

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form.

<u>Construction Contractors Board</u> (Agency and Division)		<u>OAD 812</u> (Administrative Rules Chapter Number)
<u>Catherine Dixon</u> (Rules Coordinator)	<u>700 Summer Street NE Suite 300, Salem OR 97310</u> (Address)	<u>378-4621 ext. 4077</u> (Telephone)

RULE CAPTION

Adopt Locksmith Certification Program Rules

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

<u>January 26, 2010</u> Hearing Date	<u>11:00 a.m.</u> Time	<u>West Salem Roth's IGA, Santiam Rm., 1130 Wallace Rd., Salem, OR</u> Location	<u>Rob Hernandez</u> Hearings Officer
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Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

ADOPT: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

Division 30	812-030-0010	812-030-0110	812-030-0210	812-030-0230	812-030-0250
812-030-0000	812-030-0100	812-030-0200	812-030-0220	812-030-0240	

AMEND:

REPEAL:

Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

Amend and Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

Chapter 781 OR Laws 2009 (HB 3127)

Stat. Auth.: ORS

Chapter 781 OR Laws 2009 (HB 3127)

Other Authority

Chapter 781 OR Laws 2009 (HB 3127)

Stats. Implemented: ORS

RULE SUMMARY

- 812-030-0000 is adopts general definitions applicable to Division 30 rules.
- 812-030-0010 is adopted to implement HB 3127, section 4, requiring certified locksmith applicants to pass a test. This rule sets forth the requirements to take the test and the fees for the test.
- 812-030-0100 is adopted to set forth the criminal offenses that may be the basis for determining that an applicant is not qualified for certification as a locksmith. The crimes listed include many of the crimes that may disqualify an applicant for a contractor's license.
- 812-030-0110 is adopted to set forth the standards that CCB will apply to determine whether an applicant who has been convicted of a crime is qualified to be a certified locksmith.
- 812-030-0200 is adopted to set forth the general requirements for a new applicant for certification as a locksmith.
- 812-030-0210 is adopted to set the effective date, number and name affixed to each certificate. Provides for applicant to withdraw an applicant for certification. Indicates how the Board will handle the issuance or denial of a certificate. Provides that a certificate is valid for two years.
- 812-030-0220 is adopted to require a renewal application and fee to renew a locksmith certificate.
- 812-030-0230 is adopted to specify the effective date for a renewal certificate. Explains that a certificate that is not timely renewed is lapsed. During the period a certificate is lapsed, the individual may not work as or hold out as a locksmith. If the period of lapse is two years or less, the individual may renew the existing certificate. If the period of lapse is more than two years, the individual must obtain a new certificate.

- 812-030-0240 is adopted to require that a certified locksmith work with an active, licensed CCB contractor at all times; effective July 1, 2010.
- 812-030-0250 is adopted to implement § 4(4)(d)(A), (C), and (D) allowing the board to charge a fee of up to \$100 for the new or renewal application, up to \$300 for issuance of the initial certificate and up to \$300 for certificate renewal.
- 812-030-0300 is adopted to set forth standards of professional conduct. The rule follows similar standards for dishonest or fraudulent conduct and non-cooperation currently in CCB's rules. See OAR 812-003-0110 and 812-002-0260. Follows the client identification standards in the "Technical Standards Policy" of the Associated Locksmiths of America (ALOA).
- 812-030-0400 is adopted to set forth the civil penalties for violation of locksmith statutes; effective July 1, 2010.

ORS 183.335(2)(b)(G) requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

January 26, 2010 at 11:00 a.m.

Last Day for Public Comment

Last day to submit written comment to Rules Coordinator, Catherine Dixon

PO Box 14140, Salem OR 97309

Signature

Catherine Dixon

Printed Name

December 9, 2009

Date

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem OR 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday. ARC 920-2005

NOTE: In order to save postage and printing costs in these difficult times, CCB is only providing a copy of the notice. To view the language of each individual rule change, please go to our web site at http://www.oregon.gov/CCB/Laws_Rules.shtml#Administrative_Rule_Notices. If you don't have web access, contact Cathy Dixon at (503) 378-4621 ext. 4077 for assistance in receiving a copy.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Construction Contractors Board

OAR 812

Agency and Division

Administrative Rules Chapter Number

In the Matter of: Amendments to OAR 812

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Adopt Locksmith Certification Program Rules

Statutory Authority: Chapter 781 OR Laws 2009 (HB 3127)

Other Authority: Chapter 781 OR Laws 2009 (HB 3127)

Stats. Implemented: Chapter 781 OR Laws 2009 (HB 3127)

Need for the Rule(s): (Explain how the rule is intended to meet the need).

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- 812-030-0400 is adopted to set forth the civil penalties for violation of locksmith statutes; effective July 1, 2010.

Documents Relied Upon, and where they are available: ORS 701, OAR 812, and Chapter 781 OR Laws 2009 (HB 3127). Documents are on the agency website at www.oregon.gov/ccb or a paper copy is available upon request.

Fiscal and Economic Impact, including a Statement of Cost of Compliance:

These rules are established to implement HB 3127 (2009) and apply to an individual who services, installs, repairs, rebuilds, rekeys, repins, or adjust locks, hardware peripheral to locks, safes, vaults, safe deposit boxes or mechanical or electronic security systems. The fiscal and economic impact is indeterminate for the rules, except for the following: OAR 812-030-0010 establishes a testing fee of \$60. OAR 812-030-0250 establishes an application fee of \$60, initial certification fee of \$60/2 years; and a \$60/2 year renewal fee. OAR 812-030-0400 establishes civil penalties for violating the statutes and rules: first offense \$1,000, second offense \$3,000 and third offense \$5,000 and revocation.

The rule changes have no known fiscal impact on state agencies, units of local government or the public.

The rule changes have no known economic impact on state agencies, units of local government or the public.

The rule changes do not increase the reporting, recordkeeping or other administrative activities for businesses. The rule changes will not increase costs of compliance for businesses.

The rule changes will not increase the cost of a new single-family dwelling.

Statement of Cost of Compliance:

These rules are established to implement HB 3127 (2009) and apply to an individual who services, installs, repairs, rebuilds, rekeys, repins, or adjust locks, hardware peripheral to locks, safes, vaults, safe deposit boxes or mechanical or electronic security systems. The fiscal and economic impact is indeterminate for the rules, except for the following: OAR 812-030-0010 establishes a testing fee of \$60. OAR 812-030-0250 establishes an application fee of \$60, initial certification fee of \$60/2 years; and a \$60/2 year renewal fee. OAR 812-030-0400 establishes civil penalties for violating the statutes and rules: first offense \$1,000, second offense \$3,000 and third offense \$5,000 and revocation. The agency estimates that the requirements will affect approximately 2,000 locksmiths.

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):
2. Cost of compliance effect on small business (ORS 183.336):
 - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:
 - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:
 - c. Equipment, supplies, labor and increased administration required for compliance:

How were small businesses involved in the development of this rule?
Six of the current nine Board members are business owners.

Administrative Rule Advisory Committee consulted? The Construction Contractors Board is made up of six contractors; one elected public official, and two public members. They serve as their own Administrative Rule Advisory Committee.

If not, why?:

Authorized Signer
Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

Catherine Dixon
Printed Name

December 9, 2009
Date
ARC 925-2007

HOUSING COST IMPACT STATEMENT

FOR ESTIMATING THE EFFECT OF A PROPOSED RULE OR ORDINANCE ON THE COST OF DEVELOPING
A *TYPICAL 1,200 SQ FT DETACHED SINGLE FAMILY DWELLING ON A 6,000 SQ FT PARCEL OF LAND.
(ORS 183.534)

FOR ADMINISTRATIVE RULES

AGENCY NAME: Construction Contractors Board **PERMANENT:** **HEARING DATE:** January 26, 2010
ADDRESS: 700 Summer St. NE Ste 300
CITY/STATE: Salem OR 97309 **TEMPORARY:** **EFFECTIVE DATE:**
PHONE: (503) 378-4621

BELOW PLEASE PROVIDE A DESCRIPTION OF THE ESTIMATED SAVINGS OR ADDITIONAL COSTS THAT WILL RESULT FROM THIS PROPOSED CHANGE.

PROVIDE A BRIEF EXPLANATION OF HOW THE COST OR SAVINGS ESTIMATE WAS DETERMINED.
IDENTIFY HOW CHANGE IMPACTS COSTS IN CATEGORIES SPECIFIED

Description of proposed change: (Please attach any draft or permanent rule or ordinance)

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- 812-030-0210 is adopted to set the effective date, number and name affixed to each certificate. Provides for applicant to withdraw an applicant for certification. Indicates how the Board will handle the issuance or denial of a certificate. Provides that a certificate is valid for two years.
- 812-030-0220 is adopted to require a renewal application and fee to renew a locksmith certificate.
- 812-030-0230 is adopted to specify the effective date for a renewal certificate. Explains that a certificate that is not timely renewed is lapsed. During the period a certificate is lapsed, the individual may not work as or hold out as a locksmith. If the period of lapse is two years or less, the individual may renew the existing certificate. If the period of lapse is more than two years, the individual must obtain a new certificate.
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- 812-030-0400 is adopted to set forth the civil penalties for violation of locksmith statutes; effective July 1, 2010.

Description of the need for, and objectives of the rule:

These rules are established to implement HB 3127 (2009) and apply to a person who services, installs, repairs, rebuilds, rekeys, repins, or adjust locks, hardware peripheral to locks, safes, vaults, safe deposit boxes or mechanical or electronic security systems.

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- 812-030-0400 is adopted to set forth the civil penalties for violation of locksmith statutes; effective July 1, 2010.

List of rules adopted or amended:

Division 30	812-030-0010	812-030-0110	812-030-0210	812-030-0230	812-030-0250
812-030-0000	812-030-0100	812-030-0200	812-030-0220	812-030-0240	

Materials and labor costs increase or savings:

None.

Estimated administrative construction or other costs increase or savings:

None.

Land costs increase or savings:

The rule amendments have no measurable impact the cost of a new home or a building lot.

Other costs increase or savings:

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*Typical-Single story 3 bedrooms, 1 ½ bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

PREPARERS NAME: Catherine Dixon

EMAIL ADDRESS: catherine.a.dixon@state.or.us

**Proposed Rules for January 26, 2010
Locksmith Certification**

Proposed Rule	Explanation
DIVISION 30 LOCKSMITH CERTIFICATION	Adopt division 30 rules to implement locksmith certification program.
<u>812-030-0000</u> <u>General Definitions</u> <u>The following definitions apply to OAR 812-030-0100 to 812-030-0145:</u> <u>(1) "Certificate" means the authorization issued by the board to an individual locksmith.</u> <u>(2) "Conviction" means a final judgment on a verdict or finding of guilty, a plea of guilty, a plea of nolo contendere (no contest), or any other determination of guilt entered by a court against an individual in a criminal case unless the final judgment has been reversed or set aside by a subsequent court decision.</u> <u>(3) "False statement" means a statement whereby an individual applying for a locksmith certificate:</u> <u>(a) Provides the board with materially false information; or</u> <u>(b) Fails to provide the board with information material to determining his or her qualifications.</u> <u>(4) "License" means the construction contractor license issued by the board under ORS 701.046 to a business offering to or providing locksmith services.</u> <u>(new)</u>	Adopt: General definitions applicable to Division 30 rules. (KD)
<u>812-030-0010</u> <u>Testing</u> <u>(1) The board shall provide and administer a test to each applicant for a locksmith certificate.</u> <u>(2) The test shall demonstrate the competency of the applicant to act as a locksmith.</u> <u>(3) The applicant must correctly answer 100% of the questions to pass the test.</u> <u>(4) The fee for the test is \$60. The fee is non-refundable and non-transferable.</u> <u>(new)</u>	Adopted to implement § 4(2) of House Bill 3127 requiring certified locksmith applicants to pass a test. Implements § 4(4)(d)(B) allowing board to charge a fee of up to \$100 for the test. (KD)
<u>812-030-0100</u> <u>Potentially Disqualifying Crimes</u> <u>The following crimes will potentially disqualify an applicant for a locksmith certificate:</u> <u>(1) Murder</u> <u>(2) Kidnapping</u> <u>(3) Assault in the first degree</u> <u>(4) Rape</u> <u>(5) Sodomy</u> <u>(6) Unlawful sexual penetration</u>	Adopted: Lists the criminal offenses that may be the basis for determining that an applicant is not qualified for certification as a locksmith. The crimes listed include many of the crimes that may disqualify

<p><u>(7) Arson in the first degree</u> <u>(8) Robbery in the first or second degree</u> <u>(9) Burglary in the first or second degree</u> <u>(10) Theft in the first or second degree</u> <u>(11) Theft by extortion</u> <u>(12) Aggravated theft in the first degree.</u> <u>(new)</u></p>	<p>an applicant for a contractor's licenses. There are additional crimes that may disqualify a locksmith certification applicant. (KD)</p>
<p><u>812-030-0110</u> <u>Fitness Determination – Criminal Offense</u> <u>(1) The board may determine that an individual is not fit for a locksmith certificate based on:</u> <u>(a) A conviction for any crime listed in OAR 812-030-0100 occurring within seven (7) years before the date of application;</u> <u>(b) The nature of the crime;</u> <u>(c) The facts that support the conviction;</u> <u>(d) The relevancy, if any, of the crime to the requirements for certified locksmiths;</u> <u>(e) The fact that the individual is currently on probation or post-prison supervision; and</u> <u>(f) Intervening circumstances relevant to the responsibilities and circumstances of a certified locksmith. Intervening circumstances include, but are not limited to:</u> <u>(A) The passage of time since the commission of the crime;</u> <u>(B) The age of the subject individual at the time of the crime;</u> <u>(C) The likelihood of a repetition of offenses or of the commission of another crime;</u> <u>(D) The subsequent commission of another crime listed in OAR 812-030-0100 or a closely related crime; and</u> <u>(E) Whether the conviction was set aside and the legal effect of setting aside the conviction. An individual shall not be denied certification on the basis of a criminal conviction that has been expunged pursuant to ORS 419A.260 and 419A.262, or other similar process under the laws of any jurisdiction.</u> <u>(2) Upon notice and request from the board, an applicant for a new or renewal certificate will provide requested information to permit the board to conduct a criminal background check. Requested information includes, but is not limited to, police records, records of conviction, parole or probation reports, restitution records, counseling reports and letters of recommendation.</u> <u>(3) Failure to provide the information requested in section (2) of this rule may result in denial, suspension or revocation of a certificate.</u> <u>(4) If the board determines that an applicant is not fit for certification as a locksmith, the applicant is entitled to a hearing as provided in ORS 183.413 to 183.470.</u> <u>(new)</u></p>	<p>Adopted: This rule sets forth the standards that CCB will apply to determine whether an applicant who has been convicted of a crime is qualified to be a certified locksmith. See ORS 670.280. (KD)</p>
<p><u>812-030-0200</u> <u>General Application Requirements</u> <u>An individual must submit the following to qualify for a locksmith certificate:</u></p>	<p>Adopt to implement § 4(3)(b) of House Bill 3127.</p>

<p><u>(1) An application on a form provided by the board;</u> <u>(2) The fee established in OAR 812-030-0250;</u> <u>(3) Evidence of successful passage of the board’s test required by OAR 812-030-0001; and</u> <u>(4) If applicable, the CCB license number of the business owned by or employing the applicant.</u> <u>(new)</u></p>	<p>Sets forth the general requirements for a new application for certification as a locksmith. (KD)</p>
<p><u>812-030-0210</u> <u>Certificate Issuance</u> <u>(1) The effective date of the certificate will be the date that the applicant meets all board requirements, including but not limited to the receipt of the fee required under OAR 812-030-0250.</u> <u>(2) A unique number will be assigned to each certificate.</u> <u>(3) All certificates shall be issued in the name of the individual who passed the test required by OAR 812-030-0001.</u> <u>(4) An application for a locksmith certificate may be withdrawn upon receipt of a written request to the board at any time prior to issuance of the certificate.</u> <u>(5) If the board issues a certificate, it shall mail the certificate to the applicant.</u> <u>(6) If the board denies a certificate, it shall state, in writing, the reasons for denial.</u> <u>(7) A certificate shall be non-transferable.</u> <u>(8) A certificate shall be effective for two years from the date of issue.</u> <u>(new)</u></p>	<p>Adopt to implement § 4(3)(b) of House Bill 3127.</p> <p>Sets out effective date, number and name affixed to each certificate. Provides for applicant to withdraw an application for certification. Indicates how board will handle the issuance or denial of a certificate. Provides that a certificate is valid for two years. (KD)</p>
<p><u>812-030-0220</u> <u>Requirements for Certificate Renewal</u> <u>A certified locksmith shall submit the following to the board for renewal of the locksmith’s certificate:</u> <u>(1) A properly completed renewal application on a form provided by the board; and</u> <u>(2) The fee established in OAR 812-030-0250.</u> <u>(new)</u></p>	<p>Adopt to implement § 4(3)(b) of House Bill 3127.</p> <p>Requires a renewal application and fee to renew a locksmith certificate. (KD)</p>
<p><u>812-030-0230</u> <u>Certificate Renewal – Effective Date; Effect of Lapse</u> <u>(1) A renewed certificate shall be effective on the day following the expiration date for which the renewal is sought if the certified locksmith fulfills all of the requirements in OAR 812-030-0220 on or before the expiration date.</u> <u>(2) Except as provided in subsection (4), if a certified locksmith fails to fulfill all of the requirements in OAR 812-030-0220 on or before the expiration date, but fulfills the requirements at a future date, the renewal shall be effective on the date that all the requirements for renewal have been fulfilled. During the period from the expiration date to the effective date, the certificate is deemed to have lapsed.</u> <u>(a) A locksmith may not undertake, offer to undertake or submit to do work as a locksmith for compensation while the certificate is lapsed.</u> <u>(b) A locksmith may not use the title of locksmith, locksmith</u></p>	<p>Adopt to implement §§ 3(1), 3(3) and 4(3)(b) of House Bill 3127.</p> <p>Specifies the effective date for a renewed certificate. Explains that a certificate that is not timely renewed is lapsed. During the period a certificate is lapsed, the individual may not work as or hold out as a locksmith. If the period of lapse is two years or less, the individual may</p>

<p><u>professional, commercial locksmith, lock installer or any title using a form of the word “locksmith” while the certificate is lapsed.</u></p> <p><u>(3) If the certificate lapses for two years or less, the applicant may renew its certification by renewing the certificate as provided for in OAR 812-030-0220.</u></p> <p><u>(4) If the certificate lapses for more than two years, the applicant must apply for a new certificate as provided for in OAR 812-030-0200.</u> <u>(new)</u></p>	<p>renew the existing certificate. If the period of lapse is more than two years, the individual must obtain a new certificate. (KD)</p>
<p><u>812-030-0240</u> <u>Requirement that Locksmith Own or Work for a Licensed Contractor</u> <u>Effective July 1, 2010:</u></p> <p><u>(1) In order to work as a locksmith, a certified locksmith must be an owner or employee of a licensed contractor.</u></p> <p><u>(2) If the board refuses to issue, refuses to reissue, suspends or revokes the contractor’s license, or if the licensed contractor becomes inactive, the certified locksmith may not:</u></p> <p><u>(a) Undertake, offer to undertake or submit to do work as a locksmith for compensation; or</u></p> <p><u>(b) Use the title of locksmith, locksmith professional, commercial locksmith, lock installer or any title using a form of the word “locksmith.”</u> <u>(new)</u></p>	<p>Adopt to implement §§ 3(1) and 3(3) of House Bill 3127.</p> <p>Requires that a certified locksmith work with an active, licensed contractor at all times.</p> <p>This rule should have an effective date of July 1, 2010. See § 6(1) of House Bill 3127. (KD)</p>
<p><u>812-030-0250</u> <u>Application, Renewal and Certificate Fees</u></p> <p><u>(1) The application fee for all certificates is \$60.</u></p> <p><u>(2) The fee for issuance of an initial two-year certificate is \$60.</u></p> <p><u>(3) The fee for renewal of a two-year certificate is \$60.</u></p> <p><u>(4) All fees are non-refundable and non-transferrable.</u> <u>(new)</u></p>	<p>Adopt to implement § 4(4)(d)(A), (C), and (D) allowing board to charge a fee of up to \$100 for the new or renewal application, up to \$300 for issuance of the initial certificate and up to \$300 for certificate renewal. (KD)</p>
<p><u>812-030-0300</u> <u>Standards of Professional Conduct</u></p> <p><u>(1) A certified locksmith shall not engage in dishonest or fraudulent conduct, including, but not limited to:</u></p> <p><u>(a) Committing any crime that results in a conviction of an offense listed in OAR 812-003-0100 to the extent the conviction demonstrates a lack of fitness under OAR 812-003-0110;</u></p> <p><u>(b) Accepting payment in advance and failing to perform the work or provide the services agreed to and failing to return payment, upon reasonable and proper demand, within ten days of the demand;</u></p> <p><u>(c) Displaying to the public false, misleading or deceptive advertising whereby a reasonable person could be misled or injured;</u></p> <p><u>(d) Submitting to the board an application for a certificate that includes a false statement;</u></p> <p><u>(e) Failing to timely pay a civil penalty or fine imposed by a unit of local, state or federal government; or</u></p> <p><u>(f) Presenting for payment to the board a check that is subsequently</u></p>	<p>Adopt to implement § 4(3)(c) of House Bill 3127.</p> <p>Follows similar standards for dishonest or fraudulent conduct and non-cooperation currently in CCB’s rules. See OAR 812-003-0110 and 812-002-0260. Follows the client identification standards in the “Technical Standards Policy” of the Associated Locksmiths of America (ALOA).</p>

<p><u>returned to the board due to non-sufficient funds or closure of the account.</u></p> <p><u>(2) A certified locksmith shall cooperate fully with any investigation undertaken by the board.</u></p> <p><u>(3) For all service orders involving physical security, a certified locksmith, before providing service, shall do the following:</u></p> <p><u>(a) Make positive identification of the client;</u></p> <p><u>(b) Establish and record the client’s authority for ordering the work;</u></p> <p><u>(c) Obtain the client’s signature on an authorization or work order;</u></p> <p><u>and</u></p> <p><u>(d) Retain, for three years, the signed authorization or work order.</u></p> <p><u>(new)</u></p>	<p>(KD)</p>
<p><u>812-030-0400</u></p> <p><u>Schedule of Penalties</u></p> <p><u>Effective July 1, 2010, the board may assess penalties, not to exceed the amounts shown in the following guidelines:</u></p> <p><u>(1) For undertaking, offering to undertake, or submitting a bid to work as a locksmith when not certified: first offense, \$1,000; second offense, \$3,000; third offense, \$5,000.</u></p> <p><u>(2) For using the title of locksmith, locksmith professional, commercial locksmith, lock installer or any title using a form of the word “locksmith” that indicates or tends to indicate that the individual is a locksmith, when not certified: first offense, \$1,000; second offense, \$3,000; third offense, \$5,000.</u></p> <p><u>(3) For a certified locksmith violating any provision of the rules in division 30, including violating any standard of professional conduct: first offense, \$1,000; second offense, \$3,000; third offense, \$5,000 and revocation of the certificate.</u></p> <p><u>(new)</u></p>	<p>Implements §§ 3(1), 5(b) of House Bill 3127.</p> <p>Sections (1) and (2) of this rule should have an effective date of July 1, 2010. See § 6(1) of House Bill 3127.</p> <p>(KD)</p>