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By: Chairman, Commerce and Government Matters Committee

Article - Business Occupations and Professions

(Departmental - State Police)
Introduced and read first time: January 30, 2002
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

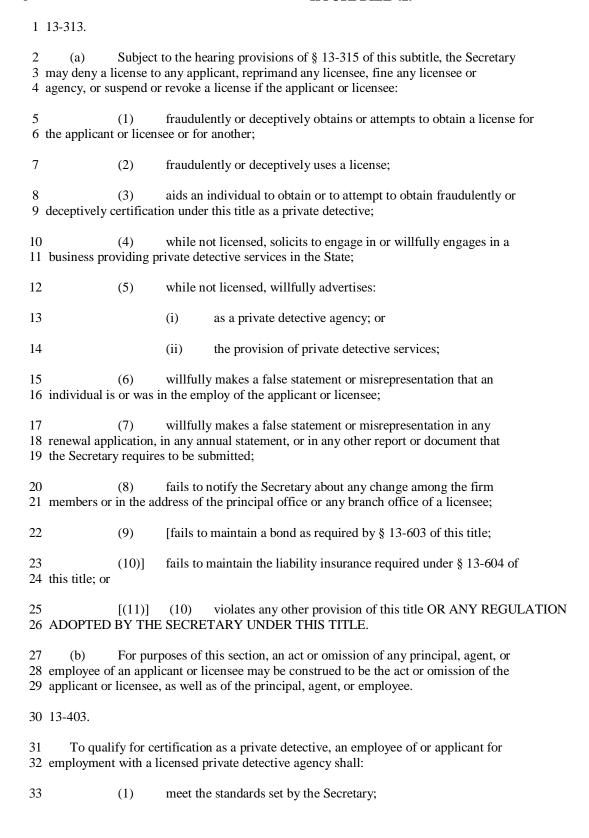
1	AN ACT concerning
2	Private Detectives, Security Systems Technicians, and Security Guards - Licensing - Regulations and Fees
4 5 6 7 8 9 10 11 12 13 14 15 16	to stagger certain terms of certifications, registrations, and licenses; repealing certain residency requirements; authorizing the Secretary of the State Police to waive background checks under certain circumstances; requiring certain security guards to display certain clearance cards; making stylistic changes; and generally relating to private detectives, security guards, and security systems
17 18 19 20 21 22 23	Section 13-203, 13-304, 13-306, 13-309, 13-313, 13-403, 13-602, 13-604, 18-309, 18-3A-09, 18-401, 19-304, 19-306, 19-308, 19-309, 19-310, 19-311, 19-313, 19-407, 19-502, and 19-504 Annotated Code of Maryland
25 26 27 28	Section 13-603, 18-307, 18-3A-07, and 19-503 Annotated Code of Maryland

1 2 3	Section 13-404.1, 18-307, and 18-3A-07 Annotated Code of Maryland (2000 Replacement Volume and 2001 Supplement)							
4 5	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:							
6			Article - Business Occupations and Professions					
7	13-203.							
8	The Secretary an	d all men	nbers of the Department of State Police:					
9 10	(1) shall treat as confidential any information obtained through an investigation of an applicant for a license or for certification under this title; and							
13 14	1 (2) unless required by a court order OR SUBPOENA, may not divulge to a 2 person who is not a member of the Department of State Police OR A MEMBER OF ANY 3 OTHER LAW ENFORCEMENT AGENCY THAT IS CONDUCTING AN OFFICIAL 4 INVESTIGATION any information obtained through an investigation of an applicant 5 for a license or for certification under this title.							
16	13-304.							
17	(a) (1)	An appl	icant for a license shall:					
18 19	Secretary provides;	(i)	submit to the Secretary an application on the form that the					
20		(ii)	submit the documents required under this section; and					
21 22	this section.	(iii)	pay to the Secretary the fees required under subsection (b) of					
	(2) the application form section.		plicant is a firm, the representative member shall complete wise be responsible for the firm's compliance with this					
26 27	(b) (1) fee of:	An appl	icant for a license shall pay to the Secretary an application					
28		(i)	\$200, if the applicant is an individual; or					
29		(ii)	\$375, if the applicant is a firm.					
30 31	(2) submit to the Secreta	(i) ry:	As part of the application for a license, the applicant shall					
32 33	on standard fingerpri	nt cards;	1. a complete set of the applicant's legible fingerprints taken and					

1		2.	payment for the cost of the fingerprint card record checks.
2	(ii) fingerprint card record che		oplicant is a firm, the applicant shall pay the cost of the firm member.
4 5	(c) (1) If the Secretary shall require:	ne applicant i	s an individual, the application form provided by the
6	(i)	the nam	e of the applicant;
7	(ii)	the age	of the applicant;
8	(iii)	the add	ress of the applicant; and
9	(iv)	the curr	ent and previous employment of the applicant.
10 11	(2) If the Secretary shall require:	ne applicant i	s a firm, the application form provided by the
12	(i)	a list of	all of the firm members; and
13 14	(ii) an individual applicant un		a firm member, the same information required regarding th (1) of this subsection.
15	(3) For	all applicant	s, the application form shall require:
16 17	(i) business and of each prop		ress of the applicant's proposed principal place of office;
18 19	(ii) while conducting the busin		le or fictitious name that the applicant intends to use rivate detective agency;
	* /		mission of a facsimile of any trademark that the ang the business of the private detective
23 24	(iv) assist in the evaluation of		ecretary considers appropriate, any other information to
25		1.	an individual applicant; or
26		2.	if the applicant is a firm, any firm member.
29	advising the applicant tha	t willfully m	vided by the Secretary shall contain a statement aking a false statement on an application is a isonment or both, as provided under §§ 13-705
31 32	(e) (1) If the under oath, by the individual		s an individual, the application form shall be signed,

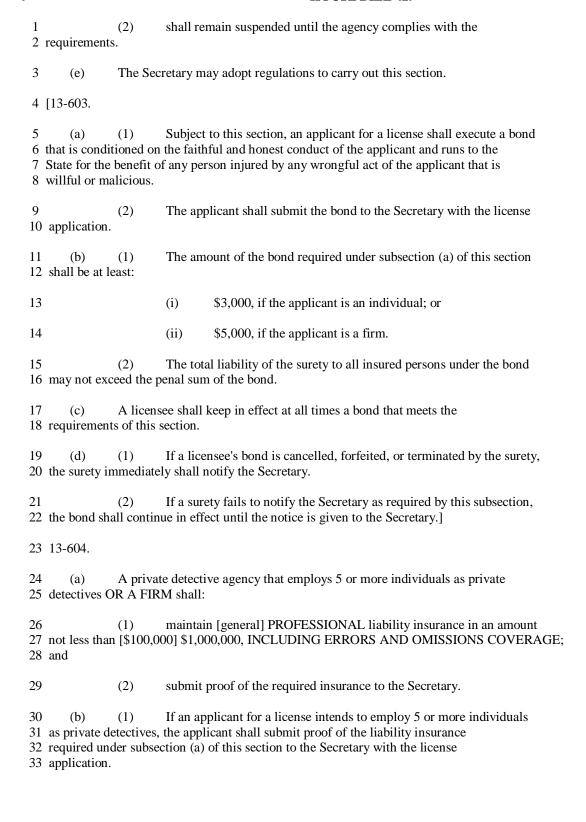
	(2) oath, by the represent other firm members.	If the applicant is a firm, the application form shall be signed, under ative member, as the representative member, and by all the							
			[(i)] If the applicant is an individual, the application shall be it [5 written recommendations] THREE NAMES OF CAN ATTEST TO THE CHARACTER of the [individual] APPLICANT.						
			If the applicant is a firm, the application shall be accompanied ndations of each firm member] THREE NAMES OF TTEST TO THE CHARACTER OF EACH FIRM MEMBER.						
12		perty in t	commendation shall be signed, under oath, by a reputable the county where the individual applicant or firm business of the private detective agency is to be						
14 15			a license shall submit with the application form a bond in ents of § 13-603 of this title.]						
18	[(h)] (G) An applicant for a license who intends to employ at least 5 individuals as private detectives shall submit with the application proof of PROFESSIONAL liability insurance, INCLUDING ERRORS AND OMISSIONS COVERAGE, as required under § 13-604 of this title.								
	-	In addition to meeting the other requirements of this section, a ant shall submit a consent and any related document, as required title.							
23	13-306.								
24 25	(a) (1) requirements of this s		retary shall issue a license to each applicant who meets the						
	\ /		retary shall issue an agency license certificate to each ncy and a branch office certificate for each proposed						
29 30	(b) (1) the Secretary issues:	The Sec	retary shall include on each agency license certificate that						
31		(i)	the full name of the licensee;						
32 33	the licensed private d	(ii) letective a	the location of the principal office and of each branch office of agency;						
34		(iii)	the date of issuance of the license;						
35		(iv)	the date on which the license expires; and						

1 2	licensee is a firm.	(v)	the name and address of the representative member, if the				
3	(2)	The Sec	retary shall include on each branch office certificate:				
4		(i)	the full name of the licensee;				
5 6	agency branch office	(ii) for which	the location of the principal office of the licensee and of the the certificate is issued;				
7		(iii)	the date of issuance of the branch office certificate;				
8		(iv)	the date on which the license of the licensee expires; and				
9 10	the licensee is APPL	(v) YING O	the name and AGENCY address of the representative member, if N BEHALF OF a firm.				
11	13-309.						
12 13	(a) As a conwith the renewal app		or license renewal, a licensee shall submit to the Secretary				
	4 (1) a certification or, as authorized by the Secretary, other 5 documentation that the licensed private detective agency has paid, for the past [2] 3 6 years, all withholding and Social Security taxes;						
19	7 (2) a certification or, as authorized by the Secretary, other 8 documentation that the licensed private detective agency has paid, for the past [2] 3 9 years, all other obligations payable for the employees of the licensed private detective 10 agency to the State or the federal government;						
23		mentatio ' compen	cate from an insurance carrier or, as authorized by the in showing that the licensed private detective agency sation insurance for its covered employees, as defined in bloyment Article; and				
		mentatio	t from the Comptroller's Office or, as authorized by the on showing that the State income tax of the licensed seen paid for the past [2] 3 years.				
	(a) of this section at 1	least 15 d	loes not receive the documents required under subsection ays before the license expiration date, the Secretary e fee of \$10 per day until the documents are received.				
			ay inspect any of the business records of a licensee that oject to certification or documentation under this				



1	(2	.)	submit to	o the Secretary:
2			(i)	a sworn application on the form the Secretary provides; and
3	fingerprints; and		(ii)	2 sets of fingerprint cards marked with the applicant's
5	(3)	pay to th	e Secretary:
6			(i)	an application fee of [\$50] \$15; and
7			(ii)	payment for the cost of the fingerprint card record checks.
8	13-404.1.			
9 10				ON, THE SECRETARY SHALL STAGGER THE TERMS OF THE ITHIS SUBTITLE.
11 12				TIFICATION IS RENEWED FOR A 3-YEAR TERM AS PROVIDED RTIFICATION EXPIRES ON THE DATE THE SECRETARY SETS.
13 14	(C) A' SHALL DELIV			AYS BEFORE A CERTIFICATION EXPIRES, THE APPLICANT ECRETARY:
15	(1)	A RENE	EWAL APPLICATION FORM;
16	(2)	THE AM	MOUNT OF THE RENEWAL FEE; AND
17 18	(3 SECRETARY.	*	THE AM	MOUNT OF ANY LATE FEE, AS DETERMINED BY THE
19 20				L PERIODICALLY MAY RENEW THE CERTIFICATION FOR AN M, IF THE INDIVIDUAL:
21	(1)	IS OTHI	ERWISE ENTITLED TO BE CERTIFIED;
22	(2)	PAYS T	O THE SECRETARY:
23			(I)	A RENEWAL FEE OF \$10;
24 25			` /	PAYMENT FOR THE COST OF A FINGERPRINT CARD RECORD BUREAU OF INVESTIGATION; AND
26			(III)	ANY LATE FEE REQUIRED UNDER THIS SUBTITLE; AND
27 28	(3 FORM THE SI			TS TO THE SECRETARY A RENEWAL APPLICATION ON THE ROVIDES.
	APPLICATIO	N FOR	RENEW	CT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A COMPLETE VAL OF CERTIFICATION AS REQUIRED UNDER THIS

	BEFORE TH OF \$5 PER I											FEE
3	SUBSECTIO	(2) ON MAY			MOUNT (OF LAT	E FEES	SASSES	SSED U	INDER	THIS	
5 6	TITLE IF TI	(3) HE APPL			RY MAY ISTANE						UNDER	THIS
7 8	(F) INDIVIDUA	(1) AL WHO			RY SHAI QUIREM					TION (OF EAC	Ή
11	CERTIFICA SHALL SEI SUBMITTE	ND WRI	F AN IN FTEN NO	DIVIDU OTICE O	F THE R	PRIVA EFUSA	TE DE	ГЕСТІ	Æ, THI	E SECF	RETARY	
13	13-602.											
14 15	(a) individual w		ces of eac	ch private	e detectiv	e agency	shall b	e super	vised by	an an		
16		(1)	[is a resi	dent of the	ne State;	and						
17 18	agency; or	(2)	(i)]	holds, as	s an indiv	idual, th	e licens	e of the	private	detecti	ive	
19 20	agency appo	ointed und	[(ii)] der § 13-3	(2) 302(b) of	is the rethis title.		tive mer	nber of	the priv	ate det	ective	
21 22	(b) about:	If a priva	ate detect	tive agen	cy is a fir	m, the ag	gency sl	hall noti	fy the S	Secretar	ry	
23 24	the agency;	(1) and	the iden	tity of the	e individu	ıal servir	ng as the	e represo	entative	memb	er of	
25		(2)	each vac	cancy in t	hat positi	ion.						
26 27 28	(c) detective ag vacancy occ	(1) ency shal curs in the	l appoint	a represe	ed in para entative n					private		
	the represent within 180 c		mber, the	e private							ry to	
	(d) member as r detective ag	required t			tive agence) of this							
35		(1)	is suspe	nded auto	matically	y; and						



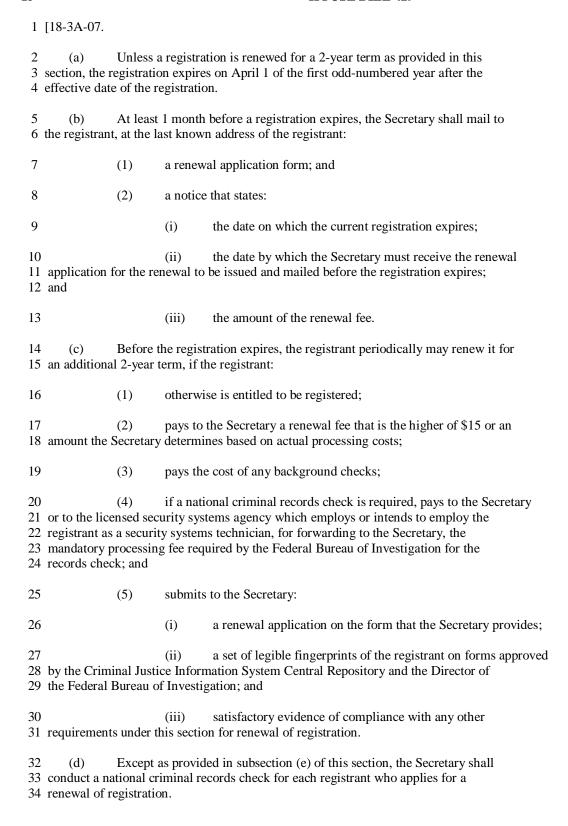
	insurance rec proof of the		ts of this	retary may not issue a license to an applicant to whom the section would apply unless the applicant submits						
		(c) If the insurance required for a private detective agency under this section s cancelled, forfeited, or otherwise terminated, both the private detective agency and he insurer shall notify the Secretary.								
		(D) IF A PRIVATE DETECTIVE AGENCY FAILS TO MAINTAIN THE LIABILITY INSURANCE REQUIRED UNDER THIS SECTION, THE LICENSE OF THE PRIVATE DETECTIVE AGENCY:								
10		(1)	IS SUSI	PENDED AUTOMATICALLY;						
11 12	THE REQU	(2) JIREMEN		REMAIN SUSPENDED UNTIL THE AGENCY COMPLIES WITH DER SUBSECTION (A) OF THIS SECTION; AND						
13 14	THE REQU	(3) VIRED IN		OT BE REINSTATED UNTIL THE AGENCY SUBMITS PROOF OF CE TO THE SECRETARY.						
15	[18-307.									
16 17	· /			s renewed for a 2-year term as provided in this section, April 1 that comes:						
18		(1)	after the	effective date of the license; and						
19		(2)	in an od	d-numbered year.						
20 21	(b) licensee, at			before a license expires, the Secretary shall mail to the licensee:						
22		(1)	a renewa	al application form; and						
23		(2)	a notice	that states:						
24			(i)	the date on which the current license expires;						
	required fee			that the Secretary must receive the renewal application and all at least 15 days before the license expiration date for the ed before the license expires;						
28			(iii)	the amount of the renewal fee;						
31		ll be char	ged a fee	that, if the renewal application and all required fees and least 15 days before the license expiration date, the of \$10 per day until the complete renewal application						

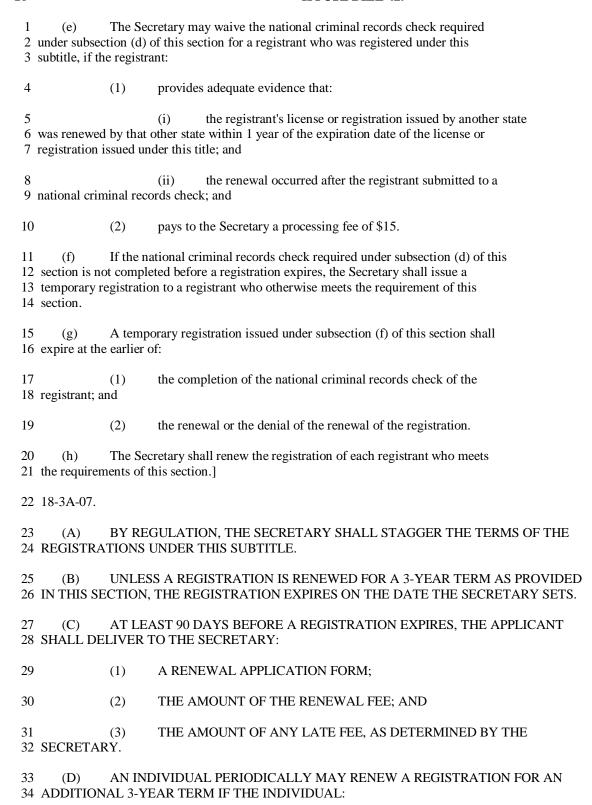
	all required fees and c shall be considered cl		s by the	expiration	e fails to submit the renewal application and date of the license, the licensee business.	
4 5	(c) (1) Before the license expires, the licensee periodically may renew it for an additional 2-year term, if the licensee:					
6		(i)	otherwi	se is entit	ed to be licensed;	
	the cost of the Maryla subsection (e) of this		ational ci	riminal re	ary a renewal fee of \$100 which shall include cords check or the fee provided in	
10		(iii)	submits	to the Se	cretary:	
11 12	provides;		1.	a renewa	al application on the form that the Secretary	
	approved by the Crin Director of the Feder				a set of legible fingerprints of the licensee on forms stem Central Repository and the or	
16 17	each firm member as	required	B. under ite	if the lic em 1 of th	ensee is a firm, a set of legible fingerprints for is subparagraph;	
18 19	requirements set und	er this sec	3. etion for		ory evidence of compliance with any other newal; and	
20			4.	any late	fee required under this section.	
21 22	1 (2) If the licensee is a firm, the licensee shall pay the cost of the 2 fingerprint card records check for each firm member.					
25	3 (d) Except as provided in subsection (e) of this section, before renewing a 4 license, the Secretary shall conduct a State and national criminal records check for 5 each licensee, or each firm member if the applicant is a firm, who applies for a 6 renewal of a license.					
	` '	ction (d)	of this se	ection for	and national criminal records check a licensee who was issued a license	
30	(1)	provides	adequat	te evidenc	e that:	
	by that other state wi subtitle; and	(i) thin 1 yea			licensee issued by another state was renewed date of the license issued under this	
34 35	national criminal rec	(ii) ords chec		ewal occur	red after the licensee submitted to a State and	

1 (2) pays to the Secretary a processing fee of \$100. 2 If the State and national criminal records check required under subsection (f) 3 (d) of this section is not completed before a license expires, the Secretary shall issue a 4 temporary license to a licensee who otherwise meets the requirements of this section. A temporary license issued under subsection (f) of this section shall expire 6 at the earlier of: 7 (1) the completion of the State and national criminal records check of the 8 licensee; or 9 (2) the renewal or the denial of the license. 10 If the Secretary does not receive the renewal application and all fees and 11 documents required under subsection (c) of this section at least 15 days before the 12 license expiration date, the Secretary shall charge the licensee a late fee of \$10 per 13 day until the renewal application and all required fees and documents are received. 14 The Secretary shall renew the license of each licensee who meets the 15 requirements of this section.] 16 18-307. 17 (A) BY REGULATION, THE SECRETARY SHALL STAGGER THE TERMS OF THE 18 LICENSES. 19 (B) UNLESS A LICENSE IS RENEWED FOR A 3-YEAR TERM AS PROVIDED IN 20 THIS SECTION, THE LICENSE EXPIRES ON THE DATE THE SECRETARY SETS. 21 AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE SECRETARY SHALL 22 MAIL TO THE AGENCY, AT THE LAST KNOWN ADDRESS OF THE AGENCY: 23 (1) A RENEWAL APPLICATION FORM; AND (2) A NOTICE THAT STATES: 24 25 (I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES: 26 THAT THE SECRETARY MUST RECEIVE THE RENEWAL (II)27 APPLICATION AND PROOF OF INSURANCE OR BONDING AS REQUIRED IN § 18-401 OF 28 THIS TITLE AT LEAST 15 DAYS BEFORE THE LICENSE EXPIRATION DATE FOR THE 29 RENEWAL TO BE ISSUED AND MAILED BEFORE THE LICENSE EXPIRES: THE AMOUNT OF THE RENEWAL FEE; 30 (III)THAT, IF THE COMPLETE RENEWAL APPLICATION AND PROOF 31 (IV) 32 OF INSURANCE OR BONDING AS REQUIRED IN § 18-401 OF THIS TITLE ARE NOT 33 RECEIVED AT LEAST 15 DAYS BEFORE THE LICENSE EXPIRATION DATE, A FEE OF \$25 34 PER DAY SHALL BE CHARGED AGAINST THE AGENCY UNTIL THE DAY THE LICENSE 35 EXPIRES, AT WHICH TIME THE AGENCY SHALL BE CONSIDERED CLOSED;

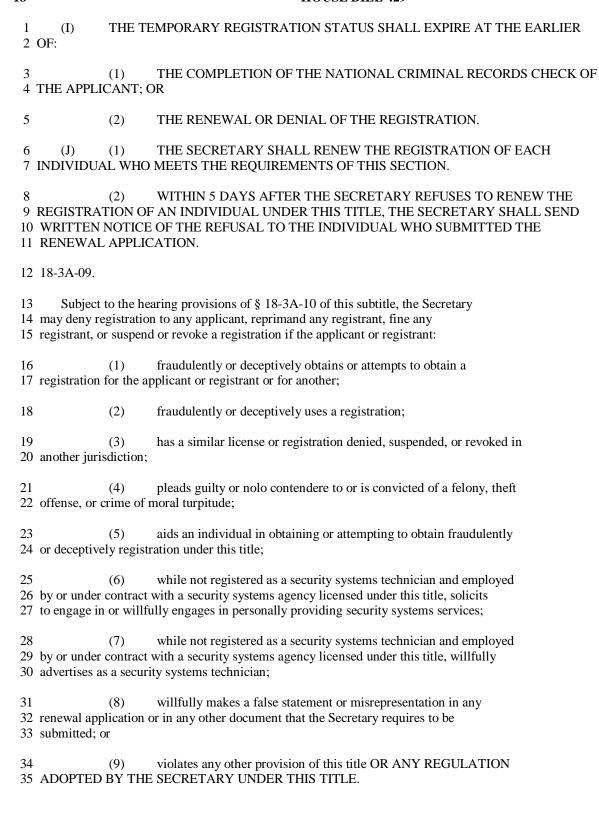
- 1 (V) THAT AN AGENCY MAY NOT BE ISSUED A LICENSE UNDER THIS
- 2 TITLE UNTIL ALL OUTSTANDING OBLIGATIONS ARE SATISFIED WITH THE
- 3 SECRETARY; AND
- 4 (VI) THAT THE SUBMISSION OF A FALSE STATEMENT IN THE
- 5 RENEWAL APPLICATION OR THE SUBMISSION OF ALTERED OR FALSE DOCUMENTS
- 6 THAT ARE OTHERWISE REQUIRED IS CAUSE FOR REVOCATION OF THE AGENCY
- 7 LICENSE.
- 8 (D) AN AGENCY PERIODICALLY MAY RENEW THE LICENSE FOR AN
- 9 ADDITIONAL 3-YEAR TERM, IF THE LICENSE HOLDER:
- 10 (1) OTHERWISE IS ENTITLED TO BE LICENSED;
- 11 (2) PAYS TO THE SECRETARY:
- 12 (I) A RENEWAL FEE OF \$100;
- 13 (II) THE COST OF A FINGERPRINT CARD RECORD CHECK BY THE
- 14 FEDERAL BUREAU OF INVESTIGATION; AND
- 15 (III) ANY LATE FEE REQUIRED UNDER THIS SUBTITLE; AND
- 16 (3) SUBMITS TO THE SECRETARY:
- 17 (I) A RENEWAL APPLICATION ON THE FORM THAT THE SECRETARY
- 18 PROVIDES; AND
- 19 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY OTHER
- 20 REQUIREMENTS UNDER THIS SECTION FOR LICENSE RENEWAL.
- 21 (E) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, BEFORE
- 22 RENEWING A LICENSE, THE SECRETARY SHALL CONDUCT A NATIONAL CRIMINAL
- 23 RECORDS CHECK FOR EACH LICENSEE WHO APPLIES FOR RENEWAL OF A LICENSE.
- 24 (F) THE SECRETARY MAY WAIVE THE NATIONAL CRIMINAL RECORDS CHECK
- 25 REQUIRED UNDER SUBSECTION (E) OF THIS SECTION FOR AN APPLICANT WHO WAS
- 26 ISSUED A LICENSE UNDER § 18-303 (G) OF THIS SUBTITLE IF THE APPLICANT PAYS TO
- 27 THE SECRETARY A PROCESSING FEE OF \$100.
- 28 (G) IF THE RENEWAL APPLICATION WAS SUBMITTED AS REQUIRED IN § 18-307
- 29 (D) OF THIS SUBTITLE AND THE NATIONAL CRIMINAL RECORDS CHECK REQUIRED
- 30 UNDER THIS SECTION IS NOT COMPLETED BEFORE THE LICENSEE'S LICENSE
- 31 EXPIRES, THE SECRETARY SHALL ALLOW THE LICENSEE TO OPERATE IN A
- 32 TEMPORARY LICENSE STATUS IF THE LICENSEE OTHERWISE MEETS THE
- 33 REQUIREMENTS OF THIS SECTION.
- 34 (H) A LICENSEE MAY OPERATE IN A TEMPORARY LICENSE STATUS AT THE
- 35 TIME OF RENEWAL ONLY IF THE RENEWAL APPLICATION AND ALL REQUIRED

1 DOCUMENTS AND FEES WERE SUBMITTED BY THE EXPIRATION DATE OF THE 2 LICENSE. 3 THE TEMPORARY LICENSE STATUS SHALL EXPIRE AT THE EARLIER OF: (I) THE COMPLETION OF THE NATIONAL CRIMINAL RECORDS CHECK OF 4 (1) 5 THE APPLICANT; OR THE RENEWAL OR DENIAL OF THE LICENSE. 6 (2) THE SECRETARY SHALL RENEW THE LICENSE OF EACH APPLICANT WHO 7 (J) 8 MEETS THE REQUIREMENTS OF THIS SECTION. 9 18-309. Subject to the hearing provisions of § 18-310 of this subtitle, the Secretary may 11 deny a license to any applicant, reprimand any licensee, fine a licensee, or suspend or 12 revoke a license if the applicant or licensee, or a firm member or employee of an 13 applicant or licensee that is a firm: 14 fraudulently or deceptively obtains or attempts to obtain a license for 15 the applicant or licensee or for another; fraudulently or deceptively uses a license; 16 (2)17 (3) has a similar license denied, suspended, or revoked in another 18 jurisdiction; 19 pleads guilty or nolo contendere to or is convicted of a felony, theft (4) 20 offense, or crime of moral turpitude; 21 (5) aids an individual in obtaining or attempting to obtain fraudulently 22 or deceptively licensure under this title as a security systems technician; 23 while not licensed, solicits to engage in or willfully engages in a 24 business providing security systems services; while not licensed, willfully advertises as a security systems 25 (7) 26 technician; 27 willfully makes a false statement or misrepresentation in any 28 renewal application or in any other document that the Secretary requires to be 29 submitted: or violates any other provision of this title OR ANY REGULATION 30 (9)31 ADOPTED BY THE SECRETARY UNDER THIS TITLE.





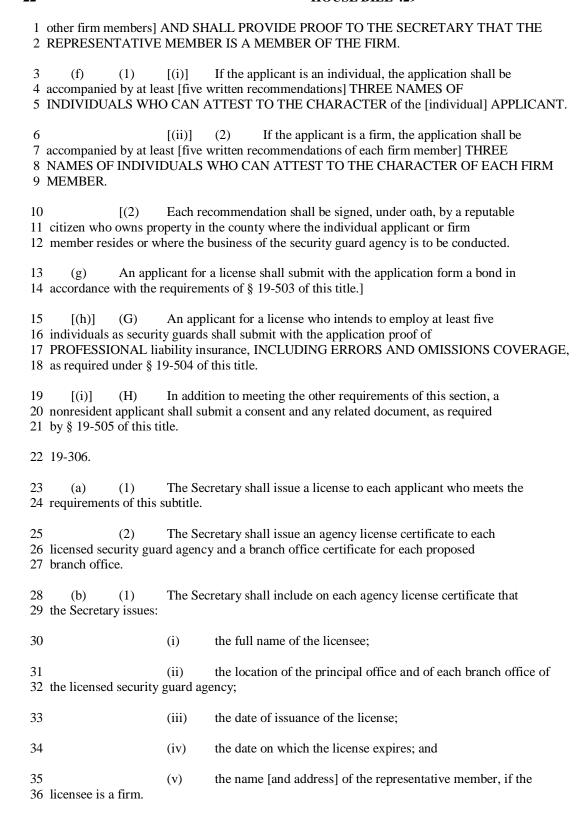
- 1 (1) OTHERWISE IS ENTITLED TO BE REGISTERED;
- 2 (2) PAYS TO THE SECRETARY:
- 3 (I) A RENEWAL FEE THAT IS THE HIGHER OF \$15 OR AN AMOUNT 4 WHICH THE SECRETARY DETERMINES BASED ON THE ACTUAL PROCESSING COSTS;
- 5 (II) PAYMENT FOR THE COST OF A FINGERPRINT CARD RECORD 6 CHECK BY THE FEDERAL BUREAU OF INVESTIGATION; AND
- 7 (III) ANY LATE FEE REQUIRED UNDER THIS SUBTITLE; AND
- 8 (3) SUBMITS TO THE SECRETARY:
- 9 (I) A RENEWAL APPLICATION ON THE FORM THE SECRETARY 10 PROVIDES; AND
- 11 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY OTHER 12 REQUIREMENTS UNDER THIS SECTION FOR RENEWAL OF REGISTRATION.
- 13 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A COMPLETE
- 14 APPLICATION FOR RENEWAL OF REGISTRATION AS REQUIRED UNDER THIS
- 15 SUBTITLE IS NOT RECEIVED BY THE SECRETARY AT LEAST 30 CALENDAR DAYS
- 16 BEFORE THE CERTIFICATION EXPIRES, THE SECRETARY SHALL ASSESS A LATE FEE
- 17 OF \$5 PER DAY UNTIL THE APPLICATION IS RECEIVED BY THE SECRETARY.
- 18 (2) THE TOTAL AMOUNT OF LATE FEES ASSESSED UNDER THIS 19 SUBSECTION MAY NOT EXCEED \$150.
- 20 (3) THE SECRETARY MAY NOT REGISTER ANY APPLICANT UNDER THIS 21 TITLE IF THE APPLICANT HAS OUTSTANDING LATE FEE OBLIGATIONS.
- 22 (F) EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, BEFORE
- 23 RENEWING A REGISTRATION. THE SECRETARY SHALL CONDUCT A NATIONAL
- 24 CRIMINAL RECORDS CHECK FOR EACH REGISTRANT WHO APPLIES FOR RENEWAL OF
- 25 A REGISTRATION.
- 26 (G) THE SECRETARY MAY WAIVE THE NATIONAL CRIMINAL RECORDS CHECK
- 27 REQUIRED UNDER SUBSECTION (F) OF THIS SECTION FOR AN APPLICANT WHO WAS
- 28 REGISTERED UNDER § 18-3A-03 OF THIS SUBTITLE IF THE APPLICANT PAYS TO THE
- 29 SECRETARY A PROCESSING FEE OF \$15.
- 30 (H) IF THE RENEWAL APPLICATION WAS SUBMITTED AS REQUIRED UNDER
- 31 THIS SECTION AND THE NATIONAL CRIMINAL RECORDS CHECK REQUIRED UNDER
- 32 THIS SECTION IS NOT COMPLETED BEFORE A REGISTRATION EXPIRES, THE
- 33 SECRETARY SHALL ALLOW THE APPLICANT TO OPERATE IN A TEMPORARY
- 34 REGISTRATION STATUS IF THE APPLICANT OTHERWISE MEETS THE REQUIREMENTS
- 35 OF THIS SECTION.



1	18-401.						
2	(a)	In order	to obtain	a license, an applicant shall:			
3	section; or	(1)	(i)	execute a fidelity bond as provided in subsection (c) of this			
5 6	(d) of this se	ction; and	(ii) d	maintain general liability insurance as provided in subsection			
9		AVAILA	or relate t	n in an office in the State, documents or other records that to a service performed in the State AND MAKE THOSE R INSPECTION BY THE SECRETARY FOR COMPLIANCE WITH			
	1 (b) The Secretary may not issue or renew a license or registration unless the 2 applicant, licensee, or registrant submits proof of compliance with subsection (a) of 3 this section.						
14 15	(c) cover all inc	(1) dividuals		lity bond required by subsection (a)(1) of this section shall			
16 17	as security s	systems te	(i) echnicians	are licensed to provide security systems services, are registered s, or have access to circumventional information; or			
18			(ii)	are applicants for a license or registration.			
21	dishonest ac	ct of a lice	consumer ensee, a se	lity bond shall be used for the benefit of any person injured of security systems services by any fraudulent or ecurity systems technician, or other individual who has ormation that is willful or malicious.			
23 24	fidelity bone	(3) d to the S		licant for a license or registration shall submit a copy of the with the license or registration application.			
25 26	of this section	(4) on shall b	(i) e at least	The amount of the fidelity bond required under subsection (c)(1) \$50,000.			
27 28	fidelity bone	d may no	(ii) t exceed t	The total liability of the surety to all insured persons under the he sum of the fidelity bond.			
29 30	terminated l	(5) by the sur	(i) ety, the s	If an employer's fidelity bond is canceled, forfeited, or urety shall immediately notify the Secretary.			
	paragraph, t Secretary.	he fidelit	(ii) y bond sh	If a surety fails to notify the Secretary as required by this hall continue in effect until the notice is given to the			
34 35	(d)	(1) I be in the		liability insurance required by subsection (a)(1)(ii) of this of at least \$50,000			

		(2) An applicant for a license or registration shall submit proof of meeting the requirements of paragraph (1) of this subsection to the with the application.						
4 5	canceled, the	(3) e insured			bility insurance required under this section is notify the Secretary.			
		(E) IF AN AGENCY FAILS TO MAINTAIN THE REQUIRED FIDELITY BOND OR LIABILITY INSURANCE AS REQUIRED IN THIS SECTION, UPON NOTIFICATION, THE SECRETARY:						
9		(1)	SHALL	SUSPE	ND THE LICENSE; AND			
10 11	PROOF OF	(2) THE RE			NSTATE THE LICENSE UNTIL THE AGENCY SUBMITS OR INSURANCE TO THE SECRETARY.			
	[(e)] may enjoin t section.	(F) the opera			8-504 of this title, a court of competent jurisdiction yer who violates the requirements of this			
15	19-304.							
16	(a)	(1)	An appli	icant for	a license shall:			
17 18	Secretary pr	ovides;	(i)	submit	to the Secretary an application on the form that the			
19			(ii)	submit t	the documents required under this section; and			
20 21	this section.		(iii)	pay to the	he Secretary the fees required under subsection (b) of			
	the applicati	(2) on form			s a firm, the representative member shall complete responsible for the firm's compliance with this			
25 26	(b) fee of:	(1)	An appli	icant for	a license shall pay to the Secretary an application			
27			(i)	\$200, if	the applicant is an individual; or			
28			(ii)	\$375, if	the applicant is a firm.			
29 30	submit to the	(2) e Secreta	(i) ry:	As part	of the application for a license, the applicant shall			
31 32	on standard	fingerpri	nt cards;	1. and	a complete set of the applicant's legible fingerprints taken			
33				2.	payment for the cost of the fingerprint card record checks.			

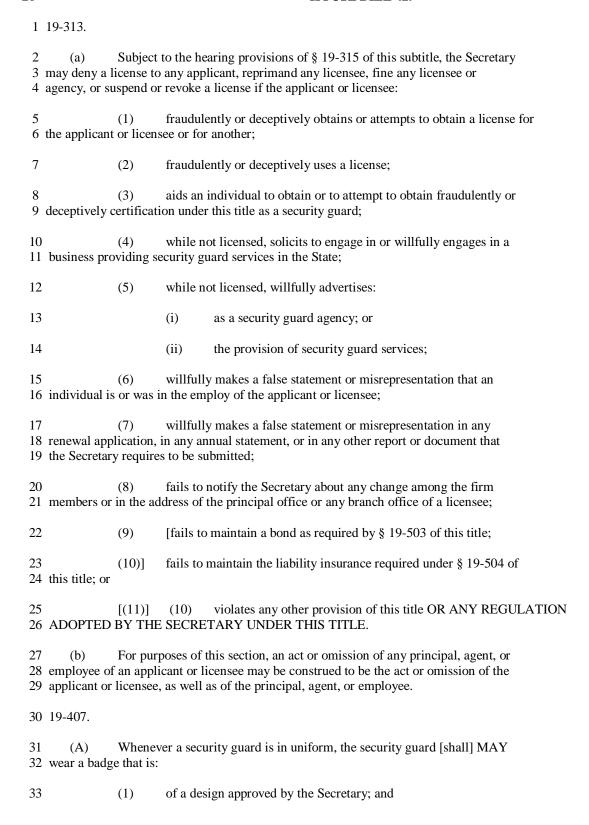
1 2	fingerprint card recor	(ii) d checks	If the applicant is a firm, the applicant shall pay the cost of the for each firm member.
3	(c) (1) Secretary shall requir		oplicant is an individual, the application form provided by the
5		(i)	the name of the applicant;
6		(ii)	the age of the applicant;
7		(iii)	the address of the applicant; and
8		(iv)	the current and previous employment of the applicant.
9 10	(2) Secretary shall require		oplicant is a firm, the application form provided by the
11		(i)	a list of all of the firm members; and
12 13	an individual applica	(ii) nt under	for each firm member, the same information required regarding paragraph (1) of this subsection.
14	(3)	For all a	applicants, the application form shall require:
15 16	business and of each	(i) proposed	the address of the applicant's proposed principal place of branch office;
17 18	while conducting the	(ii) business	any trade or fictitious name that the applicant intends to use of the security guard agency;
	applicant intends to u	(iii) ise while	the submission of a facsimile of any trademark that the conducting the business of the security guard agency;
22 23	assist in the evaluation	(iv) on of:	as the Secretary considers appropriate, any other information to
24			1. an individual applicant; or
25			2. if the applicant is a firm, any firm member.
28	advising the applicar	t that wil t to a fine	Form provided by the Secretary shall contain a statement lfully making a false statement on an application is a e or imprisonment or both, as provided under §§ 19-605
30 31	(e) (1) under oath, by the in		oplicant is an individual, the application form shall be signed,
32 33	(2) oath, by the represen		oplicant is a firm, the application form shall be signed, under omber, as the representative member, [and by all the

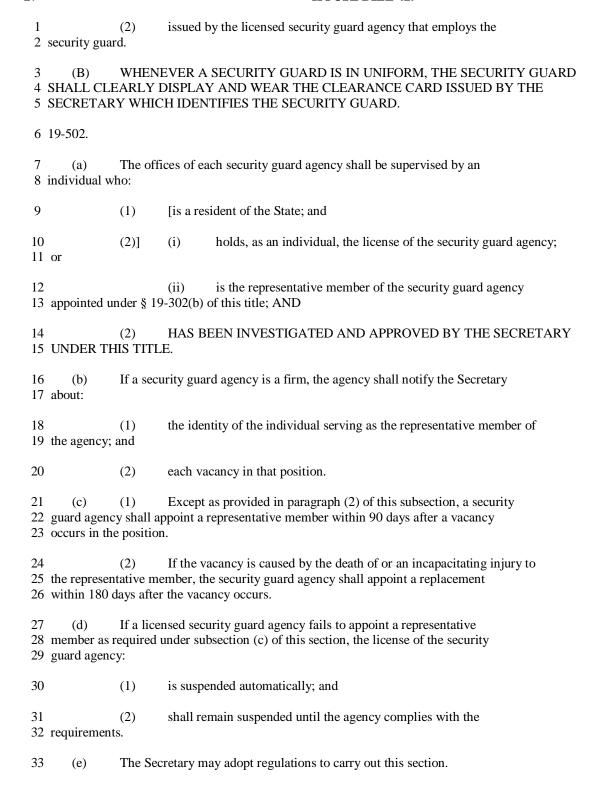


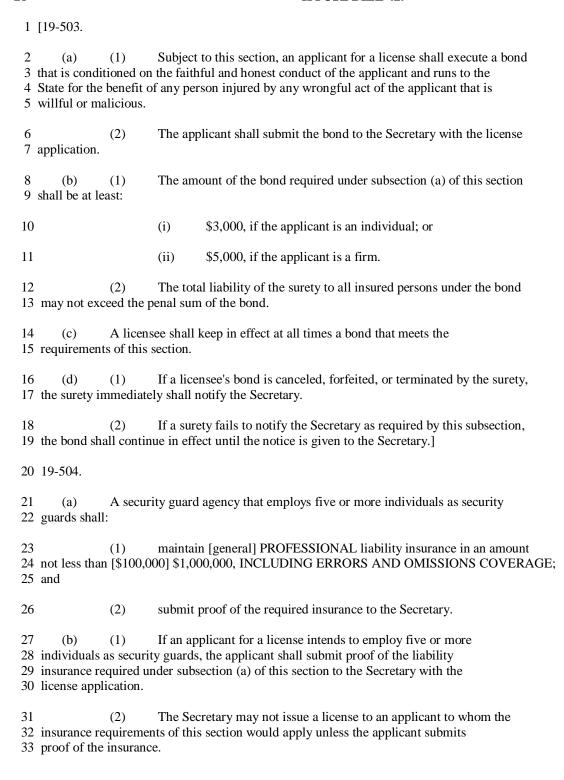
1		(2)	The Secretary shall include on each branch office certificate:				
2			(i)	the full name of the licensee;			
3	agency branc	h office	(ii) for which	the location of the principal office of the licensee and of the the certificate is issued;			
5			(iii)	the date of issuance of the branch office certificate;			
6			(iv)	the date on which the license of the licensee expires; and			
7 8	the licensee i	s APPLY	(v) /ING ON	the name and AGENCY address of the representative member, if BEHALF OF a firm.			
9	19-308.						
10	(a)	By regu	lation, the	e Secretary shall stagger the terms of the licenses.			
11 12	(b) section, the			s renewed for a [2-year] 3-YEAR term as provided in this the date the Secretary sets.			
13 14	(c) At least 1 month before a license expires, the Secretary shall mail to the licensee, at the last known address of the licensee:						
15		(1)	a renewa	al application form; and			
16		(2)	a notice	that states:			
16 17		(2)	a notice (i)	that states: the date on which the current license expires;			
17 18 19		equired u	(i) (ii) under § 19				
17 18 19		equired u	(i) (ii) under § 19	the date on which the current license expires; that the Secretary must receive the renewal application and the 0-309 of this subtitle, at least 15 days before the license			
17 18 19 20 21 22 23	expiration date are not recei	equired uate, for the	(i) (ii) under § 19 ne renewa (iii) (iv) ast 15 day	the date on which the current license expires; that the Secretary must receive the renewal application and the 0-309 of this subtitle, at least 15 days before the license all to be issued and mailed before the license expires;			
17 18 19 20 21 22 23 24 25	are not recei day shall be	equired uate, for the ved at leacharged	(i) (ii) under § 19 ne renewa (iii) (iv) ast 15 day against th	that the Secretary must receive the renewal application and the 0-309 of this subtitle, at least 15 days before the license all to be issued and mailed before the license expires; the amount of the renewal fee; that, if the statements required under § 19-309 of this subtitle was before the license expiration date, a fee of \$10 per			
17 18 19 20 21 22 23 24 25 26 27	are not recei day shall be	equired uate, for the ved at leacharged or in the a	(i) (ii) under § 19 ne renewa (iii) (iv) ast 15 day against the (v) annual sta	that the Secretary must receive the renewal application and the 0-309 of this subtitle, at least 15 days before the license all to be issued and mailed before the license expires; the amount of the renewal fee; that, if the statements required under § 19-309 of this subtitle as before the license expiration date, a fee of \$10 per ne licensee until the statements are received; and that the submission of a false statement in the renewal			
17 18 19 20 21 22 23 24 25 26 27	are not recei day shall be application of	equired uate, for the ved at leacharged or in the a	(i) (ii) (id) (id) (iii) (iv) (ast 15 day (against the (v) (annual state (bee period licensee:	that the Secretary must receive the renewal application and the 0-309 of this subtitle, at least 15 days before the license all to be issued and mailed before the license expires; the amount of the renewal fee; that, if the statements required under § 19-309 of this subtitle as before the license expiration date, a fee of \$10 per ne licensee until the statements are received; and that the submission of a false statement in the renewal attements is cause for revocation of the license.			
17 18 19 20 21 22 23 24 25 26 27 28	are not recei day shall be application of	equired uate, for the ved at leacharged or in the a A licensm, if the	(i) (ii) (iii) (iv) (iv) (ast 15 day against the (v) (annual state (be period licensee: (otherwise)	that the Secretary must receive the renewal application and the 0-309 of this subtitle, at least 15 days before the license of the beissued and mailed before the license expires; the amount of the renewal fee; that, if the statements required under § 19-309 of this subtitle is before the license expiration date, a fee of \$10 per necesser in the license expiration date, a fee of \$10 per necesser in the statements are received; and that the submission of a false statement in the renewal attements is cause for revocation of the license.			

1			1.	\$200, if the licensee is an individual; or				
2			2.	\$400, if the licensee is a firm; [and]				
3	CHECK BY THE FE	(II) DERAL		ENT FOR THE COST OF A FINGERPRINT CARD RECORD J OF INVESTIGATION; AND				
5		[(ii)]	(III)	any late fee required under § 19-309 of this subtitle; and				
6	(3)	submits	to the Se	cretary:				
7 8	[and]	(i)	a renewa	al application on the form that the Secretary provides;				
9 10	TAKEN ON FEDER	(ii) AL FINO		PLETE SET OF THE APPLICANT'S LEGIBLE FINGERPRINTS IT CARDS;				
			ATION T	ments required under § 19-309 of this subtitle AND HAT MAY BE REQUIRED BY THE SECRETARY TO NDER THIS SUBTITLE; AND				
14 15	APPROVED BY TH	(IV) E SECR		HOTOGRAPHS OF THE APPLICANT IN A FORMAT				
16 17	6 (e) The Secretary shall renew the license of each licensee who meets the 7 requirements of this section.							
18	19-309.							
19 20	(a) As a condition for license renewal, a licensee shall submit to the Secretary with the renewal application:							
	(1) documentation that th years, all withholding	ne license	ed securit	as authorized by the Secretary, other y guard agency has paid, for the past [2] 3 ity taxes;				
26	(2) a certification or, as authorized by the Secretary, other documentation that the licensed security guard agency has paid, for the past [2] 3 years, all other obligations payable for the employees of the licensed security guard agency to the State or the federal government;							
30	in effect PROFESSIO	mentatio NAL LI	n showin ABILITY	an insurance carrier or, as authorized by the g that the licensed security guard agency has AND workers' compensation insurance for its 01 of the Labor and Employment Article; and				
		retary, o	ther docu	IFICATE from the Comptroller's Office or, as mentation showing that the State income tax as been paid for the past [2] 3 years.				

		If the Secretary does not receive the documents required under subsection ction at least 15 days before the license expiration date, the Secretary the licensee a late fee of \$10 per day until the documents are received.							
	(c) relate to any section.	The Secretary may inspect any of the business records of a licensee that matter that is subject to certification or documentation under this							
7	19-310.								
8	(a)	Each lic	ensee sha	all maintain an office in the State.					
9 10	(b) that:	Each licensee shall keep in an office in the State all files or other records							
11		(1)	are mad	e in the State; and					
12		(2)	relate to	[an investigation] ANY BUSINESS ACTIVITIES in the State.					
13	19-311.								
14 15	4 (a) (1) Within 5 days after the change, a licensee shall submit to the 5 Secretary written notice of:								
16			(i)	the addition of a branch office; and					
17 18	existing offi	ce.	(ii)	any change in the address OR TELEPHONE NUMBER of an					
19		(2)	The lice	nsee shall submit with the notice:					
20			(i)	the agency license certificate; and					
21 22	branch offic	(ii) if the proposed change affects an existing branch office, the ranch office certificate for that office.							
23		(3)	The Sec	retary may:					
24 25	applicable, o	on the bra	(i) anch offic	endorse the change on the agency license certificate and, if the certificate of the affected branch office; or					
	(ii) issue a new agency license certificate and, if applicable, a new branch office certificate, both of which shall set forth the same date as the original agency license certificate.								
29 30	(b) Within 5 days after the occurrence, a firm shall submit to the Secretary written notice of:								
31		(1)	the with	drawal of any firm member; and					
32		(2)	the death	h of any firm member.					







- 1 (c) If the insurance required for a security guard agency under this section is 2 canceled, forfeited, or otherwise terminated, both the security guard agency and the
- 3 insurer shall notify the Secretary.
- 4 (D) IF A SECURITY GUARD AGENCY FAILS TO MAINTAIN THE LIABILITY
- 5 INSURANCE REQUIRED UNDER THIS SECTION, THE LICENSE OF THE SECURITY
- 6 GUARD AGENCY:
- 7 (1) IS SUSPENDED AUTOMATICALLY;
- 8 (2) SHALL REMAIN SUSPENDED UNTIL THE AGENCY COMPLIES WITH 9 THE REQUIREMENTS; AND
- 10 (3) MAY NOT BE REINSTATED UNTIL THE AGENCY SUBMITS PROOF OF 11 THE REQUIRED INSURANCE TO THE SECRETARY.
- 12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take 13 effect October 1, 2002.