competent.

6           7. Any other information that the examining board may require by rule that  
7 bears on the employe's competency as an employe of a locksmith agency.

8           **460.13 Identification card. (1)** The examining board shall issue an identifi-  
9 cation card to every individual licensed or registered under this chapter.

10           **(2)** An identification card issued under sub. (1) shall contain all of the following:

11           (a) The individual's name.

12           (b) Identification information of the individual, including height, weight and  
13 hair and eye color.

14           (c) A recent photograph of the individual.

15           (d) The signature of the individual.

16           (e) The name and license number of the locksmith agency employing the indi-  
17 vidual, if applicable.

18           (f) The signature of the locksmith responsible for the operation of the agency  
19 under par. (e).

20           (g) The date the identification card was issued.

21           (h) The number of the identification card.

22           **(3)** An individual who terminates his or her employment with a locksmith  
23 agency shall notify the examining board and return his or her identification card to  
24 the examining board for updating and reissuance.

1           (4) The examining board may charge a fee for issuing an identification card un-  
2           der this section.

3           **460.14 License and registration renewal; inactive status.** (1) Renewal  
4           applications shall be submitted to the department on a form provided by the depart-  
5           ment on or before the applicable renewal date specified under s. 440.08 (2) (a) and  
6           shall include the applicable renewal fee specified under s. 440.08 (2) (a) and proof of  
7           completion of continuing education required by the rules promulgated under s.  
8           460.06 (4) (c).

9           (2) (a) A locksmith, professional locksmith or locksmith agency may apply to  
10          the examining board for registration as an inactive licensee on or before the license  
11          renewal date.

12          (b) Unless the person's license has been revoked or suspended under s. 460.22,  
13          the examining board may register a locksmith, professional locksmith or locksmith  
14          agency as an inactive licensee upon application for inactive status and payment of  
15          a fee set by the examining board.

16          (c) An inactive licensee may not engage in the practice of locksmithing.

17          (d) A person may be registered as an inactive licensee under this subsection for  
18          not more than 6 years from the date that his or her inactive license status becomes  
19          effective. Upon application during the 6-year period and payment of the applicable  
20          renewal fee under s. 440.08 (2) (a), the examining board shall reinstate an inactive  
21          licensee's original license. After the 6-year period, the examining board may rein-  
22          state the inactive licensee's original license in accordance with the requirements for  
23          late renewal under s. 440.08 (3) (b).

24          (3) Notwithstanding s. 440.08 (3), if a locksmith license, professional locksmith  
25          license or locksmith agency license issued under this chapter expires while the indi-



1       vidual who was granted the license is serving on active duty in the U.S. armed forces  
2       or was engaged in training or education preliminary to serving in the U.S. armed  
3       forces, the examining board may renew the individual's license without requiring the  
4       individual to pay a late renewal fee if, within 2 years after termination of his or her  
5       active duty, training or education the individual submits evidence satisfactory to the  
6       examining board that he or she was serving on active duty in the U.S. armed forces  
7       or was engaged in training or education preliminary to serving in the U.S. armed  
8       forces and that the active duty or training or education has been terminated.

9               **460.15 Liability insurance.** Every professional locksmith and locksmith  
10       agency shall annually submit to the examining board evidence satisfactory to the ex-  
11       amining board that he or she has in effect liability insurance of the type and in the  
12       amounts required by the rules promulgated under s. 460.06 (4) (a) and (b).

13               **460.16 Customer identification. (1)** An apprentice locksmith, locksmith or  
14       professional locksmith who opens for another person a residence or commercial es-  
15       tablishment or safe, vault, safe deposit box, automatic teller machine or other device  
16       for safeguarding an area where access is intended to be limited shall document the  
17       work performed by recording on a work order form all of the following information:

18               (a) The name of the person for whom the work was performed.

19               (b) The address of the person for whom the work was performed.

20               (c) The telephone number of the person for whom the work was performed.

21               (e) The driver's license number or other identification of the person for whom  
22       the work was performed.

23               (f) The signature of the person for whom the work was performed.

24               (g) The location, including street address, where the work was performed.

1 (h) The name and license or registration number of the apprentice locksmith,  
2 locksmith or professional locksmith who performed the work.

3 **(2)** An apprentice locksmith, locksmith, professional locksmith or person act-  
4 ing under s. 460.04 (1) (e) who opens a motor vehicle for another shall document the  
5 work performed by fully completing a work order form that contains space for the ap-  
6 prentice locksmith, locksmith, professional locksmith or person acting under s.  
7 460.04 (1) (e) to record all or as much as is practicable of the following information:

8 (a) The name of the person for whom the work was performed.

9 (b) The address of the person for whom the work was performed.

10 (c) The telephone number of the person for whom the work was performed.

11 (d) The date of birth of the person for whom the work was performed.

12 (e) The driver's license number of the person for whom the work was performed.

13 (f) The vehicle identification number or registration number of the vehicle on  
14 which the work was performed.

15 (g) The signature of the person for whom the work was performed.

16 (h) The name and license or registration number of the apprentice locksmith,  
17 locksmith or professional locksmith who performed the work.

18 **(2m)** A work order form used under sub. (1) or (2) shall include all of the follow-  
19 ing:

20 (a) A statement that the customer has the authority to request the work being  
21 performed.

22 (b) A statement that the customer authorizes the apprentice locksmith, lock-  
23 smith, professional locksmith or person acting under s. 460.04 (1) (e) to perform the  
24 work.

1 (c) A statement that, by signing the work order form, the customer acknowl-  
2 edges that he or she has read and understands the statements specified in pars. (a)  
3 and (b).

4 (3) A professional locksmith, locksmith agency or person acting under s. 460.04  
5 (1) (e) shall keep a copy of a work order completed under sub. (1) or (2) for a period  
6 of 2 years after the date on which the work was performed.

7 **460.18 Locksmith tools and equipment.** (1) No person may own or possess,  
8 or attempt to own or possess, locksmithing tools specifically designed to compromise  
9 or bypass locks, safe-opening tools or code books unless he or she is a registered ap-  
10 prentice, a locksmith, a professional locksmith or a locksmith agency.

11 (2) Subsection (1) does not apply to tools designed exclusively to open motor  
12 vehicle locks and that are owned or possessed by a towing service, a motor club or a  
13 person authorized to repossess motor vehicles or, if he or she is acting within the  
14 scope of his or her employment, by an employe of a towing service, motor club or per-  
15 son authorized to repossess motor vehicles.

16 **460.20 Advertising.** A person licensed as a professional locksmith or a lock-  
17 smith agency under this chapter may advertise his or her locksmithing services in  
18 the public media or on the premises where the locksmithing services are rendered  
19 as permitted by law and by rules promulgated by the examining board. All advertise-  
20 ments published in any medium shall include, in the case of an advertisement for a  
21 professional locksmith, the license number of the professional locksmith, or, in the  
22 case of an advertisement for a locksmith agency, the license number of the locksmith  
23 agency.

24 **460.22 Disciplinary proceedings and actions.** (1) Subject to the rules pro-  
25 mulgated under s. 440.03 (1), the examining board may make investigations and con-

1 duct hearings to determine whether a violation of this chapter or any rule promul-  
2 gated under this chapter has occurred.

3 (2) Subject to the rules promulgated under s. 440.03 (1), the examining board  
4 may reprimand a registered apprentice, locksmith, professional locksmith or lock-  
5 smith agency or may deny, limit, suspend or revoke a registration or license granted  
6 under this chapter if it finds that the applicant for a registration or license or a regis-  
7 tered apprentice, locksmith, professional locksmith or locksmith agency has done  
8 any of the following:

9 (a) Made a material misstatement in an application for a registration or license  
10 or for renewal of a registration or a license.

11 (b) Subject to ss. 111.321, 111.322 and 111.34, engaged in the practice of lock-  
12 smithing while his or her ability to practice was impaired by alcohol or other drugs.

13 (c) Advertised in a manner that is false, deceptive or misleading.

14 (d) Subject to ss. 111.321, 111.322 and 111.335, been convicted of a crime.

15 (e) Advertised, practiced or attempted to practice under another's name.

16 (f) Engaged in conduct while practicing locksmithing that evidences a lack of  
17 knowledge or ability to apply locksmithing principles or skills.

18 (g) Engaged in unprofessional conduct.

19 (h) Knowingly permitted a person under his or her supervision to violate this  
20 chapter or any rule promulgated under this chapter.

21 (i) Employed, induced or assisted a person who is not registered or licensed un-  
22 der this chapter in the unauthorized practice of locksmithing.

23 (j) Been connected or associated with, or lent his or her name to, another person  
24 who engaged in the practice of locksmithing in violation of this chapter or who made

1 representations about his or her authorization to practice locksmithing that are in  
2 violation of this chapter.

3 (k) Made or filed false records or reports in connection with his or her practice  
4 of locksmithing.

5 (L) Engaged in irregularities in billing for services rendered to another person.  
6 In this paragraph, "irregularities in billing" includes:

- 7 1. Reporting charges for the purpose of obtaining a total payment in excess of  
8 that usually received for the services rendered.
- 9 2. Reporting charges for services not rendered.
- 10 3. Incorrectly reporting services rendered for the purpose of obtaining pay-  
11 ment.

12 (m) Violated this chapter or any rule promulgated under this chapter.

13 **460.24 Injunction.** If it appears upon complaint to the examining board by  
14 any person, or if it is known to the examining board, that a person who is not a regis-  
15 tered apprentice, a locksmith, a professional locksmith or a locksmith agency and  
16 who is not exempt under this chapter is practicing or offering to practice, or is about  
17 to practice or offer to practice, locksmithing in this state, the examining board or the  
18 attorney general or the district attorney of the proper county may investigate and  
19 may, in addition to any other remedies, bring an action in the name and on behalf  
20 of this state against any such person to enjoin the person from practicing or offering  
21 to practice locksmithing.

22 **460.26 Penalties. (1)** Any person who violates this chapter or any rule pro-  
23 mulgated under this chapter may be required to forfeit not more than \$500 for the  
24 first offense and may be required to forfeit not more than \$1,000 for the 2nd or any  
25 subsequent offense within a year. Each day of continued violation constitutes a sepa-

1 rate offense. The period shall be measured by using the dates of the offenses that  
2 resulted in convictions.

3 (2) Any person who wilfully violates this chapter or any rule promulgated un-  
4 der this chapter may be fined not more than \$10,000 or imprisoned for not more than  
5 9 months or both.

6 **SECTION 7. Nonstatutory provisions.**

7 (1) INITIAL APPOINTMENTS.

8 (a) Notwithstanding section 15.405 (18) of the statutes, as created by this act,  
9 the initial professional locksmith members of the locksmith examining board need  
10 not be licensed under chapter 460 of the statutes, as created by this act, to be ap-  
11 pointed to and serve as members of the examining board until the first day of the 13th  
12 month beginning after the effective date of this paragraph.

13 (b) Notwithstanding section 15.405 (18) of the statutes, as created by this act,  
14 the initial members of the locksmith examining board shall be appointed by the first  
15 day of the 4th month beginning after the effective date of this paragraph for the fol-  
16 lowing terms:

- 17 1. One professional locksmith member, for a term expiring on July 1, 1997.
- 18 2. One public member, for a term expiring on July 1, 1998.
- 19 3. One professional locksmith member, for a term expiring on July 1, 1999.
- 20 4. One professional locksmith member and one public member, for terms ex-  
21 piring on July 1, 2000.

22 (2) WAIVER OF CERTAIN LICENSING REQUIREMENTS.

23 (a) *Locksmiths.* Notwithstanding section 460.08 (2) (f) and (g) of the statutes,  
24 as created by this act, the locksmith examining board shall grant a locksmith license  
25 under section 460.08 (2) of the statutes to an individual who, not later than the last

1 day of the 13th month beginning after the effective date of this paragraph, satisfies  
2 the requirements under section 460.08 (2) (a), (b), (c), (d) and (e) of the statutes, as  
3 created by this act, and submits evidence satisfactory to the examining board that  
4 he or she has been employed as a locksmith for at least 2 years during the 5-year  
5 period immediate preceding the effective date of this paragraph.

6 (b) *Professional locksmiths.* Notwithstanding section 460.08 (3) (f) and (g) of  
7 the statutes, as created by this act, the locksmith examining board shall grant a pro-  
8 fessional locksmith license under section 460.08 (3) of the statutes to an individual  
9 who, not later than the last day of the 13th month beginning after the effective date  
10 of this paragraph, satisfies the requirements under section 460.08 (3) (a), (b), (c), (d)  
11 and (e) of the statutes, as created by this act, and submits evidence satisfactory to  
12 the examining board that, during at least 2 years of the 5-year period immediately  
13 preceding the effective date of this paragraph, he or she has owned and operated a  
14 locksmith business or has been a manager or operator of a locksmith business owned  
15 by another person.

16 (c) *Locksmith agencies.* Notwithstanding section 460.08 (5) (c), (d) and (e) of  
17 the statutes, as created by this act, the locksmith examining board shall grant a lock-  
18 smith agency license under section 460.08 (5) of the statutes to a business entity that,  
19 not later than the last day of the 13th month beginning after the effective date of this  
20 paragraph, satisfies the requirements under section 460.08 (5) (a), (b) and (f) of the  
21 statutes, as created by this act, and satisfies whichever of the following is applicable:

22 1. That the individual who is the sole proprietor is licensed as a professional  
23 locksmith under paragraph (b) , if the business entity is a sole proprietorship.

24 2. That at least one officer, director or manager who is responsible for the daily  
25 business of the corporation or limited liability company is licensed as a professional

1 locksmith under paragraph (b) , if the business entity is a corporation or limited li-  
2 ability company. An officer, director or manager of a corporation or limited liability  
3 company may not be responsible for the daily business of more than one locksmith  
4 agency.

5 3. That each member of the firm, partnership or association is licensed as a  
6 professional locksmith under paragraph (b) , if the business entity is not a sole pro-  
7 prietorship, corporation or limited liability company.

8 **SECTION 8. Effective dates.** This act takes effect on the first day of the 13th  
9 month beginning after publication, except as follows:

10 (1) The treatment of section 15.405 (18) of the statutes and SECTION 7 of this  
11 act take effect on the day after publication.

12 (END)