
By: **Delegate McHale**
Introduced and read first time: February 8, 2002
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring the Secretary of State Police to issue a certain licensing
4 certificate to certain individuals under certain circumstances; altering the term
5 of licenses to provide security systems services; authorizing the Secretary to
6 stagger the renewal of certain licenses; authorizing the State Department of
7 Education in conjunction with the Secretary to establish by regulation a certain
8 apprenticeship program; exempting individuals in a certain apprenticeship
9 program from meeting certain criminal background check and fingerprint
10 requirements; repealing the requirement that the Secretary conduct a State
11 criminal records check of certain applicants for registration; altering the term of
12 certain registrations; authorizing the Secretary to stagger the renewal of certain
13 registrations; altering the composition of a certain advisory panel; altering a
14 certain fine; and generally relating to licenses and registrations under the
15 Maryland Security Systems Technicians Act.

16 BY repealing and reenacting, with amendments,
17 Article - Business Occupations and Professions
18 Section 18-305, 18-307, 18-3A-02, 18-3A-03, 18-3A-04, 18-3A-07, 18-3A-10,
19 and 18-504
20 Annotated Code of Maryland
21 (2000 Replacement Volume and 2001 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article - Business Occupations and Professions
24 Section 18-303(g)
25 Annotated Code of Maryland
26 (2000 Replacement Volume and 2001 Supplement)

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

Article - Business Occupations and Professions

18-303.

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

(1) provides adequate evidence that the applicant:

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

(ii) became licensed in the other state:

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

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

(2) pays to the Secretary a processing fee of \$150.

18-305.

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

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

(1) the full name of the licensee;

(2) the current address of the licensee;

(3) the date of issuance of the license; and

(4) the date on which the license expires.

(c) [The] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE Secretary shall issue to an individual licensee a pocket identification card that includes:

(1) a photograph of the licensee, supplied by the licensee; and

(2) the license expiration date.

(D) (1) FOR EACH LICENSE ISSUED UNDER § 18-303(G) OF THIS SUBTITLE, THE SECRETARY SHALL ISSUE TO AN INDIVIDUAL LICENSEE A LICENSING CERTIFICATE INSTEAD OF A POCKET IDENTIFICATION CARD.

(2) THE LICENSING CERTIFICATE SHALL BE 8 1/2 BY 11 INCHES.

1 18-307.

2 (a) Unless a license is renewed for a [2-year] 3-YEAR term as provided in this
3 section, the license expires [on the first April 1 that comes:

4 (1)] 3 YEARS after the effective date of the license[; and

5 (2) in an odd-numbered year].

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

8 (1) a renewal application form; and

9 (2) a notice that states:

10 (i) the date on which the current license expires;

11 (ii) that the Secretary must receive the renewal application and all
12 required fees and documents at least 15 days before the license expiration date for the
13 renewal to be issued and mailed before the license expires;

14 (iii) the amount of the renewal fee;

15 (iv) that, if the renewal application and all required fees and
16 documents are not received at least 15 days before the license expiration date, the
17 licensee shall be charged a fee of \$10 per day until the complete renewal application
18 and fees are received; and

19 (v) that, if the licensee fails to submit the renewal application and
20 all required fees and documents by the expiration date of the license, the licensee
21 shall be considered closed and may not conduct business.

22 (c) (1) Before the license expires, the licensee periodically may renew it for
23 an additional [2-year] 3-YEAR term, if the licensee:

24 (i) otherwise is entitled to be licensed;

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

28 (iii) submits to the Secretary:

29 1. a renewal application on the form that the Secretary
30 provides;

31 2. A. a set of legible fingerprints of the licensee on forms
32 approved by the Criminal Justice Information System Central Repository and the
33 Director of the Federal Bureau of Investigation; or

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

3 3. satisfactory evidence of compliance with any other
4 requirements set under this section for license renewal; and

5 4. any late fee required under this section.

6 (2) If the licensee is a firm, the licensee shall pay the cost of the
7 fingerprint card records check for each firm member.

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

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

15 (1) provides adequate evidence that:

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

19 (ii) the renewal occurred after the licensee submitted to a State and
20 national criminal records check; and

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

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

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

27 (1) the completion of the State and national criminal records check of the
28 licensee; or

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

30 (h) If the Secretary does not receive the renewal application and all fees and
31 documents required under subsection (c) of this section at least 15 days before the
32 license expiration date, the Secretary shall charge the licensee a late fee of \$10 per
33 day until the renewal application and all required fees and documents are received.

34 (i) The Secretary shall renew the license of each licensee who meets the
35 requirements of this section.

1 (J) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS
2 SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

3 18-3A-02.

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

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

7 (2) be of good moral character.

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

12 (C) THE STATE DEPARTMENT OF EDUCATION, IN CONJUNCTION WITH THE
13 SECRETARY, MAY ESTABLISH BY REGULATION AN APPRENTICESHIP PROGRAM
14 UNDER WHICH A MINOR MAY LEARN THE SECURITY SYSTEMS TRADE WITH ON-SITE
15 SUPERVISION BY A SECURITY SYSTEMS REGISTRATE UNDER THE AUSPICES OF
16 COOPERATIVE EDUCATION REGISTRATION WITH THE SCHOOLS.

17 18-3A-03.

18 (a) An applicant for registration shall:

19 (1) submit to the Secretary an application on the form that the Secretary
20 provides;

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

22 (3) pay to the Secretary:

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

25 (ii) the cost of any background checks.

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

30 (c) An applicant for registration shall submit with the application a set of
31 legible fingerprints of the applicant on forms approved by the Criminal Justice
32 Information System Central Repository and the Director of the Federal Bureau of
33 Investigation.

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

1 (1) provides adequate evidence that the applicant:

2 (i) is licensed in another state to engage in the business of
3 providing security systems services or registered in another state as a security
4 systems technician or other individual who has access to circumventational
5 information; and

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

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

9 2. after submitting to a State and national criminal records
10 check; and

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

13 (E) AN INDIVIDUAL IN AN APPRENTICESHIP PROGRAM ESTABLISHED UNDER §
14 18-3A-03 OF THIS SUBTITLE IS NOT REQUIRED TO MEET THE CRIMINAL
15 BACKGROUND CHECK AND FINGERPRINT REQUIREMENTS OF THIS SECTION.

16 18-3A-04.

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

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

22 18-3A-07.

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

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

28 (1) a renewal application form; and

29 (2) a notice that states:

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

31 (ii) the date by which the Secretary must receive the renewal
32 application for the renewal to be issued and mailed before the registration expires;
33 and

34 (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] 3-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;

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

12 (5) submits to the Secretary:

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

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

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

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

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

25 (1) provides adequate evidence that:

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

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

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

32 (f) If the national criminal records check required under subsection (d) of this
33 section is not completed before a registration expires, the Secretary shall issue a
34 temporary registration to a registrant who otherwise meets the requirement of this
35 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 national criminal records check of the
4 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 (I) THE SECRETARY MAY DETERMINE THAT REGISTRATIONS ISSUED UNDER
9 THIS SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

10 18-3A-10.

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

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

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

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

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

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

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

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

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

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

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

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

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

4 18-504.

5 (a) A person who violates any provision of this title is guilty of a misdemeanor
6 and on conviction is subject to a fine not exceeding [~~\$1,000~~] \$500 or imprisonment not
7 exceeding 1 year or both.

8 (b) The fines assessed under §§ 18-309 and 18-3A-09 of this title may not
9 exceed \$5,000 per violation and shall be paid to the Secretary within 10 days after
10 final adjudication of any hearing or the waiver of any hearing.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2002.