

SENATE BILL 691

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2001 Regular Session  
11r2378

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By: **Senator Sfikas**

Introduced and read first time: February 2, 2001

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Unregistered Family Day Care Provider - Civil Penalties**

3 FOR the purpose of authorizing the Child Care Administration to issue a civil citation  
4 imposing civil penalties on an unregistered family day care provider; altering  
5 penalties for unregistered family day care providers; providing procedures for an  
6 appeal of a civil citation imposed under this Act; and generally relating to  
7 unregistered family day care providers and civil penalties.

8 BY repealing and reenacting, with amendments,  
9 Article - Family Law  
10 Section 5-552 and 5-557.1  
11 Annotated Code of Maryland  
12 (1999 Replacement Volume and 2000 Supplement)

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

15 **Article - Family Law**

16 5-552.

17 (a) Except as otherwise provided in this section, a family day care home may  
18 not operate unless it is registered.

19 (b) A family day care home is not required to be registered if the day care  
20 provider:

21 (1) is related to each child by blood or marriage;

22 (2) is a friend of each child's parents or legal guardian and the care is  
23 provided on an occasional basis; or

24 (3) has received the care of the child from a child placement agency  
25 licensed by the Administration or by a local department.

1 (c) A person may not advertise a family day care home or family day care  
2 service unless the family day care home is registered under the provisions of this Part  
3 V of this subtitle.

4 (D) AN EMPLOYEE OF THE ADMINISTRATION CHARGED WITH THE  
5 INVESTIGATION AND ENFORCEMENT OF CHILD CARE REGULATIONS OR THE CHIEF  
6 LICENSING AGENT IN A REGIONAL OFFICE OF THE ADMINISTRATION MAY SERVE A  
7 CIVIL CITATION TO A PERSON FOUND IN VIOLATION OF THIS SECTION.

8 5-557.1.

9 (a) [Subject] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND  
10 SUBJECT to the provisions of subsection [(c)] (D) of this section, a person who violates  
11 any provision of this Part V of this subtitle or any rule or regulation adopted under  
12 this Part V of this subtitle is subject to a civil penalty imposed in a civil action not  
13 exceeding \$1,000 for each violation.

14 (B) (1) A PERSON WHO VIOLATES § 5-552 OF THIS SUBTITLE AND IS SERVED  
15 A CIVIL CITATION UNDER THAT SECTION IS SUBJECT TO A CIVIL PENALTY AS  
16 FOLLOWS:

17 (I) \$250 FOR THE FIRST VIOLATION;

18 (II) \$500 FOR THE SECOND VIOLATION; AND

19 (III) \$1,000 FOR THE THIRD AND EACH SUBSEQUENT VIOLATION.

20 (2) ANY MONEY COLLECTED UNDER THIS SUBSECTION SHALL BE  
21 DEPOSITED INTO THE GENERAL FUND OF THE STATE.

22 (3) ANY PERSON SERVED WITH A CITATION UNDER THIS SUBSECTION  
23 MAY APPEAL THE CITATION TO THE OFFICE OF ADMINISTRATIVE HEARINGS IN  
24 ACCORDANCE WITH § 10-205 OF THE STATE GOVERNMENT ARTICLE.

25 [(b)] (C) Each day a violation occurs is a separate violation under this section.

26 [(c)] (D) The total amount of civil penalties imposed in an action under this  
27 section may not exceed \$5,000.

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