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NEW YORK CITY ADMINISTRATIVE CODE
TITLE 20: CONSUMER AFFAIRS
CHAPTER 2: LICENSES
SUBCHAPTER 15: LOCKSMITHS

§ 20-298 Definitions. Whenever used in this subchapter, the term "locksmith" shall mean a person dealing in the mechanical actions, and the correct operations of all locks, key or keyless, or similar devices, and whose trade or occupation is repairing, servicing, installing, inspecting, opening and closing such locks by mechanical means, other than with the regular key made for the purpose, without altering, marring or destroying the original condition or effectiveness of such locks or similar devices in any shape or manner, or a maker or manufacturer of locks, pressure keys, skeleton keys, pass keys, jigs, or any other mechanical device to aid a locksmith in the plying of his or her trade.

§ 20-299 License required. It shall be unlawful for any person to carry on the business, trade or occupation of a locksmith, or for any person employed in a hotel, apartment house, office building, store, garage, service station, luggage shop, or any other establishment, to perform the duties of a locksmith, without a license therefor.

§ 20-300 License fee. The fee for a locksmith's license shall be fifty dollars.

§ 20-301 Regulations. a. It shall be unlawful for any person other than a licensed locksmith to open any lock for which a key or combination may have been lost; or to make any repairs to, or change in, the mechanical adjustment or combination of any lock; or to make any original key or any other device or contraption to open a lock.

b. Every licensed locksmith shall keep a book in which he or she is to record: (1) the name and address of every person ordering master keys, keys by number, or ordering the opening of a locked item and the date and time such work was done; and (2) the means relied upon to identify any person ordering the opening of a locked item and to verify ownership of a locked item or authorization to order the opening of a locked item. Such book shall be open at all reasonable times for inspection by the commissioner, any departmental inspector, any police officer, or any person duly authorized by the commissioner.

c. Every licensed locksmith, except an itinerant locksmith, who is requested to open a locked item which is located on premises other than where the business is conducted shall, prior to opening such locked item, present a photocopy of the license issued hereunder to any person requesting the opening of such locked item. Every itinerant locksmith shall, prior to opening a locked item, indicate the display of the license issued hereunder to any person requesting the opening of such locked item.

d. Every locksmith shall make a good faith effort to: (1) determine the identification of any person requesting the opening of a locked item; and (2) obtain proof that a person requesting the opening of a locked item is the proper owner of the locked item or is authorized to request that the locked item be unlocked.

f. Every locksmith opening a locked item shall obtain the signature or mark of the person requesting the opening of such locked item on a form to be prescribed by the commissioner. Such form shall state, in such manner as the commissioner shall by rule establish, that the person requesting that an item be opened is authorized to open that item. The forms shall be retained by the locksmith in such manner as the commissioner shall require, and shall be available at all reasonable times for inspection by the commissioner, any departmental inspector, any police officer, or any person duly authorized by the commissioner or any judge of the criminal court.

§ 20-302 Equipment to be listed. Each manufacturer or jobber of devices aiding locksmiths in their trade shall file a list of his or her equipment with the department and with the police department, enumerating in such list all master key blanks, code books, machinery, skeleton keys that open and operate more than one lock and known to the trade as pressure keys, key sets for automobiles, vibrating lockpickers, and all similar equipment in his or her possession. It shall be unlawful to dispose of any such equipment to any person other than a licensed locksmith.

§ 20-303 Keys to be marked. All keys made by a licensed locksmith

shall be stamped with his or her name and address or with the license number issued to him or her by the commissioner. All master keys in addition shall bear the word "master", and duplicates shall be made only upon the signed order of the owner of the locks which such keys are designed to operate or his or her authorized agent. Master keys shall be made only by a licensed locksmith.

§ 20-304 Licenses to be displayed. Every licensed locksmith shall display the license issued hereunder in a conspicuous place where it can be readily seen by anyone entering the premises where the business is conducted. Where the licensed locksmith is not in business for himself or herself but is employed by another, it shall be incumbent upon the licensee and his or her employer to display the license hereunder in a conspicuous place where it can be readily seen by anyone entering the premises wherein the business is conducted. Where more than one locksmith is employed in such premises the license of the person then in charge need only be displayed. In the case of an itinerant locksmith the license shall be on his or her person or prominently displayed upon the working kit he or she may carry or upon any vehicle which he or she may use in the plying of his or her trade or occupation.

§ 20-305 Prohibition as to itinerant locksmiths. It shall be unlawful for any licensed itinerant locksmith to ply his or her trade or occupation or maintain a stand within five hundred feet of any store or other permanent place of business of a licensed locksmith, or at any other place upon the streets or highways of the city where police regulations will not permit.

§ 20-306 Proof of qualifications; fingerprinting. a. The commissioner shall require any applicant for a locksmith's license to furnish documentary proof that he or she is a qualified locksmith, and if such evidence is not satisfactory to the commissioner, the commissioner may require the applicant to submit to any examination by at least two licensed locksmiths to be named by the commissioner, to serve without compensation, and such licensed locksmiths, after examining the applicant shall certify in writing to the commissioner whether or not the applicant in their opinion is sufficiently qualified to be licensed as a locksmith.

b. The commissioner shall require that applicants for licenses issued pursuant to this subchapter be fingerprinted for the purpose of securing criminal history records from the state division of criminal justice services. The applicant shall pay a processing fee as required by the state division of criminal justice services. Fingerprints shall be taken

of the individual owner if the applicant is a sole proprietorship; the general partners if the applicant is a partnership; and the officers, principals, directors, and stockholders owning more than ten percent of the outstanding stock of the corporation if the applicant is a corporation. Any person required to be fingerprinted hereunder shall furnish to the department three current passport-size photographs of such person. Notwithstanding the foregoing, the commissioner need not require applicants for licenses required under this subchapter to be fingerprinted if criminal history records concerning such applicants are not available from the state division of criminal justice services.

§ 20-306.1 Refusal to issue or renew, or suspension or revocation based on criminal conviction. In addition to any of the powers that may be exercised by the commissioner pursuant to this subchapter or chapter one of this title, the commissioner, after notice and an opportunity to be heard, may refuse to issue or renew, or may suspend or revoke, a license required under this subchapter if the applicant or licensee, or any of its principals, officers or directors, or any of its stockholders owning more than ten percent of the outstanding stock of the corporation has been convicted of a crime which, in the judgment of the commissioner, has a direct relationship to such person's fitness or ability to perform any of the activities for which a license is required under this subchapter or has been convicted of any other crime which, in accordance with article twenty-three-a of the correction law, would provide a justification for the commissioner to refuse to issue or renew, or to suspend or revoke, such license.

§ 20-307 Exemptions. a. Members of city, state or federal departments, who are assigned to locksmith work wholly within their respective departments or divisions, shall be exempt from the operation of this subchapter.

b. No person shall be employed by a duly licensed locksmith as an apprentice or trainee unless such person shall have a trainee-license, the annual fee for which shall be ten dollars, and during the time in which such person is so employed he or she shall be under the direct supervision of said licensed locksmith and such person may perform the duties of a locksmith. Such apprentice or training period shall not exceed thirty-six months. Each such licensed locksmith employer shall be responsible for notifying the department as to the termination or other change in the employment of any such apprentice or trainee.

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RULES OF THE CITY OF NEW YORK
TITLE 6: DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 2: LICENSES
SUBCHAPTER O: LOCKSMITHS

§2-140 Posting of Locksmith License Information by Employer.

No person shall employ or engage a locksmith to provide services to the public for a fee that are required to be performed by a licensed locksmith unless the person who employs or engages such locksmith displays in his place of business in a conspicuous place where it can be readily seen by anyone entering the premises the name and license number of every locksmith such person currently employs or engages to provide such services. Such business shall also retain at its business premises and at all times have available for inspection a copy of the currently valid license of every such locksmith.

§2-141 Information to be Obtained and Recorded.

(a) Every locksmith requested to open a locked item shall, prior to opening the item, make a good faith effort to obtain from the person requesting that the item be opened (hereinafter the "Customer"), two forms of identification and evidence that the Customer either owns the locked item or is authorized to have it opened. One form of identification shall be a photo identification or, if the Customer does not have a photo identification, the locksmith shall obtain personal identification of the Customer by a witness, such as a neighbor or a policeman. If personal identification is made by a witness, the locksmith shall obtain the name, address, telephone number and relationship of the person providing such identification and, if such person is a policeman, his or her shield number. Evidence of ownership may include, but shall not be limited to, a deed, a lease, an envelope addressed to the Customer from the telephone, gas or electric company, verification by a family member, a driver's license and registration, or such other evidence that the locksmith deems appropriate to demonstrate that the Customer owns the locked item, a description of which evidence the locksmith shall record in accordance with subdivision (b)(1) below. Evidence of authority to open a locked item may include, but shall not be limited to, a deed, a lease, a photo identification of the Customer as an employee, an affidavit made by or on behalf of the Customer's

employer, or such other evidence that the locksmith deems appropriate to demonstrate that the Customer is authorized to have the locked item opened, a description of which evidence the locksmith shall record in accordance with subdivision (b)(1) below.

(b) (1) Every locksmith shall complete, and cause to be completed, a two-part form consisting of Part I, to be completed by the locksmith, and Part II, to be completed by the Customer (hereinafter the "Form"), at the time of opening a locked item. Every locksmith requested to open a locked item shall, at the time of opening the item, record on Part I of the form the following information:

(i) The license number of the locksmith;

(ii) The evidence obtained by the locksmith in accordance with subdivision (a) of this section corroborating the Customer's statement in Part II of the Form that he or she is authorized to have the item opened or a statement in accordance with paragraph (2) of this subdivision that such evidence is unavailable and the locksmith's reason(s) for proceeding without it;

(iii) The location of the item to be opened, including street address, building floor, and apartment or office number;

(iv) The date and time the item was opened;

(v) A description of the item requested to be opened and the means to be employed to open the item;

(vi) The two forms of identification that are provided by the Customer to identify himself or herself in accordance with subdivision (a) of this section or a statement in accordance with paragraph (2) of this subdivision that such evidence is unavailable and the locksmith's reason(s) for proceeding without it; and

(vii) The signature of the locksmith who opened the locked item certifying that all statements made by him on Part I of the Form are true to the best of his knowledge.

(2) If the Customer cannot provide the locksmith with two forms of identification or other evidence of ownership or authority to open the locked item in accordance with subdivision (a) above at the time the locksmith opens the locked item, the locksmith shall so indicate on Part I of the form and state in writing his or her reason(s) for proceeding in the absence of such identification or other evidence. If forms of identification or other evidence of ownership or authority to open the locked item are made available by the opening of the locked item, the locksmith shall, immediately after opening the locked item, obtain the forms of identification and other evidence, and record on Part I of the Form which forms of identification and other evidence were provided by the Customer prior to the unlocking of the item, and which were in the item unlocked by the locksmith.

(c) (1) Every locksmith shall, at the time of opening a locked item, obtain from the Customer, the following information, which the locksmith shall record or cause to be recorded by the Customer on Part II of the Form:

(i) The name, address and telephone number of the Customer;

(ii) Whether the Customer is the owner of the locked item;

(iii) If the Customer is not the owner of the locked item, the name, address and telephone number of the owner, a description of the relationship between the owner and the Customer, and the basis of the Customer's authority to have the locked item opened. If the item to be opened is owned by or belongs to a corporation or business, the title and position of the Customer within the corporation or business organization;

(iv) The location of the locked item, including street address, building floor, and apartment or office number, and a description of the premises as commercial, residential, public or other;

§2-142 Customer Copy.

A copy of the completed Form, including the signatures of the parties, shall be given to the Customer.

§2-143 Forms to be Retained by Locksmith.

The original copy of the completed Forms shall be kept by the locksmith in either a bond binder or as individual sheets in numerical order. Such Forms shall be kept by the locksmith for eighteen months.

§2-144 Forms to be Available for Inspection.

The locksmith's copies of the Forms shall be available for inspection at all reasonable times by the Commissioner, any inspector, any police officer, or any person duly authorized by the Commissioner or any judge of the criminal court to inspect such forms.