

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8 (Section scheduled to be repealed on December 31, 2003)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 (4) Insurance adjusters legally employed or under
5 contract as adjusters and who engage in no other
6 investigative activities other than those directly
7 connected with adjustment of claims against an insurance
8 company or self-insured by which they are employed or
9 with which they have a contract. No insurance adjuster
10 or company may utilize the term "investigation" or any
11 derivative thereof in its company name or in its
12 advertising other than for the handling of insurance
13 claims.

14 For the purposes of this Code, "insurance adjuster"
15 includes any person expressly authorized to act on behalf
16 of an insurance company or self-insured and any employee
17 thereof who acts or appears to act on behalf of the
18 insurance company or self-insured in matters relating to
19 claims, including but not limited to independent
20 contractors while performing claim services at the
21 direction of the company.

22 (5) A person engaged exclusively and employed by a
23 person, firm, association, or corporation in the business
24 of transporting persons or property in interstate
25 commerce and making an investigation related to the
26 business of that employer.

27 (6) Any person, watchman, or guard employed
28 exclusively and regularly by one employer in connection
29 with the affairs of that employer only and there exists
30 an employer/employee relationship.

31 (7) Any law enforcement officer, as defined in the
32 Illinois Police Training Act, who is certified as a
33 permanent police officer ~~has-succesfully-completed-the~~
34 ~~requirements--of--basie--law--enforcement--and---firearms~~

1 training--as--prescribed by the Illinois Law Enforcement
 2 Training Standards Board, employed by an employer in
 3 connection with the affairs of that employer, provided he
 4 or she is exclusively employed by the employer during the
 5 hours or times he or she is scheduled to work for that
 6 employer, and regardless of whether there exists an
 7 employer and employee relationship or an independent
 8 contractor relationship, and the officer has written
 9 authorization from his or her employing police department
 10 for such employment and--there--exists--an--employer--and
 11 employee--relationship.

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

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

31 (i) The burglar alarm systems are
 32 approved either by Underwriters Laboratories or
 33 another authoritative source recognized by the
 34 Department and are identified by a federally

1 registered trademark.

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

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

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

17 (9-5) A person, firm, or corporation engaged solely
18 and exclusively in tracing and compiling lineage or
19 ancestry.

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

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

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

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

34 (C) Any merchant or retail or hardware store from

1 duplicating keys, from installing, servicing, repairing,
2 rebuilding, reprogramming, or maintaining electronic
3 garage door devices or from selling locks or similar
4 security accessories not prohibited from sale by the
5 State of Illinois, as long as they do not hold themselves
6 out to the public as locksmiths.

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

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

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

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

31 (H) The provision of any of the products or
32 services in the practice of locksmithing as identified in
33 Section 5 of this Act by a business licensed by the State
34 of Illinois as a private alarm contractor or private

1 alarm contractor agency, as long as the principal purpose
2 of the services provided to a customer is not the
3 practice of locksmithing and the business does not hold
4 itself out to the public as a locksmith agency.

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

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

13 (K) The practice of professional engineering as
14 defined in the Professional Engineering Practice Act of
15 1989.

16 (L) The practice of structural engineering as
17 defined in the Structural Engineering Practice Act of
18 1989.

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

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

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

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