

1 AMENDMENT TO HOUSE BILL 166

2 AMENDMENT NO. _____. Amend House Bill 166 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 Sec. 30. Exemptions.

9 (a) This Act does not apply to:

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

22 (2) An attorney-at-law licensed to practice in

1 Illinois while engaging in the practice of law.

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

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

9 (ii) Information for employment purposes.

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

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

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

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

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

5 (7) Any law enforcement officer, as defined in the
6 Illinois Police Training Act, who has successfully
7 completed the requirements of basic law enforcement and
8 firearms training as prescribed by the Illinois Law
9 Enforcement Training Standards Board, employed by an
10 employer in connection with the affairs of that employer,
11 provided he or she is exclusively employed by the
12 employer during the hours or times he or she is scheduled
13 to work for that employer, and there exists an employer
14 and employee relationship.

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

30 (8) A person who sells burglar alarm systems and
31 does not install, monitor, maintain, alter, repair,
32 service, or respond to burglar alarm systems at protected
33 premises or premises to be protected, provided:

34 (i) The burglar alarm systems are

1 approved either by Underwriters Laboratories or
2 another authoritative source recognized by the
3 Department and are identified by a federally
4 registered trademark.

5 (ii) The owner of the trademark has
6 expressly authorized the person to sell the
7 trademark owner's products, and the person
8 provides proof of this authorization upon the
9 request of the Department.

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

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

20 (9-5) A person, firm, or corporation engaged solely
21 and exclusively in tracing and compiling lineage or
22 ancestry.

23 (10) A person employed as either an armed or
24 unarmed security guard at a nuclear energy, storage,
25 weapons or development site or facility regulated by the
26 Nuclear Regulatory Commission who has completed the
27 background screening and training mandated by the rules
28 and regulations of the Nuclear Regulatory Commission.

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

30 (A) Servicing, installing, repairing, or rebuilding
31 automotive locks by automotive service dealers, as long
32 as they do not hold themselves out to the public as
33 locksmiths.

34 (B) Police, fire, or other municipal employees from

1 opening a lock in an emergency situation, as long as they
2 do not hold themselves out to the public as locksmiths.

3 (C) Any merchant or retail or hardware store from
4 duplicating keys, from installing, servicing, repairing,
5 rebuilding, reprogramming, or maintaining electronic
6 garage door devices or from selling locks or similar
7 security accessories not prohibited from sale by the
8 State of Illinois, as long as they do not hold themselves
9 out to the public as locksmiths.

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

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

26 (F) The practice of locksmithing by students in the
27 course of study in programs approved by the Department,
28 provided that the students do not hold themselves out to
29 the public as locksmiths.

30 (G) Servicing, installing, repairing, or rebuilding
31 locks by a lock manufacturer or anyone employed by a lock
32 manufacturer, as long as they do not hold themselves out
33 to the public as locksmiths.

34 (H) The provision of any of the products or

1 services in the practice of locksmithing as identified in
2 Section 5 of this Act by a business licensed by the State
3 of Illinois as a private alarm contractor or private
4 alarm contractor agency, as long as the principal purpose
5 of the services provided to a customer is not the
6 practice of locksmithing and the business does not hold
7 itself out to the public as a locksmith agency.

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

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

16 (K) The practice of professional engineering as
17 defined in the Professional Engineering Practice Act of
18 1989.

19 (L) The practice of structural engineering as
20 defined in the Structural Engineering Practice Act of
21 1989.

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

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

27 (c) This Act does not prohibit any persons legally
28 regulated in this State under any other Act from engaging in
29 the practice for which they are licensed, provided that they
30 do not represent themselves by any title prohibited by this
31 Act.

32 (Source: P.A. 90-436, eff. 1-1-98; 90-633, eff. 7-24-98;
33 91-91, eff. 1-1-00; 91-287, eff. 1-1-00; revised 10-7-99.)".