



**COMMONWEALTH OF VIRGINIA**  
***Department of Criminal Justice Services***

Memorandum:

TO: Locksmith Industry

From: Lisa McGee, Section Chief  
Private Security Services

RE: Information Regarding Locksmith Regulation

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The 2008 General Assembly, House Bill 462, designated the Department of Criminal Justice Services (DCJS) as the agency responsible for regulating issues relating to training, licensing, and registration of the locksmith industry and personnel operating within the Commonwealth of Virginia.

This information is designed to address some of questions you may have concerning the required steps to become properly licensed, certified, or registered by October 1, 2008 as required by law. This is a continuation of our attempts to keep the lines of communication open and to provide you with all available information.

**What is the purpose of this law?**

The purpose of this law is to help secure the public safety and welfare against incompetent, unqualified, unscrupulous, or unfit persons engaging in the activities of Locksmith Services. A copy of the applicable Code of Virginia as amended can be found at [www.dcjs.virginia.gov/pss/codeandregs/legislation.cfm](http://www.dcjs.virginia.gov/pss/codeandregs/legislation.cfm).

### **Who is affected by this law?**

This law is applicable to any business entity that meets the definition of “Locksmith Services” as defined in Section 9-183.1 of the Code of Virginia unless specifically exempted by the Code or Department Policy. This law is also applicable to all persons employed by a locksmith business entity as defined in Section 9-183.1 of the Code.

### **How will this program be implemented?**

Locksmith businesses and personnel will be incorporated into the existing DCJS Private Security Services program. DCJS will promulgate an emergency amendment of the regulations, policies, procedures, and guidelines that will govern the industry with assistance from representatives from the locksmith industry. We want to ensure that input is received from all geographical areas of the Commonwealth and from affected businesses, large and small. A copy of the emergency regulations which include the implementation of locksmiths into the Regulations Relating to the Private Security can be found at: [Emergency Regulation Relating to Locksmiths](#)

### **When does this legislation take effect?**

The registration and licensing requirements of this act shall become effective on October 1, 2008. Please be aware that businesses, training schools, and individuals must be properly licensed, certified, or registered by DCJS **prior** to soliciting or engaging in locksmith services effective October 1, 2008. Applications may be submitted on or after July 1, 2008. Licensing and registration information has been posted on the locksmith page of the Departments website.

### **What credentials will be required?**

Licensing of businesses, registration of individuals, and certification of compliance agents engaged in the locksmith industry will be required.

### **What is a “locksmith”?**

“Locksmith” means any individual that performs locksmith services, or advertises or represents to the general public that the individual is a locksmith even if the specific term locksmith is substituted with any other term by which a reasonable person could construe that the individual possesses special skills relating to locks or locking devices, including use of the words lock technician, lockman, safe technician, safeman, boxman, unlocking technician, lock installer, lock opener, physical security technician or similar descriptions.

## **What are the requirements to obtain and individual registration?**

Registrations are issued for **24 months**. The current requirements can be found in [6 VAC 20-171-120](#) of the Regulations. An application for registration, fingerprint processing application, fingerprint card, and each required fee in addition to required training are necessary to be registered. Applications will be available by July 1, 2008.

### Eligibility Requirements

1. Be a minimum of **18** years of age.
2. Successful completion of all initial **training** requirements for each registration category, including firearms endorsement if applicable, requested pursuant to the compulsory minimum training standards in Part V (6 VAC 20-171-350 et seq.) of this chapter. (unless exempted according to [§ 9.1-140.1](#))
3. Be a **United States citizen or legal resident alien** of the United States.
4. A Criminal History background screening will be performed according to the Regulations Relating to Private Security 6 VAC 20-171-30. According to the Code of Virginia [§ 9.1-139](#). Licensing, certification, and registration required; qualifications; temporary licenses.

K. No person with a criminal conviction for a misdemeanor involving (i) moral turpitude, (ii) assault and battery, (iii) damage to real or personal property, (iv) controlled substances or imitation controlled substances as defined in Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2, (v) prohibited sexual behavior as described in Article 7 (§ [18.2-61](#) et seq.) of Chapter 4 of Title 18.2, or (vi) firearms, or any felony shall be (a) employed as a registered or certified employee by a private security services business or training school, or (b) issued a private security services registration, certification as an unarmed security officer, electronic security employee or technician's assistant, a private security services training school or instructor certification, compliance agent certification, or a private security services business license, except that, upon written request, the Director of the Department may waive such prohibition.

### **Do I have to have a registration before I can work?**

No. A locksmith can work for 90 consecutive days while completing the compulsory minimum training requirements, provided their fingerprints were submitted on or before their date of hire and they are employed by a Private Security Services company licensed by DCJS to provide locksmith services.

### **Do I have to be trained before I can work?**

No. locksmith can work for 90 consecutive days while completing the compulsory minimum training requirements, provided their fingerprints were submitted on or before their date of hire and they are employed by a Private Security Services company licensed by DCJS to provide locksmith services.

### **What are the entry-level training requirements?**

18 hours -- **25E** Locksmith entry level training (18 hours)

**Will there be any exemption of training standards for current locksmith personnel?**

House Bill 462 states:

[§ 9.1-140.1](#). *Registration; waiver of examination; locksmiths.*

*Notwithstanding any other provision of this article, unless an applicant is found by the Board to have engaged in any act that would constitute grounds for disciplinary action, the Board shall issue a registration, without examination, to any applicant who provides satisfactory proof to the Board of having been actively and continuously providing locksmith services immediately prior to July 1, 2008, for at least two years.*

**What is a temporary license/registration for locksmith business/employee? Will I get one to work with while I am waiting for my actual license or registration?**

BUSINESS LICENSE: Yes. A temporary license is issued if all requirements have been met and the only pending requirement is the completion of a criminal history records check on all principals of the company. The temporary license will be issued if there has not been a reported conviction of a crime and the principals have not answered "Yes" to a criminal conviction on the original application.

REGISTRATION: Yes. A temporary registration is issued if the applicant has not been convicted of a crime and has not answered "Yes" to any of the questions on the original applications and has completed the required training. The temporary registration is good for 120 days so that you may work in your job or until you receive your actual registration.

**Will current businesses be exempted from licensing requirements?**

The code requires that **all** Locksmith business entities meet the licensing requirements by October 1, 2008.

**Do I need a license/registration if I only make duplicate keys?**

Not if you meet the following exemption:

[§ 9.1-140](#). Exceptions from article; training requirements for out-of-state central station dispatchers.

*22. Retail merchants performing locksmith services, selling locks or engaged in key cutting activities conducted at the business location who do not represent themselves to the general public as locksmiths.*

**What are the requirements to obtain a business license?**

Business licenses are issued for 24 months. The current requirements can be found in [6 VAC 20-171-50](#). An application for licensure, fingerprint processing application for all principals/supervisors of the business, fingerprint cards, and applicable fees are necessary to be licensed. Applications will be available on July 1, 2008.

Requirements for obtaining a business license:

1. Initial business license application (PSS\_LA) and applicable non-refundable fee.
2. For each **principal** and **supervisor** of the applying business: fingerprint card, fingerprint processing application (PSS\_FP) and applicable non-refundable fee. For more information, follow this link to <http://www.dcjs.virginia.gov/pss/faq> and select fingerprints.
3. Documentation verifying that the applicant has secured one of the following:
  - **Surety bond** in the amount of \$100,000 executed by a surety company authorized to do business in Virginia.
  - **Certificate of insurance** reflecting DCJS as a certificate holder, showing a policy of comprehensive general liability insurance with a minimum coverage of \$100,000 and \$300,000 issued by an insurance company authorized to do business in Virginia.
4. **Irrevocable consent for service** (PSS\_IRC) for each non-resident applicant.
5. **Identification number** issued by the [Virginia State Corporation Commission](#) for verification that the entity is authorized to conduct business in the Commonwealth.
6. A **physical address** in Virginia where records required to be maintained by the Code of Virginia and the Virginia Administrative Code are kept and available for inspection by DCJS. A post office box is not considered a physical address.
7. Designate at least one individual as the **compliance agent** who is not designated as compliance agent for any other licensee, and who is certified or eligible for certification pursuant to [6 VAC 20-171-70](#). For more information, view the frequently asked questions section of the website under compliance agent: <http://www.dcjs.virginia.gov/pss/faq>.
8. Designate on the license application the **type of private security business license** you are seeking. The initial business license fee includes one category of service. A separate fee will be charged for each additional category. The other categories in addition to Locksmith are identified as follows: Security Officers/Couriers (Armed and Unarmed); Private Investigators; Electronic Security; Armored Car; Personal Protection Specialists; and Security Canine Handlers. Alarm Respondents crossover into both the Security Officer and Electronic Security categories.

### **What is a compliance agent?**

This is an individual designated by the business and certified by DCJS whose responsibilities are to ensure that the licensee and all employees conform to all application requirements, administrative requirements and standards of conduct pursuant to the Code of Virginia and the state regulations. Compliance agents also maintain documentation for all employees, or persons, that verify compliance with requirements pursuant to the Code of Virginia and the state regulations.

### **What are the duties of the compliance agent?**

Compliance agents ensure that the licensee and all employees conform to all application requirements, administrative requirements and standards of conduct pursuant to the Code of Virginia and the state regulations. In addition, the agent ensures that all regulated employees carry a state issued photo identification. Compliance agents also maintain documentation for all employees, or persons otherwise utilized, that verifies compliance with requirements pursuant to the Code of Virginia and the state regulations.

### **What are the qualifications for becoming a compliance agent?**

Compliance agents must have (i) three years of managerial or supervisory experience in a private security services business, a federal, state, or local law-enforcement agency, or in a related field; or (ii) five years experience in a private security services business, with a federal, state or local law-enforcement agency, or in a related field.

### **When can I apply for licensing, certification, or registration?**

Compliance agents may apply for certification at any time. Applications for licensing of businesses and registration of individuals may be submitted after July 1, 2008. Credentials will be issued October 1, 2008.

### **If my business is already licensed as a Private Security Services Business with DCJS, must I obtain a separate business license for my Locksmith Business?**

If you already possess a valid Private Security Services Business license issued by DCJS, you will not have to obtain an additional license. The category of locksmith services may be added to your current license with the applicable category fee.

### **What is considered to be subcontracting?**

If your business cannot provide all security services requested by your client, you may subcontract those services to another **licensed** private security services business. If you choose to do this, keep in mind that a 1099 cannot be issued to the subcontractor.

### **Is the Locksmith Industry represented on the Private Security Services Advisory Board?**

Two representatives from the Locksmith Industry will be appointed to the Private Security Advisory Board (PSSAB). The PSSAB is required to meet quarterly throughout the year. A listing of the entire board is available on the website at [www.dcjs.virginia.gov/pss/pssab](http://www.dcjs.virginia.gov/pss/pssab).

### **How do I get on the Private Security Services Advisory Board?**

The Private Security Services Advisory Board shall be appointed by the Criminal Justice Services Board and shall advise the Criminal Justice Services Board on all issues relating to regulation of private security services businesses. By October 1, 2008, two representatives from the Locksmith Industry will be appointed to the PSSAB. An

application package will be available in July 2008, with the appointed members beginning their terms in October of 2008. Members must be licensed and/or registered as a locksmith or locksmith business with DCJS in order to be eligible.

**What will be the fees associated with this program?**

The current schedule of fees assessed to the private security services program is enclosed.

**Where will the certified training be taught?**

Once the regulations are approved and the training standards have been established, training will be available at any DCJS private security training school that has been certified to teach locksmith services subjects.

**What is the process for complaints filed with DCJS?**

*Pursuant to § 9.1-141, § 9.1-185.3, § 9.1-186.3, and § 9.1-150.3, the Board has the authority to receive complaints concerning the conduct of any person whose activities are regulated by the Board, to conduct investigations, and to take appropriate disciplinary action if warranted.*

The Department of Criminal Justice Services Private Security Section will only process complaints against individuals, businesses, or training schools that are subject to the regulations under its purview. Complaint files are confidential and will not be discussed by telephone.

The Department does not have the authority to make individuals or businesses refund money, correct deficiencies, or provide other personal remedies. In some cases, a legal action may be your only recourse to resolve a matter. The Department cannot provide legal advice.

The department cannot guarantee anonymity. By law, all complaints received by the Department are subject to public disclosure once a case is closed. Therefore, if you wish to file a complaint anonymously, please do not include any personal information on the complaint form or any supplemental documents that reveal your identity. While the Department may accept an anonymous complaint, it will not proceed if it lacks sufficient information to support a regulatory violation. When submitting a complaint anonymously, you will not know the result of the complaint.

The Department considers all complaints important. The processing of the complaint will be conducted in as timely a manner as possible; however, any complaints that present an immediate threat to public safety will be given priority.

**How do I contact the Department of Criminal Justice Services (DCJS)?**

Mailing Address  
Private Security Section  
P.O. Box 1300  
Richmond, VA 23218

Physical Address  
202 North Ninth Street  
Richmond, VA 23219  
5<sup>th</sup> Floor

The telephone number is: (804) 786-4700    The FAX number is: (804) 786-6344

The website address is: [www.dcjs.virginia.gov/pss](http://www.dcjs.virginia.gov/pss)

**6 VAC 20-171-20. Fees.**

A. Schedule of fees. The fees listed below reflect the costs of handling, issuance, and production associated with administering and processing applications for licensing, registration, certification and other administrative requests for services relating to private security services.

| Categories   | Fees  |
|--|-------|
| Initial business license                                   | \$800 |
| Business license renewal                                   | \$500 |
| Business license category fee                              | \$ 50 |
| Initial compliance agent certification (includes training) | \$100 |
| Compliance agent certification renewal (includes training) | \$ 50 |
| Initial registration                                       | \$ 25 |
| Registration renewal                                       | \$ 20 |
| Firearms endorsement (Annual)                              | \$ 10 |
| Initial training school                                    | \$800 |
| Training school renewal                                    | \$500 |
| Training school electronic roster submittal authorization  | \$500 |
| Initial instructor certification                           | \$100 |
| Instructor certification renewal                           | \$ 50 |
| Initial certification                                      | \$ 25 |
| Certification renewal                                      | \$ 20 |
| Application for training exemption                         | \$ 25 |
| Fingerprint card processing                                | \$ 50 |
| Additional registration category form                      | \$ 20 |
| Replacement photo identification letter                    | \$ 15 |
| Training completion roster form                            | \$ 30 |
| General instructor development course                      | \$300 |
| General instructor in-service training                     | \$ 50 |
| Firearms instructor development course                     | \$300 |
| Firearms instructor in-service training                    | \$ 50 |
| Technical assistant training                               | \$ 50 |