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By: **Senator Jacobs**

Introduced and read first time: February 3, 2004

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Security Guards - Certification Renewal - Late Fees**

3 FOR the purpose of requiring the Secretary of Labor, Licensing, and Regulation to  
4 assess a certain late fee to applicants whose application for renewal of a security  
5 guard certification is not received within a certain time period; prohibiting the  
6 Secretary from charging the late fee under certain circumstances; capping the  
7 amount of total late fees that may be assessed against an individual for late  
8 certification renewals; prohibiting the Secretary from certifying an applicant if  
9 the applicant has outstanding late fees; and generally relating to the late fees  
10 assessed to security guards for late certification renewals.

11 BY repealing and reenacting, with amendments,  
12 Article - Business Occupations and Professions  
13 Section 19-404.1  
14 Annotated Code of Maryland  
15 (2000 Replacement Volume and 2003 Supplement)

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

18 **Article - Business Occupations and Professions**

19 19-404.1.

20 (a) By regulation, the Secretary shall stagger the terms of the certifications.

21 (b) Unless a certification is renewed for a 3-year term as provided in this  
22 section, the certification expires on the date the Secretary sets.

23 (c) At least 90 days before a certification expires, the applicant shall mail to  
24 the Secretary:

25 (1) a renewal application form;

26 (2) the amount of the renewal fee; and

1 (3) the amount of any late fee, as determined by the Secretary.

2 (d) An individual periodically may renew the certification for an additional  
3 3-year term, if the individual:

4 (1) otherwise is entitled to be certified;

5 (2) pays to the Secretary:

6 (i) a renewal fee of \$10;

7 (ii) payment for the cost of a fingerprint card record check by the  
8 Federal Bureau of Investigation; and

9 (iii) any late fee required under this subtitle; and

10 (3) submits to the Secretary a renewal application on the form that the  
11 Secretary provides.

12 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A COMPLETE  
13 APPLICATION FOR RENEWAL OF CERTIFICATION AS REQUIRED UNDER THIS  
14 SUBTITLE IS NOT RECEIVED BY THE SECRETARY AT LEAST 30 CALENDAR DAYS  
15 BEFORE THE CERTIFICATION EXPIRES, THE SECRETARY SHALL ASSESS A LATE FEE  
16 OF \$5 PER DAY UNTIL THE APPLICATION IS RECEIVED BY THE SECRETARY.

17 (2) (I) THE SECRETARY MAY NOT CHARGE A LATE FEE UNDER  
18 PARAGRAPH (1) OF THIS SUBSECTION IF THE APPLICANT DID NOT MAKE TIMELY  
19 RENEWAL BECAUSE OF INCAPACITY, HOSPITALIZATION, BEING CALLED TO ACTIVE  
20 MILITARY DUTY, OR OTHER HARDSHIP.

21 (II) THE TOTAL AMOUNT OF LATE FEES ASSESSED AGAINST AN  
22 APPLICANT UNDER THIS SUBSECTION MAY NOT EXCEED \$150.

23 (3) THE SECRETARY MAY NOT CERTIFY ANY APPLICANT UNDER THIS  
24 SUBTITLE IF THE APPLICANT HAS OUTSTANDING LATE FEE OBLIGATIONS.

25 [(e)] (F) (1) The Secretary shall renew the certification of each individual  
26 who meets the requirements of this section.

27 (2) Within 5 days after the Secretary refuses to renew the certification of  
28 an individual as a security guard, the Secretary shall send written notice of the  
29 refusal to the individual who submitted the renewal application.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2004.