

HOUSE BILL 1203

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1999 Regular Session
9lr2588
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By: **Delegate Klausmeier**

Introduced and read first time: March 8, 1999

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Security Systems Technicians - Registration Requirements and Procedures**

3 FOR the purpose of repealing a requirement that an applicant seeking to register as
4 a security systems technician provide certain recommendations; allowing a
5 person seeking to renew a registration as a security systems technician to
6 submit payment for certain criminal records check costs to a licensed security
7 systems agency for forwarding to the Secretary of the State Police; providing
8 that the Secretary of the State Police may refuse to issue a temporary
9 registration as a security systems technician to an individual if the issuance
10 would result in a potential threat to public safety; providing that an individual
11 who obtains a temporary registration as a security systems technician shall
12 receive a certain form of identification from the Secretary of the State Police;
13 authorizing the Secretary of the State Police to create an advisory panel to
14 conduct certain hearings on behalf of the Secretary; providing for the application
15 of this Act; and generally relating to the registration requirements and
16 procedures for security systems technicians.

17 BY repealing and reenacting, with amendments,
18 Article - Business Occupations and Professions
19 Section 18-3A-03, 18-3A-04, 18-3A-05, 18-3A-07, 18-3A-08, and 18-3A-10
20 Annotated Code of Maryland
21 (1995 Replacement Volume and 1998 Supplement)

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

24 **Article - Business Occupations and Professions**

25 18-3A-03.

26 (a) An applicant for registration shall:

27 (1) submit to the Secretary an application on the form that the Secretary
28 provides;

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

2 (3) pay to the Secretary:

3 (i) an application fee that is the higher of \$15 or an amount the
4 Secretary determines based on actual processing costs; and

5 (ii) the cost of any background checks.

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

10 [(c) (1) The application shall be accompanied by at least two written
11 recommendations for the applicant.

12 (2) Each recommendation shall be signed, under oath, by a reputable
13 citizen of the State.]

14 [(d) (C) An applicant for registration shall submit with the application a set
15 of legible fingerprints of the applicant on forms approved by the Criminal Justice
16 Information System Central Repository and the Director of the Federal Bureau of
17 Investigation.

18 [(e) (D) The Secretary may waive the requirements of this section and
19 register an applicant who:

20 (1) provides adequate evidence that the applicant:

21 (i) is licensed in another state to engage in the business of
22 providing security systems services or registered in another state as a security
23 systems technician or other individual who has access to circumventational
24 information; and

25 (ii) became licensed or registered in the other state:

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

28 2. after submitting to a State and national criminal records
29 check; and

30 (2) pays to the Secretary a processing fee that is the higher of \$15 or an
31 amount the Secretary determines based on actual processing costs.

32 18-3A-04.

33 (a) Except for registration under [§ 18-3A-03(e)] § 18-3A-03(D) of this
34 subtitle, the Secretary shall conduct a State and national criminal records check of an
35 applicant before registering the applicant.

1 (b) An applicant shall pay to the Secretary the cost of any background checks
2 before the applicant may be registered.

3 18-3A-05.

4 (a) The Secretary shall register each applicant who meets the requirements of
5 this subtitle.

6 (b) The Secretary shall include on each registration that the Secretary issues:

- 7 (1) the full name of the registrant;
- 8 (2) the current address of the registrant;
- 9 (3) the date of issuance of the registration; and
- 10 (4) the date on which the registration expires.

11 (c) [The] FOR ALL REGISTRATIONS OTHER THAN TEMPORARY
12 REGISTRATIONS, THE Secretary shall issue to each registrant a pocket identification
13 card that includes:

- 14 (1) a photograph of the registrant, supplied by the registrant; and
- 15 (2) the expiration date of the registrant's registration.

16 (d) Each registrant shall give the Secretary written notice of any change of
17 address within 10 business days after the change.

18 18-3A-07.

19 (a) Unless a registration is renewed for a 2-year term as provided in this
20 section, the registration expires on April 1 of the first odd-numbered year after the
21 effective date of the registration.

22 (b) At least 1 month before a registration expires, the Secretary shall mail to
23 the registrant, at the last known address of the registrant:

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

1 (c) Before the registration expires, the registrant periodically may renew it for
2 an additional 2-year term, if the registrant:

3 (1) otherwise is entitled to be registered;

4 (2) pays to the Secretary a renewal fee that is the higher of \$15 or an
5 amount the Secretary determines based on actual processing costs;

6 (3) pays the cost of any background checks; [and]

7 (4) IF A NATIONAL CRIMINAL RECORDS CHECK IS REQUIRED, PAYS TO
8 THE SECRETARY OR TO THE LICENSED SECURITY SYSTEMS AGENCY WHICH
9 EMPLOYS OR INTENDS TO EMPLOY THE REGISTRANT AS A SECURITY SYSTEMS
10 TECHNICIAN, FOR FORWARDING TO THE SECRETARY, THE MANDATORY PROCESSING
11 FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR THE RECORDS
12 CHECK; AND

13 [(4)] (5) submits to the Secretary:

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

15 (ii) a set of legible fingerprints of the registrant on forms approved
16 by the Criminal Justice Information System Central Repository and the Director of
17 the Federal Bureau of Investigation; and

18 (iii) satisfactory evidence of compliance with any other
19 requirements under this section for renewal of registration.

20 (d) Except as provided in subsection (e) of this section, the Secretary shall
21 conduct a [State and] national criminal records check for each registrant who applies
22 for a renewal of registration.

23 (e) The Secretary may waive the [State and] national criminal records check
24 required under subsection (d) of this section for a registrant who was registered under
25 this subtitle, if the registrant:

26 (1) provides adequate evidence that:

27 (i) the registrant's license or registration issued by another state
28 was renewed by that other state within 1 year of the expiration date of the license or
29 registration issued under this title; and

30 (ii) the renewal occurred after the registrant submitted to a [state
31 and] national criminal records check; and

32 (2) pays to the Secretary a processing fee of \$15.

33 (f) If the [State and] national criminal records check required under
34 subsection (d) of this section is not completed before a registration expires, the
35 Secretary shall issue a temporary registration to a registrant who otherwise meets
36 the requirement of this section.

1 (g) A temporary registration issued under subsection (f) of this section shall
2 expire at the earlier of:

3 (1) the completion of the [State and] national criminal records check of
4 the registrant; and

5 (2) the renewal or the denial of the renewal of the registration.

6 (h) The Secretary shall renew the registration of each registrant who meets
7 the requirements of this section.

8 18-3A-08.

9 (a) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
10 Secretary shall temporarily register any individual who:

11 [(1)] (I) does not have the training required under § 18-3A-02(b) of this
12 subtitle but otherwise meets the requirements for registration under this title; or

13 [(2)] (II) does not have the State and national criminal records check
14 required under § 18-3A-04(a) of this subtitle.

15 (2) IF THE SECRETARY DETERMINES AFTER A PRELIMINARY
16 BACKGROUND INVESTIGATION THAT THE ISSUANCE OF A TEMPORARY
17 REGISTRATION TO AN INDIVIDUAL WOULD RESULT IN A POTENTIAL THREAT TO
18 PUBLIC SAFETY, THE SECRETARY MAY REFUSE TO TEMPORARILY REGISTER THAT
19 INDIVIDUAL.

20 (b) Temporary registration of a registrant under this section shall expire at
21 the earlier of:

22 (1) if the temporary registration was issued pursuant to subsection (a)(1)
23 of this section, acquisition by the registrant of the training required under §
24 18-3A-02(b) of this subtitle; or

25 (2) if the temporary registration was issued pursuant to subsection (a)(2)
26 of this section, completion of the State and national criminal records check required
27 under § 18-3A-04(a) of this subtitle.

28 (c) An applicant obtaining temporary registration under this section:

29 (1) shall receive a [temporary registration pocket identification card
30 with the applicant's photograph] FORM OF IDENTIFICATION AS DETERMINED BY THE
31 SECRETARY; and

32 (2) shall work under the supervision of an individual who has met the
33 requirements of §§ 18-3A-02, 18-3A-03, and 18-3A-04 of this subtitle and is
34 registered under § 18-3A-05 of this subtitle.

1 18-3A-10.

2 (a) Before the Secretary takes any final action under § 18-3A-09 of this
3 subtitle, the Secretary shall give the individual against whom the action is
4 contemplated an opportunity for EITHER:

5 (1) a hearing before the Secretary; OR

6 (2) A HEARING BEFORE AN ADVISORY PANEL CONSISTING OF THE
7 FOLLOWING MEMBERS APPOINTED BY THE SECRETARY:

8 (I) A MEMBER OF THE DEPARTMENT OF STATE POLICE;

9 (II) A REPRESENTATIVE OF THE SECURITY SYSTEMS INDUSTRY;
10 AND

11 (III) THREE MEMBERS REPRESENTING CONSUMERS.

12 (b) The Secretary OR THE ADVISORY PANEL shall give notice and hold the
13 hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

14 (c) The hearing notice to be given to the individual shall be sent by certified
15 mail to the last known address of the individual at least 10 business days before the
16 hearing.

17 (d) The Secretary OR THE ADVISORY PANEL may administer oaths in
18 connection with any proceeding under this section.

19 (e) The individual may be represented at the hearing by counsel.

20 (f) If, after due notice, the individual against whom the action is
21 contemplated fails or refuses to appear, the Secretary OR THE ADVISORY PANEL may,
22 nevertheless, hear and determine the matter.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
24 construed only prospectively and may not be applied or interpreted to have any effect
25 on or application to any registrations or registration renewals for security systems
26 technicians submitted to the Secretary before the effective date of this Act.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1999.