
By: Senator Sfikas

Requested: November 6, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Locksmiths - Regulation**

3 FOR the purpose of creating a State Board of Locksmiths; requiring a person to have a
4 license in order to provide locksmith services; providing certain exceptions;
5 specifying the qualifications for licensees and for Board members; authorizing the
6 Board to adopt certain regulations; authorizing the Board to take certain
7 disciplinary actions; establishing certain insurance requirements; requiring
8 locksmiths to complete a form developed by the Board to elicit client information;
9 providing for the termination of this Act under the Program Evaluation Act;
10 providing for an evaluation by a certain date; defining certain terms; and generally
11 relating to locksmiths and the State Board of Locksmiths.

12 BY adding to

13 Article - Business Occupations and Professions
14 Section 10A-101 through 10A-602, inclusive, to be under the new title "Title 10A.
15 Locksmiths"
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1995 Supplement)

18 BY adding to

19 Article - State Government
20 Section 8-403(l)
21 Annotated Code of Maryland
22 (1995 Replacement Volume)

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

25 **Article - Business Occupations and Professions**

26 TITLE 10A. LOCKSMITHS.

27 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

28

1 10A-101.

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

4 (B) "APPRENTICE LOCKSMITH" MEANS AN INDIVIDUAL WHO IS REGISTERED
5 IN A LOCKSMITH APPRENTICE PROGRAM WHICH HAS BEEN APPROVED BY THE
6 BOARD.

7 (C) "APPRENTICE LOCKSMITH LICENSE" MEANS A LICENSE GRANTED TO AN
8 APPRENTICE LOCKSMITH.

9 (D) "BOARD" MEANS THE STATE BOARD OF LOCKSMITHS.

10 (E) "BUILDING PERMIT" MEANS A PERMIT ISSUED BY A POLITICAL
11 SUBDIVISION OF THE STATE FOR THE PURPOSE OF REGULATING BUILDING
12 CONSTRUCTION, REMODELING, AND OTHER PHYSICAL CHANGES TO PROPERTY.

13 (F) "BURGLARY TOOL" MEANS A TOOL MANUFACTURED OR POSSESSED FOR
14 THE PURPOSE OR INTENT OF BYPASSING OR NEUTRALIZING SECURITY DEVICES BY
15 A PERSON NOT IN POSSESSION OF A LOCKSMITH LICENSE OR APPRENTICE
16 LOCKSMITH LICENSE.

17 (G) "CAR OPENING TOOL AND MANUAL" MEANS A TOOL OR MANUAL
18 MANUFACTURED OR POSSESSED FOR THE PURPOSE OR INTENT OF BYPASSING OR
19 NEUTRALIZING AUTOMOTIVE LOCKS.

20 (H) "CODE BOOK" MEANS A COMPILATION, IN ANY FORM, OF KEY CODES, OR
21 COMBINATION CODES.

22 (I) "EMERGENCY" MEANS A LIFE-THREATENING SITUATION INVOLVING A
23 PERSON OR ANIMAL.

24 (J) "KEY DUPLICATION MACHINE" MEANS ANY DEVICE WHICH IS CAPABLE
25 OF COPYING KEYS.

26 (K) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
27 LICENSE ISSUED BY THE BOARD TO ENGAGE IN THE BUSINESS OF PROVIDING
28 LOCKSMITH SERVICES.

29 (L) "LICENSED LOCKSMITH" MEANS, UNLESS THE CONTEXT REQUIRES
30 OTHERWISE, A LOCKSMITH WHO IS LICENSED BY THE BOARD TO ENGAGE IN THE
31 BUSINESS OF PROVIDING LOCKSMITH SERVICES.

32 (M) "LOCK PICKING TOOL" MEANS ANY TOOL THAT IS DESIGNED, OR
33 INTENDED BY THE USER TO BE USED, TO OPEN A MECHANICAL OR ELECTRICAL
34 LOCKING DEVICE BY MEANS OTHER THAN THAT INTENDED BY THE
35 MANUFACTURER FOR NORMAL OPERATION.

36 (N) "LOCKSMITH SERVICES" MEANS:

37 (1) REPAIRING, REBUILDING, REKEYING, REPINNING,
38 RECOMBINATING, ADJUSTING, OR INSTALLING MECHANICAL, ELECTRICAL,

3

1 ELECTRO-MECHANICAL, LOCKING DEVICES, SAFES, VAULTS, OR SAFE DEPOSIT
2 BOXES; OR

3 (2) OPERATING A MECHANICAL, ELECTRICAL, OR
4 ELECTRO-MECHANICAL LOCKING DEVICE, OR OPENING SAFES, VAULTS, OR SAFE
5 DEPOSIT BOXES BY A MEANS OTHER THAN THAT INTENDED BY THE
6 MANUFACTURER OF SUCH LOCKING DEVICES.

7 (O) "SAFE-OPENING TOOL" MEANS ANY TOOL THAT IS DESIGNED, OR
8 INTENDED BY THE USER, TO BE USED TO OPEN A SAFE, VAULT, SAFE DEPOSIT BOX,
9 OR SIMILAR OBJECT, BY MEANS OTHER THAN THAT WHICH IS INTENDED BY THE
10 MANUFACTURER OF SUCH SAFE, VAULT, SAFE DEPOSIT BOX, OR SIMILAR OBJECT,
11 FOR NORMAL OPENING.

12 10A-102.

13 THE PURPOSES OF THIS TITLE ARE TO:

14 (1) PROTECT THE PUBLIC FROM THE ABUSE AND MISUSE OF
15 LOCKSMITH TOOLS, MANUALS, OR EQUIPMENT RESULTING IN VIOLATIONS OF
16 PUBLIC SAFETY AND SECURITY; AND

17 (2) ENSURE THAT LOCKSMITHS ARE TRAINED IN THE APPLICABLE
18 REGULATIONS AND LAWS PERTINENT TO THE PROFESSION SUCH AS THE
19 AMERICANS WITH DISABILITIES ACT, BUILDING CODES, FIRE AND LIFE SAFETY
20 CODES, AS WELL AS TRAINING IN PROPER INSTALLATION AND MAINTENANCE OF
21 SECURITY DEVICES FOR THE PUBLIC WELL BEING.

22 SUBTITLE 2. STATE BOARD OF LOCKSMITHS.

23 10A-201.

24 THERE IS A STATE BOARD OF LOCKSMITHS IN THE DEPARTMENT OF LABOR,
25 LICENSING, AND REGULATION.

26 10A-202.

27 (A) (1) THE BOARD CONSISTS OF 11 MEMBERS.

28 (2) OF THE 11 MEMBERS OF THE BOARD:

29 (I) 9 SHALL BE LICENSED LOCKSMITHS; AND

30 (II) 2 SHALL BE CONSUMER MEMBERS.

31 (3) THE SECRETARY SHALL APPOINT THE 11 MEMBERS.

32 (B) (1) EACH LOCKSMITH MEMBER SHALL:

33 (I) HAVE AT LEAST 5 YEARS' EXPERIENCE IN THE LOCKSMITH
34 PROFESSION AND BE CURRENTLY ENGAGED IN THAT PROFESSION; AND

35 (II) RESIDE IN THE STATE.

4

1 (2) THE LOCKSMITH MEMBERS SHALL BE APPOINTED IN SUCH A
2 MANNER THAT, WHENEVER POSSIBLE, MEMBERS REPRESENT THE VARIOUS
3 GEOGRAPHIC AREAS OF THE STATE.

4 (C) EACH CONSUMER MEMBER OF THE BOARD:

5 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

6 (2) MAY NOT BE A LICENSEE OR OTHERWISE BE SUBJECT TO
7 REGULATION BY THE BOARD;

8 (3) MAY NOT BE REQUIRED TO MEET THE QUALIFICATIONS FOR THE
9 PROFESSIONAL MEMBERS OF THE BOARD;

10 (4) MAY NOT BE A SPOUSE, PARENT, CHILD, OR SIBLING OF A
11 LOCKSMITH; AND

12 (5) MAY NOT, WITHIN 1 YEAR BEFORE APPOINTMENT, HAVE HAD A
13 FINANCIAL INTEREST IN OR HAVE RECEIVED COMPENSATION FROM A PERSON
14 REGULATED BY THE BOARD.

15 (D) WHILE A MEMBER OF THE BOARD, A CONSUMER MEMBER MAY NOT:

16 (1) HAVE A FINANCIAL INTEREST IN OR RECEIVE COMPENSATION
17 FROM A PERSON REGULATED BY THE BOARD; OR

18 (2) GRADE ANY EXAMINATION GIVEN BY OR FOR THE BOARD.

19 (E) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE
20 THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

21 (F) (1) THE TERM OF A MEMBER IS 3 YEARS AND BEGINS ON MAY 1.

22 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
23 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 1996.

24 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
25 SUCCESSOR IS APPOINTED AND QUALIFIES.

26 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
27 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
28 QUALIFIES.

29 (5) A MEMBER MAY NOT BE APPOINTED TO SERVE MORE THAN TWO
30 CONSECUTIVE FULL TERMS.

31 (G) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE OR
32 MISCONDUCT.

33 10A-203.

34 (A) FROM AMONG ITS MEMBERS, THE BOARD ANNUALLY SHALL ELECT A
35 CHAIRMAN AND A VICE-CHAIRMAN.

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1 (B) THE MANNER OF ELECTION OF OFFICERS AND THEIR TERMS OF OFFICE
2 SHALL BE AS THE BOARD DETERMINES.

3 10A-204.

4 (A) SEVEN MEMBERS OF THE BOARD ARE A QUORUM.

5 (B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS
6 MEETINGS.

7 (C) EACH MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR
8 EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN
9 THE STATE BUDGET.

10 (D) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE
11 BUDGET.

12 10A-205.

13 (A) IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE, THE BOARD MAY:

14 (1) ADOPT ANY REGULATION TO CARRY OUT THIS TITLE;

15 (2) SUE TO ENFORCE ANY PROVISION OF THIS SUBTITLE BY
16 INJUNCTION; AND

17 (3) PROMULGATE REGULATIONS IN ACCORDANCE WITH THE
18 ADMINISTRATIVE PROCEDURE ACT NECESSARY TO ENSURE CONTINUED
19 COMPETENCY, TO PREVENT DECEPTIVE OR MISLEADING PRACTICES BY
20 LOCKSMITHS, AND TO EFFECTIVELY ADMINISTER THE REGULATORY SYSTEM
21 ADMINISTERED BY THIS BOARD.

22 (B) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE BOARD
23 SHALL:

24 (1) KEEP A LIST OF ALL LICENSED LOCKSMITHS AND APPRENTICE
25 LOCKSMITHS; AND

26 (2) SUBMIT AN ANNUAL REPORT TO THE SECRETARY.

27 (C) IN ADDITION TO ANY POWERS AND DUTIES SET FORTH ELSEWHERE, THE
28 BOARD HAS THE FOLLOWING POWERS AND DUTIES:

29 (1) TO ESTABLISH THE QUALIFICATIONS FOR LICENSURE THAT ENSURE
30 THE COMPETENCE AND INTEGRITY TO ENGAGE IN THE PROFESSION;

31 (2) TO EXAMINE OR CAUSE TO BE EXAMINED, THE QUALIFICATION OF
32 EACH APPLICANT FOR CERTIFICATION AND LICENSURE INCLUDING, WHEN
33 NECESSARY, THE PREPARATION, ADMINISTRATION AND GRADING OF
34 EXAMINATIONS;

35 (3) TO LICENSE QUALIFIED APPLICANTS REGULATED BY THE BOARD;

6

1 (4) TO RECEIVE COMPLAINTS CONCERNING THE CONDUCT OF ANY
2 PERSON WHOSE ACTIVITIES ARE REGULATED BY THE BOARD AND TO TAKE
3 APPROPRIATE DISCIPLINARY ACTION IF WARRANTED;

4 (5) TO REVOKE, SUSPEND, OR FAIL TO RENEW A LICENSE FOR JUST
5 CAUSES AS ENUMERATED IN THE REGULATIONS OF THE BOARD; AND

6 (6) TO PROMULGATE CANONS OF ETHICS UNDER WHICH THE
7 PROFESSIONAL ACTIVITIES OF LOCKSMITHS SHALL BE CONDUCTED.

8 10A-206.

9 (A) THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE AND
10 RENEWAL OF LICENSES AND ITS OTHER SERVICES.

11 (B) THE BOARD SHALL PAY ALL MONEY COLLECTED UNDER THIS SUBTITLE
12 INTO THE GENERAL FUND OF THE STATE.

13 SUBTITLE 3. LICENSING.

14 10A-301.

15 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL SHALL
16 BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY ENGAGE IN THE
17 BUSINESS OF PROVIDING LOCKSMITH SERVICES IN THE STATE.

18 10A-302.

19 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL
20 WHO MEETS THE REQUIREMENTS OF THIS SECTION.

21 (B) THE APPLICANT SHALL MEET THE QUALIFICATIONS AND COMPETENCY
22 STANDARDS AS ESTABLISHED BY THE BOARD IN ACCORDANCE WITH § 10A-205(C) OF
23 THIS TITLE.

24 (C) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

25 (D) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.

26 (E) THE APPLICANT MAY NOT HAVE BEEN CONVICTED OF A CRIME THAT
27 DIRECTLY RELATES TO THE PROFESSION FOR WHICH THE LICENSE IS SOUGHT
28 UNLESS:

29 (1) THE APPLICANT ASKS FOR A HEARING WHICH MUST BE CONDUCTED
30 BY THE BOARD AT THE EXPENSE OF THE APPLICANT; AND

31 (2) THE BOARD DETERMINES BASED ON ALL THE INFORMATION
32 AVAILABLE THAT THE APPLICANT IS FIT AND SUITED TO ENGAGE IN THE
33 PROFESSION.

34 (F) THE APPLICANT MAY NOT HAVE HAD ANY PRIOR LICENSE TO DO
35 BUSINESS REVOKED FOR FRAUD, MISREPRESENTATION, OR ANY OTHER ACT THAT
36 WOULD CONSTITUTE A VIOLATION OF THIS SECTION.

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1 (G) THE APPLICANT SHALL COMPLY WITH THE INSURANCE REQUIREMENTS
2 ESTABLISHED UNDER § 10A-401 OF THIS TITLE.

3 (H) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE APPLICANT
4 SHALL PASS AN EXAMINATION GIVEN BY THE BOARD UNDER THIS SUBTITLE.

5 10A-303.

6 AN APPLICANT FOR A LICENSE SHALL:

7 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE
8 BOARD REQUIRES; AND

9 (2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD.

10 10A-304.

11 (A) AN APPLICANT WHO OTHERWISE QUALIFIES FOR A LICENSE IS ENTITLED
12 TO BE EXAMINED AS PROVIDED IN THIS SECTION.

13 (B) THE BOARD OR ITS DESIGNEE SHALL GIVE EXAMINATIONS TO
14 APPLICANTS AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

15 (C) THE BOARD OR ITS DESIGNEE SHALL GIVE EACH QUALIFIED APPLICANT
16 NOTICE OF THE TIME AND PLACE OF THE EXAMINATION.

17 (D) THE BOARD MAY EITHER DEVELOP AND ADMINISTER AN EXAMINATION
18 TO EVALUATE COMPETENCY, OR RELY ON AN EXAMINATION DEVELOPED AND
19 ADMINISTERED BY A PROFESSIONAL LOCKSMITH ASSOCIATION RECOGNIZED BY
20 THE BOARD.

21 10A-305.

22 (A) THE BOARD OR ITS DESIGNEE SHALL ISSUE LOCKSMITH LICENSES TO
23 EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE AND THE
24 REGULATIONS ESTABLISHED BY THE BOARD.

25 (B) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD ISSUES
26 THE FOLLOWING INFORMATION:

27 (1) THE NAME OF THE LICENSEE;

28 (2) THE DATE WHEN THE LICENSE BECAME EFFECTIVE;

29 (3) THE EXPIRATION DATE OF THE LICENSE;

30 (4) A PHOTOGRAPH OF THE LICENSEE; AND

31 (5) ANY OTHER INFORMATION THAT THE BOARD CONSIDERS
32 NECESSARY.

33 10A-306.

34 WHILE A LICENSE IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO ENGAGE IN
35 THE BUSINESS OF PROVIDING LOCKSMITH SERVICES.

8

1 10A-307.

2 (A) UNLESS A LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN
3 THIS SECTION, THE LICENSE EXPIRES ON THE SECOND ANNIVERSARY OF ITS
4 EFFECTIVE DATE.

5 (B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL MAIL
6 TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE, A RENEWAL
7 APPLICATION FORM AND A NOTICE THAT STATES:

8 (1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

9 (2) THE DATE BY WHICH THE BOARD MUST RECEIVE THE RENEWAL
10 APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE LICENSE
11 EXPIRES; AND

12 (3) THE AMOUNT OF THE RENEWAL FEE.

13 (C) BEFORE A LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW
14 IT FOR AN ADDITIONAL 2-YEAR TERM, IF THE LICENSEE:

15 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

16 (2) PAYS THE RENEWAL FEE SET BY THE BOARD; AND

17 (3) SUBMITS TO THE BOARD:

18 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD
19 REQUIRES; AND

20 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY
21 CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY THE BOARD PURSUANT
22 TO SUBSECTION (D) OF THIS SECTION.

23 (D) (1) THE BOARD SHALL SET CONTINUING EDUCATION REQUIREMENTS
24 AS A CONDITION TO THE RENEWAL OF LICENSES UNDER THIS SECTION.

25 (2) THE REQUIREMENTS UNDER THIS SECTION SHALL INCLUDE A
26 MINIMUM OF 32 HOURS OF EDUCATION PER YEAR OF CLASSES APPROVED BY THE
27 BOARD.

28 (E) THE BOARD SHALL RENEW THE LICENSE OF AND ISSUE A RENEWAL
29 CERTIFICATE TO EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS
30 SECTION.

31 10A-308.

32 (A) (1) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS, IF THE
33 LICENSEE:

34 (I) SUBMITS TO THE BOARD AN APPLICATION FOR INACTIVE
35 STATUS ON THE FORM THAT THE BOARD REQUIRES; AND

36 (II) PAYS TO THE BOARD THE INACTIVE STATUS FEE SET BY THE
37 BOARD.

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1 (2) THE BOARD SHALL ISSUE A LICENSE TO AN INDIVIDUAL WHO IS ON
2 INACTIVE STATUS IF THE INDIVIDUAL COMPLIES WITH THE RENEWAL
3 REQUIREMENTS THAT EXISTED WHEN THE INDIVIDUAL WAS PLACED ON INACTIVE
4 STATUS.

5 (B) THE BOARD SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL WHO
6 HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE INDIVIDUAL:

7 (1) APPLIES TO THE BOARD FOR REINSTATEMENT WITHIN 90 DAYS
8 AFTER THE EXPIRATION OF ANY LICENSE GRANTED;

9 (2) MEETS THE RENEWAL REQUIREMENTS ESTABLISHED BY § 10A-307
10 OF THIS SUBTITLE;

11 (3) PAYS THE REINSTATEMENT FEE SET BY THE BOARD; AND

12 (4) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF COMPLIANCE
13 WITH THE QUALIFICATIONS AND REQUIREMENTS ESTABLISHED UNDER THIS
14 SUBTITLE FOR LICENSE REINSTATEMENTS.

15 10A-309.

16 (A) THE BOARD MAY ISSUE AN APPRENTICE LOCKSMITH LICENSE TO AN
17 APPLICANT WHO DOES NOT OTHERWISE QUALIFY FOR A LOCKSMITH LICENSE IF
18 THE APPLICANT:

19 (1) WORKS UNDER THE DIRECT SUPERVISION OF A LICENSED
20 LOCKSMITH;

21 (2) IS REGISTERED IN A LOCKSMITH APPRENTICESHIP PROGRAM
22 WHICH HAS BEEN APPROVED BY THE BOARD;

23 (3) SUBMITS TO THE BOARD AN APPLICATION ON THE FORM THAT THE
24 BOARD REQUIRES;

25 (4) DOES NOT HAVE A CRIMINAL CONVICTION THAT DIRECTLY
26 RELATES TO THE PROFESSION FOR WHICH THE LICENSE IS SOUGHT UNLESS:

27 (I) THE APPLICANT ASKS FOR A HEARING WHICH MUST BE
28 CONDUCTED BY THE BOARD AT THE EXPENSE OF THE APPLICANT; AND

29 (II) THE BOARD DETERMINES BASED ON ALL THE INFORMATION
30 AVAILABLE THAT THE APPLICANT IS FIT AND SUITED TO ENGAGE IN THE
31 PROFESSION;

32 (5) PAYS THE APPRENTICE LOCKSMITH LICENSE FEE AS ESTABLISHED
33 BY THE BOARD; AND

34 (6) COMPLIES WITH THE INSURANCE REQUIREMENTS ESTABLISHED
35 PURSUANT TO § 10A-401 OF THIS TITLE.

36 (B) WHILE AN APPRENTICE LOCKSMITH LICENSE IS IN EFFECT, THE LICENSEE
37 MUST:

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1 (1) COMPLETE 64 HOURS OF EDUCATION PER YEAR OF BOARD
2 APPROVED CLASSES; AND

3 (2) BE IDENTIFIABLE AS AN APPRENTICE LOCKSMITH IN ALL
4 ADVERTISING AND BUSINESS TRANSACTIONS.

5 10A-310.

6 (A) LICENSED LOCKSMITHS AND LICENSED APPRENTICE LOCKSMITHS SHALL
7 HAVE THEIR LICENSES:

8 (1) AVAILABLE AT ALL TIMES WHEN PROVIDING LOCKSMITH SERVICES;
9 AND

10 (2) DISPLAYED IN A MANNER EASILY READABLE BY THE GENERAL
11 PUBLIC WHEN AT THEIR NORMAL PLACE OF BUSINESS.

12 (B) WITHIN 30 DAYS OF A CHANGE OF ADDRESS, THE LICENSEE SHALL GIVE
13 THE BOARD WRITTEN NOTICE OF THE CHANGE OF ADDRESS.

14 10A-311.

15 SUBJECT TO THE HEARING PROVISIONS OF § 10A-313 OF THIS SUBTITLE, THE
16 BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY LICENSEE, OR
17 SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR LICENSEE:

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

20 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

21 (3) IS GUILTY OF GROSS NEGLIGENCE, INCOMPETENCE, OR
22 MISCONDUCT WHILE PROVIDING LOCKSMITH SERVICES;

23 (4) IS GUILTY OF AN UNFAIR OR DECEPTIVE TRADE PRACTICE, AS
24 DEFINED IN § 13-301 OF THE COMMERCIAL LAW ARTICLE; OR

25 (5) FAILS TO MAINTAIN THE LIABILITY INSURANCE REQUIRED UNDER §
26 10A-401 OF THIS TITLE.

27 10A-312.

28 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
29 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER §
30 10A-602, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS
31 CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

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

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

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

4 10A-313.

5 ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A
6 CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE,
7 MAY MAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE STATE
8 GOVERNMENT ARTICLE.

9 10A-314.

10 THE BOARD MAY NOT REQUIRE A LOCKSMITH TO BECOME LICENSED IF:

11 (1) THE LOCKSMITH IS LICENSED IN ANOTHER STATE;

12 (2) THE BOARD HAS DETERMINED THAT THE OTHER STATE'S
13 LICENSING REQUIREMENTS ARE COMPARABLE TO THOSE ESTABLISHED BY THE
14 BOARD;

15 (3) THE OTHER STATE GIVES LICENSED MARYLAND LOCKSMITHS
16 RECIPROCITY; AND

17 (4) THE LOCKSMITH REGISTERS WITH THE BOARD ON A FORM
18 PROVIDED BY THE BOARD FOR THAT PURPOSE.

19 SUBTITLE 4. MISCELLANEOUS PROVISIONS.

20 10A-401.

21 A LOCKSMITH OR APPRENTICE LOCKSMITH SHALL BE COVERED BY LIABILITY
22 INSURANCE IN THE AMOUNT OF \$500,000 PER INCIDENT, FOR THE PURPOSE OF
23 PAYING CLAIMS OR JUDGMENTS FOR DAMAGES WHICH MAY OCCUR AS A RESULT
24 OF NEGLIGENCE BY THE LOCKSMITH OR APPRENTICE LOCKSMITH.

25 10A-402.

26 (A) IN THIS SECTION, "PROPERTY" INCLUDES:

27 (1) RESIDENTIAL AND COMMERCIAL ESTABLISHMENTS;

28 (2) ANY VEHICLES REQUIRED TO BE REGISTERED UNDER TITLE 13 OF
29 THE TRANSPORTATION ARTICLE; AND

30 (3) ANY OTHER LOCKED ITEM INCLUDING A SAFE, SAFETY DEPOSIT
31 BOX, OR FILE CABINET.

32 (B) ANY LICENSED LOCKSMITH OR LICENSED APPRENTICE LOCKSMITH WHO
33 OPENS PROPERTY FOR A CLIENT BY ANY METHOD, WHETHER OR NOT FOR
34 COMPENSATION, SHALL COMPLETE THE FORM DEVELOPED BY THE BOARD
35 PURSUANT TO SUBSECTION (C) OF THIS SECTION.

36 (C) THE FORM DEVELOPED BY THE BOARD SHALL OBTAIN THE FOLLOWING:

12

1 (1) INFORMATION ABOUT THE CLIENT INCLUDING:

2 (I) THE CLIENT'S NAME, ADDRESS, TELEPHONE NUMBER, AND
3 DATE OF BIRTH;

4 (II) AN IDENTIFICATION NUMBER OF THE CLIENT WHICH SHALL BE
5 AN IDENTIFICATION NUMBER APPROVED BY THE BOARD FOR THIS PURPOSE; AND

6 (III) THE CLIENT'S SIGNATURE;

7 (2) A DESCRIPTION OF THE PROPERTY, WHICH SHALL INCLUDE:

8 (I) THE STREET ADDRESS IF THE PROPERTY IS A RESIDENTIAL OR
9 COMMERCIAL ESTABLISHMENT;

10 (II) THE VEHICLE REGISTRATION NUMBER; OR

11 (III) A DESCRIPTION AND LOCATION OF THE PROPERTY;

12 (3) THE DATE THE SERVICE WAS PERFORMED; AND

13 (4) THE NAME AND LICENSE NUMBER OF THE LOCKSMITH
14 PERFORMING THE SERVICE.

15 (D) A COPY OF EACH FORM SHALL BE RETAINED BY THE LOCKSMITH FOR 1
16 YEAR AND SHALL BE OPEN TO INSPECTION BY THE BOARD WITHIN 3 DAYS OF A
17 WRITTEN REQUEST.

18 SUBTITLE 5. PROHIBITED ACTS; PENALTIES.

19 10A-501.

20 (A) AN INDIVIDUAL MAY NOT PROVIDE OR OFFER TO PROVIDE LOCKSMITH
21 SERVICES IN THE STATE UNLESS LICENSED BY THE BOARD.

22 (B) AN ORGANIZATION MAY NOT PROVIDE OR OFFER TO PROVIDE
23 LOCKSMITH SERVICES UNLESS SUCH SERVICES ARE, OR CAN BE, PROVIDED BY AN
24 EMPLOYEE OR CONTRACTOR OF THE ORGANIZATION WHO IS LICENSED BY THE
25 BOARD.

26 (C) A PERSON MAY NOT OBTAIN OWNERSHIP OR POSSESSION OF LOCKSMITH
27 TOOLS, SAFE OPENING TOOLS, MANUALS, OR CODE BOOKS, UNLESS THE PERSON IS
28 LICENSED BY THE BOARD.

29 (D) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE FOLLOWING:

30 (1) BONA FIDE SALES DEMONSTRATIONS TO LOCKSMITHS OR
31 LOCKSMITH SUPPLIERS BY SALES REPRESENTATIVES WHO ARE NOT LICENSED;

32 (2) EMERGENCY OPENING SERVICES BY MEMBERS OF POLICE
33 DEPARTMENTS, FIRE DEPARTMENTS, OR OTHER GOVERNMENT AGENCIES IN THEIR
34 OFFICIAL LINE OF DUTY;

35 (3) THE ACQUISITION OR USE OF ANY KEY DUPLICATION OR KEY
36 BLANKS;

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1 (4) THE REPLACING OF A REMOVABLE OR INTERCHANGEABLE CORE
2 OR RECOMBINATING A CYLINDER IN A LOCK THAT WAS SPECIFICALLY DESIGNED
3 BY THE MANUFACTURER TO BE CHANGED BY THE END USER BY USE OF A KEY;

4 (5) THE INSTALLATION, REPAIR, REPLACEMENT, OR REBUILDING OF A
5 LOCK BY THE MANUFACTURER OF THE LOCK;

6 (6) THE INSTALLATION, REPAIR, REPLACEMENT, OR REBUILDING OF
7 AN AUTOMOTIVE LOCK BY AN AUTOMOTIVE REPAIR AND SERVICE FACILITY, THE
8 LOCK MANUFACTURER, OR THE MANUFACTURER'S AGENT; AND

9 (7) INSTALLATION OF LOCKS BY BUILDING TRADES PERSONNEL ON
10 PROJECTS THAT REQUIRE A "BUILDING PERMIT".

11 10A-502.

12 UNLESS AUTHORIZED UNDER THIS TITLE TO PROVIDE LOCKSMITH SERVICES,
13 A PERSON MAY NOT REPRESENT TO THE PUBLIC, BY USE OF A TITLE, INCLUDING
14 "LICENSED LOCKSMITH", BY DESCRIPTION OF SERVICES, METHODS, OR
15 PROCEDURES, OR OTHERWISE, THAT THE PERSON IS AUTHORIZED TO ENGAGE IN
16 THE BUSINESS OF PROVIDING LOCKSMITH SERVICES IN THE STATE.

17 10A-503.

18 A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A
19 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$3,000
20 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.

21 SUBTITLE 6. SHORT TITLE; TERMINATION OF TITLE.

22 10A-601.

23 THIS TITLE MAY BE CITED AS THE "MARYLAND LOCKSMITH LICENSING ACT".

24 10A-602.

25 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISION OF THE
26 MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS
27 ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER
28 OCTOBER 1, 2006.

29 **Article - State Government**

30 8-403.

31 (L) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (E) OF THIS SECTION,
32 ON OR BEFORE OCTOBER 1, 2005, AN EVALUATION SHALL BE MADE OF THE STATE
33 BOARD OF LOCKSMITHS ESTABLISHED UNDER THE BUSINESS OCCUPATIONS AND
34 PROFESSIONS ARTICLE AND THE REGULATIONS THAT RELATE TO THE STATE
35 BOARD OF LOCKSMITHS.

36 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
37 members of the Board of Locksmiths shall expire as follows:

38 (1) 3 members in 1998;

14

1 (2) 4 members in 1999; and

2 (3) 4 members in 2000.

3 SECTION 3. AND BE IT FURTHER ENACTED, That the examination
4 requirements under § 10A-304 of the Business Occupations and Professions Article, as
5 added by Section 1 of this Act, be waived by the Board of Locksmiths if the license is
6 applied for within 3 months of the effective date of this Act by an applicant who:

7 (1) has been issued a locksmith license within the previous 2 years from
8 another state which the Board of Locksmiths has determined has licensing requirements
9 equal to those developed by the Board; and

10 (2) has previously demonstrated competency by having provided locksmith
11 services on a continuous basis for 2 years immediately preceding the application date for
12 a locksmith license.

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