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Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Business Occupations - Licensure of Computer Repair Technicians**

3 FOR the purpose of providing for the licensure of computer repair technicians;
4 establishing qualifications for licensed computer repair technicians; authorizing a
5 licensee under this title to provide computer repair services for compensation in the
6 State under certain circumstances; establishing a State Board of Computer Repair
7 Technicians in the Department of Labor, Licensing, and Regulation; providing for
8 the membership, duties, powers, and operation of the Board; providing certain
9 qualifications for Board membership; providing for the terms and termination of
10 Board membership; requiring the Governor to appoint a number of Board members
11 to certain positions within the Board; authorizing the Governor to remove certain
12 Board members under certain circumstances; providing for meetings of the Board
13 members; authorizing the Board's employment of a staff; providing for the
14 compensation of Board members; providing for the collection and disbursement of
15 certain fees by the Board; authorizing the Board to adopt certain regulations;
16 providing penalties for making certain types of statements on certain application
17 forms; providing for a waiver of the licensing requirements under certain
18 circumstances; requiring certain information to appear on a license issued by the
19 Board; providing for the term of a license granted under this Act; providing for the
20 renewal of licenses granted under this Act; requiring a licensee to carry and display
21 a license under certain circumstances; providing for the denial, suspension, or
22 revocation of a license; providing for the reprimand of a licensee; providing for
23 hearings and appeal procedures; providing penalties for certain violations of this
24 Act; defining certain terms; and generally relating to the licensure of computer
25 repair technicians.

26 BY adding to

27 Article - Business Occupations and Professions
28 Section 20-101 through 20-601, inclusive, to be under the new title "Title 20.
29 Computer Repair Technicians"
30 Annotated Code of Maryland
31 (1995 Replacement Volume and 1996 Supplement)

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

2

1 **Article - Business Occupations and Professions**

2 TITLE 20. COMPUTER REPAIR TECHNICIANS.

3 SUBTITLE 1. GENERAL PROVISIONS.

4 20-101.

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

6 (B) "BOARD" MEANS THE STATE BOARD OF COMPUTER REPAIR
7 TECHNICIANS.

8 (C) "COMPUTER REPAIR TECHNICIAN" MEANS A PERSON WHO PERSONALLY
9 PROVIDES COMPUTER REPAIR SERVICES FOR COMPENSATION.

10 (D) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO ENGAGE IN THE
11 BUSINESS OF PROVIDING COMPUTER REPAIR SERVICES FOR COMPENSATION.

12 (E) "PROVIDING COMPUTER REPAIR SERVICES" MEANS PROVIDING THE
13 SERVICE OF:

14 (1) REPAIRING COMPUTER HARDWARE;

15 (2) REPLACING COMPUTER HARDWARE; OR

16 (3) MAKING CHANGES, UPGRADES, OR ADJUSTMENTS TO COMPUTER
17 HARDWARE.

18 20-102.

19 THIS TITLE DOES NOT SUPERSEDE ANY LOCAL LAW OR ORDINANCE IN THIS
20 STATE THAT ESTABLISHES STANDARDS OR QUALIFICATIONS FOR COMPUTER
21 REPAIR TECHNICIANS THAT ARE CONSISTENT WITH THIS TITLE AND ANY
22 REGULATIONS AUTHORIZED UNDER THIS TITLE.

23 SUBTITLE 2. STATE BOARD OF COMPUTER REPAIR TECHNICIANS.

24 20-201.

25 THERE IS A STATE BOARD OF COMPUTER REPAIR TECHNICIANS IN THE
26 DEPARTMENT.

27 20-202.

28 (A) (1) THE BOARD CONSISTS OF SEVEN MEMBERS.

29 (2) OF THE SEVEN MEMBERS OF THE BOARD:

30 (I) THREE SHALL BE INSTRUCTORS WHO TEACH COMPUTER
31 REPAIR COURSES IN THE STATE;

32 (II) TWO SHALL BE LICENSED COMPUTER REPAIR TECHNICIANS;
33 AND

34 (III) TWO SHALL BE CONSUMER MEMBERS.

3

1 (3) THE GOVERNOR SHALL APPOINT THE MEMBERS OF THE BOARD
2 WITH THE ADVICE OF THE SECRETARY.

3 (4) FROM AMONG THE MEMBERS OF THE BOARD, THE GOVERNOR
4 SHALL APPOINT A CHAIRPERSON, TREASURER, AND SECRETARY.

5 (B) EACH MEMBER OF THE BOARD WHO IS A LICENSED COMPUTER REPAIR
6 TECHNICIAN SHALL HAVE PROVIDED COMPUTER REPAIR SERVICES IN THE STATE
7 CONTINUOUSLY FOR AT LEAST 5 YEARS BEFORE APPOINTMENT.

8 (C) EACH CONSUMER MEMBER OF THE BOARD:

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

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

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

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

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

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

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

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

23 (F) (1) THE TERM OF A MEMBER IS 5 YEARS AND BEGINS ON JULY 1.

24 (2) A MEMBER MAY NOT SERVE MORE THAN 2 CONSECUTIVE TERMS.

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

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

30 (5) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
31 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 1997.

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

34 (H) THE GOVERNOR SHALL REMOVE A MEMBER WHO CEASES TO MEET THE
35 REQUIREMENTS OF THIS SECTION.

4

1 20-203.

2 (A) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD
3 CONSTITUTES A QUORUM.

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

6 (C) SUBJECT TO THE STATE BUDGET, EACH MEMBER OF THE BOARD IS
7 ENTITLED TO:

8 (1) A REASONABLE FEE SET BY THE BOARD FOR EACH DAY THE
9 MEMBER ENGAGES IN THE DUTIES OF OFFICE; AND

10 (2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE
11 TRAVEL REGULATIONS.

12 (D) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE
13 BUDGET.

14 20-204.

15 (A) (1) THE BOARD SHALL ESTABLISH REASONABLE FEES FOR LICENSING,
16 LICENSING RENEWAL, REINSTATEMENT, APPLICATIONS, PER DIEM FEES FOR BOARD
17 MEMBERS, COMPENSATION FOR INSPECTORS APPOINTED BY THE BOARD, AND ANY
18 OTHER SERVICE PERFORMED BY THE BOARD NECESSARY TO CARRY OUT THE
19 PROVISIONS OF THIS TITLE.

20 (2) THE FEES ESTABLISHED BY THE BOARD SHALL EQUAL THE ACTUAL
21 DIRECT AND INDIRECT COSTS OF REGULATING THE COMPUTER REPAIR INDUSTRY
22 IN THIS STATE IN ACCORDANCE WITH THIS TITLE.

23 (B) THE BOARD SHALL PAY ALL MONEY COLLECTED UNDER THIS TITLE INTO
24 THE GENERAL FUND OF THE STATE.

25 SUBTITLE 3. POWERS AND DUTIES OF THE BOARD.

26 20-301.

27 SUBJECT TO THE PROVISIONS OF THIS TITLE, THE BOARD IS RESPONSIBLE FOR
28 THE LICENSING AND REGULATION OF COMPUTER REPAIR TECHNICIANS IN THE
29 STATE.

30 20-302.

31 THE BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS SUBJECT TO
32 THE AUTHORITY OF THE SECRETARY.

33 20-303.

34 (A) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS TITLE.

35 (B) THE BOARD SHALL:

36 (1) ADMINISTER AND ENFORCE THIS TITLE;

5

1 (2) ADOPT REGULATIONS THAT PROVIDE STANDARDS FOR THE
2 LICENSURE OF COMPUTER REPAIR TECHNICIANS; AND

3 (3) KEEP A ROSTER OF LICENSED COMPUTER REPAIR TECHNICIANS IN
4 THE STATE.

5 20-304.

6 THE BOARD, WITH THE APPROVAL OF THE OFFICE OF THE ATTORNEY
7 GENERAL, MAY SUE IN THE NAME OF THE STATE TO ENJOIN ANY ACT THAT IS
8 PROHIBITED UNDER THIS TITLE.

9 SUBTITLE 4. LICENSING.

10 20-401.

11 TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL:

12 (1) BE AT LEAST 18 YEARS OLD;

13 (2) BE OF GOOD MORAL CHARACTER; AND

14 (3) COMPLY WITH ANY OTHER REQUIREMENTS THAT THE BOARD
15 ESTABLISHES FOR LICENSE APPLICANTS.

16 20-402.

17 (A) AN APPLICANT FOR A LICENSE SHALL:

18 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE
19 BOARD PROVIDES;

20 (2) SUBMIT THE DOCUMENTS REQUIRED BY THIS SECTION; AND

21 (3) PAY TO THE BOARD A NONREFUNDABLE APPLICATION FEE OF \$150.

22 (B) THE APPLICATION FORM PROVIDED BY THE BOARD SHALL CONTAIN A
23 STATEMENT ADVISING THE APPLICANT THAT WILLFULLY MAKING A FALSE
24 STATEMENT ON AN APPLICATION IS A MISDEMEANOR, SUBJECT TO A FINE OR
25 IMPRISONMENT OR BOTH, AS PROVIDED UNDER § 20-503 OF THIS TITLE.

26 (C) THE BOARD MAY WAIVE THE REQUIREMENTS OF SUBSECTIONS (A)(2)
27 AND (3) OF THIS SECTION AND ISSUE A LICENSE TO AN APPLICANT WHO:

28 (1) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

29 (I) IS LICENSED TO ENGAGE IN THE BUSINESS OF PROVIDING
30 COMPUTER REPAIR SERVICES FOR COMPENSATION IN ANOTHER STATE; AND

31 (II) BECAME LICENSED IN THE OTHER STATE ONLY AFTER
32 MEETING QUALIFICATIONS THAT WERE AT LEAST EQUIVALENT TO THOSE
33 REQUIRED IN THIS STATE; AND

34 (2) PAYS A PROCESSING FEE OF \$15 TO THE BOARD.

6

1 20-403.

2 (A) THE BOARD SHALL ISSUE A LICENSE TO EACH APPLICANT WHO MEETS
3 THE REQUIREMENTS OF THIS TITLE AND ANY REGULATIONS ADOPTED UNDER THIS
4 TITLE.

5 (B) THE BOARD SHALL INCLUDE ON EACH LICENSE:

- 6 (1) THE FULL NAME OF THE LICENSEE;
- 7 (2) THE CURRENT ADDRESS OF THE LICENSEE;
- 8 (3) THE DATE OF ISSUANCE OF THE LICENSE;
- 9 (4) THE DATE ON WHICH THE LICENSE EXPIRES; AND
- 10 (5) A PHOTOGRAPH OF THE LICENSEE.

11 20-404.

12 WHILE A LICENSE IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO ENGAGE IN
13 THE BUSINESS OF PROVIDING COMPUTER REPAIR SERVICES FOR COMPENSATION.

14 20-405.

15 (A) UNLESS A LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN
16 THIS SECTION, THE LICENSE EXPIRES ON THE FIRST APRIL 1 THAT COMES:

- 17 (1) AFTER THE EFFECTIVE DATE OF THE LICENSE; AND
- 18 (2) IN AN EVEN-NUMBERED YEAR.

19 (B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL MAIL
20 TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE:

- 21 (1) A RENEWAL APPLICATION FORM; AND
- 22 (2) A NOTICE THAT STATES:
 - 23 (I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;
 - 24 (II) THE DATE BY WHICH THE BOARD MUST RECEIVE THE
25 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
26 THE LICENSE EXPIRES; AND
 - 27 (III) THE AMOUNT OF THE RENEWAL FEE.

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

- 30 (1) OTHERWISE IS ENTITLED TO BE LICENSED;
- 31 (2) SUBMITS TO THE BOARD:
 - 32 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD
33 PROVIDES; AND

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1 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY OTHER
2 REQUIREMENTS PROVIDED UNDER THIS SECTION FOR LICENSE RENEWAL.

3 (D) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO MEETS
4 THE REQUIREMENTS OF THIS SECTION.

5 20-406.

6 (A) EACH LICENSEE SHALL CARRY AND DISPLAY THE LICENSE ON DEMAND
7 OF ANY CUSTOMER OR LAW ENFORCEMENT OFFICER.

8 (B) EACH LICENSEE SHALL RECORD THE LICENSE WITH THE SECRETARY OF
9 STATE.

10 (C) EACH LICENSEE SHALL GIVE THE BOARD WRITTEN NOTICE OF ANY
11 CHANGE OF ADDRESS WITHIN 10 DAYS AFTER THE CHANGE.

12 20-407.

13 SUBJECT TO THE HEARING PROVISIONS OF § 20-408 OF THIS SUBTITLE, THE
14 BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY LICENSEE, OR
15 SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR LICENSEE:

16 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
17 OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER PERSON;

18 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

19 (3) HAS A SIMILAR LICENSE DENIED, SUSPENDED, OR REVOKED IN
20 ANOTHER JURISDICTION;

21 (4) PLEADS GUILTY OR NOLO CONTENDERE TO OR IS CONVICTED OF A
22 FELONY, THEFT OFFENSE, OR CRIME OF MORAL TURPITUDE;

23 (5) AIDS AN INDIVIDUAL IN OBTAINING OR IN ATTEMPTING TO OBTAIN
24 LICENSURE UNDER THIS TITLE FRAUDULENTLY OR DECEPTIVELY;

25 (6) WHILE NOT LICENSED, WILLFULLY ENGAGES IN A BUSINESS
26 PROVIDING COMPUTER REPAIR SERVICES FOR COMPENSATION;

27 (7) WHILE NOT LICENSED, WILLFULLY ADVERTISES AS A COMPUTER
28 REPAIR TECHNICIAN;

29 (8) WILLFULLY MAKES A FALSE STATEMENT OR MISREPRESENTATION
30 IN ANY RENEWAL APPLICATION OR IN ANY OTHER DOCUMENT THAT THE BOARD
31 REQUIRES TO BE SUBMITTED; OR

32 (9) VIOLATES ANY OTHER PROVISION OF THIS TITLE OR REGULATION
33 AUTHORIZED UNDER THIS TITLE.

34 20-408.

35 (A) BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER § 20-407 OF THIS
36 SUBTITLE, THE BOARD SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS
37 CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

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

3 (C) THE HEARING NOTICE TO BE GIVEN TO THE INDIVIDUAL SHALL BE SENT
4 BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE INDIVIDUAL AT LEAST
5 10 DAYS BEFORE THE HEARING.

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

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

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

12 20-409.

13 (A) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A
14 CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE,
15 MAY TAKE AN APPEAL AS ALLOWED IN TITLE 10, SUBTITLE 2 OF THE STATE
16 GOVERNMENT ARTICLE.

17 (B) THE BOARD MAY APPEAL FROM A DECISION OF THE CIRCUIT COURT.

18 SUBTITLE 5. PROHIBITED ACTS.

19 20-501.

20 BEGINNING JANUARY 1, 1998, A PERSON MAY NOT ENGAGE, ATTEMPT TO
21 ENGAGE, OR OFFER TO ENGAGE IN THE BUSINESS OF PROVIDING COMPUTER
22 REPAIR SERVICES FOR COMPENSATION OR USE THE DESIGNATION "COMPUTER
23 REPAIR TECHNICIAN" IN THE STATE WITHOUT A VALID LICENSE ISSUED UNDER
24 THIS TITLE.

25 20-502.

26 A PERSON MAY NOT WILLFULLY MAKE A FALSE STATEMENT ON ANY
27 APPLICATION FORM OR OTHER DOCUMENT SUBMITTED TO THE BOARD UNDER
28 THIS TITLE.

29 20-503.

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

33 SUBTITLE 6. SHORT TITLE.

34 20-601.

35 THIS TITLE MAY BE CITED AS THE "COMPUTER REPAIR TECHNICIANS ACT".

9

1 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
2 members of the State Board of Computer Repair Technicians shall expire as follows:

3 (1) the three members who teach computer repair courses in the State in 2002;

4 (2) the two consumer members in 2000; and

5 (3) the two members who are computer repair technicians in 1999.

6 SECTION 3. AND BE IT FURTHER ENACTED, That the requirement of this
7 Act that the two members of the State Board of Computer Repair Technicians who are
8 computer repair technicians be licensed by the Board does not apply to the individuals
9 who fill these positions during the first year of the Board's existence.

10 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 1997.