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By: **Delegate McHale**

Introduced and read first time: February 22, 2001

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Security Systems Technicians Act - Licensing and Registration**

3 FOR the purpose of providing that only the Secretary of State Police may issue  
4 licenses to security system agencies in the State; requiring the Secretary to  
5 issue a certain licensing certificate to certain individuals under certain  
6 circumstances; altering the term of licenses to provide security systems services;  
7 authorizing the Secretary to stagger the renewal of certain licenses; authorizing  
8 certain hearings to be held before a certain advisory panel under certain  
9 circumstances; providing that a hearing before a certain advisory panel does not  
10 preclude a certain hearing before the Secretary; authorizing the appointment of  
11 a certain continuing education committee to approve certain training and  
12 continuing education requirements and certain schools and instructors;  
13 authorizing the State Department of Education in conjunction with the  
14 Secretary to establish by regulation a certain apprenticeship program;  
15 exempting individuals in a certain apprenticeship program from meeting  
16 certain criminal background check and fingerprint requirements; repealing the  
17 requirement that the Secretary conduct a State criminal records check of certain  
18 applicants for registration; altering the term of certain registrations;  
19 authorizing the Secretary to stagger the renewal of certain registrations;  
20 altering the composition of a certain advisory panel; altering a certain fine;  
21 defining a certain term; and generally relating to licenses and registrations  
22 under the Maryland Security Systems Technicians Act.

23 BY repealing and reenacting, with amendments,  
24 Article - Business Occupations and Professions  
25 Section 18-101, 18-102(b), 18-305, 18-307, 18-310, 18-3A-02, 18-3A-03,  
26 18-3A-04, 18-3A-07, 18-3A-10 and 18-504  
27 Annotated Code of Maryland  
28 (2000 Replacement Volume and 2000 Supplement)

29 BY repealing and reenacting, without amendments,  
30 Article - Business Occupations and Professions  
31 Section 18-303 (g)  
32 Annotated Code of Maryland

1 (2000 Replacement Volume and 2000 Supplement)

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

4 **Article - Business Occupations and Professions**

5 18-101.

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

7 (b) (1) "Circumventional information" means information, including pass  
8 codes, that allows an individual to alter the operation of a security system.

9 (2) "Circumventional information" does not include generic user or  
10 installation manuals.

11 (c) "Firm" means a partnership or corporation.

12 (d) "Firm member" means a partner of a partnership or an officer or director of  
13 a corporation.

14 (e) "License" means a license issued by the Secretary or the Secretary's  
15 designee to engage in the business of providing security systems services for  
16 compensation.

17 (f) "Providing security systems services" means providing, on the premises of  
18 a person's residential or commercial property, the service of:

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

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

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

24 (g) "Representative member" means a firm member who is appointed under  
25 this title to act on behalf of the firm.

26 (H) "SECURITY SYSTEM" MEANS:

27 (1) A LOCK, DEAD BOLT, OR OTHER MECHANICAL,  
28 ELECTROMECHANICAL, OR ELECTRONIC DEVICE OR SYSTEM OPERATED BY A KEY,  
29 COMBINATION, KEYCARD, OR PASS CODE USED FOR SECURING A DOOR OR WINDOW;

30 (2) AN ELECTRONIC SYSTEM INTENDED TO PROVIDE A DISTRESS CALL  
31 OR ALARM IN THE EVENT OF FIRE OR UNLAWFUL ENTRY, OTHER THAN:

32 (I) A DEVICE OR SYSTEM INSTALLED IN A VEHICLE; OR

1 (II) A SMOKE DETECTOR THAT PROVIDES ONLY AN AUDIBLE  
2 ALARM; OR

3 (3) A CLOSED CIRCUIT TELEVISION SURVEILLANCE SYSTEM.

4 [(h)] (I) "Security systems technician" means a person who personally  
5 provides security systems services.

6 [(i)] (J) "Security systems agency" means an individual or a firm that  
7 conducts a business that provides security systems services.

8 [(j)] (K) "Secretary" means the Secretary of the State Police or the Secretary's  
9 designee.

10 18-102.

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

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

17 (3) Except as provided in paragraph (4) of this subsection, this title  
18 supersedes any local law or ordinance in the State that requires registration,  
19 training, bonding, or insurance for security systems technicians or other individuals  
20 who have access to circumventational information.

21 (4) This title does not preempt local governments from [licensing or]  
22 regulating security system agencies or security system users.

23 (5) NOTWITHSTANDING PARAGRAPH (4) OF THIS SUBSECTION, ONLY  
24 THE SECRETARY MAY ISSUE A LICENSE TO A SECURITY SYSTEM AGENCY IN THE  
25 STATE.

26 18-303.

27 (g) The Secretary may waive the requirements of subsections (a)(2) and (3),  
28 (d), and (e) of this section and issue a license to an applicant who:

29 (1) provides adequate evidence that the applicant:

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

32 (ii) became licensed in the other state:

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



1 (ii) the date by which the Secretary must receive the renewal  
2 application for the renewal to be issued and mailed before the license expires; and

3 (iii) the amount of the renewal fee.

4 (c) Before the license expires, the licensee periodically may renew it for an  
5 additional [2-year ] 3-YEAR term, if the licensee:

6 (1) otherwise is entitled to be licensed;

7 (2) pays to the Secretary a renewal fee of \$100 which shall include the  
8 cost of the Maryland and national criminal records check or the fee provided in  
9 subsection (e) of this section, if applicable; and

10 (3) submits to the Secretary:

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

12 (ii) 1. a set of legible fingerprints of the licensee on forms  
13 approved by the Criminal Justice Information System Central Repository and the  
14 Director of the Federal Bureau of Investigation; or

15 2. if the licensee is a firm, a set of legible fingerprints for  
16 each firm member as required under item 1 of this subparagraph; and

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

19 (4) If the licensee is a firm, the licensee shall pay the cost of the  
20 fingerprint card records check for each firm member.

21 (d) Except as provided in subsection (e) of this section, before renewing a  
22 license, the Secretary shall conduct a State and national criminal records check for  
23 each licensee, or each firm member if the applicant is a firm, who applies for a  
24 renewal of a license.

25 (e) The Secretary may waive the State and national criminal records check  
26 required under subsection (d) of this section for a licensee who was issued a license  
27 under § 18-303(g) of this subtitle if the licensee:

28 (1) provides adequate evidence that:

29 (i) the license of the licensee issued by another state was renewed  
30 by that other state within 1 year of the expiration date of the license issued under this  
31 subtitle; and

32 (ii) the renewal occurred after the licensee submitted to a state and  
33 national criminal records check; and

34 (2) pays to the Secretary a processing fee of \$100.

1 (f) If the State and national criminal records check required under subsection  
2 (d) of this section is not completed before a license expires, the Secretary shall issue a  
3 temporary license to a licensee who otherwise meets the requirements of this section.

4 (g) A temporary license issued under subsection (f) of this section shall expire  
5 at the earlier of:

6 (1) the completion of the State and national criminal records check of the  
7 licensee; or

8 (2) the renewal or the denial of the license.

9 (h) The Secretary shall renew the license of each licensee who meets the  
10 requirements of this section.

11 (I) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS  
12 SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

13 18-310.

14 (a) (1) Before the Secretary takes any final action under § 18-309 of this  
15 subtitle, the Secretary shall give the person against whom the action is contemplated  
16 an opportunity for EITHER:

17 (I) a hearing before the Secretary; OR

18 (II) A HEARING BEFORE AN ADVISORY PANEL CONSISTING OF THE  
19 FOLLOWING MEMBERS APPOINTED BY THE SECRETARY:

20 1. A MEMBER OF THE DEPARTMENT OF STATE POLICE;

21 2. A REPRESENTATIVE OF THE SECURITY SYSTEMS  
22 INDUSTRY;

23 3. ONE MEMBER WHO HAS ENGAGED THE SERVICES OF A  
24 SECURITY SYSTEMS AGENCY; AND

25 4. TWO MEMBERS REPRESENTING CONSUMERS.

26 (2) A HEARING BEFORE AN ADVISORY PANEL UNDER THIS SECTION  
27 DOES NOT PRECLUDE A HEARING BEFORE THE SECRETARY.

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

30 (c) The hearing notice to be given to the person shall be sent by certified mail  
31 to the last known address of the person at least 10 business days before the hearing.

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

1 (e) The person may be represented at the hearing by counsel.

2 (f) If, after due notice, the person against whom the action is contemplated  
3 fails or refuses to appear, nevertheless, the Secretary OR THE ADVISORY PANEL may  
4 hear and determine the matter.

5 18-3A-02.

6 (a) To qualify for registration as a security systems technician or other  
7 individual who has access to circumventational information, an applicant shall:

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

9 (2) be of good moral character.

10 (b) (1) In addition to any other requirements and except for those applicants  
11 who survey properties only for the purpose of installing a security system, an  
12 applicant for registration as a security systems technician shall meet any training  
13 requirements that the Secretary establishes by regulation.

14 (2) (I) THE SECRETARY MAY APPOINT A CONTINUING EDUCATION  
15 COMMITTEE TO APPROVE TRAINING REQUIREMENTS AND CONTINUING EDUCATION  
16 REQUIREMENTS FOR APPLICANTS AND REGISTRANTS AND TO APPROVE SCHOOLS  
17 AND INSTRUCTORS USED FOR TRAINING AND CONTINUING EDUCATION.

18 (II) THE CONTINUING EDUCATION COMMITTEE SHALL CONSIST OF  
19 THE FOLLOWING MEMBERS APPOINTED BY THE SECRETARY:

20 1. A MEMBER OF THE DEPARTMENT OF STATE POLICE;

21 2. A REPRESENTATIVE OF THE SECURITY SYSTEMS  
22 INDUSTRY;

23 3. TWO MEMBERS WITH EXPERIENCE IN EDUCATION OR  
24 TRAINING; AND

25 4. ONE MEMBER REPRESENTING CONSUMERS.

26 (C) THE STATE DEPARTMENT OF EDUCATION, IN CONJUNCTION WITH THE  
27 SECRETARY, MAY ESTABLISH BY REGULATION AN APPRENTICESHIP PROGRAM  
28 UNDER WHICH A MINOR MAY LEARN THE SECURITY SYSTEMS TRADE WITH ON-SITE  
29 SUPERVISION BY A REGISTERED SECURITY SYSTEMS TECHNICIAN UNDER THE  
30 AUSPICES OF COOPERATIVE EDUCATION REGISTRATION WITH THE SCHOOLS.

31 18-3A-03.

32 (a) An applicant for registration shall:

33 (1) submit to the Secretary an application on the form that the Secretary  
34 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) An applicant for registration shall submit with the application a set of  
11 legible fingerprints of the applicant on forms approved by the Criminal Justice  
12 Information System Central Repository and the Director of the Federal Bureau of  
13 Investigation.

14 (d) The Secretary may waive the requirements of this section and register an  
15 applicant who:

16 (1) provides adequate evidence that the applicant:

17 (i) is licensed in another state to engage in the business of  
18 providing security systems services or registered in another state as a security  
19 systems technician or other individual who has access to circumventational  
20 information; and

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

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

24 2. after submitting to a State and national criminal records  
25 check; and

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

28 (E) AN INDIVIDUAL IN AN APPRENTICESHIP PROGRAM ESTABLISHED UNDER §  
29 18-3A-03 OF THIS SUBTITLE IS NOT REQUIRED TO MEET THE CRIMINAL  
30 BACKGROUND CHECK AND FINGERPRINT REQUIREMENTS OF THIS SECTION.

31 18-3A-04.

32 (a) Except for registration under § 18-3A-03(d) of this subtitle, the Secretary  
33 shall conduct a [State and] national criminal records check of an applicant before  
34 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-07.

4 (a) Unless a registration is renewed for a [ 2-year] 3-YEAR term as provided  
5 in this section, the registration expires [on April 1 of the first odd-numbered year] 3  
6 YEARS after the effective date of the registration.

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

9 (1) a renewal application form; and

10 (2) a notice that states:

11 (i) the date on which the current registration expires;

12 (ii) the date by which the Secretary must receive the renewal  
13 application for the renewal to be issued and mailed before the registration expires;  
14 and

15 (iii) the amount of the renewal fee.

16 (c) Before the registration expires, the registrant periodically may renew it for  
17 an additional [2-year] 3-YEAR term, if the registrant:

18 (1) otherwise is entitled to be registered;

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

21 (3) pays the cost of any background checks;

22 (4) if a national criminal records check is required, pays to the Secretary  
23 or to the licensed security systems agency which employs or intends to employ the  
24 registrant as a security systems technician, for forwarding to the Secretary, the  
25 mandatory processing fee required by the Federal Bureau of Investigation for the  
26 records check; and

27 (5) submits to the Secretary:

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

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

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

1 (d) Except as provided in subsection (e) of this section, the Secretary shall  
2 conduct a national criminal records check for each registrant who applies for a  
3 renewal of registration.

4 (e) The Secretary may waive the national criminal records check required  
5 under subsection (d) of this section for a registrant who was registered under this  
6 subtitle, if the registrant:

7 (1) provides adequate evidence that:

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

11 (ii) the renewal occurred after the registrant submitted to a  
12 national criminal records check; and

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

14 (f) If the national criminal records check required under subsection (d) of this  
15 section is not completed before a registration expires, the Secretary shall issue a  
16 temporary registration to a registrant who otherwise meets the requirement of this  
17 section.

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

20 (1) the completion of the national criminal records check of the  
21 registrant; and

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

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

25 (I) THE SECRETARY MAY DETERMINE THAT REGISTRATIONS ISSUED UNDER  
26 THIS SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

27 18-3A-10.

28 (a) (1) Before the Secretary takes any final action under § 18-3A-09 of this  
29 subtitle, the Secretary shall give the individual against whom the action is  
30 contemplated an opportunity for either:

31 [(1)] (I) a hearing before the Secretary; or

32 [(2)] (II) a hearing before an advisory panel consisting of the following  
33 members appointed by the Secretary:

34 [(i)] 1. a member of the Department of State Police;

1 [(ii)] 2. a representative of the security systems industry; [and]

2 3. ONE MEMBER WHO HAS ENGAGED THE SERVICES OF A  
3 SECURITY SYSTEMS AGENCY; AND

4 [(iii) three] 4. TWO members representing consumers.

5 (2) A HEARING BEFORE AN ADVISORY PANEL UNDER THIS SECTION  
6 DOES NOT PRECLUDE A HEARING BEFORE THE SECRETARY.

7 (b) The Secretary or the advisory panel shall give notice and hold the hearing  
8 in accordance with Title 10, Subtitle 2 of the State Government Article.

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

12 (d) The Secretary or the advisory panel may administer oaths in connection  
13 with any proceeding under this section.

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

15 (f) If, after due notice, the individual against whom the action is  
16 contemplated fails or refuses to appear, the Secretary or the advisory panel may,  
17 nevertheless, hear and determine the matter.

18 18-504.

19 A person who violates any provision of this title is guilty of a misdemeanor and  
20 on conviction is subject to a fine not exceeding [\$1,000] \$500 or imprisonment not  
21 exceeding 1 year or both.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2001.