
By: Senator Collins

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 Business Occupations - Security Systems Technicians - Licensing and Registration

3 FOR the purpose of requiring the registration with the Secretary of the State Police of
 4 certain individuals who perform security systems services or have access to certain
 5 information about security systems under certain circumstances; establishing certain
 6 procedures and requirements for registration under this Act; altering certain
 7 application requirements for a license; requiring an applicant for a certain license to
 8 obtain certain insurance or execute a fidelity bond in order to obtain a license;
 9 authorizing temporary licenses and registrations under certain circumstances;
 10 requiring the Secretary to adopt certain regulations and keep certain records;
 11 requiring the Department of State Police to adopt certain regulations; providing for
 12 the denial, suspension, or revocation of certain registrations under certain
 13 circumstances; altering the circumstances under which the Secretary may waive a
 14 certain criminal records check for certain licensees; altering the requirement that
 15 certain persons that provide security systems services obtain a certain bond to cover
 16 certain employees of the person; providing for the termination of certain provisions
 17 of law; providing for the construction of this Act; defining certain terms; and
 18 generally relating to licensing and registration of persons providing security systems
 19 services.

20 BY repealing and reenacting, with amendments,

21 Article - Business Occupations and Professions
 22 Section 18-101 through 18-204, 18-301 through 18-311, 18-402, 18-502, and
 23 18-701
 24 Annotated Code of Maryland
 25 (1995 Replacement Volume and 1996 Supplement)

26 BY repealing and reenacting, without amendments,

27 Article - Business Occupations and Professions
 28 Section 18-501, 18-503, 18-504, and 18-601
 29 Annotated Code of Maryland
 30 (1995 Replacement Volume and 1996 Supplement)

31 BY adding to

32 Article - Business Occupations and Professions

2

1 Section 18-3A-01 through 18-3A-11, inclusive, to be under the new subtitle
2 "Subtitle 3A. Registration"; and 18-402
3 Annotated Code of Maryland
4 (1995 Replacement Volume and 1996 Supplement)

5 BY repealing

6 Article - Business Occupations and Professions
7 Section 18-401
8 Annotated Code of Maryland
9 (1995 Replacement Volume and 1996 Supplement)

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

12 **Article - Business Occupations and Professions**

13 18-101.

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

15 (B) (1) "CIRCUMVENTIONAL INFORMATION" MEANS INFORMATION,
16 INCLUDING PASS CODES, THAT ALLOWS AN INDIVIDUAL TO ALTER THE OPERATION
17 OF A SECURITY SYSTEM.

18 (2) "CIRCUMVENTIONAL INFORMATION" DOES NOT INCLUDE GENERIC
19 USER OR INSTALLATION MANUALS.

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

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

23 [(b)] (E) "License" means a license issued by the Secretary or the Secretary's
24 designee to engage in the business of providing security systems services for
25 compensation.

26 [(c)] (F) "Providing security systems services" means providing, on the premises
27 of a person's residential or commercial property, the service of:

28 (1) surveying the property for purposes of installing a security system;

29 (2) physically installing, maintaining, or repairing a security system for the
30 customer; or

31 (3) responding to a distress call or an alarm sounding from a security system.

32 (G) "REPRESENTATIVE MEMBER" MEANS A FIRM MEMBER WHO IS
33 APPOINTED UNDER THIS TITLE TO ACT ON BEHALF OF THE FIRM.

34 [(d)] (H) "Security systems technician" means a person who personally provides
35 security systems services.

3

1 (I) "SECURITY SYSTEMS AGENCY" MEANS AN INDIVIDUAL OR A FIRM THAT
2 CONDUCTS A BUSINESS THAT PROVIDES SECURITY SYSTEMS SERVICES.

3 [(e)] (J) "Secretary" means the Secretary of the State Police or the Secretary's
4 designee.

5 18-102.

6 (a) This title does not apply to an officer or employee of any unit of the United
7 States, of any state, or of any county, municipal corporation, or other political subdivision
8 of any state, while performing a duty of the office or employment.

9 (b) (1) This title does not supersede any local law or ordinance in the State that
10 establishes standards or qualifications for electricians or for electrical work involved in
11 the installation of security systems or security alarms.

12 (2) This title does not authorize an individual to perform electrical work
13 that otherwise requires an electrician's license under any State or local law or ordinance.

14 (3) THIS TITLE SUPERSEDES ANY LOCAL LAW OR ORDINANCE IN THE
15 STATE THAT ESTABLISHES STANDARDS OR QUALIFICATIONS FOR SECURITY
16 SYSTEMS AGENCIES, SECURITY SYSTEMS TECHNICIANS, OR OTHER INDIVIDUALS
17 WHO HAVE ACCESS TO CIRCUMVENTIONAL INFORMATION.

18 (c) (1) [This] THE LICENSING REQUIREMENTS OF THIS title [does] DO not
19 apply to [an] A MASTER electrician who:

20 [(1)] (I) currently is licensed in that occupation under State or local law;
21 and

22 [(2)] (II) is acting only within the scope of that occupation.

23 (2) A MASTER ELECTRICIAN MAY NOT:

24 (I) PERSONALLY PROVIDE SECURITY SYSTEMS SERVICES UNLESS
25 THE MASTER ELECTRICIAN IS REGISTERED AS A SECURITY SYSTEMS TECHNICIAN;
26 OR

27 (II) OBTAIN ACCESS TO CIRCUMVENTIONAL INFORMATION
28 UNLESS THE MASTER ELECTRICIAN IS REGISTERED AS AN INDIVIDUAL WITH
29 ACCESS TO CIRCUMVENTIONAL INFORMATION.

30 (d) This title does not apply to a person who sells security systems by means of a
31 catalog or brochure for future delivery, provided that the person does not:

32 (1) enter the premises of the customer's property; OR

33 (2) HAVE ACCESS TO CIRCUMVENTIONAL INFORMATION.

34 (E) THIS TITLE MAY NOT BE CONSTRUED TO REQUIRE:

35 (1) A PERSON OR FIRM ENGAGED IN THE BUSINESS OF PROVIDING
36 SECURITY SYSTEMS SERVICES FOR COMPENSATION TO OBTAIN MORE THAN ONE
37 LICENSE UNDER THIS TITLE TO PROVIDE SECURITY SYSTEMS SERVICES;

4

1 (2) A SECURITY SYSTEMS TECHNICIAN, IN ADDITION TO BEING
2 REGISTERED UNDER THIS TITLE, TO OBTAIN A LICENSE UNDER THIS TITLE, IF THE
3 SECURITY SYSTEMS TECHNICIAN IS EMPLOYED BY OR UNDER CONTRACT WITH A
4 PERSON OR FIRM THAT HAS A LICENSE UNDER THIS TITLE TO PROVIDE SECURITY
5 SYSTEMS SERVICES; OR

6 (3) AN INDIVIDUAL WHO IS LICENSED UNDER THIS TITLE TO BE
7 REGISTERED UNDER SUBTITLE 3A OF THIS TITLE.

8 18-201.

9 Subject to the provisions of this title, the Secretary is responsible for:

10 (1) the licensing [of a security systems technician] and [the] regulation of
11 [those] persons AND FIRMS THAT [who] provide security systems services in the State;
12 AND

13 (2) THE REGISTRATION OF SECURITY SYSTEMS TECHNICIANS AND
14 OTHER INDIVIDUALS WHO HAVE ACCESS TO CIRCUMVENTIONAL INFORMATION.

15 18-202.

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

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

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

20 (3) make inquiries and conduct an investigation regarding any applicant for
21 a license OR FOR REGISTRATION.

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

23 (1) adopt regulations that set standards for the licensure of [a] PERSONS
24 OR FIRMS WHO PROVIDE security systems [technician] SERVICES; [and]

25 (2) ADOPT REGULATIONS THAT SET STANDARDS FOR THE
26 REGISTRATION OF SECURITY SYSTEMS TECHNICIANS AND OTHER INDIVIDUALS
27 WHO HAVE ACCESS TO CIRCUMVENTIONAL INFORMATION; AND

28 [(2)] (3) keep a roster of individuals [licensed] REGISTERED as security
29 systems technicians OR AS INDIVIDUALS WHO HAVE ACCESS TO CIRCUMVENTIONAL
30 INFORMATION.

31 18-203.

32 The Secretary and all members of the Department of State Police:

33 (1) shall treat as confidential any information obtained through an
34 investigation of an applicant for a license OR FOR REGISTRATION under this title; and

35 (2) unless required by a court order, may not divulge to a person who is not
36 a law enforcement officer any information obtained through an investigation of an
37 applicant for a license OR FOR REGISTRATION under this title.

5

1 18-204.

2 Except for the cost of the Maryland and national criminal [record checks]
3 RECORDS CHECK, the Secretary shall pay all money collected under this title into the
4 General Fund of the State.

5 18-301.

6 [(a)] Except as otherwise provided in this title, a person OR FIRM [shall be
7 licensed by the Secretary as a security systems technician before the person] may NOT
8 engage in the business of providing security systems services in the State UNLESS THE
9 PERSON OR FIRM OBTAINS A LICENSE AND MEETS THE REQUIREMENTS OF § 18-401
10 OF THIS TITLE.

11 [(b)] A person who sells security systems at the protected premises or the premises
12 to be protected but does not install, maintain, or repair those systems:

13 (1) is not required to be licensed under this title; but

14 (2) is required to:

15 (i) register with the Secretary once every 2 years;

16 (ii) provide the information the Secretary requires; and

17 (iii) pay a fee of \$15.]

18 18-302.

19 (A) IF THE APPLICANT FOR A LICENSE IS A FIRM, THE FIRM SHALL APPOINT A
20 FIRM MEMBER AS THE REPRESENTATIVE MEMBER TO MAKE THE APPLICATION ON
21 BEHALF OF THE FIRM.

22 [(a)] (B) To qualify for a license, IF an applicant IS AN INDIVIDUAL, AN
23 APPLICANT shall:

24 (1) be at least 18 years old; and

25 (2) be of good moral character.

26 [(b)] (C) The applicant shall meet any other requirements that the Secretary
27 establishes for license applicants.

28 18-303.

29 (a) An applicant for a license shall:

30 (1) submit to the Secretary an application on the form that the Secretary
31 provides;

32 (2) submit the documents required by this section; and

33 (3) pay to the Secretary an application fee of \$150 which shall include the
34 cost of the Maryland and national criminal [record] RECORDS check.

6

1 (b) The application form provided by the Secretary shall contain a statement
2 advising the applicant that willfully making a false statement on an application is a
3 misdemeanor, subject to a fine or imprisonment or both, as provided under § 18-504 of
4 this title.

5 (C) IF THE APPLICANT IS A FIRM, THE REPRESENTATIVE MEMBER SHALL
6 COMPLETE THE APPLICATION FORM AND OTHERWISE BE RESPONSIBLE FOR THE
7 FIRM'S COMPLIANCE WITH THIS SECTION.

8 [(c)] (D) (1) The application shall be accompanied by at least two written
9 recommendations for the applicant.

10 (2) Each recommendation shall be signed, under oath, by a reputable citizen
11 of the State.

12 [(d)] (E) (1) An applicant for a license shall submit with the application a set of
13 LEGIBLE fingerprints of the applicant ON A FORM APPROVED BY THE CRIMINAL
14 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY AND THE DIRECTOR OF THE
15 FEDERAL BUREAU OF INVESTIGATION.

16 (2) IF THE APPLICANT IS A FIRM, THE APPLICANT SHALL PAY THE COST
17 OF THE FINGERPRINT CARD RECORDS CHECK FOR EACH FIRM MEMBER.

18 [(e)] (F) An applicant for a license shall submit with the application a copy of a
19 bond OR PROOF OF INSURANCE in accordance with the requirements of § 18-401 of this
20 title.

21 [(f)] (G) The Secretary may waive the requirements of subsections (a)(2) and (3),
22 [(c)] (D), and [(d)] (E) of this section and issue a license to an applicant who:

23 (1) provides adequate evidence that the applicant:

24 (i) is licensed to engage in the business of providing security systems
25 services in another state; and

26 (ii) became licensed in the other state:

27 1. after meeting qualifications that are at least equivalent to
28 those required in this State; and

29 2. after submitting to a State and national criminal [record]
30 RECORDS check; and

31 (2) pays to the Secretary a processing fee of [\$15] \$150.

32 18-304.

33 (A) Except for a license issued under § 18-303(f) of this subtitle, before issuing a
34 license, the Secretary shall conduct a State and national criminal [record] RECORDS
35 check for each applicant who applies for a license.

36 (B) IF THE APPLICANT IS A FIRM, THE SECRETARY SHALL CONDUCT A STATE
37 AND NATIONAL CRIMINAL RECORDS CHECK FOR EACH FIRM MEMBER.

7

1 18-305.

2 (a) The Secretary shall issue a license to each applicant who meets the
3 requirements of this title.

4 (b) The Secretary shall include on each license that the Secretary issues:

- 5 (1) the full name of the licensee;
- 6 (2) the current address of the licensee;
- 7 (3) the date of issuance of the license; AND
- 8 (4) the date on which the license expires[; and
- 9 (5) a picture of the licensee].

10 18-306.

11 (A) While a license is in effect, it authorizes the licensee to engage in the business
12 of providing security systems services.

13 (B) AN INDIVIDUAL OR A FIRM MAY QUALIFY FOR A LICENSE AS A SECURITY
14 SYSTEMS AGENCY.

15 18-307.

16 (a) Unless a license is renewed for a 2-year term as provided in this section, the
17 license expires on the first April 1 that comes:

- 18 (1) after the effective date of the license; and
- 19 (2) in an even-numbered year.

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

- 22 (1) a renewal application form; and
- 23 (2) a notice that states:
 - 24 (i) the date on which the current license expires;
 - 25 (ii) the date by which the Secretary must receive the renewal
26 application for the renewal to be issued and mailed before the license expires; and
 - 27 (iii) the amount of the renewal fee.

28 (c) Before the license expires, the licensee periodically may renew it for an
29 additional 2-year term, if the licensee:

- 30 (1) otherwise is entitled to be licensed;
- 31 (2) pays to the Secretary a renewal fee of \$100 which shall include the cost
32 of the Maryland and national criminal [record] RECORDS check or the fee provided in
33 subsection (e) of this section, if applicable; and

8

1 (3) submits to the Secretary:

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

3 (ii) 1. a set of legible fingerprints of the licensee on forms approved
4 by the Criminal Justice Information System Central Repository and the Director of the
5 Federal Bureau of Investigation; [and] OR

6 2. IF THE LICENSEE IS A FIRM, A SET OF LEGIBLE
7 FINGERPRINTS FOR EACH FIRM MEMBER AS REQUIRED UNDER ITEM 1 OF THIS
8 SUBPARAGRAPH; AND

9 (iii) satisfactory evidence of compliance with any other requirements
10 set under this section for license renewal.

11 (d) Except as provided in subsection (e) of this section, before renewing a license,
12 the Secretary shall conduct a State and national criminal [record] RECORDS check for
13 each licensee, OR EACH FIRM MEMBER IF THE APPLICANT IS A FIRM, who applies for a
14 renewal of a license.

15 (e) The Secretary may waive the State and national criminal [record] RECORDS
16 check required under subsection (d) of this section for a licensee who was issued a license
17 under § 18-303(f) of this subtitle if the licensee:

18 (1) provides adequate evidence that:

19 (i) the license of the licensee issued by another state was renewed by
20 that other state within 30 days of the expiration date of the license issued under this
21 subtitle; and

22 (ii) the renewal occurred after the licensee submitted to a state and
23 national criminal [record] RECORDS check; and

24 (2) pays to the Secretary a processing fee of [\$15] \$100.

25 (F) IF THE STATE AND NATIONAL CRIMINAL RECORDS CHECK REQUIRED
26 UNDER SUBSECTION (D) OF THIS SECTION IS NOT COMPLETED BEFORE A LICENSE
27 EXPIRES, THE SECRETARY SHALL ISSUE A TEMPORARY LICENSE TO A LICENSEE
28 WHO OTHERWISE MEETS THE REQUIREMENTS OF THIS SECTION.

29 (G) A TEMPORARY LICENSE ISSUED UNDER SUBSECTION (F) OF THIS SECTION
30 SHALL EXPIRE AT THE EARLIER OF:

31 (1) THE COMPLETION OF THE STATE AND NATIONAL CRIMINAL
32 RECORDS CHECK OF THE LICENSEE; OR

33 (2) THE RENEWAL OR THE DENIAL OF THE LICENSE.

34 [(f)] (H) The Secretary shall renew the license of each licensee who meets the
35 requirements of this section.

36 18-308.

37 (a) (1) [Each] IF THE LICENSEE IS AN INDIVIDUAL, EACH licensee shall
38 carry and display the license on demand of any customer or law enforcement officer.

9

1 (2) IF THE LICENSEE IS A FIRM, EACH FIRM MEMBER AND EMPLOYED
2 SECURITY SYSTEMS TECHNICIAN SHALL CARRY AND DISPLAY A COPY OF THE
3 LICENSE ON DEMAND OF ANY CUSTOMER OR LAW ENFORCEMENT OFFICER.

4 (b) Each licensee shall record the license with the Secretary of State.

5 (c) Each licensee shall give the Secretary written notice of any change of address
6 within 10 BUSINESS days after the change.

7 18-309.

8 Subject to the hearing provisions of § 18-310 of this subtitle, the [secretary]
9 SECRETARY may deny a license to any applicant, reprimand any licensee, or suspend or
10 revoke a license if the applicant or licensee, OR A FIRM MEMBER OR EMPLOYEE OF AN
11 APPLICANT OR LICENSEE THAT IS A FIRM:

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

14 (2) fraudulently or deceptively uses a license;

15 (3) has a similar license denied, suspended, or revoked in another
16 jurisdiction;

17 (4) pleads guilty or nolo contendere to or is convicted of a felony, theft
18 offense, or crime of moral turpitude;

19 (5) aids an individual [to obtain] IN OBTAINING or [to attempt]
20 ATTEMPTING to obtain fraudulently or deceptively licensure under this title as a security
21 systems technician;

22 (6) while not licensed, willfully engages in a business providing security
23 systems services;

24 (7) while not licensed, willfully advertises as a security systems technician;

25 (8) willfully makes a false statement or misrepresentation in any renewal
26 application or in any other document that the Secretary requires to be submitted; or

27 (9) violates any other provision of this title.

28 18-310.

29 (a) Before the Secretary takes any final action under § 18-309 of this subtitle, the
30 Secretary shall give the person OR FIRM against whom the action is contemplated an
31 opportunity for a hearing before the Secretary.

32 (b) The Secretary shall give notice and hold the hearing in accordance with Title
33 10, Subtitle 2 of the State Government Article.

34 (c) The hearing notice to be given to the individual OR FIRM shall be sent by
35 certified mail to the last known address of the individual OR FIRM at least 10 BUSINESS
36 days before the hearing.

10

1 (d) The Secretary may administer oaths in connection with any proceeding under
2 this section.

3 (e) The person OR FIRM may be represented at the hearing by counsel.

4 (f) If, after due notice, the person OR FIRM against whom the action is
5 contemplated fails or refuses to appear, nevertheless, the Secretary may hear and
6 determine the matter.

7 18-311.

8 Any person OR FIRM aggrieved by a final decision of the Secretary in a contested
9 case, as defined in § 10-202 of the State Government Article, may take an appeal as
10 allowed in Title 10, Subtitle 2 of the State Government Article.

11 SUBTITLE 3A. REGISTRATION.

12 18-3A-01.

13 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE:

14 (1) AN INDIVIDUAL MAY NOT PERSONALLY PROVIDE SECURITY
15 SYSTEMS SERVICES UNLESS THE INDIVIDUAL IS REGISTERED AS A SECURITY
16 SYSTEMS TECHNICIAN;

17 (2) A PERSON LICENSED UNDER THIS TITLE MAY NOT EMPLOY OR
18 CONTRACT WITH AN INDIVIDUAL WITH ACCESS TO CIRCUMVENTIONAL
19 INFORMATION UNLESS THE INDIVIDUAL IS REGISTERED AS REQUIRED UNDER THIS
20 SUBTITLE;

21 (3) NEITHER A LICENSEE NOR A REGISTRANT MAY PROVIDE ACCESS TO
22 CIRCUMVENTIONAL INFORMATION TO AN INDIVIDUAL WHO IS NOT REGISTERED
23 UNDER THIS SUBTITLE; AND

24 (4) AN EMPLOYEE OF A PERSON LICENSED UNDER THIS TITLE MAY NOT
25 OBTAIN ACCESS TO CIRCUMVENTIONAL INFORMATION UNLESS THE EMPLOYEE IS
26 REGISTERED AS AN INDIVIDUAL WITH ACCESS TO CIRCUMVENTIONAL
27 INFORMATION.

28 18-3A-02.

29 (A) TO QUALIFY FOR REGISTRATION AS A SECURITY SYSTEMS TECHNICIAN
30 OR OTHER INDIVIDUAL WHO HAS ACCESS TO CIRCUMVENTIONAL INFORMATION,
31 AN APPLICANT SHALL:

32 (1) BE AT LEAST 18 YEARS OLD; AND

33 (2) BE OF GOOD MORAL CHARACTER.

34 (B) IN ADDITION TO ANY OTHER REQUIREMENTS AND EXCEPT FOR THOSE
35 APPLICANTS WHO SURVEY PROPERTIES ONLY FOR THE PURPOSE OF INSTALLING A
36 SECURITY SYSTEM, AN APPLICANT FOR REGISTRATION AS A SECURITY SYSTEMS
37 TECHNICIAN SHALL MEET ANY TRAINING REQUIREMENTS THAT THE SECRETARY
38 ESTABLISHES BY REGULATION.

11

1 18-3A-03.

2 (A) AN APPLICANT FOR REGISTRATION SHALL:

3 (1) SUBMIT TO THE SECRETARY AN APPLICATION ON THE FORM THAT
4 THE SECRETARY PROVIDES;

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

6 (3) PAY TO THE SECRETARY:

7 (I) AN APPLICATION FEE THAT IS THE HIGHER OF \$15 OR AN
8 AMOUNT THE SECRETARY DETERMINES BASED ON ACTUAL PROCESSING COSTS;
9 AND

10 (II) THE COST OF ANY BACKGROUND CHECKS.

11 (B) THE APPLICATION FORM PROVIDED BY THE SECRETARY SHALL CONTAIN
12 A STATEMENT ADVISING THE APPLICANT THAT WILLFULLY MAKING A FALSE
13 STATEMENT ON AN APPLICATION IS A MISDEMEANOR, SUBJECT TO A FINE OR
14 IMPRISONMENT OR BOTH, AS PROVIDED UNDER § 18-504 OF THIS TITLE.

15 (C) (1) THE APPLICATION SHALL BE ACCOMPANIED BY AT LEAST TWO
16 WRITTEN RECOMMENDATIONS FOR THE APPLICANT.

17 (2) EACH RECOMMENDATION SHALL BE SIGNED, UNDER OATH, BY A
18 REPUTABLE CITIZEN OF THE STATE.

19 (D) AN APPLICANT FOR REGISTRATION SHALL SUBMIT WITH THE
20 APPLICATION A SET OF LEGIBLE FINGERPRINTS OF THE APPLICANT ON FORMS
21 APPROVED BY THE CRIMINAL JUSTICE INFORMATION SYSTEM REPOSITORY AND
22 THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

23 (E) THE SECRETARY MAY WAIVE THE REQUIREMENTS OF THIS SECTION AND
24 REGISTER AN APPLICANT WHO:

25 (1) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

26 (I) IS LICENSED IN ANOTHER STATE TO ENGAGE IN THE BUSINESS
27 OF PROVIDING SECURITY SYSTEMS SERVICES OR REGISTERED IN ANOTHER STATE
28 AS A SECURITY SYSTEMS TECHNICIAN OR OTHER INDIVIDUAL WHO HAS ACCESS TO
29 CIRCUMVENTIONAL INFORMATION; AND

30 (II) BECAME LICENSED OR REGISTERED IN THE OTHER STATE:

31 1. AFTER MEETING QUALIFICATIONS THAT ARE AT LEAST
32 EQUIVALENT TO THOSE REQUIRED IN THIS STATE; AND

33 2. AFTER SUBMITTING TO A STATE AND NATIONAL
34 CRIMINAL RECORDS CHECK; AND

35 (2) PAYS TO THE SECRETARY A PROCESSING FEE THAT IS THE HIGHER
36 OF \$15 OR AN AMOUNT THE SECRETARY DETERMINES BASED ON ACTUAL
37 PROCESSING COSTS.

12

1 18-3A-04.

2 (A) EXCEPT FOR REGISTRATION UNDER § 18-3A-03(E) OF THIS SUBTITLE, THE
3 SECRETARY SHALL CONDUCT A STATE AND NATIONAL CRIMINAL RECORDS CHECK
4 OF AN APPLICANT BEFORE REGISTERING THE APPLICANT.

5 (B) AN APPLICANT SHALL PAY TO THE SECRETARY THE COST OF ANY
6 BACKGROUND CHECKS BEFORE THE APPLICANT MAY BE REGISTERED.

7 18-3A-05.

8 (A) THE SECRETARY SHALL REGISTER EACH APPLICANT WHO MEETS THE
9 REQUIREMENTS OF THIS SUBTITLE.

10 (B) THE SECRETARY SHALL INCLUDE ON EACH REGISTRATION THAT THE
11 SECRETARY ISSUES:

12 (1) THE FULL NAME OF THE REGISTRANT;

13 (2) THE CURRENT ADDRESS OF THE REGISTRANT;

14 (3) THE DATE OF ISSUANCE OF THE REGISTRATION; AND

15 (4) THE DATE ON WHICH THE REGISTRATION EXPIRES.

16 (C) THE SECRETARY SHALL ISSUE TO EACH REGISTRANT A POCKET
17 IDENTIFICATION CARD WITH:

18 (1) THE REGISTRANT'S PHOTOGRAPH; AND

19 (2) THE EXPIRATION DATE OF THE REGISTRANT'S REGISTRATION.

20 (D) EACH REGISTRANT SHALL GIVE THE SECRETARY WRITTEN NOTICE OF
21 ANY CHANGE OF ADDRESS WITHIN 10 BUSINESS DAYS AFTER THE CHANGE.

22 18-3A-06.

23 (A) WHILE AN INDIVIDUAL IS REGISTERED AS A SECURITY SYSTEMS
24 TECHNICIAN, THE INDIVIDUAL IS AUTHORIZED TO PERSONALLY PROVIDE
25 SECURITY SYSTEMS SERVICES.

26 (B) WHILE AN INDIVIDUAL IS REGISTERED AS A SECURITY SYSTEMS
27 TECHNICIAN, THE INDIVIDUAL IS AUTHORIZED TO HAVE ACCESS TO
28 CIRCUMVENTIONAL INFORMATION.

29 18-3A-07.

30 (A) UNLESS A REGISTRATION IS RENEWED FOR A 2-YEAR TERM AS
31 PROVIDED IN THIS SECTION, THE REGISTRATION EXPIRES ON APRIL 1 OF THE FIRST
32 EVEN-NUMBERED YEAR AFTER THE EFFECTIVE DATE OF THE REGISTRATION.

33 (B) AT LEAST 1 MONTH BEFORE A REGISTRATION EXPIRES, THE SECRETARY
34 SHALL MAIL TO THE REGISTRANT, AT THE LAST KNOWN ADDRESS OF THE
35 REGISTRANT:

36 (1) A RENEWAL APPLICATION FORM; AND

13

1 (2) A NOTICE THAT STATES:

2 (I) THE DATE ON WHICH THE CURRENT REGISTRATION EXPIRES;

3 (II) THE DATE BY WHICH THE SECRETARY MUST RECEIVE THE
4 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
5 THE REGISTRATION EXPIRES; AND

6 (III) THE AMOUNT OF THE RENEWAL FEE.

7 (C) BEFORE THE REGISTRATION EXPIRES, THE REGISTRANT PERIODICALLY
8 MAY RENEW IT FOR AN ADDITIONAL 2-YEAR TERM, IF THE REGISTRANT:

9 (1) OTHERWISE IS ENTITLED TO BE REGISTERED;

10 (2) PAYS TO THE SECRETARY A RENEWAL FEE THAT IS THE HIGHER OF
11 \$15 OR AN AMOUNT THE SECRETARY DETERMINES BASED ON ACTUAL PROCESSING
12 COSTS;

13 (3) PAYS THE COST OF ANY BACKGROUND CHECKS; AND

14 (4) SUBMITS TO THE SECRETARY:

15 (I) A RENEWAL APPLICATION ON THE FORM THAT THE
16 SECRETARY PROVIDES;

17 (II) A SET OF LEGIBLE FINGERPRINTS OF THE REGISTRANT ON
18 FORMS APPROVED BY THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL
19 REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;
20 AND

21 (III) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY OTHER
22 REQUIREMENTS UNDER THIS SECTION FOR RENEWAL OF REGISTRATION.

23 (D) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE
24 SECRETARY SHALL CONDUCT A STATE AND NATIONAL CRIMINAL RECORDS CHECK
25 FOR EACH REGISTRANT WHO APPLIES FOR A RENEWAL OF REGISTRATION.

26 (E) THE SECRETARY MAY WAIVE THE STATE AND NATIONAL CRIMINAL
27 RECORDS CHECK REQUIRED UNDER SUBSECTION (D) OF THIS SECTION FOR A
28 REGISTRANT WHO WAS REGISTERED UNDER THIS SUBTITLE, IF THE REGISTRANT:

29 (1) PROVIDES ADEQUATE EVIDENCE THAT:

30 (I) THE REGISTRANT'S LICENSE OR REGISTRATION ISSUED BY
31 ANOTHER STATE WAS RENEWED BY THAT OTHER STATE WITHIN 1 YEAR OF THE
32 EXPIRATION DATE OF THE LICENSE OR REGISTRATION ISSUED UNDER THIS TITLE;
33 AND

34 (II) THE RENEWAL OCCURRED AFTER THE REGISTRANT
35 SUBMITTED TO A STATE AND NATIONAL CRIMINAL RECORDS CHECK; AND

36 (2) PAYS TO THE SECRETARY A PROCESSING FEE OF \$15.

14

1 (F) IF THE STATE AND NATIONAL CRIMINAL RECORDS CHECK REQUIRED
2 UNDER SUBSECTION (D) OF THIS SECTION IS NOT COMPLETED BEFORE A
3 REGISTRATION EXPIRES, THE SECRETARY SHALL ISSUE A TEMPORARY
4 REGISTRATION TO A REGISTRANT WHO OTHERWISE MEETS THE REQUIREMENT OF
5 THIS SECTION.

6 (G) A TEMPORARY REGISTRATION ISSUED UNDER SUBSECTION (F) OF THIS
7 SECTION SHALL EXPIRE AT THE EARLIER OF:

8 (1) THE COMPLETION OF THE STATE AND NATIONAL CRIMINAL
9 RECORDS CHECK OF THE REGISTRANT; AND

10 (2) THE RENEWAL OR THE DENIAL OF THE RENEWAL OF THE
11 REGISTRATION.

12 (H) THE SECRETARY SHALL RENEW THE REGISTRATION OF EACH
13 REGISTRANT WHO MEETS THE REQUIREMENTS OF THIS SECTION.

14 18-3A-08.

15 (A) THE SECRETARY SHALL TEMPORARILY REGISTER ANY INDIVIDUAL WHO:

16 (1) DOES NOT HAVE THE TRAINING REQUIRED UNDER § 18-3A-02(B) OF
17 THIS SUBTITLE BUT OTHERWISE MEETS THE REQUIREMENTS FOR REGISTRATION
18 UNDER THIS TITLE; OR

19 (2) DOES NOT HAVE THE STATE AND NATIONAL CRIMINAL RECORDS
20 CHECK REQUIRED UNDER § 18-3A-04(A)(1) OF THIS SUBTITLE.

21 (B) TEMPORARY REGISTRATION OF A REGISTRANT UNDER THIS SECTION
22 SHALL EXPIRE AT THE EARLIER OF:

23 (1) IF THE TEMPORARY REGISTRATION WAS ISSUED PURSUANT TO
24 SUBSECTION (A)(1) OF THIS SECTION, ACQUISITION BY THE REGISTRANT OF THE
25 TRAINING REQUIRED UNDER § 18-3A-02(B) OF THIS SUBTITLE; OR

26 (2) IF THE TEMPORARY REGISTRATION WAS ISSUED PURSUANT TO
27 SUBSECTION (A)(2) OF THIS SECTION, COMPLETION OF THE STATE AND NATIONAL
28 CRIMINAL RECORDS CHECK REQUIRED UNDER § 18-3A-04(A) OF THIS SUBTITLE.

29 (C) AN APPLICANT OBTAINING TEMPORARY REGISTRATION UNDER THIS
30 SECTION:

31 (1) SHALL RECEIVE A TEMPORARY REGISTRATION POCKET
32 IDENTIFICATION CARD WITH THE APPLICANT'S PHOTOGRAPH; AND

33 (2) SHALL WORK UNDER THE SUPERVISION OF AN INDIVIDUAL WHO
34 HAS MET THE REQUIREMENTS OF §§ 18-3A-02, 18-3A-03, AND 18-3A-04 OF THIS
35 SUBTITLE AND IS REGISTERED UNDER § 18-3A-05 OF THIS SUBTITLE.

36 18-3A-09.

37 SUBJECT TO THE HEARING PROVISIONS OF § 18-3A-10 OF THIS SUBTITLE, THE
38 SECRETARY MAY DENY REGISTRATION TO ANY APPLICANT, REPRIMAND ANY

15

1 REGISTRANT, OR SUSPEND OR REVOKE A REGISTRATION IF THE APPLICANT OR
2 REGISTRANT:

3 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
4 OBTAIN A REGISTRATION FOR THE APPLICANT OR REGISTRANT OR FOR ANOTHER;

5 (2) FRAUDULENTLY OR DECEPTIVELY USES A REGISTRATION;

6 (3) HAS A SIMILAR LICENSE OR REGISTRATION DENIED, SUSPENDED,
7 OR REVOKED IN ANOTHER JURISDICTION;

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

10 (5) AIDS AN INDIVIDUAL IN OBTAINING OR ATTEMPTING TO OBTAIN
11 FRAUDULENTLY OR DECEPTIVELY REGISTRATION UNDER THIS TITLE;

12 (6) WHILE NOT REGISTERED AS A SECURITY SYSTEMS TECHNICIAN,
13 WILLFULLY ENGAGES IN PERSONALLY PROVIDING SECURITY SYSTEMS SERVICES;

14 (7) WHILE NOT REGISTERED AS A SECURITY SYSTEMS TECHNICIAN,
15 WILLFULLY ADVERTISES AS A SECURITY SYSTEMS TECHNICIAN;

16 (8) WILLFULLY MAKES A FALSE STATEMENT OR MISREPRESENTATION
17 IN ANY RENEWAL APPLICATION OR IN ANY OTHER DOCUMENT THAT THE
18 SECRETARY REQUIRES TO BE SUBMITTED; OR

19 (9) VIOLATES ANY OTHER PROVISION OF THIS TITLE.

20 18-3A-10.

21 (A) BEFORE THE SECRETARY TAKES ANY FINAL ACTION UNDER § 18-3A-09 OF
22 THIS SUBTITLE, THE SECRETARY SHALL GIVE THE PERSON AGAINST WHOM THE
23 ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE
24 SECRETARY.

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

27 (C) THE HEARING NOTICE TO BE GIVEN TO THE INDIVIDUAL SHALL BE SENT
28 BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE INDIVIDUAL AT LEAST
29 10 BUSINESS DAYS BEFORE THE HEARING.

30 (D) THE SECRETARY MAY ADMINISTER OATHS IN CONNECTION WITH ANY
31 PROCEEDING UNDER THIS SECTION.

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

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

16

1 18-3A-11.

2 ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE SECRETARY IN A
3 CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE,
4 MAY TAKE AN APPEAL AS ALLOWED IN TITLE 10, SUBTITLE 2 OF THE STATE
5 GOVERNMENT ARTICLE.

6 [18-401.

7 (a) (1) An employer shall execute a blanket bond covering all employees who
8 are licensed as security systems technicians or applicants for a license and any electrician
9 with whom the employer contracts to provide security systems services.

10 (2) The bond shall be used for the benefit of any person injured by any
11 wrongful act of a security systems technician that is willful or malicious.

12 (3) The applicant for a license shall submit a copy of the bond to the
13 Secretary with the license application.

14 (b) (1) The amount of the bond required under subsection (a) of this section
15 shall be at least \$5,000 for the employer.

16 (2) The total liability of the surety to all insured persons under the bond
17 may not exceed the sum of the bond.

18 (c) (1) If an employer's bond is cancelled, forfeited, or terminated by the
19 surety, the surety shall immediately notify the Secretary.

20 (2) If a surety fails to notify the Secretary as required by this subsection, the
21 bond shall continue in effect until the notice is given to the Secretary.

22 (d) In addition to § 18-504 of this title, a court of competent jurisdiction may
23 enjoin the operation of any employer who violates the requirements of this section.]

24 [18-402.] 18-401.

25 (A) IN ORDER TO OBTAIN A LICENSE, A PERSON OR REPRESENTATIVE
26 MEMBER OF A FIRM SHALL:

27 (1) EXECUTE A FIDELITY BOND AS PROVIDED IN SUBSECTION (C) OF
28 THIS SECTION; OR

29 (2) MAINTAIN GENERAL LIABILITY INSURANCE AS PROVIDED IN
30 SUBSECTION (D) OF THIS SECTION.

31 (B) THE SECRETARY MAY NOT ISSUE OR RENEW A LICENSE OR
32 REGISTRATION UNLESS THE APPLICANT, LICENSEE, OR REGISTRANT SUBMITS
33 PROOF OF COMPLIANCE WITH SUBSECTION (A) OF THIS SECTION.

34 [(a)] (C) (1) [An employer shall execute a] THE fidelity bond [covering]
35 REQUIRED BY SUBSECTION (A)(1) OF THIS SECTION SHALL COVER all [employees]
36 INDIVIDUALS who are:

17

1 (I) licensed TO PROVIDE SECURITY SYSTEMS SERVICES OR
2 REGISTERED as security systems technicians OR OTHER INDIVIDUALS WHO HAVE
3 ACCESS TO CIRCUMVENTIONAL INFORMATION; AND

4 (II) [or] applicants for a license OR REGISTRATION[; and any
5 electrician with whom the employer contracts to provide security systems services].

6 (2) The FIDELITY bond shall be used for the benefit of any person injured
7 ON THE PREMISES OF A CONSUMER OF SECURITY SYSTEMS SERVICES by any
8 [wrongful] FRAUDULENT OR DISHONEST act of A LICENSEE, a security systems
9 technician, OR OTHER INDIVIDUAL WHO HAS ACCESS TO CIRCUMVENTIONAL
10 INFORMATION that is willful or malicious.

11 (3) The applicant, OR REPRESENTATIVE MEMBER IF THE APPLICANT IS A
12 FIRM, for a license OR REGISTRATION shall submit a copy of the FIDELITY bond to the
13 Secretary with the license OR REGISTRATION application.

14 [(b) (1)] (4) (I) The amount of the FIDELITY bond required under subsection
15 [(a)](C)(1) of this section shall be at least \$50,000.

16 [(2)] (II) The total liability of the surety to all insured persons under the
17 FIDELITY bond may not exceed the sum of the FIDELITY bond.

18 [(c) (1)] (5) (I) If an employer's FIDELITY bond is [cancelled] CANCELED,
19 forfeited, or terminated by the surety, the surety shall immediately notify the Secretary.

20 [(2)] (II) If a surety fails to notify the Secretary as required by this
21 [subsection] PARAGRAPH, the FIDELITY bond shall continue in effect until the notice is
22 given to the Secretary.

23 (d) (1) GENERAL LIABILITY INSURANCE REQUIRED BY SUBSECTION (A)(2)
24 OF THIS SECTION SHALL BE IN THE AMOUNT OF AT LEAST \$50,000.

25 (2) AN APPLICANT, OR A REPRESENTATIVE MEMBER IF THE APPLICANT
26 IS A FIRM, FOR A LICENSE OR REGISTRATION SHALL SUBMIT PROOF OF INSURANCE
27 MEETING THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION TO THE
28 SECRETARY WITH THE APPLICATION.

29 (3) IF THE GENERAL LIABILITY INSURANCE REQUIRED UNDER THIS
30 SECTION IS CANCELED, THE INSURED SHALL IMMEDIATELY NOTIFY THE
31 SECRETARY.

32 (E) In addition to § 18-504 of this title, a court of competent jurisdiction may
33 enjoin the operation of any employer who violates the requirements of this section.

34 18-402.

35 THE DEPARTMENT OF STATE POLICE SHALL ADOPT REGULATIONS NECESSARY
36 TO EFFECTUATE AND ENFORCE THIS SUBTITLE.

37 18-501.

38 A person may not engage, attempt to engage, or offer to engage in a business of
39 providing security systems services in the State unless licensed by the Secretary.

18

1 18-502.

2 Unless authorized under this title to engage in the business of providing security
3 systems services, a person may not represent to the public, by use of the title "SECURITY
4 SYSTEMS AGENCY" OR "security systems technician", by description of services,
5 methods, or procedures, or otherwise, that the person is authorized to engage in the
6 business of providing security systems services in the State.

7 18-503.

8 A person may not willfully make a false statement on any application form or other
9 document submitted to the Secretary under this title.

10 18-504.

11 A person who violates any provision of this title is guilty of a misdemeanor and on
12 conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year
13 or both.

14 18-601.

15 This title may be cited as the "Maryland Security Systems Technicians Act".

16 18-701.

17 [Subject to the evaluation and reestablishment provisions of the Maryland Program
18 Evaluation Act, this] THIS title and all regulations adopted under this title shall
19 terminate and be of no further force and effect after September [31, 2001] 30, 2000.

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