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**By: Delegates McClenahan and Donoghue**

Introduced and read first time: January 20, 1997

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Business Occupations - Private Detectives**

3 FOR the purpose of altering the time table for license renewal and expiration; requiring  
4 the Secretary of the Department of State Police to develop a regulation regarding  
5 the expiration months of certain licenses; adjusting certain license renewal fees to  
6 correspond with the augmented license terms; adjusting the time period for which  
7 an applicant for license renewal must submit certain information to the Secretary of  
8 the Department of State Police; expanding the definition of "provide private  
9 detective services" to include nonuniformed personal protection; and generally  
10 relating to the licensing and regulation of private detectives.

11 BY repealing and reenacting, with amendments,  
12 Article - Business Occupations and Professions  
13 Section 13-101(i), 13-308, and 13-309  
14 Annotated Code of Maryland  
15 (1995 Replacement Volume and 1996 Supplement)

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

18 **Article - Business Occupations and Professions**

19 13-101.

20 (i) (1) "Provide private detective services" means to provide, for compensation,  
21 the service of:

22 (i) conducting an investigation that concerns:

23 1. a crime or wrong committed, assumed to have been  
24 committed, or threatened to be committed;

25 2. the identity, habits, conduct, movement, location, affiliations,  
26 associations, transactions, reputation, or character of any person;

27 3. the credibility of a witness or of any other individual;

28 4. the location of a missing individual;

29 5. the location or recovery of lost or stolen property;

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1                           6. the origin or cause of or responsibility for:

2                           A. a fire;

3                           B. an accident;

4                           C. any damage to or loss of property; or

5                           D. an injury to an individual;

6                           7. the affiliation, connection, or relation of any person with an  
7 organization or other person; or

8                           8. the activities, conduct, efficiency, loyalty, or honesty of any  
9 employee, agent, contractor, or subcontractor; [or]

10                         (ii) securing evidence for use before any investigating committee,  
11 board of award, or board of arbitration or for use in the trial of any civil or criminal cause;  
12 OR

13                         (III) NONUNIFORMED PERSONAL PROTECTION.

14                         (2) "Provide private detective services" does not include:

15                         (i) performing any activity of a person who is engaged exclusively in  
16 the business of making investigations and reports that relate to the financial standing,  
17 creditworthiness, or financial responsibility of any person;

18                         (ii) performing any activity of a person who is engaged exclusively in  
19 the business of making a report for an insurance or credit purpose, except if the making  
20 of the report involves an investigation or surveillance of a sort normally performed by a  
21 person who otherwise is subject to this title;

22                         (iii) monitoring an electronically controlled burglar or fire alarm  
23 system with a central unit; or

24                         (iv) making a marketing survey.

25 13-308.

26                         (a) Unless a license is renewed for a [1-year] 2-YEAR term as provided in this  
27 section, the license expires on the [first April 30 after the effective date of the license]  
28 15TH DAY OF THE EXPIRATION MONTH DESIGNATED BY THE SECRETARY THROUGH  
29 REGULATION.

30                         (b) At least 1 month before a license expires, the Secretary shall mail to the  
31 licensee, at the last known address of the licensee:

32                         (1) a renewal application form; and

33                         (2) a notice that states:

34                           (i) the date on which the current license expires;

35                           (ii) that the Secretary must receive the renewal application and the  
36 annual statements required under § 13-309 of this subtitle, on or before [April 15] THE

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1 15TH DAY OF THE EXPIRATION MONTH, for the renewal to be issued and mailed before  
2 the license expires;

3 (iii) the amount of the renewal fee;

4 (iv) that, if the annual statements are not received on or before [April  
5 15] THE 15TH DAY OF THE EXPIRATION MONTH, a fee of \$10 per day shall be charged  
6 against the licensee until the statements are received; and

7 (v) that the submission of a false statement in the renewal application  
8 or in the annual statements is cause for revocation of the license.

9 (c) A licensee periodically may renew the license for an additional [ 1-year]  
10 2-YEAR term, if the licensee:

11 (1) otherwise is entitled to be licensed;

12 (2) pays to the Secretary:

13 (i) a renewal fee of:

14 1. [ \$100 ] \$200, if the licensee is an individual; or

15 2. [ \$200 ] \$400, if the licensee is a firm; and

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

17 (3) submits to the Secretary:

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

19 (ii) the [annual] 2-YEAR statements required under § 13-309 of this  
20 subtitle.

21 (d) The Secretary shall renew the license of each licensee who meets the  
22 requirements of this section.

23 13-309.

24 (a) As a condition for license renewal, a licensee shall submit to the Secretary  
25 with the renewal application:

26 (1) a certification or, as authorized by the Secretary, other documentation  
27 that the licensed private detective agency has paid, for the past [calendar year] 2 YEARS,  
28 all withholding and Social Security taxes;

29 (2) a certification or, as authorized by the Secretary, other documentation  
30 that the licensed private detective agency has paid, for the past [calendar year] 2 YEARS,  
31 all other obligations payable for the employees of the licensed private detective agency to  
32 the State or the federal government;

33 (3) a certificate from an insurance carrier or, as authorized by the Secretary,  
34 other documentation showing that the licensed private detective agency has in effect  
35 workers' compensation insurance for its covered employees, as defined in § 9-101 of the  
36 Labor and Employment Article; and

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1                   (4) a receipt from the Comptroller's Office or, as authorized by the  
2 Secretary, other documentation showing that the State income tax of the licensed private  
3 detective agency has been paid for the past [calendar year ] 2 YEARS.

4                   (b) If the Secretary does not receive the documents required under subsection (a)  
5 of this section on or before [April 15] THE 15TH DAY OF THE EXPIRATION MONTH, the  
6 Secretary shall charge the licensee a late fee of \$10 per day until the documents are  
7 received.

8                   (c) The Secretary may inspect any of the business records of a licensee that relate  
9 to any matter that is subject to certification or documentation under this section.

10                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 1997.