

**By: Senator Sfikas**

Requested: November 6, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 12, 1996

CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Locksmiths - Regulation**

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

14 BY adding to

- 15 Article - Business Occupations and Professions
- 16 Section 10A-101 through 10A-602, inclusive, to be under the new title "Title 10A.
- 17 Locksmiths"
- 18 Annotated Code of Maryland
- 19 (1995 Replacement Volume and 1995 Supplement)

20 BY adding to

- 21 Article - State Government
- 22 Section 8-403(l)
- 23 Annotated Code of Maryland
- 24 (1995 Replacement Volume)

2

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

3 **Article - Business Occupations and Professions**

4 TITLE 10A. LOCKSMITHS.

5 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

6 10A-101.

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
8 INDICATED.

9 (B) "APPRENTICE LOCKSMITH" MEANS AN INDIVIDUAL WHO IS REGISTERED  
10 IN A LOCKSMITH APPRENTICE PROGRAM WHICH HAS BEEN APPROVED BY THE  
11 BOARD.

12 (C) "APPRENTICE LOCKSMITH LICENSE" MEANS A LICENSE GRANTED TO AN  
13 APPRENTICE LOCKSMITH.

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

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

18 (F) "BURGLARY TOOL" MEANS A TOOL MANUFACTURED OR POSSESSED FOR  
19 THE PURPOSE OR INTENT OF BYPASSING OR NEUTRALIZING SECURITY DEVICES BY  
20 A PERSON NOT IN POSSESSION OF A LOCKSMITH LICENSE OR APPRENTICE  
21 LOCKSMITH LICENSE.

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

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

27 (I) "EMERGENCY" MEANS A LIFE-THREATENING SITUATION INVOLVING A  
28 PERSON OR AN ANIMAL.

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

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

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

3

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

5 (N) "LOCKSMITH SERVICES" MEANS:

6 (1) REPAIRING, REBUILDING, REKEYING, REPINNING,  
7 RECOMBINATING, ADJUSTING, OR INSTALLING MECHANICAL, ELECTRICAL,  
8 ELECTRO-MECHANICAL, LOCKING DEVICES, SAFES, VAULTS, OR SAFE DEPOSIT  
9 BOXES; OR

10 (2) OPERATING A MECHANICAL, ELECTRICAL, OR  
11 ELECTRO-MECHANICAL LOCKING DEVICE, OR OPENING SAFES, VAULTS, OR SAFE  
12 DEPOSIT BOXES BY A MEANS OTHER THAN THAT INTENDED BY THE  
13 MANUFACTURER OF SUCH LOCKING DEVICES.

14 (O) "SAFE-OPENING TOOL" MEANS ANY TOOL THAT IS DESIGNED, OR  
15 INTENDED BY THE USER, TO BE USED TO OPEN A SAFE, VAULT, SAFE DEPOSIT BOX,  
16 OR SIMILAR OBJECT, BY MEANS OTHER THAN THAT WHICH IS INTENDED BY THE  
17 MANUFACTURER OF SUCH SAFE, VAULT, SAFE DEPOSIT BOX, OR SIMILAR OBJECT,  
18 FOR NORMAL OPENING.

19 10A-102.

20 THE PURPOSES OF THIS TITLE ARE TO:

21 (1) PROTECT THE PUBLIC FROM THE ABUSE AND MISUSE OF  
22 LOCKSMITH TOOLS, MANUALS, OR EQUIPMENT RESULTING IN VIOLATIONS OF  
23 PUBLIC SAFETY AND SECURITY; AND

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

29 SUBTITLE 2. STATE BOARD OF LOCKSMITHS.

30 10A-201.

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

33 10A-202.

34 (A) (1) THE BOARD CONSISTS OF ~~44~~ 7 MEMBERS.

35 (2) OF THE ~~44~~ 7 MEMBERS OF THE BOARD:

36 (I) ~~9~~ 5 SHALL BE LICENSED LOCKSMITHS; AND

37 (II) 2 SHALL BE CONSUMER MEMBERS.

4

1 (3) THE SECRETARY SHALL APPOINT THE ~~4~~ 7 MEMBERS.

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

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

5 (II) RESIDE IN THE STATE.

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

9 (C) EACH CONSUMER MEMBER OF THE BOARD:

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

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

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

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

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

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

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

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

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

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

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

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

31 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
32 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
33 QUALIFIES.

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

5

1 (G) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE OR  
2 MISCONDUCT.

3 10A-203.

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

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

8 10A-204.

9 (A) ~~SEVEN~~ SIX MEMBERS OF THE BOARD ARE A QUORUM.

10 (B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS  
11 MEETINGS.

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

15 (D) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE  
16 BUDGET.

17 10A-205.

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

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

20 (2) SUE TO ENFORCE ANY PROVISION OF THIS ~~SUBTITLE~~ TITLE BY  
21 INJUNCTION; AND

22 (3) PROMULGATE REGULATIONS IN ACCORDANCE WITH THE  
23 ADMINISTRATIVE PROCEDURE ACT NECESSARY TO ENSURE CONTINUED  
24 COMPETENCY, TO PREVENT DECEPTIVE OR MISLEADING PRACTICES BY  
25 LOCKSMITHS, AND TO EFFECTIVELY ADMINISTER THE REGULATORY SYSTEM  
26 ADMINISTERED BY THIS BOARD.

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

29 (1) KEEP A LIST OF ALL LICENSED LOCKSMITHS AND APPRENTICE  
30 LOCKSMITHS; AND

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

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

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

36 (2) TO EXAMINE OR CAUSE TO BE EXAMINED, THE QUALIFICATION OF  
37 EACH APPLICANT FOR CERTIFICATION AND LICENSURE INCLUDING, WHEN

6

1 NECESSARY, THE PREPARATION, ADMINISTRATION AND GRADING OF  
2 EXAMINATIONS;

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

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

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

9 ~~(6)~~ (5) TO PROMULGATE CANONS OF ETHICS UNDER WHICH THE  
10 PROFESSIONAL ACTIVITIES OF LOCKSMITHS SHALL BE CONDUCTED.

11 10A-206.

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

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

16 SUBTITLE 3. LICENSING.

17 10A-301.

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

21 10A-302.

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

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

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

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

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

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

34 (2) THE BOARD DETERMINES BASED ON ALL THE INFORMATION  
35 AVAILABLE THAT THE APPLICANT IS FIT AND SUITED TO ENGAGE IN THE  
36 PROFESSION.

7

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

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

6 (H) EXCEPT AS OTHERWISE PROVIDED IN ~~THIS SUBTITLE~~ SUBSECTION (I) OF  
7 THIS SECTION, THE APPLICANT SHALL PASS AN EXAMINATION GIVEN BY THE BOARD  
8 UNDER THIS SUBTITLE.

9 (I) (1) ON OR BEFORE SEPTEMBER 30, 1998, THE BOARD SHALL WAIVE THE  
10 EXAMINATION REQUIREMENT OF THIS SECTION.

11 (2) ON OR AFTER OCTOBER 1, 1998, TO RENEW A LICENSE IN  
12 ACCORDANCE WITH § 10A-307 OF THIS SUBTITLE, A LICENSEE SHALL SUBMIT  
13 SATISFACTORY EVIDENCE TO THE BOARD OF HAVING PASSED AN EXAMINATION  
14 APPROVED BY THE BOARD.

15 10A-303.

16 AN APPLICANT FOR A LICENSE SHALL:

17 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE  
18 BOARD REQUIRES; AND

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

20 10A-304.

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

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

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

27 (D) THE BOARD MAY ~~EITHER~~:

28 (1) DEVELOP AND ADMINISTER AN EXAMINATION TO EVALUATE THE  
29 COMPETENCY; OF AN APPLICANT; OR ~~RELY~~

30 (2) ACCEPT A PASSING SCORE ON AN EXAMINATION DEVELOPED AND  
31 ADMINISTERED BY A PROFESSIONAL LOCKSMITH ASSOCIATION RECOGNIZED BY  
32 THE BOARD.

33 10A-305.

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

8

1 (B) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD ISSUES  
2 THE FOLLOWING INFORMATION:

- 3 (1) THE NAME OF THE LICENSEE;
- 4 (2) THE DATE WHEN THE LICENSE BECAME EFFECTIVE;
- 5 (3) THE EXPIRATION DATE OF THE LICENSE;
- 6 (4) A PHOTOGRAPH OF THE LICENSEE; AND
- 7 (5) ANY OTHER INFORMATION THAT THE BOARD CONSIDERS  
8 NECESSARY.

9 10A-306.

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

12 10A-307.

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

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

- 19 (1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;
- 20 (2) THE DATE BY WHICH THE BOARD MUST RECEIVE THE RENEWAL  
21 APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE LICENSE  
22 EXPIRES; AND
- 23 (3) THE AMOUNT OF THE RENEWAL FEE.

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

- 26 (1) OTHERWISE IS ENTITLED TO BE LICENSED;
- 27 (2) PAYS THE RENEWAL FEE SET BY THE BOARD; AND
- 28 (3) SUBMITS TO THE BOARD:

29 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD  
30 REQUIRES; ~~AND~~

31 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY  
32 CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY THE BOARD PURSUANT  
33 TO SUBSECTION (D) OF THIS SECTION; AND

34 (III) SATISFACTORY EVIDENCE OF HAVING PASSED AN  
35 EXAMINATION APPROVED BY THE BOARD.

9

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

3 (2) THE REQUIREMENTS UNDER THIS SECTION SHALL INCLUDE A  
4 MINIMUM OF ~~32~~ 24 HOURS OF EDUCATION PER YEAR OF CLASSES APPROVED BY THE  
5 BOARD.

6 (E) THE BOARD SHALL RENEW THE LICENSE OF ~~AND ISSUE A RENEWAL~~  
7 ~~CERTIFICATE TO~~ EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS  
8 SECTION.

9 10A-308.

10 (A) (1) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS, IF THE  
11 LICENSEE:

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

14 (II) PAYS TO THE BOARD THE INACTIVE STATUS FEE SET BY THE  
15 BOARD.

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

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

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

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

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

27 (4) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF COMPLIANCE  
28 WITH THE QUALIFICATIONS AND REQUIREMENTS ESTABLISHED UNDER THIS  
29 SUBTITLE FOR REINSTATEMENT OF A LICENSE ~~REINSTATEMENTS~~.

30 10A-309.

31 (A) THE BOARD MAY ISSUE AN APPRENTICE LOCKSMITH LICENSE TO AN  
32 APPLICANT WHO DOES NOT OTHERWISE QUALIFY FOR A LOCKSMITH LICENSE IF  
33 THE APPLICANT:

34 (1) WORKS UNDER THE DIRECT SUPERVISION OF A LICENSED  
35 LOCKSMITH;

36 (2) IS REGISTERED IN A LOCKSMITH APPRENTICESHIP PROGRAM  
37 WHICH HAS BEEN APPROVED BY THE BOARD IN ACCORDANCE WITH THE

10

1 GUIDELINES SUBMITTED TO THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL  
2 LICENSING OF THE DEPARTMENT BY THE ASSOCIATED LOCKSMITHS OF AMERICA;

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

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

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

9 (II) THE BOARD DETERMINES BASED ON ALL THE INFORMATION  
10 AVAILABLE THAT THE APPLICANT IS FIT AND SUITED TO ENGAGE IN THE  
11 PROFESSION;

12 (5) PAYS THE APPRENTICE LOCKSMITH LICENSE FEE AS ESTABLISHED  
13 BY THE BOARD; AND

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

16 (B) WHILE AN APPRENTICE LOCKSMITH LICENSE IS IN EFFECT, THE LICENSEE  
17 ~~MUST~~ SHALL:

18 (1) COMPLETE ~~64~~ 48 HOURS OF EDUCATION PER YEAR OF BOARD  
19 APPROVED CLASSES; AND

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

22 10A-310.

23 (A) LICENSED LOCKSMITHS AND LICENSED APPRENTICE LOCKSMITHS SHALL  
24 HAVE THEIR LICENSES:

25 (1) AVAILABLE AT ALL TIMES WHEN PROVIDING LOCKSMITH SERVICES;  
26 AND

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

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

31 10A-311.

32 SUBJECT TO THE HEARING PROVISIONS OF ~~§ 10A-313~~ § 10A-312 OF THIS  
33 SUBTITLE, THE BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY  
34 LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR LICENSEE:

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

37 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

11

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

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

5 (5) FAILS TO MAINTAIN THE LIABILITY INSURANCE REQUIRED UNDER §  
6 10A-401 OF THIS TITLE.

7 10A-312.

8 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE  
9 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER §  
10 ~~10A-602~~ § 10A-311, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS  
11 CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

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

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

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

19 10A-313.

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

24 10A-314.

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

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

27 (2) THE BOARD HAS DETERMINED THAT THE OTHER STATE'S  
28 LICENSING REQUIREMENTS ARE COMPARABLE TO THOSE ESTABLISHED BY THE  
29 BOARD;

30 (3) THE OTHER STATE GIVES LICENSED MARYLAND LOCKSMITHS  
31 RECIPROCITY; AND

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

34 SUBTITLE 4. MISCELLANEOUS PROVISIONS.

35 10A-401.

36 A LOCKSMITH OR APPRENTICE LOCKSMITH SHALL BE COVERED BY LIABILITY  
37 INSURANCE IN THE AMOUNT OF ~~\$500,000~~ \$300,000 PER INCIDENT, FOR THE PURPOSE

12

1 OF PAYING CLAIMS OR JUDGMENTS FOR DAMAGES WHICH MAY OCCUR AS A  
2 RESULT OF NEGLIGENCE BY THE LOCKSMITH OR APPRENTICE LOCKSMITH IN THE  
3 COURSE OF PROVIDING LOCKSMITH SERVICES.

4 10A-402.

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

6 (1) RESIDENTIAL AND COMMERCIAL ESTABLISHMENTS;

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

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

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

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

16 (1) INFORMATION ABOUT THE CLIENT INCLUDING:

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

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

21 (III) THE CLIENT'S SIGNATURE;

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

23 (I) THE STREET ADDRESS IF THE PROPERTY IS A RESIDENTIAL OR  
24 COMMERCIAL ESTABLISHMENT;

25 (II) THE VEHICLE REGISTRATION NUMBER; OR

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

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

28 (4) THE NAME AND LICENSE NUMBER OF THE LOCKSMITH  
29 PERFORMING THE SERVICE.

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

13

1 SUBTITLE 5. PROHIBITED ACTS; PENALTIES.

2 10A-501.

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

5 (B) AN ORGANIZATION MAY NOT PROVIDE OR OFFER TO PROVIDE  
6 LOCKSMITH SERVICES UNLESS SUCH SERVICES ARE, OR CAN BE, PROVIDED BY AN  
7 EMPLOYEE OR CONTRACTOR OF THE ORGANIZATION WHO IS LICENSED BY THE  
8 BOARD.

9 (C) A PERSON MAY NOT OBTAIN OWNERSHIP OR POSSESSION OF ~~LOCKSMITH~~  
10 LOCKPICKING TOOLS, SAFE OPENING TOOLS, MANUALS, OR CODE BOOKS, UNLESS  
11 THE PERSON IS LICENSED BY THE BOARD.

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

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

15 (2) EMERGENCY OPENING SERVICES BY MEMBERS OF POLICE  
16 DEPARTMENTS, FIRE DEPARTMENTS, OR OTHER GOVERNMENT AGENCIES IN THEIR  
17 OFFICIAL LINE OF DUTY;

18 (3) THE ACQUISITION OR USE OF ANY KEY DUPLICATION OR KEY  
19 BLANKS;

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

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

25 (6) THE INSTALLATION, REPAIR, REPLACEMENT, OR REBUILDING OF  
26 AN AUTOMOTIVE LOCK BY AN AUTOMOTIVE REPAIR AND SERVICE FACILITY, THE  
27 LOCK MANUFACTURER, OR THE MANUFACTURER'S AGENT; ~~AND~~

28 (7) THE INSTALLATION OF LOCKS BY BUILDING TRADES PERSONNEL ON  
29 PROJECTS THAT REQUIRE A "BUILDING PERMIT"; ~~AND~~

30 (8) THE INSTALLATION OR REPLACEMENT OF LOCKS BY A RETAILER  
31 OR THE RETAILER'S AGENT ON THE PREMISES OF THE RETAILER.

32 10A-502.

33 UNLESS AUTHORIZED UNDER THIS TITLE TO PROVIDE LOCKSMITH SERVICES,  
34 A PERSON MAY NOT REPRESENT TO THE PUBLIC, BY USE OF A TITLE, INCLUDING  
35 "LICENSED LOCKSMITH", BY DESCRIPTION OF SERVICES, METHODS, OR  
36 PROCEDURES, OR OTHERWISE, THAT THE PERSON IS AUTHORIZED TO ENGAGE IN  
37 THE BUSINESS OF PROVIDING LOCKSMITH SERVICES IN THE STATE.

14

1 10A-503.

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

5 SUBTITLE 6. SHORT TITLE; TERMINATION OF TITLE.

6 10A-601.

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

8 10A-602.

9 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISION OF THE  
10 MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS  
11 ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER  
12 OCTOBER 1, 2006.

13 **Article - State Government**

14 8-403.

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

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

22 (1) 3 members in 1998;

23 (2) 4 members in 1999; and

24 (3) 4 members in 2000.

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

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

32 ~~(2) has previously demonstrated competency by having provided locksmith~~  
33 ~~services on a continuous basis for 2 years immediately preceding the application date for~~  
34 ~~a locksmith license.~~

35 SECTION 4. 3. AND BE IT FURTHER ENACTED, That this Act shall take  
36 effect October 1, 1996.

