

1 AN ACT concerning the regulation of professions.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

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8 (Section scheduled to be repealed on December 31, 2003)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.

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

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

29 (i) Credit transactions involving the consumer
30 on whom the information is to be furnished and
31 involving the extensions of credit to the consumer.

1 (ii) Information for employment purposes.

2 (iii) Information for the underwriting of
3 insurance involving the consumer.

4 For the purposes of this item (3), "consumer report"
5 means a written, oral, or other communication of any
6 information by a consumer reporting agency bearing on a
7 consumer's credit worthiness, credit standing, credit
8 capacity, character, general reputation, personal
9 characteristics, or mode of living that is used or
10 expected to be used or collected in whole or in part for
11 the purpose of serving as a factor in establishing the
12 consumer's eligibility for employment.

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

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

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

1 (i) The burglar alarm systems are
2 approved either by Underwriters Laboratories or
3 another authoritative source recognized by the
4 Department and are identified by a federally
5 registered trademark.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (K) The practice of professional engineering as
18 defined in the Professional Engineering Practice Act of
19 1989.

20 (L) The practice of structural engineering as
21 defined in the Structural Engineering Practice Act of
22 1989.

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

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

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

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.