

SENATE BILL 206

C2

6lr2325
CF HB 140

By: **The President (By Request – Department of Legislative Services)**

Introduced and read first time: January 20, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 10, 2016

CHAPTER _____

1 AN ACT concerning

2 **Security Systems Technicians and Agencies – Fees and Repeal of Sunset**
3 **~~Extension~~ Provision and Program Evaluation**

4 FOR the purpose of altering the amount of the application fee for a license to engage in the
5 business of providing security systems services; requiring a certain applicant to pay
6 certain fees relating to a criminal history records check; altering the amount of a
7 certain processing fee for a certain applicant for a certain license; ~~altering the~~
8 ~~amount of a certain license renewal fee and a certain processing fee for a certain~~
9 ~~applicant for renewal; altering the amount of a certain registration application fee;~~
10 ~~altering the amount of a certain processing fee for a certain applicant for a certain~~
11 ~~registration; altering the amount of a certain registration renewal fee and a certain~~
12 ~~registration renewal processing fee; continuing making permanent~~ the authority of
13 the Secretary of State Police to license and regulate security systems agencies in the
14 State and register security systems technicians and certain other individuals ~~in~~
15 ~~accordance with the Maryland Program Evaluation Act (Sunset Law) by extending~~
16 ~~to a certain date the termination provisions relating to the statutory and regulation~~
17 ~~authority of the Secretary; requiring that a preliminary evaluation of the program~~
18 ~~to license and regulate security systems technicians and agencies and the statutes~~
19 ~~and regulations that relate to the program be conducted in a certain year; repealing~~
20 ~~a certain termination provision; repealing a requirement that the Department of~~
21 ~~Legislative Services conduct a certain evaluation; and generally relating to security~~
22 systems technicians and agencies.

23 BY repealing and reenacting, with amendments,
24 Article – Business Occupations and Professions

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section ~~18-303, 18-307, 18-3A-03, 18-3A-07, and 18-701~~
 2 Annotated Code of Maryland
 3 (2010 Replacement Volume and 2015 Supplement)

4 BY repealing
 5 Article – Business Occupations and Professions
 6 Section 18-701
 7 Annotated Code of Maryland
 8 (2010 Replacement Volume and 2015 Supplement)

9 ~~BY repealing and reenacting, without amendments,~~
 10 ~~Article – State Government~~
 11 ~~Section 8-403(a)~~
 12 ~~Annotated Code of Maryland~~
 13 ~~(2014 Replacement Volume and 2015 Supplement)~~

14 ~~BY repealing and reenacting, with amendments,~~
 15 ~~Article – State Government~~
 16 ~~Section 8-403(b)(52)~~
 17 ~~Annotated Code of Maryland~~
 18 ~~(2014 Replacement Volume and 2015 Supplement)~~

19 BY renumbering
 20 Article – State Government
 21 Section 8-403(b)(53) through (57), respectively
 22 to be Section 8-403(b)(52) through (56), respectively
 23 Annotated Code of Maryland
 24 (2014 Replacement Volume and 2015 Supplement)

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

27 **Article – Business Occupations and Professions**

28 18-303.

29 (a) An applicant for a license shall:

30 (1) submit to the Secretary an application on the form that the Secretary
 31 provides;

32 (2) submit the documents required by this section; and

33 (3) pay to the Secretary:

34 (I) an application fee of [\$150 which shall include the cost of the
 35 Maryland and national criminal records check] ~~\$250~~ **\$100**;

1 **(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE**
2 **CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY**
3 **RECORDS; AND**

4 **(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE**
5 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**
6 **RECORDS CHECK.**

7 (b) The application form provided by the Secretary shall contain a statement
8 advising the applicant that willfully making a false statement on an application is a
9 misdemeanor, subject to a fine or imprisonment or both, as provided under § 18-504 of this
10 title.

11 (c) If the applicant is a firm, the representative member shall complete the
12 application form and otherwise be responsible for the firm's compliance with this section.

13 (d) (1) The application shall be accompanied by at least two written
14 recommendations for the applicant.

15 (2) Each recommendation shall be signed, under oath, by a reputable
16 citizen of the State.

17 (e) (1) An applicant for a license shall submit with the application a set of
18 legible fingerprints of the applicant on a form approved by the Criminal Justice Information
19 System Central Repository and the Director of the Federal Bureau of Investigation.

20 (2) If the applicant is a firm, the applicant shall pay the cost of the
21 fingerprint card records check for each firm member.

22 (f) An applicant for a license shall submit with the application a copy of a bond
23 or proof of insurance in accordance with the requirements of § 18-401 of this title.

24 (g) The Secretary may waive the requirements of subsections (a)(2) and (3), (d),
25 and (e) of this section and issue a license to an applicant who:

26 (1) provides adequate evidence that the applicant:

27 (i) is licensed to engage in the business of providing security
28 systems services in another state; and

29 (ii) became licensed in the other state:

30 1. after meeting qualifications that are at least equivalent to
31 those required in this State; and

1 ~~(i) a renewal fee of [\$100] UP TO \$175;~~

2 ~~(ii) the fee authorized under § 10-221(b)(7) of the Criminal~~
3 ~~Procedure Article for access to Maryland criminal history records;~~

4 ~~(iii) the mandatory processing fee required by the Federal Bureau of~~
5 ~~Investigation for a national criminal history records check; and~~

6 ~~(iv) any late fee required under this subtitle; and~~

7 ~~(3) submits to the Secretary:~~

8 ~~(i) a renewal application on the form the Secretary provides;~~

9 ~~(ii) two complete sets of the applicant's legible fingerprints taken on~~
10 ~~forms approved by the Director of the Central Repository and the Director of the Federal~~
11 ~~Bureau of Investigation; and~~

12 ~~(iii) satisfactory evidence of compliance with any other requirements~~
13 ~~under this section for renewal of registration.~~

14 ~~(c) In accordance with §§ 10-201 through 10-235 of the Criminal Procedure~~
15 ~~Article, the Central Repository shall forward to the applicant and the Department of State~~
16 ~~Police a printed statement of the applicant's criminal history records information.~~

17 ~~(f) The Secretary may waive the national criminal history records check required~~
18 ~~under subsection (d) of this section for an applicant who was issued a license under §~~
19 ~~18-303(g) of this subtitle if the applicant pays to the Secretary a processing fee of [\$100]~~
20 ~~UP TO \$175.~~

21 ~~(g) If the renewal application was submitted as required in subsection (d) of this~~
22 ~~section and the national criminal history records check required under this section is not~~
23 ~~completed before the licensee's license expires, the Secretary shall allow the licensee to~~
24 ~~operate in a temporary license status if the licensee otherwise meets the requirements of~~
25 ~~this section.~~

26 ~~(h) A licensee may operate in a temporary license status at the time of renewal~~
27 ~~only if the renewal application and all required documents and fees were submitted by the~~
28 ~~expiration date of the license.~~

29 ~~(i) The temporary license status shall expire at the earlier of:~~

30 ~~(1) the completion of the national criminal history records check of the~~
31 ~~applicant; or~~

32 ~~(2) the renewal or denial of the license.~~

~~(j) The Secretary shall renew the license of each applicant who meets the requirements of this section.~~

~~18-3A-03.~~

~~(a) An applicant for registration shall:~~

~~(1) submit to the Secretary an application on the form that the Secretary provides;~~

~~(2) submit the documents required by this section; and~~

~~(3) pay to the Secretary:~~

~~(i) an application fee that is the higher of ~~[\$15]~~ **\$25** or an amount the Secretary determines based on actual processing costs; and~~

~~(ii) the cost of any background checks.~~

~~(b) The application form provided by the Secretary shall contain a statement advising the applicant that willfully making a false statement on an application is a misdemeanor, subject to a fine or imprisonment or both, as provided under § 18-504 of this title.~~

~~(c) An applicant for registration shall submit with the application a set of legible fingerprints of the applicant on forms approved by the Criminal Justice Information System Central Repository and the Director of the Federal Bureau of Investigation.~~

~~(d) The Secretary may waive the requirements of this section and register an applicant who:~~

~~(1) provides adequate evidence that the applicant:~~

~~(i) is licensed in another state to engage in the business of providing security systems services or registered in another state as a security systems technician or other individual who has access to circumventational information; and~~

~~(ii) became licensed or registered in the other state:~~

~~1. after meeting qualifications that are at least equivalent to those required in this State; and~~

~~2. after submitting to a State and national criminal records check; and~~

~~(2) pays to the Secretary a processing fee that is the higher of ~~[\$15]~~ **\$25** or an amount the Secretary determines based on actual processing costs.~~

1 ~~(c) A minor in an apprenticeship program approved by the Department of Labor,~~
2 ~~Licensing, and Regulation or a cooperative education program established under §~~
3 ~~18-3A-02 of this subtitle is not required to meet the criminal background check and~~
4 ~~fingerprint requirements of this section.~~

5 ~~18-3A-07.~~

6 ~~(a) By regulation, the Secretary shall stagger the terms of the registrations under~~
7 ~~this subtitle.~~

8 ~~(b) Unless a registration is renewed for a 3-year term as provided in this section,~~
9 ~~the registration expires on the date the Secretary sets.~~

10 ~~(c) At least 90 days before a registration expires, the applicant shall deliver to the~~
11 ~~Secretary:~~

12 ~~(1) a renewal application form;~~

13 ~~(2) the amount of the renewal fee; and~~

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

15 ~~(d) An individual periodically may renew a registration for an additional 3-year~~
16 ~~term if the individual:~~

17 ~~(1) otherwise is entitled to be registered;~~

18 ~~(2) pays to the Secretary:~~

19 ~~(i) a renewal fee that is the higher of [\$15] \$25 or an amount which~~
20 ~~the Secretary determines based on the actual processing costs;~~

21 ~~(ii) the fee authorized under § 10-221(b)(7) of the Criminal~~
22 ~~Procedure Article for access to Maryland criminal history records;~~

23 ~~(iii) the mandatory processing fee required by the Federal Bureau of~~
24 ~~Investigation for a national criminal history records check; and~~

25 ~~(iv) any late fee required under this subtitle; and~~

26 ~~(3) submits to the Secretary:~~

27 ~~(i) a renewal application on the form the Secretary provides;~~

~~(ii) two complete sets of the applicant's legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation; and~~

~~(iii) satisfactory evidence of compliance with any other requirements under this section for renewal of registration.~~

~~(e) In accordance with §§ 10-201 through 10-235 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Department of State Police a printed statement of the applicant's criminal history records information.~~

~~(f) (1) Subject to paragraph (2) of this subsection, if a complete application for renewal of registration as required under this subtitle is not received by the Secretary at least 30 calendar days before the certification expires, the Secretary shall assess a late fee of \$5 per day until the application is received by the Secretary.~~

~~(2) The total amount of late fees assessed under this subsection may not exceed \$150.~~

~~(3) The Secretary may not register any applicant under this title if the applicant has outstanding late fee obligations.~~

~~(g) The Secretary may waive the national criminal history records check required under subsection (d) of this section for an applicant who was registered under § 18-3A-03 of this subtitle if the applicant pays to the Secretary a processing fee of ~~[\$15]~~ \$25.~~

~~(h) If the renewal application was submitted as required under this section and the national criminal history records check required under this section is not completed before a registration expires, the Secretary shall allow the applicant to operate in a temporary registration status if the applicant otherwise meets the requirements of this section.~~

~~(i) The temporary registration status shall expire at the earlier of:~~

~~(1) the completion of the national criminal history records check of the applicant; or~~

~~(2) the renewal or denial of the registration.~~

~~(j) (1) The Secretary shall renew the registration of each individual who meets the requirements of this section.~~

~~(2) Within 5 days after the Secretary refuses to renew the registration of an individual under this title, the Secretary shall send written notice of the refusal to the individual who submitted the renewal application.~~

1 ~~Subject to the evaluation and reestablishment provisions of the Maryland Program~~
 2 ~~Evaluation Act, this title and all regulations adopted under this title shall terminate and~~
 3 ~~be of no further force and effect after July 1, [2016] 2021.~~

4 Article – State Government

5 8–403.

6 ~~(a) On or before December 15 of the evaluation year specified, the Department~~
 7 ~~shall:~~

8 ~~(1) conduct a preliminary evaluation of each governmental activity or unit~~
 9 ~~to be evaluated under this section; and~~

10 ~~(2) prepare a report on each preliminary evaluation conducted.~~

11 (b) Each of the following governmental activities or units and the statutes and
 12 regulations that relate to the governmental activities or units are subject to preliminary
 13 evaluation in the evaluation year specified:

14 ~~(52) security systems technicians, licensing and regulation of (§ 18-201 of~~
 15 ~~the Business Occupations and Professions Article: [2013] 2018);~~

16 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 8–403(b)(53)
 17 through (57), respectively, of Article – State Government of the Annotated Code of
 18 Maryland be renumbered to be Section(s) 8–403(b)(52) through (56), respectively.

19 SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 20 July 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.