

1                                    AMENDMENT TO SENATE BILL 1951

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1951 by replacing  
3 everything after the enacting clause with the following:

4            "Section 5. The Private Detective, Private Alarm,  
5 Private Security, and Locksmith Act of 1993 is amended by  
6 changing Section 30 as follows:

7            (225 ILCS 446/30)  
8            (Section scheduled to be repealed on December 31, 2003)  
9            Sec. 30. Exemptions.

10           (a) This Act does not apply to:

11                (1) An officer or employee of the United States,  
12 this State, or any political subdivision of either while  
13 the officer or employee is engaged in the performance of  
14 his or her official duties within the course and scope of  
15 his or her employment with the United States, this State,  
16 or any political subdivision of either. However, any  
17 person who offers his or her services as a private  
18 detective or private security contractor, or any title  
19 when similar services are performed for compensation,  
20 fee, or other valuable consideration, whether received  
21 directly or indirectly, is subject to this Act and its  
22 licensing requirements.

1           (2) An attorney-at-law licensed to practice in  
2 Illinois while engaging in the practice of law.

3           (3) A person engaged exclusively in the business of  
4 obtaining and furnishing information as to the financial  
5 rating or credit worthiness of persons; and a person who  
6 provides consumer reports in connection with:

7                 (i) Credit transactions involving the consumer  
8 on whom the information is to be furnished and  
9 involving the extensions of credit to the consumer.

10                (ii) Information for employment purposes.

11                (iii) Information for the underwriting of  
12 insurance involving the consumer.

13           (4) Insurance adjusters legally employed or under  
14 contract as adjusters and who engage in no other  
15 investigative activities other than those directly  
16 connected with adjustment of claims against an insurance  
17 company or self-insured by which they are employed or  
18 with which they have a contract. No insurance adjuster  
19 or company may utilize the term "investigation" or any  
20 derivative thereof in its company name or in its  
21 advertising other than for the handling of insurance  
22 claims.

23           For the purposes of this Code, "insurance adjuster"  
24 includes any person expressly authorized to act on behalf  
25 of an insurance company or self-insured and any employee  
26 thereof who acts or appears to act on behalf of the  
27 insurance company or self-insured in matters relating to  
28 claims, including but not limited to independent  
29 contractors while performing claim services at the  
30 direction of the company.

31           (5) A person engaged exclusively and employed by a  
32 person, firm, association, or corporation in the business  
33 of transporting persons or property in interstate  
34 commerce and making an investigation related to the

1 business of that employer.

2 (6) Any person, watchman, or guard employed  
3 exclusively and regularly by one employer in connection  
4 with the affairs of that employer only and there exists  
5 an employer/employee relationship.

6 (7) Any law enforcement officer, as defined in the  
7 Illinois Police Training Act, who is certified as a  
8 permanent police officer ~~has-sueessfully--completed--the~~  
9 ~~requirements---of--basie--law--enfereement--and--firearms~~  
10 ~~training-as-preseribed~~ by the Illinois Law Enforcement  
11 Training Standards Board, while he or she is employed as  
12 a security officer by an employer in connection with the  
13 affairs of that employer, provided he or she is  
14 exclusively employed by the employer during the hours or  
15 times he or she is scheduled to work for that employer,  
16 regardless of whether there exists an employer and  
17 employee relationship or an independent contractor  
18 relationship, and the officer has written authorization  
19 from his or her employing police department for such  
20 employment ~~and--there--exists--an--employer-and-employee~~  
21 ~~relationship~~.

22 In this subsection an "employee" is a person who is  
23 employed by an employer who has the right to control and  
24 direct the employee who performs the services in  
25 question, not only as to the result to be accomplished by  
26 the work, but also as to the details and means by which  
27 the result is to be accomplished; and an "employer" is  
28 any person or entity, with the exception of a private  
29 detective, private detective agency, private security  
30 contractor, private security contractor agency, private  
31 alarm contractor, or private alarm contractor agency,  
32 whose purpose it is to hire persons to perform the  
33 business of a private detective, private detective  
34 agency, private security contractor, private security

1 contractor agency, private alarm contractor, or private  
2 alarm contractor agency.

3 (8) A person who sells burglar alarm systems and  
4 does not install, monitor, maintain, alter, repair,  
5 service, or respond to burglar alarm systems at protected  
6 premises or premises to be protected, provided:

7 (i) The burglar alarm systems are  
8 approved either by Underwriters Laboratories or  
9 another authoritative source recognized by the  
10 Department and are identified by a federally  
11 registered trademark.

12 (ii) The owner of the trademark has  
13 expressly authorized the person to sell the  
14 trademark owner's products, and the person  
15 provides proof of this authorization upon the  
16 request of the Department.

17 (iii) The owner of the trademark  
18 maintains, and provides upon the Department's  
19 request, a certificate evidencing insurance for  
20 bodily injury or property damage arising from  
21 faulty or defective products in an amount not  
22 less than \$1,000,000 combined single limit;  
23 provided that the policy of insurance need not  
24 relate exclusively to burglar alarm systems.

25 (9) A person who sells, installs, maintains, or  
26 repairs automobile alarm systems.

27 (9-5) A person, firm, or corporation engaged solely  
28 and exclusively in tracing and compiling lineage or  
29 ancestry.

30 (10) A person employed as either an armed or  
31 unarmed security guard at a nuclear energy, storage,  
32 weapons or development site or facility regulated by the  
33 Nuclear Regulatory Commission who has completed the  
34 background screening and training mandated by the rules

1 and regulations of the Nuclear Regulatory Commission.

2 (b) Nothing in this Act prohibits any of the following:

3 (A) Servicing, installing, repairing, or rebuilding  
4 automotive locks by automotive service dealers, as long  
5 as they do not hold themselves out to the public as  
6 locksmiths.

7 (B) Police, fire, or other municipal employees from  
8 opening a lock in an emergency situation, as long as they  
9 do not hold themselves out to the public as locksmiths.

10 (C) Any merchant or retail or hardware store from  
11 duplicating keys, from installing, servicing, repairing,  
12 rebuilding, reprogramming, or maintaining electronic  
13 garage door devices or from selling locks or similar  
14 security accessories not prohibited from sale by the  
15 State of Illinois, as long as they do not hold themselves  
16 out to the public as locksmiths.

17 (D) The installation or removal of complete locks  
18 or locking devices by members of the building trades when  
19 doing so in the course of residential or commercial new  
20 construction or remodeling, as long as they do not hold  
21 themselves out to the public as locksmiths.

22 (E) The employees of towing services, reposseors,  
23 or auto clubs from opening automotive locks in the normal  
24 course of their duties, as long as they do not hold  
25 themselves out to the public as locksmiths. Additionally,  
26 this Act shall not prohibit employees of towing services  
27 from opening motor vehicle locks to enable a vehicle to  
28 be moved without towing, provided that the towing service  
29 does not hold itself out to the public, by yellow page  
30 advertisement, through a sign at the facilities of the  
31 towing service, or by any other advertisement, as a  
32 locksmith.

33 (F) The practice of locksmithing by students in the  
34 course of study in programs approved by the Department,

1 provided that the students do not hold themselves out to  
2 the public as locksmiths.

3 (G) Servicing, installing, repairing, or rebuilding  
4 locks by a lock manufacturer or anyone employed by a lock  
5 manufacturer, as long as they do not hold themselves out  
6 to the public as locksmiths.

7 (H) The provision of any of the products or  
8 services in the practice of locksmithing as identified in  
9 Section 5 of this Act by a business licensed by the State  
10 of Illinois as a private alarm contractor or private  
11 alarm contractor agency, as long as the principal purpose  
12 of the services provided to a customer is not the  
13 practice of locksmithing and the business does not hold  
14 itself out to the public as a locksmith agency.

15 (I) Any maintenance employee of a property  
16 management company at a multi-family residential building  
17 from servicing, installing, repairing, or opening locks  
18 for tenants as long as the maintenance employee does not  
19 hold himself or herself out to the public as a locksmith.

20 (J) A person, firm, or corporation from engaging in  
21 fire protection engineering, including the design,  
22 testing, and inspection of fire protection systems.

23 (K) The practice of professional engineering as  
24 defined in the Professional Engineering Practice Act of  
25 1989.

26 (L) The practice of structural engineering as  
27 defined in the Structural Engineering Practice Act of  
28 1989.

29 (M) The practice of architecture as defined in the  
30 Illinois Architecture Practice Act of 1989.

31 (N) The activities of persons or firms licensed  
32 under the Illinois Public Accounting Act if performed in  
33 the course of their professional practice.

34 (c) This Act does not prohibit any persons legally

1 regulated in this State under any other Act from engaging in  
2 the practice for which they are licensed, provided that they  
3 do not represent themselves by any title prohibited by this  
4 Act.

5 (Source: P.A. 91-91, eff. 1-1-00; 91-287, eff. 1-1-00; 92-16,  
6 eff. 6-28-01.)".