
By: **Delegate McHale**

Introduced and read first time: February 8, 2002

Assigned to: Economic Matters

Reassigned to: Commerce and Government Matters, February 11, 2002

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2002

CHAPTER _____

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~~ cooperative education program; exempting individuals in a
9 certain apprenticeship ~~program~~ or cooperative education programs from
10 meeting certain criminal background check and fingerprint requirements;
11 ~~repealing the requirement that the Secretary conduct a State criminal records~~
12 ~~check of certain applicants for registration; altering the term of certain~~
13 ~~registrations; authorizing the Secretary to stagger the renewal of certain~~
14 ~~registrations;~~ altering the composition of a certain advisory panel; ~~altering a~~
15 ~~certain fine;~~ and generally relating to licenses and registrations under the
16 Maryland Security Systems Technicians Act.

17 BY repealing and reenacting, with amendments,
18 Article - Business Occupations and Professions
19 Section 18-305, ~~18-307~~, 18-3A-02, 18-3A-03, ~~18-3A-04~~, 18-3A-07, 18-3A-10,
20 and 18-3A-10 ~~and 18-504~~
21 Annotated Code of Maryland
22 (2000 Replacement Volume and 2001 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article - Business Occupations and Professions

1 Section 18-303(g)
2 Annotated Code of Maryland
3 (2000 Replacement Volume and 2001 Supplement)

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

6 **Article - Business Occupations and Professions**

7 18-303.

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

10 (1) provides adequate evidence that the applicant:

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

13 (ii) became licensed in the other state:

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

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

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

19 18-305.

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

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

23 (1) the full name of the licensee;

24 (2) the current address of the licensee;

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

26 (4) the date on which the license expires.

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

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

31 (2) the license expiration date.

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

4 (2) THE LICENSING CERTIFICATE SHALL BE ~~8 1/2 BY 11 INCHES~~ IN A
5 FORMAT APPROVED BY THE SECRETARY.

6 ~~18-307.~~

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

9 (1)] 3-YEARS after the effective date of the license[; and

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

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

13 (1) a renewal application form; and

14 (2) a notice that states:

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

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

19 (iii) the amount of the renewal fee;

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

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

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

29 (i) otherwise is entitled to be licensed;

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

33 (iii) submits to the Secretary:

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

5 (i) ~~The Secretary shall renew the license of each licensee who meets the~~
6 ~~requirements of this section.~~

7 (j) ~~THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS~~
8 ~~SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.~~

9 18-3A-02.

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

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

13 (2) be of good moral character.

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

18 (C) ~~THE STATE DEPARTMENT OF EDUCATION, IN CONJUNCTION WITH THE~~
19 ~~SECRETARY, MAY ESTABLISH BY REGULATION AN APPRENTICESHIP A COOPERATIVE~~
20 ~~EDUCATION PROGRAM UNDER WHICH A MINOR MAY LEARN THE SECURITY SYSTEMS~~
21 ~~TRADE WITH ON-SITE SUPERVISION BY A SECURITY SYSTEMS REGISTRATE UNDER~~
22 ~~THE AUSPICES OF COOPERATIVE EDUCATION REGISTRATION WITH THE SCHOOLS.~~

23 18-3A-03.

24 (a) An applicant for registration shall:

25 (1) submit to the Secretary an application on the form that the Secretary
26 provides;

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

28 (3) pay to the Secretary:

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

31 (ii) the cost of any background checks.

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

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

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

7 (1) provides adequate evidence that the applicant:

8 (i) is licensed in another state to engage in the business of
 9 providing security systems services or registered in another state as a security
 10 systems technician or other individual who has access to circumventational
 11 information; and

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

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

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

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

19 (E) ~~AN INDIVIDUAL A MINOR IN AN APPRENTICESHIP PROGRAM APPROVED BY~~
 20 ~~THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION OR A COOPERATIVE~~
 21 ~~EDUCATION PROGRAM ESTABLISHED UNDER § 18-3A-03 § 18-3A-02 OF THIS SUBTITLE~~
 22 ~~IS NOT REQUIRED TO MEET THE CRIMINAL BACKGROUND CHECK AND FINGERPRINT~~
 23 ~~REQUIREMENTS OF THIS SECTION.~~

24 ~~18-3A-04.~~

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

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

30 ~~18-3A-07.~~

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

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

36 (1) ~~a renewal application form; and~~

- 1 (2) a notice that states:
- 2 (i) the date on which the current registration expires;
- 3 (ii) the date by which the Secretary must receive the renewal
4 application for the renewal to be issued and mailed before the registration expires;
5 and
- 6 (iii) the amount of the renewal fee.
- 7 (e) Before the registration expires, the registrant periodically may renew it for
8 an additional [2 year] 3 YEAR term, if the registrant:
- 9 (1) otherwise is entitled to be registered;
- 10 (2) pays to the Secretary a renewal fee that is the higher of \$15 or an
11 amount the Secretary determines based on actual processing costs;
- 12 (3) pays the cost of any background checks;
- 13 (4) if a national criminal records check is required, pays to the Secretary
14 or to the licensed security systems agency which employs or intends to employ the
15 registrant as a security systems technician, for forwarding to the Secretary, the
16 mandatory processing fee required by the Federal Bureau of Investigation for the
17 records check; and
- 18 (5) submits to the Secretary:
- 19 (i) a renewal application on the form that the Secretary provides;
- 20 (ii) a set of legible fingerprints of the registrant on forms approved
21 by the Criminal Justice Information System Central Repository and the Director of
22 the Federal Bureau of Investigation; and
- 23 (iii) satisfactory evidence of compliance with any other
24 requirements under this section for renewal of registration.
- 25 (d) Except as provided in subsection (c) of this section, the Secretary shall
26 conduct a national criminal records check for each registrant who applies for a
27 renewal of registration.
- 28 (e) The Secretary may waive the national criminal records check required
29 under subsection (d) of this section for a registrant who was registered under this
30 subtitle, if the registrant:
- 31 (1) provides adequate evidence that:
- 32 (i) the registrant's license or registration issued by another state
33 was renewed by that other state within 1 year of the expiration date of the license or
34 registration issued under this title; and

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

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

4 (f) ~~If the national criminal records check required under subsection (d) of this~~
5 ~~section is not completed before a registration expires, the Secretary shall issue a~~
6 ~~temporary registration to a registrant who otherwise meets the requirement of this~~
7 ~~section.~~

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

10 (1) the completion of the national criminal records check of the
11 registrant; and

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

13 (h) ~~The Secretary shall renew the registration of each registrant who meets~~
14 ~~the requirements of this section.~~

15 (i) ~~THE SECRETARY MAY DETERMINE THAT REGISTRATIONS ISSUED UNDER~~
16 ~~THIS SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.~~

17 18-3A-10.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 ~~18-504.~~

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

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

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