

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 217 (Senator Stone)

Education, Health, and Environmental Affairs

Economic Matters

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Maryland Locksmiths Act - Exemptions - Repossession of Property

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This bill specifies that the lawful repossession of tangible personal property is not subject to the Maryland Locksmiths Act.

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Fiscal Summary

**State Effect:** None. The change is clarifying in nature and does not directly affect governmental finances.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law/ Background:** Chapter 551 of 2009 establishes that persons or businesses that provide locksmith services in the State must be licensed by July 1, 2010. However, the Department of Labor, Licensing, and Regulation advises that a necessary appropriation for the locksmith licensing program has not yet been made; therefore, licensure of locksmiths will not begin by the start-up date specified by the Act.

The Act establishes numerous prohibited acts and ascribes corresponding penalties for criminal or otherwise unscrupulous activity. Individuals who commit acts specifically prohibited may be fined up to \$10,000, imprisoned for up to two years, or both. Individuals who impersonate a locksmith may be fined up to \$1,000 for a first offense and up to \$5,000 for subsequent offenses. The Secretary of Labor, Licensing, and Regulation may also bring civil administrative action against individuals who violate

these provisions and impose additional fines of \$100 per day for each day of unlawful behavior.

The provisions of Chapter 551 may not be construed to prohibit:

- emergency responders from performing emergency opening services in the line of duty;
- the replacing of the core or cylinder of a lock that was designed by the manufacturer to be changed by an end user;
- the installation or repair of a lock by the manufacturer of the lock;
- sales demonstrations by locksmith suppliers;
- the installation of locks by building trades personnel on projects that require a building permit;
- key duplication;
- the installation of locks by a retailer at his or her place of business, or off premises if the installation is incidental to the retailer's normal course of business;
- the installation of locks by a licensed security systems technician; or
- the installation, repair, replacement, rekeying, or adjusting of locks by a property owner or management company.

The Secretary has the authority to administer the provisions of the Act and adopt and enforce applicable regulations.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Labor, Licensing, and Regulation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 1, 2010  
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