

(PRE-FILED)

HB 1285/95 - ECM

~~By: Delegate McClenahan~~ Delegates McClenahan and Donoghue

Requested: July 3, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 20, 1996

CHAPTER ____

1 AN ACT concerning

2 Private Detective and Security Guard Certification and Agency Licensing

3 FOR the purpose of requiring the licensure as a security guard agency of any person who
4 provides certain security guard services; providing for certain exceptions; providing
5 for the terms and renewals of the licenses, qualifications for and duties of licensees,
6 display of licenses, and revocation or denial of a license in certain circumstances;
7 providing certain administrative, financial, and insurance responsibilities on a
8 licensed security guard agency; providing for the qualifications for and duties of
9 certified security guards; providing for the denial or revocation of security guard
10 certification; specifying certain prohibited acts and penalties; establishing certain
11 powers of and imposing certain duties on the Secretary of the State Police
12 concerning the licensing of security guard agencies; altering the license and renewal
13 fees for private detective agency licenses; narrowing the scope of private detective
14 agency licenses to exclude the provision of security guard services; providing that
15 certain persons primarily engaged in a certain business are not security guard
16 agencies; clarifying that a security guard is an individual that provides certain
17 services on behalf of a security guard agency; providing that certain private
18 detective agencies are not required to obtain security guard agency licenses until a
19 certain time; requiring the Secretary to grant security guard agency licenses to
20 certain licensed private detective agencies at a certain time and under certain
21 circumstances; clarifying that certain individuals certified as a security guard are not
22 required to reapply for certification under this Act; imposing certain penalties for
23 certain violations; providing for the application of this Act; defining certain terms;
24 making certain stylistic and technical changes; and generally relating to the licensing
25 of private detective agencies and security guard agencies and the certification of
26 private detectives and security guards.

27 BY repealing

2

1 Article - Business Occupations and Professions
2 Section 13-101(k) and (l); 13-501 through 13-511, inclusive, and the subtitle
3 "Subtitle 5. Security Guard Services"; 13-701(c) and 13-702(c)
4 Annotated Code of Maryland
5 (1995 Replacement Volume and 1995 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article - Business Occupations and Professions
8 Section 13-101(a)
9 Annotated Code of Maryland
10 (1995 Replacement Volume and 1995 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article - Business Occupations and Professions
13 Section 13-101(b) and (m), 13-201, 13-202, 13-304(b) and (h), 13-307, 13-308(c),
14 13-313(a), 13-604(a) and (b), 13-606(a), (b), and (c), 13-608, 13-702(a),
15 13-703, and 13-706
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1995 Supplement)

18 BY adding to
19 Article - Business Occupations and Professions
20 Section 19-101 through 19-701 to be under the new title "Title 19. Security Guard
21 Agencies and Security Guard Certification"
22 Annotated Code of Maryland
23 (1995 Replacement Volume and 1995 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That Section(s) 13-501 through 13-511, inclusive, and the subtitle
26 "Subtitle 5. Security Guard Services" of Article - Business Occupations and Professions
27 of the Annotated Code of Maryland be repealed.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
29 read as follows:

30 **Article - Business Occupations and Professions**

31 13-101.

32 (a) In this title the following words have the meanings indicated.

33 (b) "Certification card" means a card issued by the Secretary[:

34 (1) under § 13-406 of this title to an individual certified as a private
35 detective]; or

36 (2) under § 13-505 of this title to an individual certified as a security
37 guard].

3

1 [(k) "Security guard" means an individual who provides security guard services,
2 regardless of whether the individual is described as a security guard, watchman, or private
3 patrolman or by other title.

4 (l) "Security guard services" includes any activity that is performed for
5 compensation as a security guard to protect any individual or property, except the
6 activities of an individual while performing as:

7 (1) a marine guard or ship watchman, regardless of whether the guard or
8 watchman is stationed aboard a ship or on a pier; or

9 (2) a special police officer, as exempted from the provisions of this title
10 under § 13-102 of this subtitle.

11 (m) (K) "Secretary" means the Secretary of the State Police.

12 13-201.

13 Subject to the provisions of this title, the Secretary is responsible for the licensing of
14 private detective agencies and the regulation of those persons who provide private
15 detective [or security guard services] in the State.

16 13-202.

17 (a) In addition to any powers set forth elsewhere, the Secretary may:

18 (1) adopt regulations to carry out this title;

19 (2) use any member of the Department of State Police, as necessary, to
20 carry out and enforce this title; and

21 (3) make inquiries and conduct an investigation regarding any applicant:

22 (i) for a license; or

23 (ii) for employment with a licensee as a private detective [or security
24 guard].

25 (b) In addition to any duties set forth elsewhere, the Secretary shall:

26 (1) adopt regulations that set standards for the certification of employees of
27 private detective agencies as:

28 (i) private detectives; and

29 [(ii) security guards; and]

30 (2) keep a [separate] roster of the individuals certified as private detectives
31 [and security guards] under this title, including on [each] THE roster:

32 (i) the names of individuals certified;

33 (ii) the name of the licensed private detective agency with or by which
34 each individual is associated or employed; and

35 (iii) any other information that the Secretary considers appropriate.

4

1 13-304.

2 (b) (1) An applicant for a license shall pay to the Secretary an application fee
3 of:

4 (i) [~~\$400~~] \$200, if the applicant is an individual; or

5 (ii) [~~\$750~~] \$375, if the applicant is a firm.

6 (2) (i) As part of the application for a license, the applicant shall submit
7 to the Secretary:

8 1. a complete set of the applicant's legible fingerprints taken on
9 standard fingerprint cards; and

10 2. payment for the cost of the fingerprint card record checks.

11 (ii) If the applicant is a firm, the applicant shall pay the cost of the
12 fingerprint card record checks for each firm member.

13 (h) An applicant for a license who intends to employ at least 5 individuals as
14 private detectives [or as security guards] shall submit with the application proof of
15 liability insurance, as required under 13-604 of this title.

16 13-307.

17 While a license is in effect, it authorizes the licensee to:

18 (1) conduct a business that provides private detective services for
19 compensation;

20 (2) maintain an office for the conduct of the business at each location stated
21 in the agency license certificate;

22 (3) employ individuals as private detectives to provide private detective
23 services to the public on behalf of the licensee; AND

24 (4) [engage in the business of providing security guards for hire, as provided
25 under Subtitle 5 of this title; and

26 (5)] represent the licensee to the public as a private detective agency.

27 13-308.

28 (c) A licensee periodically may renew the license for an additional 1-year term, if
29 the licensee:

30 (1) otherwise is entitled to be licensed;

31 (2) pays to the Secretary:

32 (i) a renewal fee of:

33 1. [~~\$200~~] \$100, if the licensee is an individual; or

34 2. [~~\$400~~] \$200, if the licensee is a firm; and

5

1 (ii) any late fee required under § 13-309 of this subtitle; and

2 (3) submits to the Secretary:

3 (i) a renewal application on the form that the Secretary provides; and

4 (ii) the annual statements required under § 13-309 of this subtitle.

5 13-313.

6 (a) Subject to the hearing provisions of § 13-315 of this subtitle, the Secretary
7 may deny a license to any applicant, reprimand any licensee, or suspend or revoke a
8 license if the applicant or licensee:

9 (1) fraudulently or deceptively obtains or attempts to obtain a license for
10 the applicant or licensee or for another;

11 (2) fraudulently or deceptively uses a license;

12 (3) aids an individual to obtain or to attempt to obtain fraudulently or
13 deceptively certification under this title as a private detective [or as a security guard];

14 (4) while not licensed, willfully engages in a business providing private
15 detective services in the State;

16 (5) while not licensed, willfully advertises:

17 (i) as a private detective agency; OR

18 (ii) the provision of private detective services; [or

19 (iii) the provision of security guards for hire;]

20 (6) willfully makes a false statement or misrepresentation that an individual
21 is or was in the employ of the applicant or licensee;

22 (7) willfully makes a false statement or misrepresentation in any renewal
23 application, in any annual statement, or in any other report or document that the
24 Secretary requires to be submitted;

25 (8) fails to notify the Secretary about any change among the firm members
26 or in the address of the principal office or any branch office of a licensee;

27 (9) fails to maintain a bond as required by § 13-603 of this title;

28 (10) fails to maintain the liability insurance required under § 13-604 of this
29 title; or

30 (11) violates any other provision of this title.

31 13-604.

32 (a) A private detective agency that employs 5 or more individuals as private
33 detectives [or security guards] shall:

34 (1) maintain general liability insurance in an amount not less than \$100,000;

35 and

6

1 (2) submit proof of the required insurance to the Secretary.

2 (b) (1) If an applicant for a license intends to employ 5 or more individuals as
3 private detectives [or security guards], the applicant shall submit proof of the liability
4 insurance required under subsection (a) of this section to the Secretary with the license
5 application.

6 (2) The Secretary may not issue a license to an applicant to whom the
7 insurance requirements of this section would apply unless the applicant submits proof of
8 the insurance.

9 13-606.

10 (a) A private detective agency may not divulge information obtained while
11 [conducting a case] PROVIDING SERVICES unless:

12 (1) directed by the client for whom the [case is conducted] SERVICES ARE
13 PROVIDED;

14 (2) authorized by subsection (b) of this section; or

15 (3) required by law.

16 (b) If, while [conducting a case] PROVIDING SERVICES, a private detective
17 agency obtains any information about a criminal offense, the private detective agency may
18 divulge the information to:

19 (1) a law enforcement officer;

20 (2) the Attorney General or a representative of the Attorney General; or

21 (3) a State's Attorney or a representative of a State's Attorney.

22 (c) Except as provided in subsection (d) of this section, an individual who is
23 employed by a private detective agency may not divulge to anyone other than to
24 authorized staff of the agency any information that:

25 (1) was acquired by the employee or other agency staff while [conducting a
26 case] PROVIDING SERVICES for the agency; and

27 (2) relates to the [case] ASSIGNMENT FOR WHICH SERVICES ARE
28 PROVIDED.

29 13-608.

30 If a certified private detective [or certified security guard] loses a certification
31 card, the private detective [or security guard] immediately shall give the Secretary notice
32 of the loss and the circumstances regarding the loss.

33 13-701.

34 [(c) A person may not engage in, attempt to engage in, or offer to engage in the
35 business of providing security guards for hire in the State unless licensed as a private
36 detective agency by the Secretary.]

7

1 13-702.

2 (a) Unless authorized under this title to engage in business for the purpose of
3 providing private detective services, a person may not represent to the public, by use of a
4 title, including "licensed private detective agency", "private detective agency", "private
5 detectives", or "private investigators", by description of services, methods, or procedures,
6 or otherwise, that the person is authorized to engage in the business of providing private
7 detective services [or security guards for hire] in the State.

8 [(c) Unless an individual is certified as a security guard under this title, the
9 individual may not represent to the public, by use of a title, including "certified security
10 guard", or by use of a badge or identification card, that the individual is certified as a
11 security guard under this title.]

12 13-703.

13 (a) Except as authorized under this title, a private detective agency may not
14 provide any person with a badge or a certification card or other document indicating that
15 any individual is a private detective [or a security guard].

16 (b) [(1)] A certified private detective may not lend the private detective's
17 certification card or badge to another person or allow another person to use or display the
18 card or badge.

19 [(2) A certified security guard may not lend the security guard's certification
20 card or badge to another person or allow another person to use or display the card or
21 badge.]

22 (c) Regardless of any association that an individual may have with a private
23 detective agency, unless authorized under this title, the individual may not wear or carry
24 a badge that:

25 (1) represents that the individual is a private detective [or security guard];
26 or

27 (2) otherwise represents that the individual is associated with a private
28 detective agency.

29 13-706.

30 An individual whom a licensee employs as a private detective [or as a security
31 guard] may not willfully make a false statement or report to the licensee about any case
32 conducted or services provided by the licensee.

33 TITLE 19. SECURITY GUARD AGENCIES AND SECURITY GUARD CERTIFICATION.

34 SUBTITLE 1. DEFINITIONS.

35 19-101.

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

8

1 (B) "CERTIFICATION CARD" MEANS A CARD ISSUED BY THE SECRETARY
2 UNDER § 19-405 OF THIS TITLE TO AN INDIVIDUAL CERTIFIED AS A SECURITY
3 GUARD.

4 (C) "FIRM" MEANS A PARTNERSHIP OR CORPORATION.

5 (D) "FIRM MEMBER" MEANS A PARTNER OF A PARTNERSHIP OR AN OFFICER
6 OR DIRECTOR OF A CORPORATION.

7 (E) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
8 LICENSE ISSUED BY THE SECRETARY TO CONDUCT A BUSINESS TO PROVIDE
9 SECURITY GUARD SERVICES.

10 (F) "LICENSED SECURITY GUARD AGENCY" MEANS A PERSON WHO IS
11 LICENSED BY THE SECRETARY TO CONDUCT A BUSINESS THAT PROVIDES SECURITY
12 GUARD SERVICES.

13 (G) "REPRESENTATIVE MEMBER" MEANS A FIRM MEMBER WHO IS
14 APPOINTED UNDER § 19-302(B) OF THIS TITLE TO ACT ON BEHALF OF THE FIRM.

15 (H) "SECURITY GUARD" MEANS AN INDIVIDUAL WHO PROVIDES SECURITY
16 GUARD SERVICES TO ANY PERSON ON BEHALF OF A SECURITY GUARD AGENCY,
17 REGARDLESS OF WHETHER THE INDIVIDUAL IS DESCRIBED AS A SECURITY GUARD,
18 WATCHMAN, OR PRIVATE PATROLMAN OR BY OTHER TITLE.

19 (I) (1) "SECURITY GUARD AGENCY" MEANS A PERSON WHO CONDUCTS A
20 BUSINESS THAT PROVIDES SECURITY GUARD SERVICES.

21 (2) "SECURITY GUARD AGENCY" DOES NOT INCLUDE A PERSON THAT IS
22 PRIMARILY ENGAGED IN THE BUSINESS OF OWNING, MAINTAINING, OR OTHERWISE
23 MANAGING PROPERTY.

24 (J) "SECURITY GUARD SERVICES" INCLUDES ANY ACTIVITY THAT IS
25 PERFORMED FOR COMPENSATION AS A SECURITY GUARD TO PROTECT ANY
26 INDIVIDUAL OR PROPERTY, EXCEPT THE ACTIVITIES OF AN INDIVIDUAL WHILE
27 PERFORMING AS:

28 (1) A MARINE GUARD OR SHIP WATCHMAN, REGARDLESS OF WHETHER
29 THE GUARD OR WATCHMAN IS STATIONED ABOARD A SHIP OR ON A PIER; OR

30 (2) A SPECIAL POLICE OFFICER APPOINTED AND WHILE PERFORMING
31 UNDER ARTICLE 41, TITLE 4, SUBTITLE 9 OF THE CODE OR § 16-16 OF THE CODE OF
32 PUBLIC LOCAL LAWS OF BALTIMORE CITY.

33 (K) "SECRETARY", UNLESS THE CONTEXT REQUIRES OTHERWISE, MEANS
34 THE SECRETARY OF THE STATE POLICE.

9

1 SUBTITLE 2. SECRETARY.

2 19-201.

3 SUBJECT TO THE PROVISIONS OF THIS TITLE, THE SECRETARY IS RESPONSIBLE
4 FOR THE LICENSING OF SECURITY GUARD AGENCIES AND THE REGULATION OF
5 THOSE PERSONS WHO PROVIDE SECURITY GUARD SERVICES IN THE STATE.

6 19-202.

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

9 (1) ADOPT REGULATIONS TO CARRY OUT THIS TITLE;

10 (2) USE ANY MEMBER OF THE DEPARTMENT OF STATE POLICE, AS
11 NECESSARY, TO CARRY OUT AND ENFORCE THIS TITLE; AND

12 (3) MAKE INQUIRIES AND CONDUCT AN INVESTIGATION REGARDING
13 ANY APPLICANT:

14 (I) FOR A LICENSE; OR

15 (II) FOR EMPLOYMENT WITH A LICENSEE AS A SECURITY GUARD.

16 (B) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE SECRETARY
17 SHALL:

18 (1) ADOPT REGULATIONS THAT SET STANDARDS FOR THE
19 CERTIFICATION OF EMPLOYEES OF SECURITY GUARD AGENCIES AS SECURITY
20 GUARDS; AND

21 (2) KEEP A ROSTER OF THE INDIVIDUALS CERTIFIED AS SECURITY
22 GUARDS UNDER THIS TITLE, INCLUDING ON THE ROSTER:

23 (I) THE NAMES OF INDIVIDUALS CERTIFIED;

24 (II) THE NAME OF THE LICENSED SECURITY GUARD AGENCY WITH
25 OR BY WHICH EACH INDIVIDUAL IS ASSOCIATED OR EMPLOYED; AND

26 (III) ANY OTHER INFORMATION THAT THE SECRETARY CONSIDERS
27 APPROPRIATE.

28 SUBTITLE 3. SECURITY GUARD AGENCY LICENSES.

29 19-301.

30 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON SHALL BE
31 LICENSED BY THE SECRETARY AS A SECURITY GUARD AGENCY BEFORE THE
32 PERSON MAY CONDUCT A BUSINESS THAT PROVIDES SECURITY GUARD SERVICES IN
33 THE STATE.

34 (B) AN INDIVIDUAL OR A FIRM MAY QUALIFY FOR A LICENSE AS A SECURITY
35 GUARD AGENCY.

10

1 19-302.

2 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL MEET THE
3 REQUIREMENTS OF THIS SECTION.

4 (B) IF THE APPLICANT IS A FIRM, THE FIRM SHALL APPOINT A FIRM MEMBER
5 AS THE REPRESENTATIVE MEMBER TO MAKE THE APPLICATION ON BEHALF OF THE
6 FIRM.

7 (C) (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT SHALL BE OF
8 GOOD CHARACTER AND REPUTATION.

9 (2) IF THE APPLICANT IS A FIRM, EACH FIRM MEMBER SHALL BE OF
10 GOOD CHARACTER AND REPUTATION.

11 (D) THE INDIVIDUAL APPLICANT OR THE REPRESENTATIVE MEMBER SHALL
12 BE AT LEAST 25 YEARS OLD.

13 (E) THE APPLICANT SHALL MEET THE EXPERIENCE REQUIREMENTS OF §
14 19-303 OF THIS SUBTITLE.

15 19-303.

16 (A) IN THIS SECTION, "ORGANIZED POLICE AGENCY" MEANS:

17 (1) A POLICE DEPARTMENT OF THE STATE OR OF A COUNTY OR
18 MUNICIPAL CORPORATION OF THE STATE;

19 (2) A PRIVATE POLICE DEPARTMENT THAT IS ALLOWED TO ENROLL ITS
20 OFFICERS IN APPROVED POLICE TRAINING COMMISSION SCHOOLS AND ACADEMIES;
21 OR

22 (3) A LAW ENFORCEMENT AGENCY OF THE UNITED STATES, OF ANY
23 STATE, OR OF ANY COUNTY OR MUNICIPAL CORPORATION OF ANY STATE.

24 (B) AN INDIVIDUAL APPLICANT OR, IF THE APPLICANT IS A FIRM, THE
25 REPRESENTATIVE MEMBER SHALL HAVE:

26 (1) ~~AT LEAST 5 YEARS OF EXPERIENCE AS A FULL-TIME SECURITY~~
27 ~~GUARD CERTIFIED UNDER SUBTITLE 4 OF THIS TITLE WITH A MINIMUM OF 3 YEARS~~
28 ~~IN A SUPERVISORY OR MANAGERIAL POSITION OR~~ AT LEAST 5 YEARS EXPERIENCE
29 AS A FULL-TIME PRIVATE DETECTIVE CERTIFIED UNDER TITLE 13 OF THIS ARTICLE;

30 (2) AT LEAST:

31 (I) 5 YEARS OF EXPERIENCE AS A FULL-TIME POLICE OFFICER
32 WITH AN ORGANIZED POLICE AGENCY; AND

33 (II) COMPLETED SUCCESSFULLY THE POLICE OFFICER TRAINING
34 COURSE OF THE POLICE TRAINING COMMISSION;

35 (3) AT LEAST 3 YEARS OF EXPERIENCE IN AN INVESTIGATIVE CAPACITY
36 AS A DETECTIVE WHILE SERVING AS A POLICE OFFICER WITH AN ORGANIZED
37 POLICE AGENCY;

11

1 (4) AT LEAST:

2 (I) 3 YEARS OF EXPERIENCE IN AN INVESTIGATIVE CAPACITY IN
3 ANY UNIT OF THE UNITED STATES, OF THE STATE, OR OF A COUNTY OR MUNICIPAL
4 CORPORATION OF THE STATE FOR THE PURPOSE OF LAW ENFORCEMENT; AND

5 (II) COMPLETED SUCCESSFULLY THE POLICE OFFICER TRAINING
6 REQUIRED BY THE POLICE TRAINING COMMISSION; OR

7 (5) AT LEAST:

8 (I) 5 YEARS OF EXPERIENCE AS A FULL-TIME FIRE INVESTIGATOR
9 FOR A FIRE DEPARTMENT OR LAW ENFORCEMENT AGENCY OF THE STATE OR OF A
10 COUNTY OR MUNICIPAL CORPORATION OF THE STATE; AND

11 (II) COMPLETED SUCCESSFULLY THE TRAINING CERTIFIED BY THE
12 POLICE TRAINING COMMISSION OR THE MARYLAND FIRE-RESCUE EDUCATION AND
13 TRAINING COMMISSION.

14 19-304.

15 (A) (1) AN APPLICANT FOR A LICENSE SHALL:

16 (I) SUBMIT TO THE SECRETARY AN APPLICATION ON THE FORM
17 THAT THE SECRETARY PROVIDES;

18 (II) SUBMIT THE DOCUMENTS REQUIRED UNDER THIS SECTION;
19 AND

20 (III) PAY TO THE SECRETARY THE FEES REQUIRED UNDER
21 SUBSECTION (B) OF THIS SECTION.

22 (2) IF THE APPLICANT IS A FIRM, THE REPRESENTATIVE MEMBER
23 SHALL COMPLETE THE APPLICATION FORM AND OTHERWISE BE RESPONSIBLE FOR
24 THE FIRM'S COMPLIANCE WITH THIS SECTION.

25 (B) (1) AN APPLICANT FOR A LICENSE SHALL PAY TO THE SECRETARY AN
26 APPLICATION FEE OF:

27 (I) \$200, IF THE APPLICANT IS AN INDIVIDUAL; OR

28 (II) \$375, IF THE APPLICANT IS A FIRM.

29 (2) (I) AS PART OF THE APPLICATION FOR A LICENSE, THE APPLICANT
30 SHALL SUBMIT TO THE SECRETARY:

31 1. A COMPLETE SET OF THE APPLICANT'S LEGIBLE
32 FINGERPRINTS TAKEN ON STANDARD FINGERPRINT CARDS; AND

33 2. PAYMENT FOR THE COST OF THE FINGERPRINT CARD
34 RECORD CHECKS.

35 (II) IF THE APPLICANT IS A FIRM, THE APPLICANT SHALL PAY THE
36 COST OF THE FINGERPRINT CARD RECORD CHECKS FOR EACH FIRM MEMBER.

12

1 (C) (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICATION FORM
2 PROVIDED BY THE SECRETARY SHALL REQUIRE:

3 (I) THE NAME OF THE APPLICANT;

4 (II) THE AGE OF THE APPLICANT;

5 (III) THE ADDRESS OF THE APPLICANT; AND

6 (IV) THE CURRENT AND PREVIOUS EMPLOYMENT OF THE
7 APPLICANT.

8 (2) IF THE APPLICANT IS A FIRM, THE APPLICATION FORM PROVIDED
9 BY THE SECRETARY SHALL REQUIRE:

10 (I) A LIST OF ALL OF THE FIRM MEMBERS; AND

11 (II) FOR EACH FIRM MEMBER, THE SAME INFORMATION
12 REQUIRED REGARDING AN INDIVIDUAL APPLICANT UNDER PARAGRAPH (1) OF
13 THIS SUBSECTION.

14 (3) FOR ALL APPLICANTS, THE APPLICATION FORM SHALL REQUIRE:

15 (I) THE ADDRESS OF THE APPLICANT'S PROPOSED PRINCIPAL
16 PLACE OF BUSINESS AND OF EACH PROPOSED BRANCH OFFICE;

17 (II) ANY TRADE OR FICTITIOUS NAME THAT THE APPLICANT
18 INTENDS TO USE WHILE CONDUCTING THE BUSINESS OF THE SECURITY GUARD
19 AGENCY;

20 (III) THE SUBMISSION OF A FACSIMILE OF ANY TRADEMARK THAT
21 THE APPLICANT INTENDS TO USE WHILE CONDUCTING THE BUSINESS OF THE
22 SECURITY GUARD AGENCY; AND

23 (IV) AS THE SECRETARY CONSIDERS APPROPRIATE, ANY OTHER
24 INFORMATION TO ASSIST IN THE EVALUATION OF:

25 1. AN INDIVIDUAL APPLICANT; OR

26 2. IF THE APPLICANT IS A FIRM, ANY FIRM MEMBER.

27 (D) THE APPLICATION FORM PROVIDED BY THE SECRETARY SHALL CONTAIN
28 A STATEMENT ADVISING THE APPLICANT THAT WILLFULLY MAKING A FALSE
29 STATEMENT ON AN APPLICATION IS A MISDEMEANOR, SUBJECT TO A FINE OR
30 IMPRISONMENT OR BOTH, AS PROVIDED UNDER §§ 19-605 AND 19-607 OF THIS TITLE.

31 (E) (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICATION FORM
32 SHALL BE SIGNED, UNDER OATH, BY THE INDIVIDUAL.

33 (2) IF THE APPLICANT IS A FIRM, THE APPLICATION FORM SHALL BE
34 SIGNED, UNDER OATH, BY THE REPRESENTATIVE MEMBER, AS THE
35 REPRESENTATIVE MEMBER, AND BY ALL THE OTHER FIRM MEMBERS.

13

1 (F) (I) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICATION
2 SHALL BE ACCOMPANIED BY AT LEAST FIVE WRITTEN RECOMMENDATIONS OF THE
3 INDIVIDUAL.

4 (II) IF THE APPLICANT IS A FIRM, THE APPLICATION SHALL BE
5 ACCOMPANIED BY AT LEAST FIVE WRITTEN RECOMMENDATIONS OF EACH FIRM
6 MEMBER.

7 (2) EACH RECOMMENDATION SHALL BE SIGNED, UNDER OATH, BY A
8 REPUTABLE CITIZEN WHO OWNS PROPERTY IN THE COUNTY WHERE THE
9 INDIVIDUAL APPLICANT OR FIRM MEMBER RESIDES OR WHERE THE BUSINESS OF
10 THE SECURITY GUARD AGENCY IS TO BE CONDUCTED.

11 (G) AN APPLICANT FOR A LICENSE SHALL SUBMIT WITH THE APPLICATION
12 FORM A BOND IN ACCORDANCE WITH THE REQUIREMENTS OF § 19-503 OF THIS
13 TITLE.

14 (H) AN APPLICANT FOR A LICENSE WHO INTENDS TO EMPLOY AT LEAST FIVE
15 INDIVIDUALS AS SECURITY GUARDS SHALL SUBMIT WITH THE APPLICATION PROOF
16 OF LIABILITY INSURANCE, AS REQUIRED UNDER § 19-504 OF THIS TITLE.

17 (I) IN ADDITION TO MEETING THE OTHER REQUIREMENTS OF THIS SECTION,
18 A NONRESIDENT APPLICANT SHALL SUBMIT A CONSENT AND ANY RELATED
19 DOCUMENT, AS REQUIRED BY § 19-505 OF THIS TITLE.

20 19-305.

21 THE SECRETARY MAY NOT ISSUE A LICENSE TO AN APPLICANT WHOSE TRADE
22 OR FICTITIOUS NAME OR TRADEMARK IS SO SIMILAR TO THAT USED BY ANOTHER
23 LICENSEE THAT THE PUBLIC MAY BE CONFUSED OR MISLED BY THE SIMILARITY.

24 19-306.

25 (A) (1) THE SECRETARY SHALL ISSUE A LICENSE TO EACH APPLICANT WHO
26 MEETS THE REQUIREMENTS OF THIS SUBTITLE.

27 (2) THE SECRETARY SHALL ISSUE AN AGENCY LICENSE CERTIFICATE
28 TO EACH LICENSED SECURITY GUARD AGENCY AND A BRANCH OFFICE
29 CERTIFICATE FOR EACH PROPOSED BRANCH OFFICE.

30 (B) (1) THE SECRETARY SHALL INCLUDE ON EACH AGENCY LICENSE
31 CERTIFICATE THAT THE SECRETARY ISSUES:

32 (I) THE FULL NAME OF THE LICENSEE;

33 (II) THE LOCATION OF THE PRINCIPAL OFFICE AND OF EACH
34 BRANCH OFFICE OF THE LICENSED SECURITY GUARD AGENCY;

35 (III) THE DATE OF ISSUANCE OF THE LICENSE;

36 (IV) THE DATE ON WHICH THE LICENSE EXPIRES; AND

37 (V) THE NAME AND ADDRESS OF THE REPRESENTATIVE MEMBER,
38 IF THE LICENSEE IS A FIRM.

14

1 (2) THE SECRETARY SHALL INCLUDE ON EACH BRANCH OFFICE
2 CERTIFICATE:

3 (I) THE FULL NAME OF THE LICENSEE;

4 (II) THE LOCATION OF THE PRINCIPAL OFFICE OF THE LICENSEE
5 AND OF THE AGENCY BRANCH OFFICE FOR WHICH THE CERTIFICATE IS ISSUED;

6 (III) THE DATE OF ISSUANCE OF THE BRANCH OFFICE
7 CERTIFICATE;

8 (IV) THE DATE ON WHICH THE LICENSE OF THE LICENSEE EXPIRES;
9 AND

10 (V) THE NAME AND ADDRESS OF THE REPRESENTATIVE MEMBER,
11 IF THE LICENSEE IS A FIRM.

12 19-307.

13 WHILE A LICENSE IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO:

14 (1) CONDUCT A BUSINESS THAT PROVIDES SECURITY GUARD SERVICES
15 FOR COMPENSATION OR FOR HIRE;

16 (2) MAINTAIN AN OFFICE FOR THE CONDUCT OF BUSINESS AT EACH
17 LOCATION STATED IN THE SECURITY GUARD AGENCY LICENSE CERTIFICATE;

18 (3) EMPLOY INDIVIDUALS AS SECURITY GUARDS TO PROVIDES
19 SECURITY GUARD SERVICES TO THE PUBLIC ON BEHALF OF THE LICENSEE; AND

20 (4) REPRESENT THE LICENSEE TO THE PUBLIC AS A LICENSED
21 SECURITY GUARD AGENCY.

22 19-308.

23 (A) UNLESS A LICENSE IS RENEWED FOR A 1-YEAR TERM AS PROVIDED IN
24 THIS SECTION, THE LICENSE EXPIRES ON THE FIRST APRIL 30 AFTER THE EFFECTIVE
25 DATE OF THE LICENSE.

26 (B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE SECRETARY SHALL
27 MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE:

28 (1) A RENEWAL APPLICATION FORM; AND

29 (2) A NOTICE THAT STATES:

30 (I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

31 (II) THAT THE SECRETARY MUST RECEIVE THE RENEWAL
32 APPLICATION AND THE ANNUAL STATEMENTS REQUIRED UNDER § 19-309 OF THIS
33 SUBTITLE, ON OR BEFORE APRIL 15, FOR THE RENEWAL TO BE ISSUED AND MAILED
34 BEFORE THE LICENSE EXPIRES;

35 (III) THE AMOUNT OF THE RENEWAL FEE;

15

1 (IV) THAT, IF THE ANNUAL STATEMENTS ARE NOT RECEIVED ON
2 OR BEFORE APRIL 15, A FEE OF \$10 PER DAY SHALL BE CHARGED AGAINST THE
3 LICENSEE UNTIL THE STATEMENTS ARE RECEIVED; AND

4 (V) THAT THE SUBMISSION OF A FALSE STATEMENT IN THE
5 RENEWAL APPLICATION OR IN THE ANNUAL STATEMENTS IS CAUSE FOR
6 REVOCATION OF THE LICENSE.

7 (C) A LICENSEE PERIODICALLY MAY RENEW THE LICENSE FOR AN
8 ADDITIONAL 1-YEAR TERM, IF THE LICENSEE:

9 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

10 (2) PAYS TO THE SECRETARY:

11 (I) A RENEWAL FEE OF:

12 1. \$100, IF THE LICENSEE IS AN INDIVIDUAL; OR

13 2. \$200, IF THE LICENSEE IS A FIRM; AND

14 (II) ANY LATE FEE REQUIRED UNDER § 19-309 OF THIS SUBTITLE;
15 AND

16 (3) SUBMITS TO THE SECRETARY:

17 (I) A RENEWAL APPLICATION ON THE FORM THAT THE
18 SECRETARY PROVIDES; AND

19 (II) THE ANNUAL STATEMENTS REQUIRED UNDER § 19-309 OF THIS
20 SUBTITLE.

21 (D) THE SECRETARY SHALL RENEW THE LICENSE OF EACH LICENSEE WHO
22 MEETS THE REQUIREMENTS OF THIS SECTION.

23 19-309.

24 (A) AS A CONDITION FOR LICENSE RENEWAL, A LICENSEE SHALL SUBMIT TO
25 THE SECRETARY WITH THE RENEWAL APPLICATION:

26 (1) A CERTIFICATION OR, AS AUTHORIZED BY THE SECRETARY, OTHER
27 DOCUMENTATION THAT THE LICENSED SECURITY GUARD AGENCY HAS PAID, FOR
28 THE PAST CALENDAR YEAR, ALL WITHHOLDING AND SOCIAL SECURITY TAXES;

29 (2) A CERTIFICATION OR, AS AUTHORIZED BY THE SECRETARY, OTHER
30 DOCUMENTATION THAT THE LICENSED SECURITY GUARD AGENCY HAS PAID, FOR
31 THE PAST CALENDAR YEAR, ALL OTHER OBLIGATIONS PAYABLE FOR THE
32 EMPLOYEES OF THE LICENSED SECURITY GUARD AGENCY TO THE STATE OR THE
33 FEDERAL GOVERNMENT;

34 (3) A CERTIFICATE FROM AN INSURANCE CARRIER OR, AS
35 AUTHORIZED BY THE SECRETARY, OTHER DOCUMENTATION SHOWING THAT THE
36 LICENSED SECURITY GUARD AGENCY HAS IN EFFECT WORKERS' COMPENSATION
37 INSURANCE FOR ITS COVERED EMPLOYEES, AS DEFINED IN § 9-101 OF THE LABOR
38 AND EMPLOYMENT ARTICLE; AND

16

1 (4) A RECEIPT FROM THE COMPTROLLER'S OFFICE OR, AS AUTHORIZED
2 BY THE SECRETARY, OTHER DOCUMENTATION SHOWING THAT THE STATE INCOME
3 TAX OF THE LICENSED SECURITY GUARD AGENCY HAS BEEN PAID FOR THE PAST
4 CALENDAR YEAR.

5 (B) IF THE SECRETARY DOES NOT RECEIVE THE DOCUMENTS REQUIRED
6 UNDER SUBSECTION (A) OF THIS SECTION ON OR BEFORE APRIL 15, THE SECRETARY
7 SHALL CHARGE THE LICENSEE A LATE FEE OF \$10 PER DAY UNTIL THE DOCUMENTS
8 ARE RECEIVED.

9 (C) THE SECRETARY MAY INSPECT ANY OF THE BUSINESS RECORDS OF A
10 LICENSEE THAT RELATE TO ANY MATTER THAT IS SUBJECT TO CERTIFICATION OR
11 DOCUMENTATION UNDER THIS SECTION.

12 19-310.

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

14 (B) EACH LICENSEE SHALL KEEP IN AN OFFICE IN THE STATE ALL FILES OR
15 OTHER RECORDS THAT:

16 (1) ARE MADE IN THE STATE; AND

17 (2) RELATE TO AN INVESTIGATION IN THE STATE.

18 19-311.

19 (A) (1) WITHIN 5 DAYS AFTER THE CHANGE, A LICENSEE SHALL SUBMIT TO
20 THE SECRETARY WRITTEN NOTICE OF:

21 (I) THE ADDITION OF A BRANCH OFFICE; AND

22 (II) ANY CHANGE IN THE ADDRESS OF AN EXISTING OFFICE.

23 (2) THE LICENSEE SHALL SUBMIT WITH THE NOTICE:

24 (I) THE AGENCY LICENSE CERTIFICATE; AND

25 (II) IF THE PROPOSED CHANGE AFFECTS AN EXISTING BRANCH
26 OFFICE, THE BRANCH OFFICE CERTIFICATE FOR THAT OFFICE.

27 (3) THE SECRETARY MAY:

28 (I) ENDORSE THE CHANGE ON THE AGENCY LICENSE
29 CERTIFICATE AND, IF APPLICABLE, ON THE BRANCH OFFICE CERTIFICATE OF THE
30 AFFECTED BRANCH OFFICE; OR

31 (II) ISSUE A NEW AGENCY LICENSE CERTIFICATE AND, IF
32 APPLICABLE, A NEW BRANCH OFFICE CERTIFICATE, BOTH OF WHICH SHALL SET
33 FORTH THE SAME DATE AS THE ORIGINAL AGENCY LICENSE CERTIFICATE.

34 (B) WITHIN 5 DAYS AFTER THE OCCURRENCE, A FIRM SHALL SUBMIT TO THE
35 SECRETARY WRITTEN NOTICE OF:

36 (1) THE WITHDRAWAL OF ANY FIRM MEMBER; AND

17

1 (2) THE DEATH OF ANY FIRM MEMBER.

2 19-312.

3 (A) EACH LICENSED SECURITY GUARD AGENCY SHALL DISPLAY AT ALL
4 TIMES:

5 (1) THE AGENCY LICENSE CERTIFICATE IN A CONSPICUOUS PLACE IN
6 THE PRINCIPAL OFFICE OF THE SECURITY GUARD AGENCY; AND

7 (2) EACH BRANCH OFFICE CERTIFICATE IN A CONSPICUOUS PLACE IN
8 THE AGENCY BRANCH OFFICE FOR WHICH THE CERTIFICATE WAS ISSUED.

9 (B) (1) IF AN AGENCY LICENSE CERTIFICATE OR BRANCH OFFICE
10 CERTIFICATE IS LOST OR DESTROYED, THE LICENSEE IMMEDIATELY SHALL NOTIFY
11 THE SECRETARY.

12 (2) ON RECEIPT OF NOTICE OF THE LOSS OR DESTRUCTION OF AN
13 AGENCY LICENSE CERTIFICATE OR BRANCH OFFICE CERTIFICATE, THE SECRETARY
14 MAY ISSUE A DUPLICATE.

15 19-313.

16 (A) SUBJECT TO THE HEARING PROVISIONS OF § 19-315 OF THIS SUBTITLE,
17 THE SECRETARY MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY
18 LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR LICENSEE:

19 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
20 OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

21 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

22 (3) AIDS AN INDIVIDUAL TO OBTAIN OR TO ATTEMPT TO OBTAIN
23 FRAUDULENTLY OR DECEPTIVELY CERTIFICATION UNDER THIS TITLE AS A
24 SECURITY GUARD;

25 (4) WHILE NOT LICENSED, WILLFULLY ENGAGES IN A BUSINESS
26 PROVIDING SECURITY GUARDS SERVICES IN THE STATE;

27 (5) WHILE NOT LICENSED, WILLFULLY ADVERTISES:

28 (I) AS A SECURITY GUARD AGENCY; OR

29 (II) THE PROVISION OF SECURITY GUARD SERVICES;

30 (6) WILLFULLY MAKES A FALSE STATEMENT OR MISREPRESENTATION
31 THAT AN INDIVIDUAL IS OR WAS IN THE EMPLOY OF THE APPLICANT OR LICENSEE;

32 (7) WILLFULLY MAKES A FALSE STATEMENT OR MISREPRESENTATION
33 IN ANY RENEWAL APPLICATION, IN ANY ANNUAL STATEMENT, OR IN ANY OTHER
34 REPORT OR DOCUMENT THAT THE SECRETARY REQUIRES TO BE SUBMITTED;

35 (8) FAILS TO NOTIFY THE SECRETARY ABOUT ANY CHANGE AMONG
36 THE FIRM MEMBERS OR IN THE ADDRESS OF THE PRINCIPAL OFFICE OR ANY
37 BRANCH OFFICE OF A LICENSEE;

18

1 (9) FAILS TO MAINTAIN A BOND AS REQUIRED BY § 19-503 OF THIS
2 TITLE;

3 (10) FAILS TO MAINTAIN THE LIABILITY INSURANCE REQUIRED UNDER §
4 19-504 OF THIS TITLE; OR

5 (11) VIOLATES ANY OTHER PROVISION OF THIS TITLE.

6 (B) FOR PURPOSES OF THIS SECTION, AN ACT OR OMISSION OF ANY
7 PRINCIPAL, AGENT, OR EMPLOYEE OF AN APPLICANT OR LICENSEE MAY BE
8 CONSTRUED TO BE THE ACT OR OMISSION OF THE APPLICANT OR LICENSEE, AS
9 WELL AS OF THE PRINCIPAL, AGENT, OR EMPLOYEE.

10 19-314.

11 (A) SUBJECT TO THIS SECTION, THE SECRETARY SHALL COMMENCE
12 PROCEEDINGS UNDER § 19-313 OF THIS SUBTITLE ON THE SECRETARY'S OWN
13 COMPLAINT OR ON A COMPLAINT MADE TO THE SECRETARY BY ANY PERSON.

14 (B) (1) A COMPLAINT SHALL:

15 (I) BE IN WRITING;

16 (II) BE SIGNED BY THE COMPLAINANT; AND

17 (III) STATE SPECIFICALLY THE FACTS ON WHICH THE COMPLAINT IS
18 BASED.

19 (2) IF A COMPLAINT IS MADE BY ANY PERSON OTHER THAN THE
20 SECRETARY, THE COMPLAINT SHALL BE MADE UNDER OATH BY THE PERSON WHO
21 SUBMITS THE COMPLAINT.

22 (C) (1) ON RECEIPT OF A COMPLAINT THAT ALLEGES FACTS THAT ARE
23 GROUNDS FOR ACTION UNDER § 19-313 OF THIS SUBTITLE, THE SECRETARY SHALL
24 APPOINT AN OFFICER OF THE DEPARTMENT OF STATE POLICE, WITH THE RANK OF
25 LIEUTENANT OR ABOVE, AS THE INVESTIGATING OFFICER FOR THE COMPLAINT.

26 (2) THE INVESTIGATING OFFICER MAY ASSIGN RESPONSIBILITY FOR
27 CONDUCTING THE INVESTIGATION TO OTHER MEMBERS OF THE DEPARTMENT OF
28 STATE POLICE.

29 (D) (1) ON CONCLUSION OF THE INVESTIGATION, THE INVESTIGATING
30 OFFICER SHALL DETERMINE WHETHER THERE IS A REASONABLE BASIS TO BELIEVE
31 THAT THERE ARE GROUNDS FOR DISCIPLINARY ACTION UNDER § 19-313 OF THIS
32 SUBTITLE.

33 (2) IF THE INVESTIGATING OFFICER FINDS A REASONABLE BASIS AS
34 PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY SHALL
35 ACT ON THE COMPLAINT AS PROVIDED UNDER § 19-315 OF THIS SUBTITLE.

36 19-315.

37 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
38 GOVERNMENT ARTICLE, BEFORE THE SECRETARY TAKES ANY FINAL ACTION

19

1 UNDER § 19-313 OF THIS SUBTITLE, THE SECRETARY SHALL GIVE THE PERSON
2 AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING
3 BEFORE THE SECRETARY.

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

6 (C) THE SECRETARY MAY ADMINISTER OATHS IN CONNECTION WITH ANY
7 PROCEEDING UNDER THIS SECTION.

8 (D) THE HEARING NOTICE TO BE GIVEN TO THE PERSON SHALL BE WRITTEN
9 AND SENT AT LEAST 10 DAYS BEFORE THE HEARING.

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

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

14 19-316.

15 (A) WITHIN 5 DAYS AFTER THE SECRETARY SUSPENDS OR REVOKES THE
16 LICENSE OF A PERSON, THE PERSON SHALL SURRENDER TO THE SECRETARY THE
17 AGENCY LICENSE CERTIFICATE AND EACH BRANCH OFFICE CERTIFICATE OF THE
18 PERSON.

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

21 SUBTITLE 4. CERTIFICATION OF SECURITY GUARDS.

22 19-401.

23 (A) EXCEPT AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION, A
24 LICENSED SECURITY GUARD AGENCY MAY PROVIDE AN INDIVIDUAL FOR HIRE AS A
25 SECURITY GUARD ONLY IF THE INDIVIDUAL IS CERTIFIED BY THE SECRETARY AS A
26 SECURITY GUARD.

27 (B) A LICENSED SECURITY GUARD AGENCY MAY PROVIDE AN UNCERTIFIED
28 INDIVIDUAL FOR HIRE AS A SECURITY GUARD IF:

29 (1) THE SECURITY GUARD AGENCY HAS SUBMITTED TO THE
30 SECRETARY THE APPLICATION OF THE INDIVIDUAL FOR CERTIFICATION AS A
31 SECURITY GUARD, FINGERPRINT CARDS, AND RECORDS FEE AS REQUIRED UNDER §
32 19-402(B) OF THIS SUBTITLE; AND

33 (2) THE SECRETARY HAS NOT DISAPPROVED THE APPLICATION; OR

34 (3) THE INDIVIDUAL HAS OBTAINED AND CURRENTLY POSSESSES
35 CERTIFICATION BY THE MARYLAND POLICE AND CORRECTIONS TRAINING
36 COMMISSION AS A POLICE OFFICER.

20

1 19-402.

2 (A) TO QUALIFY FOR CERTIFICATION AS A SECURITY GUARD, AN
3 INDIVIDUAL SHALL:

4 (1) MEET THE STANDARDS SET BY THE SECRETARY;

5 (2) BE AN EMPLOYEE OF OR AN APPLICANT FOR EMPLOYMENT WITH A
6 LICENSED SECURITY GUARD AGENCY;

7 (3) SUBMIT TO THE LICENSED SECURITY GUARD AGENCY, FOR
8 FORWARDING TO THE SECRETARY:

9 (I) A SWORN APPLICATION ON THE FORM THE SECRETARY
10 PROVIDES;

11 (II) TWO SETS OF FINGERPRINT CARDS MARKED WITH THE
12 APPLICANT'S FINGERPRINTS; AND

13 (III) A NONREFUNDABLE APPLICATION FEE OF \$15; AND

14 (4) PAY TO THE LICENSED SECURITY GUARD AGENCY, FOR
15 FORWARDING TO THE SECRETARY, THE COST OF THE FINGERPRINT CARD RECORD
16 CHECKS.

17 (B) ON RECEIPT FROM AN APPLICANT FOR CERTIFICATION AS A SECURITY
18 GUARD, A LICENSED SECURITY GUARD AGENCY SHALL FORWARD TO THE
19 SECRETARY THE APPLICANT'S APPLICATION FORM, FINGERPRINT CARDS, AND
20 RECORDS FEE.

21 19-403.

22 (A) THE SECRETARY SHALL CERTIFY AS A SECURITY GUARD EACH
23 INDIVIDUAL WHOSE APPLICATION HAS BEEN SUBMITTED AS REQUIRED BY THIS
24 SUBTITLE AND WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

25 (B) WITHIN 5 DAYS AFTER THE SECRETARY DENIES THE APPLICATION OF AN
26 INDIVIDUAL FOR CERTIFICATION AS A SECURITY GUARD, THE SECRETARY SHALL
27 SEND WRITTEN NOTICE OF THE DENIAL TO THE LICENSED SECURITY GUARD
28 AGENCY THAT SUBMITTED THE APPLICATION.

29 19-404.

30 WHILE CERTIFICATION OF AN INDIVIDUAL AS A SECURITY GUARD IS IN
31 EFFECT, THE CERTIFICATION AUTHORIZES THE INDIVIDUAL TO REPRESENT TO THE
32 PUBLIC THAT THE INDIVIDUAL IS CERTIFIED BY THE SECRETARY FOR
33 EMPLOYMENT AS A SECURITY GUARD.

34 19-405.

35 (A) THE SECRETARY SHALL ISSUE TO EACH INDIVIDUAL WHO IS CERTIFIED
36 AS A SECURITY GUARD UNDER THIS SUBTITLE A CERTIFICATION CARD THAT
37 IDENTIFIES THE INDIVIDUAL AS A CERTIFIED SECURITY GUARD.

21

1 (B) (1) SUBJECT TO THIS SUBSECTION, THE SECRETARY SHALL DETERMINE
2 THE FORM AND CONTENT OF THE CERTIFICATION CARD.

3 (2) THE CERTIFICATION CARD SHALL BE OF A SIZE AND MADE OF
4 MATERIALS APPROPRIATE FOR ITS INTENDED USE, AS PROVIDED UNDER § 19-406 OF
5 THIS SUBTITLE.

6 (3) THE CERTIFICATION CARD SHALL CONTAIN:

7 (I) A STATEMENT THAT IN SUBSTANCE SPECIFIES THAT THE
8 INDIVIDUAL IS CERTIFIED BY THE SECRETARY AS A SECURITY GUARD; AND

9 (II) ANY INFORMATION THAT THE SECRETARY CONSIDERS
10 APPROPRIATE TO:

11 1. IDENTIFY THE INDIVIDUAL; OR

12 2. SPECIFY THE AUTHORITY OF THE INDIVIDUAL.

13 19-406.

14 (A) AT ANY TIME THAT A CERTIFIED SECURITY GUARD PROVIDES A
15 SECURITY GUARD SERVICE, THE SECURITY GUARD SHALL CARRY THE
16 CERTIFICATION CARD ISSUED UNDER § 19-405 OF THIS SUBTITLE.

17 (B) ON REQUEST OF A LAW ENFORCEMENT OFFICER, A CERTIFIED SECURITY
18 GUARD SHALL SHOW THE SECURITY GUARD'S CERTIFICATION CARD.

19 19-407.

20 WHENEVER A SECURITY GUARD IS IN UNIFORM, THE SECURITY GUARD SHALL
21 WEAR A BADGE THAT IS:

22 (1) OF A DESIGN APPROVED BY THE SECRETARY; AND

23 (2) ISSUED BY THE LICENSED SECURITY GUARD AGENCY THAT
24 EMPLOYS THE SECURITY GUARD.

25 19-408.

26 SUBJECT TO THE HEARING PROVISIONS OF § 19-410 OF THIS SUBTITLE, THE
27 SECRETARY MAY DENY CERTIFICATION AS A SECURITY GUARD TO ANY APPLICANT,
28 REPRIMAND ANY INDIVIDUAL CERTIFIED AS A SECURITY GUARD, OR SUSPEND OR
29 REVOKE THE CERTIFICATION OF AN INDIVIDUAL:

30 (1) FOR ANY APPLICABLE GROUND UNDER § 19-313 OF THIS TITLE;

31 (2) IF THE APPLICANT OR INDIVIDUAL FRAUDULENTLY OR
32 DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN CERTIFICATION AS A SECURITY
33 GUARD FOR THE APPLICANT OR INDIVIDUAL OR FOR ANOTHER; OR

34 (3) IF THE APPLICANT OR INDIVIDUAL FAILS TO MAINTAIN THE
35 STANDARDS SET BY THE SECRETARY FOR CERTIFICATION AS A SECURITY GUARD.

22

1 19-409.

2 (A) SUBJECT TO THIS SECTION, THE SECRETARY SHALL COMMENCE
3 PROCEEDINGS UNDER § 19-408 OF THIS SUBTITLE ON THE SECRETARY'S OWN
4 COMPLAINT OR ON A COMPLAINT MADE TO THE SECRETARY BY ANY PERSON.

5 (B) (1) A COMPLAINT SHALL:

6 (I) BE IN WRITING;

7 (II) BE SIGNED BY THE COMPLAINANT; AND

8 (III) STATE SPECIFICALLY THE FACTS ON WHICH THE COMPLAINT IS
9 BASED.

10 (2) IF A COMPLAINT IS MADE BY ANY PERSON OTHER THAN THE
11 SECRETARY THE COMPLAINT SHALL BE MADE UNDER OATH BY THE PERSON WHO
12 SUBMITS THE COMPLAINT.

13 (C) (1) ON RECEIPT OF A COMPLAINT THAT ALLEGES FACTS THAT ARE
14 GROUNDS FOR ACTION UNDER § 19-408 OF THIS SUBTITLE, THE SECRETARY SHALL
15 APPOINT AN OFFICER OF THE DEPARTMENT OF STATE POLICE, WITH THE RANK OF
16 LIEUTENANT OR ABOVE, AS THE INVESTIGATING OFFICER FOR THE COMPLAINT.

17 (2) THE INVESTIGATING OFFICER MAY ASSIGN RESPONSIBILITY FOR
18 CONDUCTING THE INVESTIGATION TO OTHER MEMBERS OF THE DEPARTMENT OF
19 STATE POLICE.

20 (D) (1) ON CONCLUSION OF THE INVESTIGATION, THE INVESTIGATING
21 OFFICER SHALL DETERMINE WHETHER THERE IS A REASONABLE BASIS TO BELIEVE
22 THAT THERE ARE GROUNDS FOR DISCIPLINARY ACTION UNDER § 19-408 OF THIS
23 SUBTITLE.

24 (2) IF THE INVESTIGATING OFFICER FINDS A REASONABLE BASIS AS
25 PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY SHALL
26 ACT ON THE COMPLAINT AS PROVIDED UNDER § 19-410 OF THIS SUBTITLE.

27 19-410.

28 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
29 GOVERNMENT ARTICLE, BEFORE THE SECRETARY TAKES ANY FINAL ACTION
30 UNDER § 19-408 OF THIS SUBTITLE, THE SECRETARY SHALL GIVE THE INDIVIDUAL
31 AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING
32 BEFORE THE SECRETARY.

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

35 (C) THE SECRETARY MAY ADMINISTER OATHS IN CONNECTION WITH ANY
36 PROCEEDING UNDER THIS SECTION.

37 (D) THE HEARING NOTICE TO BE GIVEN TO THE INDIVIDUAL SHALL BE
38 WRITTEN AND SENT AT LEAST 10 DAYS BEFORE THE HEARING.

23

1 (E) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

2 (F) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS
3 CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE SECRETARY
4 MAY HEAR AND DETERMINE THE MATTER.

5 19-411.

6 WITHIN 5 DAYS AFTER THE SECRETARY SUSPENDS OR REVOKES THE
7 CERTIFICATION OF AN INDIVIDUAL AS SECURITY GUARD, THE INDIVIDUAL SHALL
8 SURRENDER TO THE SECRETARY THE CERTIFICATION CARD OF THE INDIVIDUAL.

9 SUBTITLE 5. MISCELLANEOUS PROVISIONS.

10 19-501.

11 A LICENSED SECURITY GUARD AGENCY IS RESPONSIBLE FOR THE ACTS OF
12 EACH OF ITS EMPLOYEES WHILE THE EMPLOYEE IS CONDUCTING THE BUSINESS OF
13 THE AGENCY.

14 19-502.

15 (A) THE OFFICES OF EACH SECURITY GUARD AGENCY SHALL BE SUPERVISED
16 BY AN INDIVIDUAL WHO:

17 (1) IS A RESIDENT OF THE STATE; AND

18 (2) (I) HOLDS, AS AN INDIVIDUAL, THE LICENSE OF THE SECURITY
19 GUARD AGENCY; OR

20 (II) IS THE REPRESENTATIVE MEMBER OF THE SECURITY GUARD
21 AGENCY APPOINTED UNDER § 19-302(B) OF THIS TITLE.

22 (B) IF A SECURITY GUARD AGENCY IS A FIRM, THE AGENCY SHALL NOTIFY
23 THE SECRETARY ABOUT:

24 (1) THE IDENTITY OF THE INDIVIDUAL SERVING AS THE
25 REPRESENTATIVE MEMBER OF THE AGENCY; AND

26 (2) EACH VACANCY IN THAT POSITION.

27 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
28 SECURITY GUARD AGENCY SHALL APPOINT A REPRESENTATIVE MEMBER WITHIN 90
29 DAYS AFTER A VACANCY OCCURS IN THE POSITION.

30 (2) IF THE VACANCY IS CAUSED BY THE DEATH OF OR AN
31 INCAPACITATING INJURY TO THE REPRESENTATIVE MEMBER, THE SECURITY
32 GUARD AGENCY SHALL APPOINT A REPLACEMENT WITHIN 180 DAYS AFTER THE
33 VACANCY OCCURS.

34 (D) IF A LICENSED SECURITY GUARD AGENCY FAILS TO APPOINT A
35 REPRESENTATIVE MEMBER AS REQUIRED UNDER SUBSECTION (C) OF THIS
36 SECTION, THE LICENSE OF THE SECURITY GUARD AGENCY:

37 (1) IS SUSPENDED AUTOMATICALLY; AND

24

1 (2) SHALL REMAIN SUSPENDED UNTIL THE AGENCY COMPLIES WITH
2 THE REQUIREMENTS.

3 (E) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THIS
4 SECTION.

5 19-503.

6 (A) (1) SUBJECT TO THIS SECTION, AN APPLICANT FOR A LICENSE SHALL
7 EXECUTE A BOND THAT IS CONDITIONED ON THE FAITHFUL AND HONEST CONDUCT
8 OF THE APPLICANT AND RUNS TO THE STATE FOR THE BENEFIT OF ANY PERSON
9 INJURED BY ANY WRONGFUL ACT OF THE APPLICANT THAT IS WILLFUL OR
10 MALICIOUS.

11 (2) THE APPLICANT SHALL SUBMIT THE BOND TO THE SECRETARY
12 WITH THE LICENSE APPLICATION.

13 (B) (1) THE AMOUNT OF THE BOND REQUIRED UNDER SUBSECTION (A) OF
14 THIS SECTION SHALL BE AT LEAST:

15 (I) \$3,000, IF THE APPLICANT IS AN INDIVIDUAL; OR

16 (II) \$5,000, IF THE APPLICANT IS A FIRM.

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

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

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

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

26 19-504.

27 (A) A SECURITY GUARD AGENCY THAT EMPLOYS FIVE OR MORE
28 INDIVIDUALS AS SECURITY GUARDS SHALL:

29 (1) MAINTAIN GENERAL LIABILITY INSURANCE IN AN AMOUNT NOT
30 LESS THAN \$100,000; AND

31 (2) SUBMIT PROOF OF THE REQUIRED INSURANCE TO THE SECRETARY.

32 (B) (1) IF AN APPLICANT FOR A LICENSE INTENDS TO EMPLOY FIVE OR
33 MORE INDIVIDUALS AS SECURITY GUARDS, THE APPLICANT SHALL SUBMIT PROOF
34 OF THE LIABILITY INSURANCE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION
35 TO THE SECRETARY WITH THE LICENSE APPLICATION.

36 (2) THE SECRETARY MAY NOT ISSUE A LICENSE TO AN APPLICANT TO
37 WHOM THE INSURANCE REQUIREMENTS OF THIS SECTION WOULD APPLY UNLESS
38 THE APPLICANT SUBMITS PROOF OF THE INSURANCE.

25

1 (C) IF THE INSURANCE REQUIRED FOR A SECURITY GUARD AGENCY UNDER
2 THIS SECTION IS CANCELED, FORFEITED, OR OTHERWISE TERMINATED, BOTH THE
3 SECURITY GUARD AGENCY AND THE INSURER SHALL NOTIFY THE SECRETARY.

4 19-505.

5 (A) A NONRESIDENT APPLICANT FOR A LICENSE SHALL SUBMIT TO THE
6 SECRETARY OF STATE A CONSENT, AS PROVIDED UNDER THIS SECTION.

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

8 (1) SPECIFY THAT SERVICE OF PROCESS ON THE SECRETARY OF STATE
9 SHALL BIND THE APPLICANT IN ANY ACTION, SUIT, OR PROCEEDING BROUGHT
10 AGAINST THE APPLICANT;

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

13 (I) THE CAUSE OF ACTION AROSE; OR

14 (II) THE PLAINTIFF RESIDES; AND

15 (3) BE SIGNED BY THE REPRESENTATIVE MEMBER OF THE APPLICANT.

16 (C) IN ADDITION TO SUBMITTING A CONSENT, A NONRESIDENT APPLICANT
17 SHALL SUBMIT TO THE SECRETARY OF STATE A CERTIFIED COPY OF A RESOLUTION
18 ADOPTED BY THE FIRM THAT CONFIRMS THAT THE FIRM MEMBERS, BOARD OF
19 DIRECTORS, OR OTHER MANAGING BOARD OF THE FIRM AUTHORIZED THE
20 REPRESENTATIVE MEMBER TO EXECUTE AND SUBMIT THE CONSENT ON BEHALF OF
21 THE FIRM.

22 (D) AN APPLICANT WHO IS REQUIRED UNDER THIS SECTION TO SUBMIT A
23 CONSENT OR A CONSENT AND AUTHORIZATION TO THE SECRETARY OF STATE
24 SHALL SUBMIT COPIES OF THE SIGNED DOCUMENTS TO THE SECRETARY.

25 (E) THE SECRETARY MAY NOT ISSUE A LICENSE TO A NONRESIDENT
26 APPLICANT, UNLESS THE NONRESIDENT APPLICANT COMPLIES WITH THE
27 REQUIREMENTS OF SUBSECTIONS (A) THROUGH (D) OF THIS SECTION.

28 (F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, SERVICE OF
29 PROCESS ON THE SECRETARY OF STATE BINDS A PERSON WHO HAS SUBMITTED A
30 CONSENT TO THE SECRETARY OF STATE, AS REQUIRED UNDER THIS SECTION.

31 (2) IF SERVICE OF PROCESS IS MADE ON THE SECRETARY OF STATE AS
32 AUTHORIZED UNDER THIS SECTION, THE PERSON INITIATING THE ACTION, SUIT, OR
33 PROCEEDING IMMEDIATELY SHALL SEND A COPY, BY CERTIFIED MAIL, RETURN
34 RECEIPT REQUESTED, TO THE PRINCIPAL OFFICE IN THE STATE OF THE PERSON
35 AGAINST WHOM THE ACTION, SUIT, OR PROCEEDING IS DIRECTED.

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

39 (I) THE CAUSE OF ACTION AROSE; OR

26

1 (II) THE PLAINTIFF RESIDES.

2 19-506.

3 (A) A SECURITY GUARD AGENCY MAY NOT DIVULGE INFORMATION
4 OBTAINED WHILE PROVIDING SERVICES UNLESS:

5 (1) DIRECTED BY THE CLIENT FOR WHOM THE SERVICES ARE
6 PROVIDED;

7 (2) AUTHORIZED BY SUBSECTION (B) OF THIS SECTION; OR

8 (3) REQUIRED BY LAW.

9 (B) IF, WHILE PROVIDING SERVICES, A SECURITY GUARD AGENCY OBTAINS
10 ANY INFORMATION ABOUT A CRIMINAL OFFENSE, THE AGENCY MAY DIVULGE THE
11 INFORMATION TO:

12 (1) A LAW ENFORCEMENT OFFICER;

13 (2) THE ATTORNEY GENERAL OR A REPRESENTATIVE OF THE
14 ATTORNEY GENERAL; OR

15 (3) A STATE'S ATTORNEY OR A REPRESENTATIVE OF A STATE'S
16 ATTORNEY.

17 (C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN
18 INDIVIDUAL WHO IS EMPLOYED BY A SECURITY GUARD AGENCY MAY NOT
19 DIVULGE TO ANYONE OTHER THAN TO AUTHORIZED STAFF OF THE AGENCY ANY
20 INFORMATION THAT:

21 (1) WAS ACQUIRED BY THE EMPLOYEE OR OTHER AGENCY STAFF
22 WHILE PROVIDING SERVICES FOR THE AGENCY; AND

23 (2) RELATES TO THE ASSIGNMENT IN WHICH SERVICES ARE PROVIDED.

24 (D) AN EMPLOYEE OF A SECURITY GUARD AGENCY MAY DIVULGE
25 INFORMATION THAT IS RESTRICTED UNDER SUBSECTION (C) OF THIS SECTION:

26 (1) AS DIRECTED BY THE SECURITY GUARD AGENCY; OR

27 (2) ON A REQUEST MADE BY THE SECRETARY IN THE COURSE OF AN
28 INVESTIGATION BY THE SECRETARY.

29 19-507.

30 (A) IN THIS SECTION, "AGENCY EQUIPMENT" MEANS A BADGE, CLOTHING, OR
31 OTHER EQUIPMENT THAT:

32 (1) BELONGS TO A SECURITY GUARD AGENCY; AND

33 (2) BEARS THE NAME, TRADE NAME, OR TRADEMARK OF THE
34 SECURITY GUARD AGENCY.

35 (B) IF A SECURITY GUARD AGENCY ISSUES AGENCY EQUIPMENT FOR USE BY
36 AN INDIVIDUAL WHO IS ASSOCIATED WITH OR EMPLOYED BY THE AGENCY, THE

27

1 INDIVIDUAL SHALL RETURN THE AGENCY EQUIPMENT TO THE AGENCY WITHIN 10
2 DAYS AFTER:

3 (1) THE TERMINATION OF THE INDIVIDUAL'S ASSOCIATION OR
4 EMPLOYMENT WITH THE AGENCY; OR

5 (2) THE WRITTEN REQUEST OF AN AUTHORIZED REPRESENTATIVE OF
6 THE AGENCY.

7 19-508.

8 IF A CERTIFIED SECURITY GUARD LOSES A CERTIFICATION CARD, THE
9 SECURITY GUARD IMMEDIATELY SHALL GIVE THE SUPERINTENDENT NOTICE OF
10 THE LOSS AND THE CIRCUMSTANCES REGARDING THE LOSS.

11 SUBTITLE 6. PROHIBITED ACTS; PENALTIES.

12 19-601.

13 A PERSON MAY NOT ENGAGE IN, ATTEMPT TO ENGAGE IN, OR OFFER TO
14 ENGAGE IN THE BUSINESS OF PROVIDING SECURITY GUARDS FOR HIRE IN THE
15 STATE UNLESS LICENSED AS A SECURITY GUARD AGENCY BY THE SECRETARY.

16 19-602.

17 (A) UNLESS AUTHORIZED UNDER THIS TITLE TO ENGAGE IN BUSINESS FOR
18 THE PURPOSE OF PROVIDING SECURITY GUARD SERVICES, A PERSON MAY NOT
19 REPRESENT TO THE PUBLIC, BY USE OF A TITLE, INCLUDING "LICENSED SECURITY
20 GUARD AGENCY", "SECURITY GUARD AGENCY", OR "SECURITY GUARDS", BY
21 DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE
22 PERSON IS AUTHORIZED TO ENGAGE IN THE BUSINESS OF PROVIDING SECURITY
23 GUARD SERVICES IN THE STATE.

24 (B) UNLESS AN INDIVIDUAL IS CERTIFIED AS A SECURITY GUARD UNDER
25 THIS TITLE, THE INDIVIDUAL MAY NOT REPRESENT TO THE PUBLIC, BY USE OF A
26 TITLE, INCLUDING "CERTIFIED SECURITY GUARD", OR BY USE OF A BADGE OR
27 IDENTIFICATION CARD, THAT THE INDIVIDUAL IS CERTIFIED AS A SECURITY
28 GUARD UNDER THIS TITLE.

29 19-603.

30 (A) EXCEPT AS AUTHORIZED UNDER THIS TITLE, A SECURITY GUARD
31 AGENCY MAY NOT PROVIDE ANY PERSON WITH A BADGE OR A CERTIFICATION
32 CARD OR OTHER DOCUMENT INDICATING THAT ANY INDIVIDUAL IS A SECURITY
33 GUARD.

34 (B) A CERTIFIED SECURITY GUARD MAY NOT LEND THE SECURITY GUARD'S
35 CERTIFICATION CARD OR BADGE TO ANOTHER PERSON OR ALLOW ANOTHER
36 PERSON TO USE OR DISPLAY THE CARD OR BADGE.

37 (C) REGARDLESS OF ANY ASSOCIATION THAT AN INDIVIDUAL MAY HAVE
38 WITH A SECURITY GUARD AGENCY, UNLESS AUTHORIZED UNDER THIS TITLE, THE
39 INDIVIDUAL MAY NOT WEAR OR CARRY A BADGE THAT:

28

1 (1) REPRESENTS THAT THE INDIVIDUAL IS A SECURITY GUARD; OR

2 (2) OTHERWISE REPRESENTS THAT THE INDIVIDUAL IS ASSOCIATED
3 WITH A SECURITY GUARD AGENCY.

4 19-604.

5 (A) (1) A LICENSEE MAY NOT DISPLAY OR ALLOW TO BE DISPLAYED THE
6 AGENCY LICENSE CERTIFICATE AT ANY LOCATION OTHER THAN THE PRINCIPAL
7 OFFICE OF THE LICENSEE, AS SPECIFIED IN THE CERTIFICATE.

8 (2) A LICENSEE MAY NOT DISPLAY OR ALLOW TO BE DISPLAYED A
9 BRANCH OFFICE CERTIFICATE AT ANY LOCATION OTHER THAN THE BRANCH
10 OFFICE SPECIFIED IN THE CERTIFICATE.

11 (B) A LICENSEE MAY NOT KNOWINGLY ALTER, DEFACE, OR DESTROY OR
12 KNOWINGLY ALLOW THE ALTERATION, DEFACEMENT, OR DESTRUCTION OF AN
13 AGENCY LICENSE CERTIFICATE OR BRANCH OFFICE CERTIFICATE.

14 19-605.

15 A PERSON MAY NOT WILLFULLY MAKE A FALSE STATEMENT ON ANY
16 APPLICATION FORM, ANNUAL STATEMENT, OR OTHER DOCUMENT SUBMITTED TO
17 THE SECRETARY UNDER THIS TITLE.

18 19-606.

19 AN INDIVIDUAL WHOM A LICENSEE EMPLOYS AS A SECURITY GUARD MAY NOT
20 WILLFULLY MAKE A FALSE STATEMENT OR REPORT TO THE LICENSEE ABOUT
21 SERVICES PROVIDED BY THE LICENSEE.

22 19-607.

23 A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A
24 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000
25 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

26 SUBTITLE 7. SHORT TITLE.

27 19-701.

28 THIS TITLE MAY BE CITED AS THE "MARYLAND SECURITY GUARDS ACT".

29 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding the
30 provisions of Section 2 of this Act, a person that is already licensed ~~or an individual who~~
31 ~~is already certified before October 1, 1996, is not required to obtain a new license until~~
32 ~~the date of the next license renewal~~ as a private detective agency on or before September
33 30, 1996, is not required to obtain a security guard agency license until the date of the
34 next license renewal. The Secretary shall grant a security guard agency license to a private
35 detective agency that is otherwise eligible for renewal of the private detective agency
36 license. An individual who is already certified as a security guard on or before September
37 30, 1996, is not required to reapply for certification under this Act.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1996.