

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 208

(Chair, Ways and Means Committee)(By Request -
Departmental - State Library)

Ways and Means

Education, Energy, and the Environment

County Public Libraries - Minors, Children, and Teens - Prohibited Practices

This departmental bill prohibits a public library from charging an overdue fine or a “reserve fee” (*i.e.*, any amount charged by a public library to an individual for failure to collect materials that have been placed on hold or reserved) to minors (or for library materials that are intended for children or teens). With regard to previously borrowed materials that were borrowed by a minor (or intended for children or teens), a public library may not prohibit an individual from borrowing library materials because the individual failed to return previously borrowed materials until 21 days or more after the date the materials were due. A public library may not charge a replacement fee to a minor (or for library materials intended for children or teens) until 21 days after the date on which the library materials were due. If overdue library materials borrowed by a minor (or intended for children or teens) are returned in a nondamaged condition after a replacement fee has been charged, the public library must cancel the replacement fee. If the materials are returned in a nondamaged condition within six months after a replacement fee has been paid, the public library must refund the replacement fee. The bill does not apply to special collections, as defined by the bill.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: Minimal decrease in local library fine revenues in three counties in Western Maryland. Other local library systems are not materially affected.

Small Business Effect: The Maryland State Library Agency has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law/Bill Summary: Chapter 27 of 2021 prohibits a public library from charging a fee for a minor's overdue library materials until 21 days after the date on which the library materials were due. If a minor's overdue library materials are returned after a public library has charged a fee, the public library must cancel the fee. Chapter 27 prohibits a public library from attempting to collect any outstanding fees for overdue library materials that are incurred by a minor after June 30, 2021. The bill provides other clarifying definitions for "overdue fine," "replacement fee," and "special collections." Each board of library trustees must adopt regulations to carry out relevant provisions of current law and of the bill.

Local Fiscal Effect: The Maryland State Library Agency advises that only three public library systems (Allegany, Garrett, and Washington) are affected by the bill. In total, fine revenues for the library systems in those counties decrease by an estimated \$18,500 on an annual basis once the bill takes effect. The bill does not otherwise materially affect other local library systems.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1246 of 2023.

Designated Cross File: SB 250 (Chair, Education, Energy, and the Environment Committee)(By Request - Departmental - State Library) - Education, Energy, and the Environment.

Information Source(s): Anne Arundel, Baltimore, Charles, Dorchester, Garrett, and Howard counties; Maryland State Library Agency; Department of Legislative Services

Fiscal Note History: First Reader - January 16, 2024
rh/clb Third Reader - March 28, 2024
Revised - Amendment(s) - March 28, 2024

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: County Public Libraries – Overdue Library Materials – Minors

BILL NUMBER: HB0208

PREPARED BY: Irene Padilla, State Librarian

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESSES

OR

 WILL HAVE A MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS