
By: **Senator Jacobs**

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Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 10, 2004

CHAPTER 266

1 AN ACT concerning

2 **Security Guards - Certification Renewal - Late Fees**

3 FOR the purpose of requiring the Secretary of ~~Labor, Licensing, and Regulation~~ the
4 State Police to assess a certain late fee to applicants whose application for
5 renewal of a security guard certification is not received ~~within a certain time~~
6 ~~period~~ on or before a certain date; prohibiting the Secretary from charging the
7 late fee under certain circumstances; capping the amount of total late fees that
8 may be assessed against an individual for late certification renewals;
9 prohibiting the Secretary from certifying an applicant if the applicant has
10 outstanding late fees; and generally relating to the late fees assessed to security
11 guards for late certification renewals.

12 BY repealing and reenacting, with amendments,
13 Article - Business Occupations and Professions
14 Section 19-404.1
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2003 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Business Occupations and Professions**

20 19-404.1.

21 (a) By regulation, the Secretary shall stagger the terms of the certifications.

1 (b) Unless a certification is renewed for a 3-year term as provided in this
2 section, the certification expires on the date the Secretary sets.

3 (c) At least 90 days before a certification expires, the applicant shall mail to
4 the Secretary:

5 (1) a renewal application form;

6 (2) the amount of the renewal fee; and

7 (3) the amount of any late fee, as determined by the Secretary.

8 (d) An individual periodically may renew the certification for an additional
9 3-year term, if the individual:

10 (1) otherwise is entitled to be certified;

11 (2) pays to the Secretary:

12 (i) a renewal fee of \$10;

13 (ii) payment for the cost of a fingerprint card record check by the
14 Federal Bureau of Investigation; and

15 (iii) any late fee required under this subtitle; and

16 (3) submits to the Secretary a renewal application on the form that the
17 Secretary provides.

18 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A COMPLETE
19 APPLICATION FOR RENEWAL OF CERTIFICATION AS REQUIRED UNDER THIS
20 SUBTITLE IS NOT RECEIVED BY THE SECRETARY ~~AT LEAST 30 CALENDAR DAYS~~
21 ~~BEFORE THE CERTIFICATION EXPIRES ON OR BEFORE THE FIRST BUSINESS DAY OF~~
22 THE NEXT CALENDAR MONTH IMMEDIATELY FOLLOWING THE RENEWAL DATE, THE
23 SECRETARY SHALL ASSESS A LATE FEE OF \$5 PER DAY UNTIL THE APPLICATION IS
24 RECEIVED BY THE SECRETARY.

25 (2) (I) THE SECRETARY MAY NOT CHARGE A LATE FEE UNDER
26 PARAGRAPH (1) OF THIS SUBSECTION IF THE APPLICANT DID NOT MAKE TIMELY
27 RENEWAL BECAUSE OF INCAPACITY, HOSPITALIZATION, BEING CALLED TO ACTIVE
28 MILITARY DUTY, OR OTHER HARDSHIP.

29 (II) THE TOTAL AMOUNT OF LATE FEES ASSESSED AGAINST AN
30 APPLICANT UNDER THIS SUBSECTION MAY NOT EXCEED \$150.

31 (3) THE SECRETARY MAY NOT CERTIFY ANY APPLICANT UNDER THIS
32 SUBTITLE IF THE APPLICANT HAS OUTSTANDING LATE FEE OBLIGATIONS.

33 [(e)] (F) (1) The Secretary shall renew the certification of each individual
34 who meets the requirements of this section.

1 (2) Within 5 days after the Secretary refuses to renew the certification of
2 an individual as a security guard, the Secretary shall send written notice of the
3 refusal to the individual who submitted the renewal application.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2004.