

# SENATE BILL 838

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By: **Senator Frosh**

Introduced and read first time: January 31, 2014

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Private Process Servers – Licensing**

3 FOR the purpose of requiring the licensure as a private process server of any  
4 individual who provides certain private process service; providing for the  
5 applications for and the terms and renewals of the licenses, qualifications for  
6 and duties of licensees, and required records of a licensee; establishing certain  
7 administrative and surety bond requirements for a licensed private process  
8 server; providing for the denial, suspension, or revocation of private process  
9 server licenses and the reprimand of or assessment of a fine on licensees;  
10 establishing certain exceptions to certain license requirements; establishing  
11 certain powers of and imposing certain duties on the Secretary of State Police;  
12 prohibiting certain acts; imposing certain penalties for certain violations;  
13 defining certain terms; and generally relating to the licensing of private process  
14 servers.

15 BY adding to

16 Article – Business Occupations and Professions  
17 Section 13.5–101 through 13.5–601 to be under the new title “Title 13.5. Private  
18 Process Servers”  
19 Annotated Code of Maryland  
20 (2010 Replacement Volume and 2013 Supplement)

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

23 **Article – Business Occupations and Professions**

24 **TITLE 13.5. PRIVATE PROCESS SERVERS.**

25 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **13.5–101.**

2 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (B) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE  
5 INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF  
6 PUBLIC SAFETY AND CORRECTIONAL SERVICES.

7 (C) “LICENSE” MEANS A LICENSE ISSUED BY THE SECRETARY TO  
8 PROVIDE PRIVATE PROCESS SERVICE.

9 (D) “PRIVATE PROCESS SERVER” MEANS AN INDIVIDUAL WHO  
10 PERSONALLY PROVIDES PRIVATE PROCESS SERVICE.

11 (E) “PROVIDE PRIVATE PROCESS SERVICE” MEANS TO PROVIDE, FOR  
12 COMPENSATION, SERVICE OF PROCESS ON A PERSON THAT GIVES LEGAL  
13 NOTICE TO THE PERSON OF A COURT’S EXERCISE OF ITS JURISDICTION OVER  
14 THAT PERSON.

15 (F) “SECRETARY” MEANS THE SECRETARY OF STATE POLICE.

16 **13.5–102.**

17 THIS TITLE DOES NOT APPLY:

18 (1) TO AN OFFICER OR EMPLOYEE OF ANY UNIT OF THE UNITED  
19 STATES, OF ANY STATE, OR OF ANY POLITICAL SUBDIVISION OF ANY STATE,  
20 WHILE PERFORMING A DUTY OF THE OFFICE OR EMPLOYMENT;

21 (2) TO A LAWYER, WHILE PERFORMING ANY ACTIVITY THAT  
22 RELATES TO THE LAWYER’S REGULAR PRACTICE OF LAW IN THE STATE;

23 (3) TO AN INDIVIDUAL WHO, AS A REGULAR PART-TIME OR  
24 FULL-TIME EMPLOYEE OF A LAWYER, PROVIDES SERVICES THAT RELATE TO  
25 THE LAWYER’S REGULAR PRACTICE OF LAW IN THE STATE; OR

26 (4) TO AN INDIVIDUAL WHO PROVIDES PRIVATE PROCESS  
27 SERVICE FEWER THAN 10 TIMES IN A CALENDAR YEAR.

28 SUBTITLE 2. SECRETARY.

1 **13.5-201.**

2 **SUBJECT TO THE PROVISIONS OF THIS TITLE, THE SECRETARY IS**  
3 **RESPONSIBLE FOR THE LICENSING AND REGULATION OF INDIVIDUALS WHO**  
4 **PROVIDE PRIVATE PROCESS SERVICE IN THE STATE.**

5 **13.5-202.**

6 **(A) IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE, THE**  
7 **SECRETARY MAY:**

8 **(1) ADOPT REGULATIONS TO CARRY OUT THIS TITLE; AND**

9 **(2) USE ANY MEMBER OF THE DEPARTMENT OF STATE POLICE AS**  
10 **NECESSARY TO CARRY OUT AND ENFORCE THIS TITLE.**

11 **(B) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE**  
12 **SECRETARY SHALL:**

13 **(1) KEEP A ROSTER OF THE INDIVIDUALS LICENSED AS PRIVATE**  
14 **PROCESS SERVERS UNDER THIS TITLE; AND**

15 **(2) ADOPT BY REGULATION A SCHEDULE OF FINES FOR**  
16 **VIOLATIONS OF THIS TITLE THAT MAY BE ASSESSED BY THE SECRETARY UNDER**  
17 **§ 13.5-311 OF THIS TITLE.**

18 **13.5-203.**

19 **THE SECRETARY SHALL PAY ALL MONEY COLLECTED UNDER THIS TITLE**  
20 **INTO THE GENERAL FUND OF THE STATE.**

21 **13.5-204.**

22 **ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE SECRETARY IN A**  
23 **CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT**  
24 **ARTICLE, MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE**  
25 **STATE GOVERNMENT ARTICLE.**

26 **SUBTITLE 3. LICENSING OF PRIVATE PROCESS SERVERS.**

27 **13.5-301.**

1           **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL**  
2 **BE LICENSED BY THE SECRETARY AS A PRIVATE PROCESS SERVER BEFORE THE**  
3 **PERSON MAY:**

4           **(1) PERSONALLY PROVIDE PRIVATE PROCESS SERVICE IN THE**  
5 **STATE; OR**

6           **(2) SOLICIT TO PROVIDE PRIVATE PROCESS SERVICE IN THE**  
7 **STATE.**

8 **13.5-302.**

9           **(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL:**

10           **(1) BE AT LEAST 18 YEARS OLD;**

11           **(2) POSSESS A HIGH SCHOOL DIPLOMA OR HAVE PASSED AN**  
12 **EQUIVALENCY EXAMINATION; AND**

13           **(3) HAVE SUCCESSFULLY COMPLETED A TRAINING PROGRAM**  
14 **APPROVED BY THE SECRETARY.**

15           **(B) UNLESS THE APPLICANT SHOWS GOOD CAUSE FOR THE ISSUANCE**  
16 **OF A LICENSE, AN APPLICANT DOES NOT QUALIFY FOR A LICENSE IF THE**  
17 **INDIVIDUAL HAS BEEN CONVICTED OF:**

18           **(1) A FELONY;**

19           **(2) A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE**  
20 **CRIMINAL LAW ARTICLE; OR**

21           **(3) A CRIME THAT REFLECTS ADVERSELY ON AN INDIVIDUAL'S**  
22 **HONESTY, TRUSTWORTHINESS, OR FITNESS TO PROVIDE PRIVATE PROCESS**  
23 **SERVICE, INCLUDING FRAUD, EXTORTION, EMBEZZLEMENT, FORGERY,**  
24 **PERJURY, AND THEFT.**

25 **13.5-303.**

26           **(A) AN APPLICANT FOR A LICENSE SHALL:**

27           **(1) SUBMIT TO THE SECRETARY:**

1                   (I)    AN APPLICATION ON THE FORM THAT THE SECRETARY  
2 PROVIDES; AND

3                   (II)   ANY RELEVANT DOCUMENTS THAT THE SECRETARY  
4 REQUIRES; AND

5                   (2)   PAY TO THE SECRETARY THE FEES REQUIRED UNDER  
6 SUBSECTION (B) OF THIS SECTION.

7           (B)   (1)   AN APPLICANT FOR A LICENSE SHALL PAY TO THE  
8 SECRETARY:

9                   (I)    AN APPLICATION FEE OF \$200; AND

10                  (II)   THE FEES AUTHORIZED UNDER SUBSECTION (C)(2) OF  
11 THIS SECTION.

12                  (2)   AS PART OF THE APPLICATION FOR A LICENSE, THE  
13 APPLICANT SHALL SUBMIT TO THE SECRETARY THE FINGERPRINTS REQUIRED  
14 UNDER SUBSECTION (C)(2)(I) OF THIS SECTION.

15           (C)   (1)   THE DEPARTMENT OF STATE POLICE SHALL APPLY TO THE  
16 CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY  
17 RECORDS CHECK FOR EACH APPLICANT.

18                  (2)   AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY  
19 RECORDS CHECK, THE DEPARTMENT OF STATE POLICE SHALL SUBMIT TO THE  
20 CENTRAL REPOSITORY:

21                   (I)    TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE  
22 FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE  
23 CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF  
24 INVESTIGATION;

25                   (II)   THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE  
26 CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL  
27 HISTORY RECORDS; AND

28                   (III)   THE MANDATORY PROCESSING FEE REQUIRED BY THE  
29 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY  
30 RECORDS CHECK.

1           **(3) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE**  
2 **CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD**  
3 **TO THE APPLICANT AND THE DEPARTMENT OF STATE POLICE A PRINTED**  
4 **STATEMENT OF THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.**

5           **(4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK**  
6 **UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED**  
7 **STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223**  
8 **OF THE CRIMINAL PROCEDURE ARTICLE.**

9           **(D) THE APPLICATION FORM PROVIDED BY THE SECRETARY SHALL**  
10 **REQUIRE:**

11           **(1) THE NAME OF THE APPLICANT;**

12           **(2) THE AGE OF THE APPLICANT;**

13           **(3) THE HOME ADDRESS OF THE APPLICANT AND THE ADDRESS**  
14 **OF THE APPLICANT'S PROPOSED PRINCIPAL PLACE OF BUSINESS;**

15           **(4) THE CURRENT AND PREVIOUS EMPLOYMENT OF THE**  
16 **APPLICANT;**

17           **(5) ANY TRADE OR FICTITIOUS NAME THAT THE APPLICANT**  
18 **INTENDS TO USE WHILE CONDUCTING BUSINESS AS A PRIVATE PROCESS**  
19 **SERVER;**

20           **(6) THE SUBMISSION OF A FACSIMILE OF ANY TRADEMARK THAT**  
21 **THE APPLICANT INTENDS TO USE WHILE CONDUCTING BUSINESS AS A PRIVATE**  
22 **PROCESS SERVER; AND**

23           **(7) ANY OTHER INFORMATION THE SECRETARY CONSIDERS**  
24 **APPROPRIATE.**

25           **(E) THE APPLICATION FORM PROVIDED BY THE SECRETARY SHALL**  
26 **CONTAIN A STATEMENT ADVISING THE APPLICANT THAT WILLFULLY MAKING A**  
27 **FALSE STATEMENT ON AN APPLICATION IS A MISDEMEANOR, SUBJECT TO A FINE**  
28 **OR IMPRISONMENT OR BOTH, AS PROVIDED UNDER §§ 13.5-504 AND 13.5-505**  
29 **OF THIS TITLE.**

30           **(F) THE APPLICATION FORM SHALL BE SIGNED, UNDER OATH, BY THE**  
31 **APPLICANT.**

1           **(G) IN ADDITION TO MEETING THE OTHER REQUIREMENTS OF THIS**  
2 **SECTION, A NONRESIDENT APPLICANT SHALL SUBMIT A CONSENT AND ANY**  
3 **RELATED DOCUMENT, AS REQUIRED BY § 13.5-402 OF THIS TITLE.**

4 **13.5-304.**

5           **THE SECRETARY MAY NOT ISSUE A LICENSE TO AN APPLICANT WHOSE**  
6 **TRADE OR FICTITIOUS NAME OR TRADEMARK IS SO SIMILAR TO THAT USED BY**  
7 **ANOTHER LICENSEE THAT THE PUBLIC MAY BE CONFUSED OR MISLED BY THE**  
8 **SIMILARITY.**

9 **13.5-305.**

10           **(A) THE SECRETARY SHALL ISSUE A LICENSE TO EACH APPLICANT WHO**  
11 **MEETS THE REQUIREMENTS OF THIS SUBTITLE.**

12           **(B) (1) SUBJECT TO THIS SUBSECTION, THE SECRETARY SHALL**  
13 **DETERMINE THE FORM AND CONTENT OF THE LICENSE.**

14                   **(2) EACH LICENSE SHALL INCLUDE:**

15                           **(I) THE FULL NAME OF THE LICENSEE;**

16                           **(II) THE ADDRESS OF THE PRINCIPAL OFFICE OF THE**  
17 **LICENSEE;**

18                           **(III) THE DATE OF ISSUANCE OF THE LICENSE;**

19                           **(IV) THE DATE ON WHICH THE LICENSE EXPIRES;**

20                           **(V) A STATEMENT THAT IN SUBSTANCE SPECIFIES THAT**  
21 **THE INDIVIDUAL IS LICENSED BY THE SECRETARY AS A PRIVATE PROCESS**  
22 **SERVER; AND**

23                           **(VI) ANY OTHER INFORMATION THAT THE SECRETARY**  
24 **CONSIDERS APPROPRIATE TO:**

25                                   **1. IDENTIFY THE INDIVIDUAL; OR**

26                                   **2. SPECIFY THE AUTHORITY OF THE INDIVIDUAL.**

27 **13.5-306.**

1           **WHILE A LICENSE IS IN EFFECT, THE LICENSE AUTHORIZES THE**  
2 **LICENSEE TO:**

3                   **(1) PROVIDE PRIVATE PROCESS SERVICE FOR COMPENSATION;**  
4 **AND**

5                   **(2) REPRESENT THE LICENSEE TO THE PUBLIC AS A PRIVATE**  
6 **PROCESS SERVER.**

7 **13.5-307.**

8           **(A) AT ANY TIME THAT A LICENSED PRIVATE PROCESS SERVER**  
9 **PROVIDES PRIVATE PROCESS SERVICE, THE PRIVATE PROCESS SERVER SHALL**  
10 **CARRY THE LICENSE ISSUED UNDER § 13.5-305 OF THIS SUBTITLE.**

11           **(B) ON REQUEST OF A LAW ENFORCEMENT OFFICER, A LICENSED**  
12 **PRIVATE PROCESS SERVER SHALL SHOW THE PRIVATE PROCESS SERVER'S**  
13 **LICENSE.**

14 **13.5-308.**

15           **A LICENSED PRIVATE PROCESS SERVER MAY WEAR OR CARRY A BADGE**  
16 **ONLY IF:**

17                   **(1) THE SECRETARY AUTHORIZES THE WEARING OR CARRYING**  
18 **OF THE BADGE; AND**

19                   **(2) THE DESIGN OF THE BADGE IS APPROVED BY THE**  
20 **SECRETARY.**

21 **13.5-309.**

22           **(A) BY REGULATION, THE SECRETARY SHALL STAGGER THE TERMS OF**  
23 **THE LICENSES.**

24           **(B) UNLESS A LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED**  
25 **IN THIS SECTION, THE LICENSE EXPIRES ON THE DAY THAT THE SECRETARY**  
26 **SETS.**

27           **(C) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE SECRETARY**  
28 **SHALL MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE**  
29 **LICENSEE:**



1           **(1) A RENEWAL APPLICATION FORM; AND**

2           **(2) A NOTICE THAT STATES:**

3                   **(I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;**

4                   **(II) THAT THE SECRETARY MUST RECEIVE THE RENEWAL**  
5 **APPLICATION AT LEAST 15 DAYS BEFORE THE LICENSE EXPIRATION DATE FOR**  
6 **THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE LICENSE EXPIRES;**

7                   **(III) THE AMOUNT OF THE RENEWAL FEE; AND**

8                   **(IV) THAT THE SUBMISSION OF A FALSE STATEMENT IN THE**  
9 **RENEWAL APPLICATION IS CAUSE FOR REVOCATION OF THE LICENSE.**

10           **(D) A LICENSEE PERIODICALLY MAY RENEW THE LICENSE FOR AN**  
11 **ADDITIONAL 2-YEAR TERM IF THE LICENSEE:**

12                   **(1) OTHERWISE IS ENTITLED TO BE LICENSED;**

13                   **(2) PAYS TO THE SECRETARY:**

14                           **(I) A RENEWAL FEE OF \$200; AND**

15                           **(II) THE AMOUNT OF ANY LATE FEE, AS DETERMINED BY**  
16 **THE SECRETARY; AND**

17                   **(3) SUBMITS TO THE SECRETARY A RENEWAL APPLICATION ON**  
18 **THE FORM THAT THE SECRETARY PROVIDES.**

19           **(E) THE SECRETARY SHALL RENEW THE LICENSE OF EACH LICENSEE**  
20 **WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

21 **13.5-310.**

22           **(A) EACH LICENSEE SHALL MAINTAIN AN OFFICE IN THE STATE.**

23           **(B) EACH LICENSEE SHALL KEEP IN AN OFFICE IN THE STATE ALL**  
24 **FILES OR OTHER RECORDS THAT:**

25                   **(1) ARE MADE IN THE STATE; AND**

26                   **(2) RELATE TO PROCESS SERVED IN THE STATE.**

1           **(C) WITHIN 5 DAYS AFTER THE CHANGE, A LICENSEE SHALL SUBMIT TO**  
2 **THE SECRETARY WRITTEN NOTICE OF ANY CHANGE IN THE ADDRESS OF THE**  
3 **LICENSEE'S PRINCIPAL OFFICE.**

4 **13.5-311.**

5           **SUBJECT TO THE HEARING PROVISIONS OF § 13.5-313 OF THIS SUBTITLE,**  
6 **THE SECRETARY MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY**  
7 **LICENSEE, FINE ANY LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF THE**  
8 **APPLICANT OR LICENSEE:**

9           **(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**  
10 **OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;**

11           **(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;**

12           **(3) WHILE NOT LICENSED, SOLICITS TO ENGAGE IN OR**  
13 **WILLFULLY ENGAGES IN PROVIDING PRIVATE PROCESS SERVICE IN THE STATE;**

14           **(4) WHILE NOT LICENSED, WILLFULLY ADVERTISES:**

15                   **(I) AS A PRIVATE PROCESS SERVER; OR**

16                   **(II) THE PROVISION OF PRIVATE PROCESS SERVICE;**

17           **(5) WILLFULLY MAKES A FALSE STATEMENT OR**  
18 **MISREPRESENTATION IN ANY APPLICATION, RENEWAL APPLICATION, OR OTHER**  
19 **DOCUMENT THAT THE SECRETARY REQUIRES TO BE SUBMITTED;**

20           **(6) WILLFULLY MAKES A FALSE STATEMENT IN AN AFFIDAVIT OF**  
21 **SERVICE OR ANY OTHER DOCUMENT FILED WITH A COURT;**

22           **(7) FAILS TO NOTIFY THE SECRETARY ABOUT ANY CHANGE IN**  
23 **THE ADDRESS OF THE PRINCIPAL OFFICE OF A LICENSEE; OR**

24           **(8) VIOLATES ANY OTHER PROVISION OF THIS TITLE.**

25 **13.5-312.**

26           **(A) SUBJECT TO THIS SECTION, THE SECRETARY SHALL COMMENCE**  
27 **PROCEEDINGS UNDER § 13.5-311 OF THIS SUBTITLE ON THE SECRETARY'S OWN**  
28 **COMPLAINT OR ON A COMPLAINT MADE TO THE SECRETARY BY ANY PERSON.**

1           **(B) (1) A COMPLAINT SHALL:**

2                           **(I) BE IN WRITING;**

3                           **(II) BE SIGNED BY THE COMPLAINANT; AND**

4                           **(III) STATE SPECIFICALLY THE FACTS ON WHICH THE**  
5 **COMPLAINT IS BASED.**

6                   **(2) IF A COMPLAINT IS MADE BY ANY PERSON OTHER THAN THE**  
7 **SECRETARY, THE COMPLAINT SHALL BE MADE UNDER OATH BY THE PERSON**  
8 **WHO SUBMITS THE COMPLAINT.**

9           **(C) (1) ON RECEIPT OF A COMPLAINT THAT ALLEGES FACTS THAT**  
10 **ARE GROUNDS FOR ACTION UNDER § 13.5-311 OF THIS SUBTITLE, THE**  
11 **SECRETARY SHALL APPOINT AN OFFICER OF THE DEPARTMENT OF STATE**  
12 **POLICE, WITH THE RANK OF LIEUTENANT OR ABOVE, AS THE INVESTIGATING**  
13 **OFFICER FOR THE COMPLAINT.**

14                   **(2) THE INVESTIGATING OFFICER MAY ASSIGN RESPONSIBILITY**  
15 **FOR CONDUCTING THE INVESTIGATION TO OTHER MEMBERS OF THE**  
16 **DEPARTMENT OF STATE POLICE.**

17           **(D) (1) ON CONCLUSION OF THE INVESTIGATION, THE**  
18 **INVESTIGATING OFFICER SHALL DETERMINE WHETHER THERE IS A**  
19 **REASONABLE BASIS TO BELIEVE THAT THERE ARE GROUNDS FOR DISCIPLINARY**  
20 **ACTION UNDER § 13.5-311 OF THIS SUBTITLE.**

21                   **(2) IF THE INVESTIGATING OFFICER FINDS A REASONABLE BASIS**  
22 **AS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY**  
23 **SHALL ACT ON THE COMPLAINT AS PROVIDED UNDER § 13.5-313 OF THIS**  
24 **SUBTITLE.**

25 **13.5-313.**

26           **(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE**  
27 **GOVERNMENT ARTICLE, BEFORE THE SECRETARY TAKES ANY FINAL ACTION**  
28 **UNDER § 13.5-311 OF THIS SUBTITLE, THE SECRETARY SHALL GIVE THE**  
29 **PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR**  
30 **A HEARING BEFORE THE SECRETARY.**

1           **(B) THE SECRETARY SHALL GIVE NOTICE AND HOLD THE HEARING IN**  
2 **ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT**  
3 **ARTICLE.**

4           **(C) THE SECRETARY MAY ADMINISTER OATHS IN CONNECTION WITH**  
5 **ANY PROCEEDING UNDER THIS SECTION.**

6           **(D) THE HEARING NOTICE SHALL BE IN WRITING AND SENT TO THE**  
7 **PERSON AT LEAST 10 DAYS BEFORE THE HEARING.**

8           **(E) THE PERSON MAY BE REPRESENTED AT THE HEARING BY COUNSEL.**

9           **(F) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS**  
10 **CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE**  
11 **SECRETARY MAY HEAR AND DETERMINE THE MATTER.**

12 **13.5-314.**

13           **(A) WITHIN 5 DAYS AFTER THE SECRETARY SUSPENDS OR REVOKES**  
14 **THE LICENSE OF A PERSON, THE PERSON SHALL SURRENDER THE LICENSE TO**  
15 **THE SECRETARY.**

16           **(B) THE SECRETARY MAY NOT REFUND TO A PERSON WHOSE LICENSE**  
17 **IS SUSPENDED OR REVOKED ANY FEE PAID UNDER THIS TITLE.**

18                           **SUBTITLE 4. MISCELLANEOUS PROVISIONS.**

19 **13.5-401.**

20           **(A) (1) SUBJECT TO THIS SECTION, AN APPLICANT FOR A LICENSE**  
21 **SHALL EXECUTE A BOND THAT IS CONDITIONED ON THE FAITHFUL AND HONEST**  
22 **CONDUCT OF THE APPLICANT AND RUNS TO THE STATE FOR THE BENEFIT OF**  
23 **ANY PERSON INJURED BY ANY WRONGFUL ACT OF THE APPLICANT THAT IS**  
24 **WILLFUL OR MALICIOUS.**

25                           **(2) THE APPLICANT SHALL SUBMIT THE BOND TO THE**  
26 **SECRETARY WITH THE LICENSE APPLICATION.**

27           **(B) (1) THE AMOUNT OF THE BOND REQUIRED UNDER SUBSECTION**  
28 **(A) OF THIS SECTION SHALL BE AT LEAST \$15,000.**

29                           **(2) THE TOTAL LIABILITY OF THE SURETY TO ALL INSURED**  
30 **PERSONS UNDER THE BOND MAY NOT EXCEED THE PENAL SUM OF THE BOND.**

1 (C) A LICENSEE SHALL KEEP IN EFFECT AT ALL TIMES A BOND THAT  
2 MEETS THE REQUIREMENTS OF THIS SECTION.

3 (D) (1) IF A LICENSEE'S BOND IS CANCELED, FORFEITED, OR  
4 TERMINATED BY THE SURETY, THE SURETY IMMEDIATELY SHALL NOTIFY THE  
5 SECRETARY.

6 (2) IF A SURETY FAILS TO NOTIFY THE SECRETARY AS REQUIRED  
7 BY THIS SUBSECTION, THE BOND SHALL CONTINUE IN EFFECT UNTIL THE  
8 NOTICE IS GIVEN TO THE SECRETARY.

9 13.5-402.

10 (A) A NONRESIDENT APPLICANT FOR A LICENSE SHALL SUBMIT TO THE  
11 SECRETARY A CONSENT, AS PROVIDED UNDER THIS SECTION.

12 (B) THE CONSENT REQUIRED UNDER THIS SECTION SHALL:

13 (1) SPECIFY THAT SERVICE OF PROCESS ON THE SECRETARY  
14 SHALL BIND THE APPLICANT IN ANY ACTION, SUIT, OR PROCEEDING BROUGHT  
15 AGAINST THE APPLICANT;

16 (2) SPECIFY THAT AN ACTION, SUIT, OR PROCEEDING MAY BE  
17 BROUGHT AGAINST THE APPLICANT IN ANY COUNTY WHERE:

18 (I) THE CAUSE OF ACTION AROSE; OR

19 (II) THE PLAINTIFF RESIDES; AND

20 (3) BE SIGNED BY THE APPLICANT.

21 (C) THE SECRETARY MAY NOT ISSUE A LICENSE TO A NONRESIDENT  
22 APPLICANT UNLESS THE NONRESIDENT APPLICANT COMPLIES WITH  
23 SUBSECTION (B) OF THIS SECTION.

24 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, SERVICE  
25 OF PROCESS ON THE SECRETARY BINDS A PERSON WHO HAS SUBMITTED A  
26 CONSENT TO THE SECRETARY, AS REQUIRED UNDER THIS SECTION.

27 (2) IF SERVICE OF PROCESS IS MADE ON THE SECRETARY AS  
28 AUTHORIZED UNDER THIS SECTION, THE PERSON INITIATING THE ACTION, SUIT,  
29 OR PROCEEDING IMMEDIATELY SHALL SEND A COPY, BY CERTIFIED MAIL,

1 RETURN RECEIPT REQUESTED, TO THE PRINCIPAL OFFICE IN THE STATE OF  
2 THE PERSON AGAINST WHOM THE ACTION, SUIT, OR PROCEEDING IS DIRECTED.

3 (3) AS TO ANY PERSON WHO SUBMITS A CONSENT AS REQUIRED  
4 UNDER THIS SECTION, ANY ACTION, SUIT, OR PROCEEDING MAY BE BROUGHT IN  
5 ANY COUNTY WHERE:

6 (I) THE CAUSE OF ACTION AROSE; OR

7 (II) THE PLAINTIFF RESIDES.

8 **13.5-403.**

9 IF A LICENSED PRIVATE PROCESS SERVER LOSES A LICENSE, THE  
10 PRIVATE PROCESS SERVER IMMEDIATELY SHALL GIVE THE SECRETARY NOTICE  
11 OF THE LOSS AND THE CIRCUMSTANCES REGARDING THE LOSS.

12 **SUBTITLE 5. PROHIBITED ACTS; PENALTIES.**

13 **13.5-501.**

14 AN INDIVIDUAL MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OFFER TO  
15 PROVIDE, OR SOLICIT TO PROVIDE PRIVATE PROCESS SERVICE IN THE STATE  
16 UNLESS LICENSED AS A PRIVATE PROCESS SERVER BY THE SECRETARY.

17 **13.5-502.**

18 UNLESS AN INDIVIDUAL IS LICENSED AS A PRIVATE PROCESS SERVER  
19 UNDER THIS TITLE, THE INDIVIDUAL MAY NOT REPRESENT TO THE PUBLIC, BY  
20 USE OF A TITLE, INCLUDING "LICENSED PRIVATE PROCESS SERVER" OR  
21 "PRIVATE PROCESS SERVER", BY USE OF A BADGE OR IDENTIFICATION CARD, BY  
22 DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT  
23 THE INDIVIDUAL IS AUTHORIZED TO PROVIDE PRIVATE PROCESS SERVICE IN  
24 THE STATE.

25 **13.5-503.**

26 A LICENSED PRIVATE PROCESS SERVER MAY NOT LEND THE PRIVATE  
27 PROCESS SERVER'S LICENSE OR BADGE TO ANOTHER PERSON OR ALLOW  
28 ANOTHER PERSON TO USE OR DISPLAY THE LICENSE OR BADGE.

29 **13.5-504.**

1           **A PERSON MAY NOT WILLFULLY MAKE A FALSE STATEMENT ON ANY**  
 2 **APPLICATION OR RENEWAL FORM OR OTHER DOCUMENT SUBMITTED TO THE**  
 3 **SECRETARY UNDER THIS TITLE.**

4   **13.5–505.**

5           **(A) A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY**  
 6 **OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**  
 7 **EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.**

8           **(B) THE FINES ASSESSED UNDER § 13.5–311 OF THIS TITLE MAY NOT**  
 9 **EXCEED \$5,000 PER VIOLATION, OR A MAXIMUM AGGREGATE OF \$10,000 FOR A**  
 10 **2–YEAR LICENSE TERM, AND SHALL BE PAID TO THE SECRETARY WITHIN 10**  
 11 **DAYS AFTER FINAL ADJUDICATION OF ANY HEARING OR ON THE WAIVER OF ANY**  
 12 **HEARING.**

13   **SUBTITLE 6. SHORT TITLE.**

14   **13.5–601.**

15           **THIS TITLE MAY BE CITED AS THE MARYLAND PRIVATE PROCESS**  
 16 **SERVERS ACT.**

17           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
 18 **October 1, 2014.**