64th Legislature HB0291.01

1	HOUSE BILL NO. 291
2	INTRODUCED BY K. HOLMLUND
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING LOCKSMITHS; CLARIFYING THAT CERTAIN ACTS
5	BY LOCKSMITHS ARE UNFAIR TRADE PRACTICES; SPECIFYING CERTIFICATION PROCESSES; AND
6	PROHIBITING A PERSON FROM PRACTICING AS A LOCKSMITH UNDER CERTAIN CONDITIONS."
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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10	NEW SECTION. Section 1. Definitions. As used in [sections 1 through 3], the following definitions
11	apply:
12	(1) "ALOA" means Associated Locksmiths of America.
13	(2) "Locksmith" means a person who, for compensation or consideration, repairs, rebuilds, rekeys,
14	repins, services, bypasses, adjusts, or installs:
15	(a) locks;
16	(b) mechanical or electronic locking devices;
17	(c) access control devices;
18	(d) egress control devices;
19	(e) safes;
20	(f) vaults; or
21	(g) safe deposit boxes.
22	(3) (a) "Locksmith association" includes but is not limited to any association, organization, or entity that:
23	(i) is related to locksmiths;
24	(ii) promotes the practice of locksmiths;
25	(iii) trains locksmiths; or
26	(iv) certifies or approves locksmiths.
27	(b) The term includes the ALOA Security Professionals Association, Inc.
28	(4) "Locksmith tools" means any tools that are designed or used to open a locking device in a way other
29	than intended by the manufacturer.



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NEW SECTION. Section 2. False representation -- unfair trade practice. (1) A locksmith may not misrepresent that the locksmith is qualified, trained, certified, or associated with a locksmith association.

- (2) A locksmith may not specifically misrepresent that the locksmith is a certified locksmith. For purposes of this subsection (2), a certified locksmith must have:
- (a) passed the ALOA proficiency registration program testing with at least a 70% grade at the certified licensed locksmith level;
- (b) passed the ALOA proficiency registration program testing with at least a 70% grade at the certified registered locksmith level;
- (c) worked under the supervision of a certified locksmith for at least 3 years and had the supervising certified locksmith recommend the locksmith for certification; or
- (d) a minimum of 10 years of experience as a locksmith, including experience in another state or the military.
- (3) A locksmith who does not comply with this section is considered to be engaging in an unfair trade practice and is subject to the provisions of Title 30, chapter 14, part 1.

<u>NEW SECTION.</u> **Section 3. Possession of locksmith tools.** (1) A person who has been convicted of a felony offense under Title 45, chapter 6, or a similar offense in another state may not act as a locksmith while under the supervision of the department of corrections. For purposes of 45-6-205, possession of burglary tools includes possession of locksmith tools as defined in [section 1].

- (2) A person who does not comply with this section is considered to be engaging in an unfair trade practice and is subject to the provisions of Title 30, chapter 14, part 1.
- NEW SECTION. Section 4. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 30, chapter 14, and the provisions of Title 30, chapter 14, apply to [sections 1 through 3].

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