

**RULES
OF
DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF REGULATORY BOARDS
TENNESSEE LOCKSMITH LICENSING PROGRAM**

**CHAPTER 0780-05-13
LOCKSMITHS**

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0780-05-13-.01 PURPOSE.

The rules in this chapter implement the Locksmith Licensing Act of 2005, Tenn. Code Ann. § 62-11-101 et seq.

Authority: Chapter 885 of the Public Acts of 2006, §§ 1 and 7, Chapter 526 of the Public Acts of 2007, §§ 21 and 22, and T.C.A. §§ 62-11-101 and 62-11-106. **Administrative History:** Original rule filed February 29, 2008; effective May 14, 2008.

0780-05-13-.02 DEFINITIONS.

- (1) "Access control" means any barrier or device, which limits or prohibits free or unlimited access; however, for the purpose of this chapter, "access control" may mean any "stand-alone" mechanical, electro-mechanical, or electronic locking device that is not part of an integrated system. Nothing in this chapter shall exempt any licensed locksmith from complying with all licensing requirements for alarm contracting;
- (2) "Automotive work" means repairing, rebuilding, repinning, recombining, servicing, adjusting, installing, manipulating, or bypassing a special locking system, mechanical locking device or electrical locking device for controlled access to vehicles;
- (3) "Branch office" means any physical location that is not the primary place of business at which a locksmith or apprentice conducts any activity relative to locksmithing services, including but not limited to offices where administrative and/or other locksmith business function is performed. The only exceptions are warehouse facilities which are utilized solely for storage purposes and locations that are not accessible to the general public which have no signage, advertising or other outward indication to the public that the licensing locksmith company conducts its primary business at that location.
- (4) "Commissioner" means the commissioner of commerce and insurance;
- (5) "Continuing education" means education that is creditable toward the education requirements that must be satisfied as a prerequisite for renewal or a license as a locksmith;

(Rule 0780-05-13-.02, continued)

- (6) "Conviction" means and includes the entry of a plea of guilty, plea of no contest or a verdict rendered in open court by a judge or jury;
- (7) "General locksmithing" means repairing, rebuilding, repinning, recombining, servicing, adjusting, installing, manipulating, or bypassing locks or other devices for access to structures or personal property;
- (8) "Good moral character" means an individual with high legal, moral and ethical values, and the following shall be prima facie evidence that an individual does not have good moral character:
 - (a) Conviction by any local, state, federal or military court of any crime involving the illegal sale, manufacture, distribution or transportation of a controlled substance, drug, or narcotic;
 - (b) Conviction of a crime involving felonious assault;
 - (c) Conviction of a crime involving unlawful breaking or entering, burglary, larceny or arson;
 - (d) Conviction as a habitual criminal;
 - (e) An addiction to alcohol or a narcotic drug;
 - (f) Discharge from the armed forces under dishonorable conditions; or
 - (g) Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. 921(33);
- (9) "Instructor" means an individual who presents course materials approved for qualifying education and continuing education hours;
- (10) "Licensee" means an individual who holds a current, unexpired license as a locksmith issued by the commissioner;
- (11) "Locksmith company" means any person or entity engaging in the business of providing or undertaking to provide locksmithing services for another person;
- (12) "Locksmith student" means an individual who is enrolled in a locksmith training program pursuant to Rule 0780-05-13-.07;
- (13) "Locksmith training program" means a course or courses or an apprenticeship program given in preparation for licensure as a locksmith;
- (14) "Master key system" means any keying arrangement which has two or more levels of keying;
- (15) "Motor vehicle" shall have the same meaning as set forth in T.C.A. § 55-17-102(15);
- (16) "Provider" means an individual or entity offering courses approved by the commissioner for qualifying education or continuing education credit hours;
- (17) "Permanent fixed business location" means an office, office building or dwelling submitted to the commissioner as the locksmith company's principal place of business. Mail boxes and mail drop addresses may not be used as a primary place of business or as a branch office.

(Rule 0780-05-13-.02, continued)

- (18) "Person" means an individual, firm, association, governmental entity, or other legal entity;
- (19) "Qualifying agent" means any person licensed by the commissioner as a locksmith who is immediately responsible for the operation of a principal office or any branch office;
- (20) "Qualifying education" means education that is creditable toward the education requirements for initial licensure as a locksmith;
- (21) "Registrant" means an individual who holds a current, unexpired registration as a locksmith apprentice issued by the commissioner or a company that holds a current, unexpired registration as a locksmith company issued by the commissioner;
- (22) "Safe and vault work" means repairing, rebuilding, repinning, recombining, servicing, adjusting, installing, manipulating, or bypassing a special locking system, mechanical locking device or electrical locking device for controlled access or egress to safes, vaults, safe doors, lock boxes, automatic teller machines, or other devices for safeguarding areas;
- (23) "Structure" means any building or improvement and its components, systems, fixtures and appurtenances;
- (24) "Timely renewal" means that all documentation and fees required for the renewal have been received by the commissioner prior to the expiration of the locksmith license or registration.

Authority: Chapter 885 of the Public Acts of 2006, §§ 4 and 7, Chapter 526 of the Public Acts of 2007, §§ 1 and 2, and T.C.A. §§ 62-11-103 and 62-11-106. **Administrative History:** Original rule filed February 29, 2008; effective May 14, 2008. Amendments filed March 28, 2016; effective June 26, 2016.

0780-05-13-.03 APPLICATION FOR LICENSE OR REGISTRATION.

- (1) Any person who seeks to be licensed as a locksmith in any category, registered as an apprentice locksmith, or registered as a locksmith company shall complete an application on a form prescribed by the Commissioner and submit the completed application to the Commissioner. Such applications for licensure or registration are available upon request from the Commissioner. All fees associated with initial licensure and subsequent renewals are non-refundable.
- (2) All applications for licensure or registration shall be submitted on the form prescribed by the commissioner for this purpose and shall be accompanied by the following supporting documents:
 - (a) A copy of at least one (1) of the following valid forms of identification:
 - 1. A driver's license or non-driver's I.D. issued by the State Department of Motor Vehicles; or
 - 2. A valid passport; or
 - 3. A resident alien card; or
 - 4. A license or permit issued by a government agency; or

(Rule 0780-05-13-.03, continued)

5. If the applicant is a city, state, or federal employee, an employee identification card.
 - (b) Classifiable fingerprints in such form as required by the Commissioner.
 - (c) Any applicant disclosing any citations, arrests, convictions, or any other documented activity associated with criminal behavior, whether involving a military crime or a state or federal misdemeanor or felony, must provide a written explanation of the episode, and any associated documentation in support thereof. Failure to provide this written information will result in an incomplete application and will cause the application to not be processed.
 - (d) Two (2) color frontal photographs of the applicant's face taken within the preceding three (3) months, the size of which must be one (1) inch by one (1) inch and must include the applicant's name and the last four (4) digits of the applicant's social security number on the back of each photograph.
 - (e) All applications for a locksmith company registration shall also include the following:
 1. The address of the permanent, fixed business location of the firm and location of all branch offices as well as the licensed locksmith for each office. A mail drop box address is not acceptable as a physical location for any kind of office;
 2. Evidence of general liability insurance and insurance coverage as set forth in T.C.A. § 62-11-108; and
 3. A payment in the amount of the application fee as set forth in Rule 0780-05-13-.06.
 4. Copies of a locksmith company's current business license(s) in all applicable city and county jurisdictions within Tennessee.
 - (f) Applicants for licensure or registration under this chapter shall be of good moral character as defined by Rule 0780-05-13-.02(8).
- (3) Any application submitted which lacks required information or reflects a failure to meet any requirement for licensure or registration will be held by the program office with written notification that the information is lacking or the reason(s) the application does not meet the requirements for licensure sent to the applicant. The application will be held in "pending" status until satisfactorily completed within a reasonable period of time, not to exceed ninety (90) days from the date of application. If the applicant fails to respond to the written notification, the application will be closed and the applicant must reapply.
- (4) Any application submitted may be withdrawn; provided, however all fees associated with the application and initial licensure are nonrefundable.
- (5) Any partnership, association, company or corporation seeking initial registration as a locksmith business shall be placed on probationary licensure status for a period of two years from the date of the issuance of the registration.
 - (a) Such probationary status may include such reasonable terms and conditions for the issuance and maintenance of a locksmith business registration as the

(Rule 0780-05-13-.03, continued)

commissioner determines to be reasonably necessary. Such probationary requirements may include, but are not limited to:

1. Acquiring a bond in an amount determined to be necessary by the commissioner for the protection of the public;
 2. Providing reports to the commissioner regarding the company's activities as a locksmith company; or
 3. Such other requirements determined to be reasonably necessary by the commissioner.
- (b) A licensee's probationary status may be considered by the commissioner in the assessment of discipline for any acts, conduct, or other disciplinary violations occurring during the probationary period.
- (c) No locksmith business registrant shall violate the terms and conditions of its probation.

Authority: Chapter 885 of the Public Acts of 2006, §§ 7, 9, 12, 13, and 15, Chapter 526 of the Public Acts of 2007, §§ 3, 4, 11, 12, 13, 14, 15, 18, 19, 21 and 22, and T.C.A. §§ 62-11-104, 62-11-106, 62-11-108, 62-11-111, 62-11-112, and 62-11-114. **Administrative History:** Original rule filed February 29, 2008; effective May 14, 2008. Amendments and new rules filed December 4, 2015; effective March 3, 2016. Amendments filed March 28, 2016; effective June 26, 2016.

0780-05-13-.04 APPLICATION REQUIREMENTS.

- (1) Any person who desires to obtain a license as a locksmith in any category or a registration as a locksmith company shall submit an application to the Commissioner, along with the required application and license fee, provided that the applicant meets the requirements set forth in T.C.A. § 62-11-111(a) and (b) and demonstrates to the satisfaction of the Commissioner not less than two (2) years' experience in the locksmithing business, or an equivalent amount of certified education or apprenticeship.
- (2) Any person who desires to obtain a license as a locksmith in any category, a registration as an apprentice locksmith, or a registration as a locksmith company shall submit an application to the Commissioner, along with the required application and license fee and shall comply with T.C.A. §§ 62-11-111 or 62-11-112.
- (3) Applications will not be considered complete until the applicable fee prescribed in these rules is received.

Authority: Chapter 885 of the Public Acts of 2006, §§ 7 and 16, Chapter 526 of the Public Acts of 2007, §§ 3, 4, 11, 12, 13, 14, 15, 18, 19, 20, 21 and 22, and T.C.A. §§ 62-11-106, 62-11-111, 62-11-112, and 62-11-115. **Administrative History:** Original rule filed February 29, 2008; effective May 14, 2008. Amendments filed March 28, 2016; effective June 26, 2016.

0780-05-13-.05 RENEWAL OF LICENSES AND REGISTRATIONS.

- (1) Licenses and certificates of registration shall expire on the last day of the twenty-fourth (24th) month following their issuance or renewal, and shall become invalid on such date unless renewed.
- (2) Renewal must be received in the office of the Commissioner not less than thirty (30) days nor more than sixty (60) days prior to the expiration of a license or certificate.

- (3) Licenses and registrations granted shall be staggered in accordance with T.C.A. § 56-1-302(b).
- (4) An individual or company choosing not to renew his, her or its license or registration shall notify the Commissioner of his, her or its intention prior to the expiration of that license or registration, and shall surrender the license or registration to the Commissioner immediately upon its expiration.
- (5) Applications for renewal of licenses and registrations pursuant to the Act shall be made on a form provided by the Commissioner. Applications for renewals will not be considered complete until the applicable fee and documentation prescribed in these rules are received.
- (6) Any locksmith licensee or registrant who does not submit all required documentation and fees within ninety (90) days of the expiration date of the license or registration must reapply.
- (7) A late fee will be assessed on any incomplete renewal application which is not completed prior to the expiration of the current license or registration.

Authority: Chapter 885 of the Public Acts of 2006, §§ 7, 12 and 13, Chapter 526 of the Public Acts of 2007, §§ 3, 4, 11, 14, 16, 17, 18, 19, 21 and 22, and T.C.A. §§ 62-11-106, 62-11-111, and 62-11-112. **Administrative History:** Original rule filed February 29, 2008; effective May 14, 2008. Amendments filed March 28, 2016; effective June 26, 2016.

0780-05-13-.06 FEES.

- (1) Nonrefundable locksmith application fee.....\$75.00
- (2) Initial locksmith license fee.....\$25.00
- (3) Nonrefundable locksmith apprentice application fee.....\$50.00
- (4) Initial locksmith apprentice registration fee.....\$25.00
- (5) Nonrefundable locksmith company application fee.....\$100.00
- (6) Initial locksmith company registration fee.....\$50.00
- (7) The examination fee for licensure as a locksmith will be set by the entity designated by the State to administer the examination.
- (8) Addition of locksmith classification (per classification).....\$25.00
- (9) Renewal fee for locksmith license.....\$175.00
- (10) Renewal fee for apprentice registration.....\$75.00
- (11) Renewal fee for locksmith company registration.....\$175.00
- (12) The late renewal fee is ten percent (10%) of the applicable renewal fee for each month or fraction of a month that the renewal is late.
- (13) Fingerprints As set by the TBI, FBI, or company contracted by the State to electronically transmit fingerprints.

(Rule 0780-05-13-.06, continued)

- (14) Identification card fee.....\$25.00
- (15) Identification card replacement fee.....\$25.00
- (16) Transfer fee.....\$25.00

Authority: Chapter 885 of the Public Acts of 2006, §§ 7, 2, 13 and 15, Chapter 526 of the Public Acts of 2007, §§ 3, 4, 11, 15, 16, 17, 19, 20, 21 and 22, and T.C.A. §§ 62-11-106, 62-11-111, 62-11-112, and 62-11-114. **Administrative History:** Original rule filed February 29, 2008; effective May 14, 2008. Amendments and new rules filed December 4, 2015; effective March 3, 2016.

0780-05-13-.07 QUALIFYING EDUCATION.

- (1) An applicant seeking licensure as a general locksmith shall obtain a total of at least thirty (30) hours of basic education with at least one (1) hour in each of the following subjects:
 - (a) Vehicle lock service;
 - (b) Cylinder servicing, high security cylinders and pin and wafer tumbler cylinders;
 - (c) Exit hardware and door closers;
 - (d) Lock set functions and installations;
 - (e) Lock opening techniques;
 - (f) Lock codes and code cutting equipment;
 - (g) Master keying;
 - (h) Safe combination locks;
 - (i) Access control; and
 - (j) Tennessee locksmith laws and rules.
- (2) An applicant seeking licensure under the category of safe and vault work shall also complete a total of eight (8) hours of education in any of the following subjects:
 - (a) Safe servicing;
 - (b) Safe penetration; and
 - (c) Safe government service administration (GSA) containers.
- (3) An applicant seeking licensure under the category of automotive work shall also complete a total of eight (8) hours of education in any of the following subjects:
 - (a) Auto openings;
 - (b) Key generation; and
 - (c) Electronic keys.

(Rule 0780-05-13-.07, continued)

Authority: Chapter 885 of the Public Acts of 2006, § 7, Chapter 526 of the Public Acts of 2007, §§ 3, 4, 11, 13, 19 and 22, and T.C.A. § 62-11-106. **Administrative History:** Original rule filed February 29, 2008; effective May 14, 2008.

0780-05-13-.08 EXPERIENCE.

- (1) An applicant seeking licensure as a locksmith under any locksmithing category shall demonstrate to the satisfaction of the Commissioner not less than two (2) years' experience in the locksmithing business, or an equivalent amount of certified education or apprenticeship.

Authority: Chapter 885 of the Public Acts of 2006, §§ 7 and 16, Chapter 526 of the Public Acts of 2007, §§ 11, 13, 19, 21 and 22, and T.C.A. §§ 62-11-106 and 62-11-115. **Administrative History:** Original rule filed February 29, 2008; effective May 14, 2008. Amendments filed March 28, 2016; effective June 26, 2016.

0780-05-13-.09 CONTINUING EDUCATION AND PROGRAMS.

- (1) As a prerequisite to renewal, a licensee shall obtain twelve (12) hours of continuing education for each biennial renewal period, two (2) of which shall be dedicated to life safety.
- (2) In order to qualify for credit toward satisfaction of the continuing professional education requirements of T.C.A. § 62-11-106(7), the continuing education program must be a formal program of learning which contributes directly to the professional competence of the licensee.
- (3) Formal programs requiring attendance may only be considered if:
 - (a) An outline is prepared and preserved;
 - (b) The unit program is at least one (1) hour (1 credit hour = 50 minutes) in length;
 - (c) The program is conducted by a qualified instructor or lecturer; and
 - (d) A record of registration and attendance is maintained and certified by the signatures of an authorized representative of the organization sponsoring the program.
- (4) Subject to compliance with paragraphs 1 and 2 of this rule, the following are deemed to be qualifying programs:
 - (a) University or college courses provided that:
 1. Successful completion of a semester or quarter length course will satisfy the continuing professional education requirement for the year in which it is taken; and
 2. The courses are relevant to the locksmith industry.
 - (b) Programs of locksmith associations and organizations recognized by the Commissioner.
 - (c) Formal correspondence and other individual study programs which require registration and provide evidence of satisfactory completion may qualify for

(Rule 0780-05-13-.09, continued)

continuing education credit in an amount to be determined by the Commissioner.

- (5) Continuing education credit will be allowed for service as an instructor or speaker at any program for which participants are eligible to receive continuing education credit. Credit for such service shall be allowed on the first presentation only, unless the program has been substantially revised. One (1) hour of instruction will equal one (1) hour of continuing education.
- (6) Any program of continuing education not specifically mentioned by this rule may be submitted to the Commissioner for evaluation and approval.
- (7) The Commissioner specifically reserves the right to approve or disapprove credit for continuing education claimed under this rule.
- (8) Each attendee shall be provided a certificate of completion to be submitted with their renewal application.
- (9) No carryover of hours from renewal period to the next renewal period is permitted.
- (10) The Commissioner may, upon written request, extend the time within which a licensee must comply with the requirements of this chapter for reasons of poor health, military service, or other reasonable and just causes.
- (11) Any licensee who requests and is granted an extension of time under this rule shall remain subject to the provisions of this chapter and shall note such extension on any report or correspondence thereafter submitted until such time as the extension and reason for it are no longer pertinent.
- (12) Each extension of time granted by the Commissioner shall be reviewed every six (6) months for the purpose of determining whether good cause exists to continue such extension.

Authority: Chapter 885 of the Public Acts of 2006, §§ 7 and 12, Chapter 526 of the Public Acts of 2007, §§ 3, 4, 10, 11, 18 and 19, and T.C.A. §§ 62-11-106, 62-11-111(i), and 62-11-111.
Administrative History: Original rule filed February 29, 2008; effective May 14, 2008. Amendments filed March 28, 2016; effective June 26, 2016.

0780-05-13-.10 QUALIFYING AND CONTINUING EDUCATION PROVIDERS.

- (1) Course approval requirements.
 - (a) Any person or entity seeking to conduct an approved course for qualifying or continuing education credits shall make application on a form prescribed by the Commissioner and submit to the Commissioner any documents, statements and forms as the Commissioner may require. The complete application shall be submitted to the Commissioner no later than thirty (30) days prior to the scheduled date of the course. At a minimum, a person or entity seeking approval to conduct a course for qualifying or continuing education shall provide:
 1. Name and address of the provider;
 2. Contact person and his or her address, telephone number, fax number and e-mail address;

(Rule 0780-05-13-.10, continued)

3. The location of the courses or programs;
 4. The number and type of education credit hours requested for each course;
 5. Topic outlines that list the summarized topics covered in each course and, upon request, a copy of any course materials;
 6. If a prior approved course has substantially changed, a summarization of the changes; and
 7. The names and qualifications of each instructor who is qualified in accordance with paragraph (2) of this rule.
- (b) Acceptable topics include, but are not limited to:
1. Life Safety Codes;
 2. Building Codes;
 3. Americans with Disabilities Act;
 4. Master Keying;
 5. Key Records and Codes;
 6. Key Blanks and Keyways;
 7. Product Liability;
 8. Professional Installations; and
 9. Tennessee locksmith laws and rules.
- (c) The Commissioner may withhold or withdraw approval of any provider for violation of or failure to comply with any provision of this rule. Such withholding or withdrawal does not constitute a contested case proceeding pursuant to the Uniform Administrative Procedures Act compiled at T.C.A. Title 4, Chapter 5.
- (d) No person or entity sponsoring or conducting a course shall advertise that it is endorsed, recommended, or accredited by the Commissioner. Such person or entity may indicate that the Commissioner has approved a course of study if that course of study has been pre-approved by the Commissioner before it is advertised or held.
- (e) If the course is for qualifying or continuing education, each licensee successfully completing the course shall be furnished a certificate of completion.
- (f) Providers shall maintain course records for at least five (5) years. The Commissioner may at any time examine such records to ensure compliance with this rule.
- (2) Continuing education providers.

(Rule 0780-05-13-.10, continued)

- (a) The provider of any continuing education program must seek approval of such program by registering with the Commissioner in the prescribed form at least 30 days prior to the program being offered for continuing professional education credit. Such form shall include certification that the program sponsored will conform to the provisions of this chapter. If the course is for continuing education, each licensee successfully completing the course shall be furnished a certificate of completion.
 - (b) The provider of each continuing education program shall keep detailed records, including:
 - 1. The date and location of the program presentation;
 - 2. The names of each instructor and their qualifications in resume format;
 - 3. A list of licensees attending each program presentation, and
 - 4. A written outline of the program agenda.
 - (c) The records required by paragraph (2) of this rule shall be maintained for a period of five (5) years following the date of each program presentation.
 - (d) The provider of any continuing education program approved by the Commissioner may advise attendees of such approval and the number of continuing hours allowed.
- (3) Withdrawal of program approval.

Approval of any program may be withdrawn by the Commissioner if:

- (a) The establishment or conduct of a program violates, or fails to meet the requirements of, the provisions of this chapter or other applicable law;
 - (b) The information contained in the application for approval is materially inaccurate or misleading;
 - (c) The provider, an instructor, or any representative of the provider disseminates false or misleading information concerning any program;
 - (d) The performance of the instructor is so deficient as to impair significantly the value of the program; provided, however, that the instructor shall receive adequate notice of the discovered deficiency and the opportunity to demonstrate satisfactory correction thereof.
- (4) Continuing education control and reporting system.
- (a) Each approved provider shall maintain a list of the names of each licensee in attendance, their respective license numbers and the number of hours each attended. Such list shall be provided to the program upon request from the Commissioner for the Tennessee Locksmith Licensing Program. Each attendee shall be provided a certificate of completion to be submitted with their renewal application.
 - (b) It shall be the responsibility of each licensee to provide his name and license number to the provider at the time of registration for any Commissioner-approved continuing professional education program.

(Rule 0780-05-13-.10, continued)

Authority: Chapter 885 of the Public Acts of 2006, § 7, Chapter 526 of the Public Acts of 2007, §§ 3, 4, 10, 11, 18 and 19, and T.C.A. § 62-11-106. **Administrative History:** Original rule filed February 29, 2008; effective May 14, 2008. Amendments filed March 28, 2016; effective June 26, 2016.

0780-05-13-.11 CIVIL PENALTIES.

- (1) With respect to any licensed locksmith, registered apprentice locksmith, or registered locksmith company, the commissioner may, in addition to or in lieu of any other lawful disciplinary action, assess a civil penalty against such licensee or registrant for each separate violation of a statute, rule or commissioner’s order pertaining to locksmiths and apprentice locksmiths, in accordance with the following schedule:

Violation	Penalty
(a) T.C.A. § 62-11-109	\$1 - \$2,500
(b) Any rule in this Chapter	\$1 - \$2,500
(c) Commissioner’s order	\$1 - \$2,500

- (2) With respect to any person required to be licensed in this state as a locksmith or registered as an apprentice locksmith or locksmith company, the commissioner may assess a civil penalty against such person for each separate violation of a statute in accordance with the following schedule:

Violation	Penalty
T.C.A. § 62-11-104	\$1 - \$2,500

- (3) Each day of continued violation may constitute a separate violation.
- (4) In determining the amount of any penalty to be assessed pursuant to this Rule, the commissioner may consider such factors as the following:
 - (a) Whether the amount imposed will be a substantial economic deterrent to the violator;
 - (b) The circumstances leading to the violation;
 - (c) The severity of the violation and risk of harm to the public;
 - (d) The economic benefits gained by the violator as a result of noncompliance;
 - (e) The interest of the public, and
 - (f) Willfulness of the violation.

Authority: Chapter 885 of the Public Acts of 2006, §§ 5 and 10, Chapter 526 of the Public Acts of 2007, §§ 3, 4, 10, 11 and 19, and T.C.A. §§ 56-1-308, 62-11-104, 62-11-106, 62-11-109, and 62-11-110. **Administrative History:** Original rule filed February 29, 2008; effective May 14, 2008. Amendments filed March 28, 2016; effective June 26, 2016.

0780-05-13-.12 SUBMISSION OF INFORMATION.

- (1) A licensee or registrant shall inform the Commissioner in writing of any arrest or conviction within thirty (30) days after the arrest or conviction occurs.
- (2) A licensee or registrant shall inform the commissioner in writing of any change in residential or business mailing or physical address within thirty (30) days of such change.
- (3) A qualifying agent on behalf of the locksmith company or a licensee shall inform the commissioner in writing of any change in his or her locksmithing business name, change in the business structure including a change in qualifying agent status, or opening of a branch office within thirty (30) days before the change occurs or as soon as practicable. Locksmith company registrations and licenses are non-transferable.
- (4) A licensee or registrant shall submit a Transfer Notice on the form prescribed by the Commissioner containing the name of the current or previous employer and the name of the current or prospective employer along with two (2) color passport-style photos, identification card fee, and the Transfer Fee within ten (10) days of obtaining employment with another locksmithing company.
 - (a) In the case of a Termination, the locksmith shall not engage in any locksmithing activity that requires a license under T.C.A. § 62-11-104 without either first submitting a Transfer Notice or obtaining a new company registration.
- (5) A locksmith company shall submit a Termination Notice on the form prescribed by the Commissioner within ten (10) days of the termination, end of employment, or other separation from a locksmith indicating the locksmith's name, license number, date of separation, and such other information as the Commissioner may require.

Authority: Chapter 885 of the Public Acts of 2006, § 7, Chapter 526 of the Public Acts of 2007, §§ 3, 4, 10, 11 and 19, and T.C.A. § 62-11-106. **Administrative History:** Original rule filed February 29, 2008; effective May 14, 2008. Amendments filed March 28, 2016; effective June 26, 2016.

0780-05-13-.13 STANDARDS OF PRACTICE.

- (1) Standards of Practice. This rule sets forth the minimum standards of practice required of licensed locksmiths, registered locksmith apprentices, and registered locksmith companies and is applicable to licensees and registrants.
- (2) Client Identification and Authorization.

A licensee or registrant shall perform the following before providing a client with locksmithing services:

 - (a) identify and document the person who ordered the locksmithing services as the licensee's client before commencing any locksmithing services;
 - (b) establish and record the client's authorization to order the locksmithing services to be provided;
 - (c) obtain the client's authorization in writing by having the client or the client's authorized agent sign an authorization or work order providing that the client or

(Rule 0780-05-13-.13, continued)

authorized agent is assuming full responsibility and liability for the locksmithing services ordered; and

- (d) ensure that the client or the client's authorized agent is physically present at the location where the locksmithing services will be performed, unless the client or client's agent has expressly waived this requirement in writing.

(3) Confidentiality.

- (a) A licensee or registrant shall address all correspondence, contracts, work orders, invoices, and bills relating to locksmithing services performed directly to the client unless the client expressly directs the licensee to do otherwise;
- (b) A licensee or registrant shall deliver security information and devices, including but not limited to keys, access cards, codes, key bitting arrays, and file keys to the client or to the client's authorized agent but not to anyone else, unless otherwise authorized by the client or client's agent; and
- (c) A licensee or registrant shall maintain the confidentiality of any information obtained from a client in the course of performing locksmithing services.

(4) Recordkeeping Requirements.

A licensee or registrant shall retain copies of all client contracts, authorizations, work orders, invoices and bills for three (3) years from the date the work was performed.

(5) Duties and Responsibilities.

- (a) A licensee or registrant shall comply with all applicable federal, state and local laws and codes in providing locksmithing services.
- (b) A licensee or registrant shall ensure random, complete, and qualified recombination of cylinders, combination locks and access control systems for optimal security maintenance.
- (c) A licensee or registrant shall keep clients reasonably informed about the status of a locksmithing job being performed for that client and shall promptly comply with reasonable requests for information.
- (d) Upon any request for additional information or upon receipt of any written complaint against the licensee or registrant, such party shall, within fourteen (14) days, file a written answer to the request for additional information or to the complaint with the Commissioner.
- (e) A licensee or registrant shall place the license or registration number on all business cards and all advertising which contain the licensee's or registrant's name.
- (f) A locksmith company shall:
 - 1. Withdrawn.
 - 2. Clearly mark the outside of each installation and service vehicle to be used in conjunction with the locksmithing service as set forth in Tenn. Code Ann. § 62-11-116 and place the locksmith company license number on all business cards, letterhead, and all advertising;

(Rule 0780-05-13-.13, continued)

3. Retain and maintain for the term of the license general liability insurance as set forth in Tenn. Code Ann. § 62-11-108;
4. Be responsible, along with the qualifying agent, for any unlawful or unprofessional conduct by an employee in the course of his/her employment. Such conduct shall be cause for suspension or revocation of the company's registration or the qualifying agent's locksmith license and/or the assessment of civil penalties against the locksmith company or qualifying agent if it is established that the locksmith company or the qualifying agent had knowledge of the unlawful or unprofessional conduct, or that there existed a pattern of unlawful or unprofessional conduct;
5. Notify the Commissioner in writing of the opening of a branch office as well as the name of the qualifying agent responsible for the branch office no later than fourteen (14) days prior to the opening of the branch office.

(6) Prohibited Activities.

- (a) No licensee or registrant shall perform work in any structure or on any personal property without the client's written authorization or written authorization from the client's agent.
- (b) No licensee or registrant shall perform locksmithing services on any structure or personal property when there is a dispute as to the ownership of that structure or personal property.
- (c) A licensee or registrant shall not create or attempt to create a key for a master keyed lock unless the licensee or registrant obtains written authorization from the owner of the master key system or the owner's authorized agent.
- (d) A licensee or registrant shall not expand or attempt to expand any master keyed system without first obtaining a list of all key bittings. If this cannot be obtained, then the lock shall be keyed as SKD or a new master key system shall be generated.
- (e) No licensee or registrant shall work for or be employed by a locksmith company without first filing notice with the Commissioner on the initial application or on the prescribed Transfer Notice.
- (f) No licensee or registrant shall allow any employee not licensed as a locksmith or registered as a locksmith apprentice to have access to any locksmithing tools.
- (g) No licensee or registrant shall list an address in any manner if the locksmith does not actually have a business located at that address.

Authority: Chapter 885 of the Public Acts of 2006, § 7, Chapter 526 of the Public Acts of 2007, §§ 3, 4, 10, 11 and 19, and T.C.A. §§ 62-11-104, 62-11-106, 62-11-108 and 62-11-116.

Administrative History: Original rule filed February 29, 2008; effective May 14, 2008. Withdrawal filed March 27, 2008, for amendment 0780-5-.13(5)(f)(1) filed February 29, 2008, and to have become effective May 14, 2008.

0780-05-13-.14 CODE OF CONDUCT.

- (1) Licensees or registrants shall discharge their duties with fidelity to the public, their clients, and with fairness and impartiality to all.
- (2) A licensee or registrant shall not use improper or questionable methods of soliciting business, including but not limited to misleading clients, utilizing scare tactics or causing damage to an otherwise functioning product, and shall not pay another person or accept payment from another person for engaging in these improper methods.
- (3) A licensee or registrant shall not associate his/her individual or business name with any business or event that engages in or attempts to engage in misrepresentation.
- (4) A licensee or registrant shall not disclose any client information obtained relative to locksmithing services performed to someone other than the client unless the disclosure is expressly authorized in writing by the client.
- (5) A licensee or registrant shall not misrepresent his/her locksmithing services, the features of any product, or make unwarranted claims about the merits of a product or a service that the licensee offers.
- (6) No licensee or registrant shall accept compensation or any other consideration from more than one interested party for the same service without the consent of all interested parties.
- (7) No licensee or registrant shall accept or offer commissions or allowances, directly or indirectly, from other parties dealing with the client in connection with work for which the licensee is responsible.
- (8) Before the execution of a contract to perform locksmithing services, a licensee or registrant shall disclose to the client any interest in a business that may affect the client. No licensee or registrant shall allow his or her interest in any business to affect the quality or results of the locksmithing work that the licensee or registrant may be called upon to perform.
- (9) Licensees and registrants shall not engage in false or misleading advertising.
- (10) A licensee or registrant shall not perform or recommend any locksmithing services that would violate applicable federal, state or local laws, or codes or pose a threat to public safety.
- (11) A licensee or registrant shall not perform or endeavor to perform locksmithing services while under the influence of or impaired by alcohol or a narcotic drug.
- (12) Any vehicle dispatched by a licensed locksmith company for the purpose of conducting a business transaction for the locksmith company, regardless of whether the transaction requires a license for the activity or the individual dispatched is a licensed locksmith, shall conspicuously display the licensed locksmith company's identity and its license number in accordance with T.C.A. § 62-11-116.
- (13) Unless otherwise exempt, no licensed locksmith shall provide locksmith services except:
 - (a) As an employee, agent or contractor of a registered locksmith company; or

(Rule 0780-05-13-.14, continued)

- (b) As the holder of a locksmith company registration.

Authority: *Chapter 885 of the Public Acts of 2006, § 7, Chapter 526 of the Public Acts of 2007, §§ 3, 4, 10 and 11, and T.C.A. §§ 62-11-104, 62-11-106, and 62-11-116. Administrative History:* *Original rule filed February 29, 2008; effective May 14, 2008. Amendments filed March 28, 2016; effective June 26, 2016.*

0780-05-13-.15 FINGERPRINTING.

- (1) Any person required to submit classifiable fingerprints by the Locksmith Licensing Act of 2006 shall be deemed to have supplied the required sets of fingerprints if that applicant causes a private company contracted by the State to electronically transmit that applicant's classifiable prints directly to the TBI and FBI to forward an electronic report based on that applicant's fingerprints to the Commissioner.
- (2) Any person required to submit fingerprints by the Locksmith Licensing Act of 2006 shall make the arrangements for the processing of his or her fingerprints with the company contracted by the State to provide electronic fingerprinting services directly and shall be responsible for the payment of any fees associated with processing of fingerprints to the respective agent authorized by the TBI and FBI.
 - (a) Provided, however, that the Commissioner or the Commissioner's designee may authorize the submission of three (3) sets of classifiable physical fingerprint cards, at the expense of the applicant and rolled by a qualified person acceptable to the Commissioner or the Commissioner's designee, for good cause.
- (3) In the event an applicant furnishes unclassifiable fingerprints or fingerprints that are unclassifiable by nature then the Commissioner may require the applicant to cease all functions as a locksmith or locksmith apprentice and the applicant shall submit new fingerprints together with any additional fee(s) charged by the TBI and/or FBI for processing the new fingerprints.
- (4) In A licensee or registrant shall not disclose any client information obtained relative to locksmithing services performed to someone other than the client unless the disclosure is expressly authorized in writing by the client.
- (5) All sets of classifiable fingerprints required by this rule shall be furnished at the expense of the applicant.
- (6) Applicants shall in all cases be responsible for paying application fees as established by the Commissioner regardless of the manner of fingerprinting.

Authority: *T.C.A. §§ 62-11-106, 62-11-108, 62-11-111, 62-11-112, and 62-11-114. Administrative History:* *Amendments and new rules filed December 4, 2015; effective March 3, 2016.*

0780-05-13-.16 RECIPROCITY.

- (1) Pursuant to T.C.A. § 62-11-118, no locksmith, licensed in good standing in another jurisdiction, shall be required to meet the initial qualification education requirements for licensure in this state or be required to take and pass the locksmith examination if the applicant has any one (1) of the following Associated Locksmiths of America (ALOA) certified designations:
 - (a) Certified registered locksmith (CRL);

(Rule 0780-05-13-.16, continued)

- (b) Certified professional locksmith (CPL); or
 - (c) Certified master locksmith (CML).
- (2) In order to verify the licensee's status, a letter of good standing is required from at least one jurisdiction in which the applicant holds an active license or registration. The "letter of good standing" must detail how the applicant qualified for the license or registration, the date on which the license or registration was issued and the current license or registration status. A statement regarding any disciplinary action taken against the license or registration in any applicable jurisdiction is also required.

Authority: T.C.A. §§ 62-11-106 and 62-11-118. **Administrative History:** New rule filed March 28, 2016; effective June 26, 2016.