



Emergency Regulation Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation	6 VAC 20-171
Regulation title	Regulations Relating to Private Security Services
Action title	Emergency amendments to include regulation of locksmiths
Date this document prepared	May 29, 2008

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Preamble

The APA (Code of Virginia § 2.2-4011) states that an "emergency situation" is: (i) a situation involving an imminent threat to public health or safety; or (ii) a situation in which Virginia statutory law, the Virginia appropriation act, or federal law requires that a regulation shall be effective in 280 days or less from its enactment, or in which federal regulation requires a regulation to take effect no later than 280 days from its effective date.

- 1) Please explain why this is an "emergency situation" as described above.
- 2) Summarize the key provisions of the new regulation or substantive changes to an existing regulation.

The Board and the Department are required by §9.1-141 (A) to adopt regulations in accordance with the Administrative Process Act for persons employed by private security services businesses in classifications defined in §9.1-138. According to the Acts of Assembly, Chapter 638, the Board and the Department are required to promulgate regulations to implement the regulatory requirements for locksmiths to be effective by July 1, 2008 as required by §9.1-143 (4).

By promulgating emergency regulations, the Board and the Department will include the category of locksmiths under the Regulations Relating to Private Security Services thus establishing a licensing and registration requirement for individuals providing locksmith services as enacted under §9.1-138 of the Code of Virginia. (*Acts of Assembly, Chapter 638*)

Legal basis

Other than the emergency authority described above, please identify the state and/or federal legal authority to promulgate this proposed regulation, including: 1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and 2) the promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The legal authority to regulate locksmiths is found under §9.1-141 (A) in which the Board and the Department are required to adopt regulations in accordance with the Administrative Process Act for persons employed by private security services businesses in classifications defined in §9.1-138. According to the Acts of Assembly, Chapter 638, the Board and the Department are required to promulgate regulations to implement the regulatory requirements for locksmiths to be effective by July 1, 2008 as required by §9.1-143 (4). The Department has the statutory authority to adopt regulations pursuant to the Code of Virginia §2.2-4011 (B).

Substance

Please detail any changes that are proposed. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate. Set forth the specific reasons the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of Virginians.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
6 VAC 20-171-10		Definitions	Insert definition for <u>“key cutting” means making duplicate keys from an existing key and includes no other locksmith services,</u> pursuant to §9.1-138.
6 VAC 20-171-10		Definitions	Insert definition for <u>“locksmith” means any individual that performs locksmith services, or advertises or represents to the general public that the individual is a locksmith even if the specific term locksmith is substituted with any other term by which a reasonable person could construe that the individual possesses special skills relating to locks or locking devices, including use of the words lock technician, lockman, safe technician, safeman, boxman, unlocking technician, lock installer, lock opener, physical</u>

			<u>security technician or similar descriptions.</u> pursuant to §9.1-138.
6 VAC 20-171-10		Definitions	Insert definition <u>“locksmith services” mean selling, servicing rebuilding, repairing, rekeying, repinning, changing the combination to an electronic or mechanical locking device; programming either keys to a device or the device to accept electronic controlled keys; originating keys for locks or copying keys; adjusting or installing locks or deadbolts, mechanical or electronic locking devices, egress control devices, safes, and vaults; opening, defeating or bypassing locks or latching mechanisms in a manner other than intended by the manufacturer; with or without compensation for the general public or on property not his own nor under his own or authority.</u> pursuant to 9.1-138
6 VAC 20-171-10		Definitions	Amend the definition of “Private security services business” to include the business category of locksmiths. Insert locksmiths after the words <i>alarm respondents</i> .
6 VAC 20-171-10		Definitions	Amend the definition of “Private security services business personnel” to include the registration category of locksmith. Insert locksmith after the words <i>alarm respondents</i> .
6 VAC 20-171-10		Definitions	Amend the definition of “Private security services registrant” to include the registration category of locksmith. Insert locksmith after the words <i>alarm respondents</i> pursuant to §9.1-138
6 VAC 20-171-10		Definitions	Amend the definition of “Registration category” to include the category of locksmith. Insert or (xi) locksmith after the words <i>electronic security technician</i> pursuant to §9.1-138.
6 VAC 20-171-10		Definitions	Amend the definition of “Session” to include the category of locksmith. Insert locksmith after the words <i>alarm respondent</i> .
6 VAC 20-171-50 B. 8		Initial business license requirement.	Insert the business license category “locksmiths” after the words

			protection specialists.
6 VAC 20-171-120 A.		Initial registration application	Insert the registration category " locksmith " after the words protection specialist.
6 VAC 20-171-120 B.2		Initial registration application (eligibility)	Insert the following exemption and the end of the sentence after 6VAC20-171-360 " <u>with the exception of locksmiths who meet the statutory requirements for waiver as set forth in §9.1-140.1</u> "
6 VAC 20-171-120 D		Initial registration application (90 day employment)	Insert the locksmith category enabling individual to work for 90 days while obtaining training. Insert the word locksmith after the words <i>unarmed security officer</i> .
6 VAC 20-171-230 A.4.c		Business standards of conduct	Insert the locksmith category allowing a licensee to employ a locksmith for a 90 day period while obtaining training. Insert the word locksmith after the words <i>firearm endorsement</i> .
6 VAC 20-171-320 A.7		Registered personnel standards of conduct	Insert the locksmith category allowing a registrant to be employed for a 90 day period while obtaining training. Insert the word locksmith after the words <i>firearm endorsement</i> .
6 VAC 20-171-350 A		Entry level training	Insert the locksmith category in regard to entry level training requirements. Insert the word locksmith after the words <i>private investigator</i> .
6 VAC 20-171-350 C	6 VAC 20-171-350 C3	Entry level training – hour requirement	Add <u>13. Locksmith – 18 hours</u>
6 VAC 20-171-350 D	6 VAC 20-171-350 D 13	Entry level training – course content	Add minimum compulsory entry level training requirements for locksmiths. <u>13. Locksmith</u> <u>a. Virginia Code and Regulations – 2 hours</u> <u>b. Orientation to Locksmithing – 2 hours</u> <u>(1) History of locksmithing</u> <u>(2) Ethics</u> <u>(3) Trade resources</u> <u>(4) Terminology</u> <u>(5) Test equipment</u> <u>(6) Professional conduct</u> <u>(7) Job Safety</u> <u>c. Public Safety Codes – 4 hours</u> <u>(1) NFPA (80, 101)</u> <u>(2) Overview of Authorities</u>

			<p><u>having Jurisdiction (AHJs)</u> <u>(3) ADA</u> <u>(4) Terminology</u> <u>(5) Safety code resources</u> <u>d. Technical Applications – 10 hours</u> <u>(1) Terminology (to include definition/purpose/direction)</u> <u>(2) Locks/Types</u> <u>(3) Handing</u> <u>(4) Master keying</u> <u>(5) Key records and codes</u> <u>(6) Key blanks and keyways</u> <u>(7) Physical security</u> <u>(8) Types of client sites</u> <u>(9) Safes/Vaults</u> <u>(10) Access control</u> <u>(11) Handling restricted keys</u> <u>(12) Door system components</u> <u>(13) Automotive</u> <u>e. Written examination</u></p> <p><u>Total hours (excluding written examination) – 18 hours</u></p>
6 VAC 20-171-360 A		In-service training	Insert the locksmith category in regard to in-service training requirements. Insert the word locksmith after the words <i>private investigator</i> .
6 VAC 20-171-360 B	6 VAC 20-171-360 B 15	In-service training – hour requirement	Add <u>15. Locksmith – 8 hours</u>
6 VAC 20-171-360 C	6 VAC 20-171 360 D 13	In-service training – course content	Add 13. Locksmith Job-related training – 8 hours Total hours – 8 hours

Enter any other statement here

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been considered to meet the essential purpose of the action.

There are not alternatives to the proposed regulatory action, based on statutory mandates to adopt regulations.

Family impact

Please assess the impact of the emergency regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The emergency regulations will directly impact any family who uses locksmith services in terms of the assurance of competent registrants. The regulations indirectly impact the family by providing a regulatory program that protects the public from unscrupulous, incompetent or unqualified persons engaging in the activities of locksmith services and by setting standards and procedures that enhance professionalism and the quality of private security services provided by the regulated individuals.