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By: **Delegates Boschert and Love**

Introduced and read first time: February 2, 2006

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Locksmiths Act**

3 FOR the purpose of requiring certain persons to be licensed by the Secretary of Labor,  
4 Licensing, and Regulation before a person may provide locksmith services;  
5 requiring the Secretary to adopt regulations for the licensure and regulation of  
6 locksmiths; providing that this Act does not limit the rights of certain  
7 individuals to engage in locksmith services; providing for the powers and duties  
8 of the Secretary in licensing and regulating locksmiths; requiring all fees  
9 collected by the Secretary to be paid into the General Fund except for certain  
10 fees; requiring licensees to maintain certain general liability insurance;  
11 requiring the Secretary to adopt certain regulations regarding certain general  
12 liability insurance amounts for locksmiths; providing for the qualifications and  
13 applicant requirements of locksmiths; authorizing the issuance and renewal of  
14 certain licenses; providing for the expiration and renewal of certain licenses;  
15 authorizing the Secretary to deny a license to an applicant, refuse to renew a  
16 license, reprimand a licensee, suspend or revoke a license, or impose certain  
17 penalties under certain circumstances; establishing certain hearing and appeal  
18 procedures for locksmiths; prohibiting certain acts; providing for certain  
19 criminal and civil penalties; requiring certain persons performing locksmith  
20 services to be licensed on or before a certain date; requiring the Secretary to  
21 submit a certain report to certain committees of the General Assembly on or  
22 before a certain date; defining certain terms; and generally relating to the  
23 licensure and regulation of locksmiths.

24 BY renumbering

25 Article - State Government  
26 Section 8-403(b)(39) through (68), respectively  
27 to be Section 8-403(b)(40) through (69), respectively  
28 Annotated Code of Maryland  
29 (2004 Replacement Volume and 2005 Supplement)

30 BY adding to

31 Article - Business Occupations and Professions  
32 Section 21-101 through 21-601, inclusive, to be under the new title "Title 21.

1 Locksmiths"  
2 Annotated Code of Maryland  
3 (2004 Replacement Volume and 2005 Supplement)

4 BY repealing and reenacting, without amendments,  
5 Article - State Government  
6 Section 8-403(a)  
7 Annotated Code of Maryland  
8 (2004 Replacement Volume and 2005 Supplement)

9 BY adding to  
10 Article - State Government  
11 Section 8-403(b)(39)  
12 Annotated Code of Maryland  
13 (2004 Replacement Volume and 2005 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That Section(s) 8-403(b)(39) through (68), respectively, of Article -  
16 State Government of the Annotated Code of Maryland be renumbered to be Section(s)  
17 8-403(b)(40) through (69), respectively.

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
19 read as follows:

20 **Article - Business Occupations and Professions**

21 **TITLE 21. LOCKSMITHS.**

22 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

23 21-101.

24 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

25 (B) "LICENSEE" MEANS A PERSON LICENSED TO PROVIDE LOCKSMITH  
26 SERVICES.

27 (C) "LOCK" MEANS ANY MECHANICAL, ELECTROMECHANICAL, ELECTRONIC,  
28 OR ELECTROMAGNETIC DEVICE OR SIMILAR DEVICE THAT IS DESIGNED TO CONTROL  
29 ACCESS FROM ONE AREA TO ANOTHER, OR THAT IS DESIGNED TO CONTROL THE USE  
30 OF THE DEVICE.

31 (D) (1) "LOCKSMITH" MEANS A PERSON WHO ENGAGES IN THE BUSINESS OF  
32 REKEYING, INSTALLING, REPAIRING, OPENING, AND MODIFYING LOCKS OR WHO  
33 ORIGINATES KEYS FOR LOCKS.

1 (2) "LOCKSMITH" DOES NOT INCLUDE A PERSON WHOSE ACTIVITIES ARE  
2 LIMITED TO MAKING A DUPLICATE KEY FROM AN EXISTING KEY.

3 21-102.

4 THIS TITLE DOES NOT APPLY TO THE FOLLOWING PERSONS IF THE PERSONS  
5 PERFORMING THE SERVICE DO NOT HOLD THEMSELVES OUT AS LOCKSMITHS:

6 (1) EMPLOYEES WHO ARE INDUSTRIAL OR INSTITUTIONAL LOCKSMITHS  
7 IF THE EMPLOYEE PROVIDES LOCKSMITH SERVICES ONLY TO A SINGLE EMPLOYER  
8 AND DOES NOT PROVIDE LOCKSMITH SERVICES FOR HIRE TO THE PUBLIC;

9 (2) TOW TRUCK OPERATORS WHO DO NOT ORIGINATE KEYS FOR LOCKS  
10 AND WHOSE LOCKSMITH SERVICES ARE LIMITED TO MOTOR VEHICLES;

11 (3) EMPLOYEES OF A STATE CORRECTIONAL INSTITUTION;

12 (4) AGENTS OR EMPLOYEES OF A RETAIL ESTABLISHMENT THAT HAS A  
13 PRIMARY BUSINESS OTHER THAN PROVIDING LOCKSMITH SERVICES, IF:

14 (I) THE LOCKSMITH SERVICES PROVIDED BY THE RETAIL  
15 ESTABLISHMENT ARE LIMITED TO REKEYING AND THE RECOMBINATION OF LOCKS  
16 AND DUPLICATING KEYS;

17 (II) THE REKEYING, RECOMBINATION, AND INSTALLATION OF  
18 LOCKS TAKE PLACE ON THE PREMISES OF THE RETAIL ESTABLISHMENT;

19 (III) THE REKEYING, RECOMBINATION, AND INSTALLATION  
20 SERVICES PROVIDED BY THE RETAIL ESTABLISHMENT SUBJECT TO THIS TITLE ARE  
21 LIMITED TO LOCKS PURCHASED ON THE RETAIL ESTABLISHMENT'S PREMISES AND  
22 ARE CONDUCTED PRIOR TO A PURCHASER TAKING POSSESSION OF THE LOCK; AND

23 (IV) THE UNLICENSED AGENTS OR EMPLOYEES OF THE RETAIL  
24 ESTABLISHMENT DO NOT ADVERTISE OR REPRESENT THEMSELVES AS LICENSED  
25 LOCKSMITHS;

26 (5) LAW ENFORCEMENT OFFICERS EMPLOYED BY ANY MUNICIPALITY,  
27 COUNTY, STATE, OR FEDERAL LAW ENFORCEMENT AGENCY, IF THE LOCKSMITH  
28 SERVICES ARE PERFORMED DURING THE COURSE OF THE OFFICERS' PROFESSIONAL  
29 DUTIES;

30 (6) FIREFIGHTERS OR EMERGENCY MEDICAL PERSONNEL EMPLOYED  
31 BY ANY MUNICIPALITY, COUNTY, SPECIAL TAXING DISTRICT, OR STATE AGENCY, IF  
32 ALL LOCKSMITH SERVICES ARE PERFORMED DURING THE COURSE OF THEIR DUTIES  
33 AS FIREFIGHTERS OR EMERGENCY MEDICAL PERSONNEL; AND

34 (7) MOTOR VEHICLE DEALERS AND THE EMPLOYEES OF A MOTOR  
35 VEHICLE DEALERSHIP ACTING WITHIN THE SCOPE OF EMPLOYMENT AT THE  
36 DEALERSHIP.

## SUBTITLE 2. DUTIES OF SECRETARY.

21-201.

SUBJECT TO THE PROVISIONS OF THIS TITLE, THE SECRETARY IS RESPONSIBLE FOR THE LICENSING AND REGULATION OF LOCKSMITHS IN THE STATE.

21-202.

(A) IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE, THE SECRETARY MAY:

(1) ADOPT REGULATIONS TO CARRY OUT THIS TITLE; AND

(2) MAKE INQUIRIES AND CONDUCT AN INVESTIGATION REGARDING ANY APPLICANT FOR A LICENSE.

(B) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE SECRETARY SHALL:

(1) ADOPT REGULATIONS THAT SET STANDARDS FOR THE LICENSURE OF LOCKSMITHS; AND

(2) KEEP A ROSTER OF PERSONS LICENSED AS LOCKSMITHS.

21-203.

EXCEPT FOR THE COST OF THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, THE SECRETARY SHALL PAY ALL MONEY COLLECTED UNDER THIS TITLE INTO THE GENERAL FUND OF THE STATE.

## SUBTITLE 3. LICENSING.

21-301.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT ENGAGE OR SOLICIT TO ENGAGE IN THE BUSINESS OF PROVIDING LOCKSMITH SERVICES IN THE STATE UNLESS THE PERSON IS LICENSED AS A LOCKSMITH UNDER THIS TITLE.

21-302.

(A) (1) EACH PERSON THAT PROVIDES LOCKSMITH SERVICES SHALL MAINTAIN GENERAL LIABILITY INSURANCE IN AN AMOUNT AND COVERAGE APPROPRIATE FOR THE PERSON'S CIRCUMSTANCES AND IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE COMMISSIONER.

(2) A LOCKSMITH EMPLOYED BY A LICENSED LOCKSMITH AGENCY OR OTHER PERSON MAY PROVIDE PROOF THAT THE LOCKSMITH IS COVERED BY THE GENERAL LIABILITY INSURANCE OF THE LOCKSMITH'S EMPLOYER.

1 (B) THE SECRETARY SHALL ADOPT REGULATIONS THAT ESTABLISH  
2 GUIDELINES FOR THE APPROPRIATE AMOUNT OF GENERAL LIABILITY INSURANCE  
3 FOR LOCKSMITHS.

4 21-303.

5 (A) IF THE APPLICANT FOR A LICENSE IS A FIRM, THE FIRM SHALL APPOINT A  
6 FIRM MEMBER AS A REPRESENTATIVE MEMBER TO MAKE THE APPLICATION ON  
7 BEHALF OF THE FIRM.

8 (B) TO QUALIFY FOR A LICENSE, IF THE APPLICANT IS AN INDIVIDUAL, AN  
9 APPLICANT SHALL:

10 (1) BE AT LEAST 18 YEARS OLD; AND

11 (2) BE OF GOOD MORAL CHARACTER.

12 (C) TO QUALIFY FOR A LICENSE, IF THE APPLICANT IS A FIRM, EACH FIRM  
13 MEMBER SHALL:

14 (1) BE AT LEAST 18 YEARS OLD; AND

15 (2) BE OF GOOD MORAL CHARACTER.

16 (D) THE APPLICANT SHALL MEET ANY OTHER REQUIREMENTS THAT THE  
17 SECRETARY ESTABLISHES FOR LICENSE APPLICANTS.

18 21-304.

19 (A) AN APPLICANT FOR A LICENSE SHALL:

20 (1) SUBMIT TO THE SECRETARY AN APPLICATION ON THE FORM THAT  
21 THE SECRETARY PROVIDES;

22 (2) PAY A NONREFUNDABLE APPLICATION FEE ESTABLISHED THROUGH  
23 REGULATION, WHICH SHALL INCLUDE THE COST OF THE STATE AND NATIONAL  
24 CRIMINAL HISTORY RECORDS CHECK;

25 (3) SUBMIT A SET OF LEGIBLE FINGERPRINTS OF THE APPLICANT OR OF  
26 EACH FIRM MEMBER APPLICANT ON A FORM APPROVED BY THE CRIMINAL JUSTICE  
27 INFORMATION SYSTEM CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL  
28 BUREAU OF INVESTIGATION;

29 (4) SUBMIT A PASSPORT-SIZE PHOTOGRAPH OF THE APPLICANT OR OF  
30 EACH FIRM MEMBER APPLICANT TAKEN WITHIN 6 MONTHS IMMEDIATELY  
31 PRECEDING THE DATE OF THE FILING OF THE APPLICATION; AND

32 (5) PROVIDE ANY OTHER INFORMATION THE SECRETARY MAY REQUIRE.

33 (B) THE APPLICATION FORM PROVIDED BY THE SECRETARY SHALL REQUIRE  
34 AN APPLICANT TO PROVIDE:

1 (1) THE APPLICANT'S NAME;

2 (2) THE APPLICANT'S BUSINESS ADDRESS, TELEPHONE NUMBER, AND,  
3 IF APPLICABLE, ELECTRONIC MAIL ADDRESS;

4 (3) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT'S SOCIAL  
5 SECURITY NUMBER;

6 (4) IF THE APPLICANT IS OTHER THAN AN INDIVIDUAL:

7 (I) THE APPLICANT'S FEDERAL EMPLOYER IDENTIFICATION  
8 NUMBER;

9 (II) THE NAMES, ADDRESSES, TELEPHONE NUMBERS, AND SOCIAL  
10 SECURITY NUMBERS OF ALL THE INDIVIDUALS EMPLOYED BY THE APPLICANT  
11 APPLYING FOR A LICENSE; AND

12 (III) THE NAMES OF ALL APPLICANTS, INDIVIDUALS AND OTHER  
13 PERSONS, WHO HAVE PREVIOUSLY APPLIED FOR REGISTRATION, AND THE  
14 DISPOSITION OF ALL PREVIOUS APPLICATIONS; AND

15 (5) THE NAME OF THE INSURER AND THE POLICY NUMBER OF THE  
16 GENERAL LIABILITY INSURANCE COVERAGE REQUIRED UNDER § 21-302 OF THIS  
17 SUBTITLE OR PROOF OF COVERAGE BY THE APPLICANT'S EMPLOYER.

18 (C) THE APPLICATION FORM PROVIDED BY THE SECRETARY SHALL CONTAIN  
19 A STATEMENT ADVISING THE APPLICANT THAT WILLFULLY MAKING A FALSE  
20 STATEMENT ON AN APPLICATION IS A MISDEMEANOR, SUBJECT TO A FINE OR  
21 IMPRISONMENT OR BOTH, AS PROVIDED UNDER § 21-405 OF THIS TITLE.

22 21-305.

23 (A) BEFORE ISSUING A LICENSE AND POCKET IDENTIFICATION CARD, THE  
24 SECRETARY SHALL CONDUCT A STATE AND NATIONAL CRIMINAL HISTORY RECORDS  
25 CHECK FOR EACH APPLICANT WHO APPLIES FOR A LICENSE.

26 (B) IF THE APPLICANT IS A FIRM, THE SECRETARY SHALL CONDUCT A STATE  
27 AND NATIONAL CRIMINAL HISTORY RECORDS CHECK OF EACH FIRM MEMBER.

28 21-306.

29 (A) (1) THE SECRETARY SHALL ISSUE A LICENSE AND POCKET  
30 IDENTIFICATION CARD TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF  
31 THIS SUBTITLE AND THE REGULATIONS ADOPTED UNDER IT.

32 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE SECRETARY  
33 SHALL DETERMINE THE SIZE, FORM, AND CONTENT OF ANY LICENSE CERTIFICATE  
34 AND POCKET IDENTIFICATION CARD THAT THE SECRETARY ISSUES.

35 (3) THE POCKET IDENTIFICATION CARD ISSUED BY THE SECRETARY:

- 1 (I) SHALL BE COMPOSED OF DURABLE MATERIAL;  
2 (II) SHALL INCLUDE A CURRENT PASSPORT-SIZE PHOTOGRAPH OF  
3 THE LICENSEE;  
4 (III) SHALL INCLUDE THE LICENSE EXPIRATION DATE; AND  
5 (IV) MAY INCORPORATE TECHNOLOGICALLY ADVANCED SECURITY  
6 FEATURES.

7 (B) A LICENSE ISSUED UNDER THIS TITLE IS NOT TRANSFERRABLE.

8 21-307.

9 WHILE A LICENSE IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO PROVIDE  
10 LOCKSMITH SERVICES IN THE STATE.

11 21-308.

12 (A) A LICENSE IS ISSUED FOR A TERM OF 2 YEARS.

13 (B) (1) UNLESS A LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED  
14 IN THIS SECTION, THE LICENSE EXPIRES ON THE SECOND ANNIVERSARY OF THE  
15 EFFECTIVE DATE OF THE LICENSE.

16 (2) A LICENSEE THAT MEETS THE REQUIREMENTS OF SUBSECTION (C)  
17 OF THIS SECTION MAY OBTAIN A RENEWAL OF A LICENSE BEFORE THE LICENSE  
18 EXPIRES FOR AN ADDITIONAL 2-YEAR TERM.

19 (3) ONCE EXPIRED, A LICENSE MAY NOT BE RENEWED.

20 (C) AT LEAST 60 DAYS BEFORE A LICENSE EXPIRES, THE SECRETARY SHALL  
21 MAIL THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE:

22 (1) A RENEWAL APPLICATION FORM; AND

23 (2) A NOTICE THAT STATES:

24 (I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

25 (II) THE DATE BY WHICH THE SECRETARY MUST RECEIVE THE  
26 RENEWAL APPLICATION FOR A RENEWAL TO BE ISSUED AND MAILED BEFORE THE  
27 LICENSE EXPIRES; AND

28 (III) THE AMOUNT OF THE RENEWAL FEE.

29 (D) THE SECRETARY SHALL RENEW THE LICENSE OF EACH LICENSEE THAT:

30 (1) SUBMITS TO THE SECRETARY A RENEWAL APPLICATION ON THE  
31 FORM PROVIDED BY THE SECRETARY;

1 (2) IS OTHERWISE ENTITLED TO BE LICENSED; AND

2 (3) PAYS TO THE SECRETARY A RENEWAL FEE ESTABLISHED BY  
3 REGULATION.

4 21-309.

5 (A) A LICENSEE SHALL PROVIDE THE SECRETARY WRITTEN NOTICE OF ANY  
6 CHANGE IN THE INFORMATION SUBMITTED UNDER § 21-304 OF THIS SUBTITLE  
7 WITHIN 10 WORKING DAYS AFTER THE CHANGE IS EFFECTIVE.

8 (B) A LICENSEE SHALL COMPLY WITH SUBSECTION (A) OF THIS SECTION FOR  
9 1 YEAR AFTER THE LICENSEE CEASES TO BE LICENSED.

10 21-310.

11 (A) A LICENSED LOCKSMITH SHALL:

12 (1) CARRY A VALID POCKET IDENTIFICATION CARD ISSUED BY THE  
13 SECRETARY UNDER § 21-306 OF THIS SUBTITLE AT ALL TIMES THE LICENSEE IS  
14 ENGAGED IN THE WORK OF A LOCKSMITH; AND

15 (2) DISPLAY THE VALID POCKET IDENTIFICATION CARD AS REQUIRED  
16 BY REGULATION.

17 (B) (1) IF A POCKET IDENTIFICATION CARD IS LOST OR DESTROYED, THE  
18 LICENSEE IMMEDIATELY SHALL NOTIFY THE SECRETARY.

19 (2) TO RECEIVE A DUPLICATE POCKET IDENTIFICATION CARD, THE  
20 LICENSEE SHALL SUBMIT TO THE SECRETARY:

21 (I) AN AFFIDAVIT STATING THAT THE POCKET IDENTIFICATION  
22 CARD HAS BEEN LOST OR DESTROYED; AND

23 (II) A REPLACEMENT FEE ESTABLISHED BY REGULATION.

24 (3) ON RECEIPT OF THE AFFIDAVIT AND FEE, THE SECRETARY SHALL  
25 ISSUE AN APPROPRIATE DUPLICATE POCKET IDENTIFICATION CARD TO THE  
26 LICENSEE.

27 (C) (1) TO CHANGE THE NAME OF A LICENSEE OR BUSINESS ON A LICENSE  
28 AND POCKET IDENTIFICATION CARD, A LICENSEE SHALL SUBMIT TO THE  
29 SECRETARY:

30 (I) AN APPLICATION ON THE FORM THAT THE SECRETARY  
31 PROVIDES;

32 (II) THE LICENSE AND POCKET IDENTIFICATION CARD OF THE  
33 LICENSEE;



1 (III) ANY DOCUMENTATION ABOUT THE NAME CHANGE THAT THE  
2 SECRETARY REQUIRES; AND

3 (IV) A FEE ESTABLISHED BY REGULATION.

4 (2) ON RECEIPT OF THE APPLICATION, FEE, AND ANY REQUIRED  
5 DOCUMENTATION, THE SECRETARY SHALL ISSUE A NEW LICENSE AND POCKET  
6 IDENTIFICATION CARD CONTAINING THE NEW NAME OF THE LICENSEE OR  
7 BUSINESS TO THE LICENSEE.

8 21-311.

9 (A) SUBJECT TO THE HEARING PROVISIONS OF § 20-312 OF THIS SUBTITLE,  
10 THE SECRETARY MAY DENY A LICENSE TO AN APPLICANT, REPRIMAND A LICENSEE,  
11 SUSPEND OR REVOKE A LICENSE, OR IMPOSE A CIVIL PENALTY ON A LICENSEE IF  
12 THE SECRETARY DETERMINES THAT THE APPLICANT OR LICENSEE:

13 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO  
14 OBTAIN A LICENSE OR POCKET IDENTIFICATION CARD FOR THE APPLICANT OR  
15 LICENSEE OR FOR ANOTHER;

16 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE OR POCKET  
17 IDENTIFICATION CARD;

18 (3) PRESENTS OR ATTEMPTS TO PRESENT THE LICENSE OR POCKET  
19 IDENTIFICATION CARD OF ANOTHER LICENSEE AS THE APPLICANT'S OR LICENSEE'S  
20 LOCKSMITH LICENSE OR POCKET IDENTIFICATION CARD;

21 (4) USES OR ATTEMPTS TO USE AN EXPIRED, SUSPENDED, OR REVOKED  
22 LOCKSMITH LICENSE OR POCKET IDENTIFICATION CARD;

23 (5) IMPERSONATES OR FALSELY REPRESENTS ONESELF AS A LICENSED  
24 LOCKSMITH;

25 (6) REPEATEDLY VIOLATES THE PROVISIONS OF THIS TITLE;

26 (7) ENGAGES IN A PATTERN OF UNFAIR OR DECEPTIVE TRADE  
27 PRACTICES UNDER THE CONSUMER PROTECTION ACT, AS DETERMINED BY A FINAL  
28 ADMINISTRATIVE ORDER OR JUDICIAL DECISION;

29 (8) RETAINS OR ATTEMPTS TO RETAIN THE SERVICES OF ANY  
30 UNLICENSED INDIVIDUAL AS A LOCKSMITH;

31 (9) KNOWINGLY USES OR PERMITS THE USE OF ANY OF THE LICENSEE'S  
32 SKILLS, TOOLS, OR FACILITIES FOR THE COMMISSION OF ANY CRIME;

33 (10) IS CONVICTED OF A CRIME SUBSTANTIALLY RELATED TO THE  
34 QUALIFICATIONS, FUNCTIONS, OR DUTIES OF A LOCKSMITH;

35 (11) HAS A SIMILAR LICENSE OR REGISTRATION DENIED, SUSPENDED, OR  
36 REVOKED IN ANOTHER STATE OR JURISDICTION; OR

1 (12) HAS THE RENEWAL OF A SIMILAR LICENSE OR REGISTRATION  
2 DENIED FOR ANY CAUSE OTHER THAN FAILURE TO PAY A RENEWAL FEE.

3 (B) FOR PURPOSES OF THIS SECTION, AN ACT OR OMISSION OF ANY  
4 PRINCIPAL, AGENT, OR EMPLOYEE OF AN APPLICANT OR LICENSEE MAY BE  
5 CONSTRUED TO BE THE ACT OR OMISSION OF THE APPLICANT OR LICENSEE, AS  
6 WELL AS OF THE PRINCIPAL, AGENT, OR EMPLOYEE.

7 21-312.

8 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE  
9 GOVERNMENT ARTICLE, BEFORE THE SECRETARY TAKES ANY FINAL ACTION UNDER  
10 § 21-311 OF THIS SUBTITLE, THE SECRETARY SHALL GIVE THE PERSON AGAINST  
11 WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE  
12 THE SECRETARY.

13 (B) THE SECRETARY SHALL GIVE NOTICE AND HOLD THE HEARING IN  
14 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

15 (C) THE SECRETARY MAY ADMINISTER OATHS IN CONNECTION WITH ANY  
16 PROCEEDING UNDER THIS SECTION.

17 (D) THE HEARING NOTICE TO BE GIVEN TO THE PERSON SHALL BE WRITTEN  
18 AND SENT AT LEAST 10 DAYS BEFORE THE HEARING.

19 (E) THE PERSON MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

20 (F) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS  
21 CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE SECRETARY  
22 MAY HEAR AND DETERMINE THE MATTER.

23 21-313.

24 A PERSON AGGRIEVED BY A FINAL ACTION OF THE SECRETARY MAY TAKE AN  
25 APPEAL AS PROVIDED IN §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.

26 21-314.

27 (A) (1) THE LICENSE OF A LOCKSMITH SHALL BE AUTOMATICALLY  
28 SUSPENDED IF THE LICENSEE IS CONVICTED OF ANY CRIME THAT IS REASONABLY  
29 RELATED TO THE FUNCTIONS, DUTIES, AND RESPONSIBILITIES OF A LOCKSMITH.

30 (2) THE AUTOMATIC SUSPENSION SHALL TAKE EFFECT BY THE MAILING  
31 OF A NOTICE OF CONVICTION AND SUSPENSION OF A LOCKSMITH LICENSE BY THE  
32 SECRETARY TO THE LICENSEE AT THE LICENSEE'S LAST KNOWN ADDRESS.

33 (3) THE NOTICE SHALL CONTAIN A STATEMENT OF PRELIMINARY  
34 DETERMINATION BY THE SECRETARY THAT THE CRIME IS REASONABLY RELATED TO  
35 THE FUNCTIONS, DUTIES, AND RESPONSIBILITIES OF A LOCKSMITH.

1 (B) THE SECRETARY SHALL PROVIDE A LICENSEE THE OPPORTUNITY TO  
2 REQUEST A HEARING AS PROVIDED IN § 21-312 OF THIS SUBTITLE.

3 (C) A DECISION OF THE SECRETARY TO AUTOMATICALLY SUSPEND A  
4 LOCKSMITH LICENSE UNDER THIS SECTION MAY NOT BE STAYED WHILE  
5 ADMINISTRATIVE REVIEW IS PENDING.

6 SUBTITLE 4. PROHIBITED ACTS; PENALTIES.

7 21-401.

8 A PERSON MAY NOT ADVERTISE IN ANY WAY THAT THE PERSON IS LICENSED  
9 UNDER THIS TITLE UNLESS THE ADVERTISEMENT STATES THE LICENSE NUMBER OF  
10 THE PERSON AS IT APPEARS IN THE RECORDS OF THE SECRETARY.

11 21-402.

12 A LICENSEE MAY NOT KNOWINGLY USE OR PERMIT THE USE OF THE  
13 LICENSEE'S SKILLS, TOOLS, OR FACILITIES TO AID OR ABET AN UNLICENSED  
14 LOCKSMITH IN ANY ACTIVITY FOR WHICH A LOCKSMITH LICENSE IS REQUIRED OR  
15 FOR THE COMMISSION OF A CRIME.

16 21-403.

17 A LICENSEE MAY NOT WILLFULLY OR DELIBERATELY DISREGARD ANY  
18 BUILDING OR SAFETY LAWS OF THE STATE OR LOCAL GOVERNMENT UNIT.

19 21-404.

20 A LICENSEE MAY NOT FAIL IN ANY MATERIAL RESPECT TO COMPLETE THE  
21 INSTALLATION, REPAIR, OPENING, OR MODIFICATION OF A LOCK FOR THE PRICE  
22 STATED IN THE CONTRACT FOR SERVICES.

23 21-405.

24 EXCEPT FOR A VIOLATION OF § 21-406 OF THIS SUBTITLE, A PERSON THAT  
25 VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON  
26 CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT  
27 EXCEEDING 1 YEAR OR BOTH.

28 21-406.

29 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT ACT  
30 AS, OFFER TO ACT AS, HOLD ONESELF OUT AS, OR IMPERSONATE A LOCKSMITH IN  
31 THE STATE UNLESS THE PERSON IS A LICENSEE.

32 (B) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
33 AND ON FIRST CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 AND ON  
34 SECOND OR SUBSEQUENT CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING  
35 \$5,000.

1 21-407.

2 (A) SUBJECT TO THE NOTICE AND HEARING PROVISIONS OF TITLE 10,  
3 SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE, THE SECRETARY MAY BRING A  
4 CIVIL ADMINISTRATIVE ACTION AGAINST A PERSON THAT VIOLATES § 21-406(A) OF  
5 THIS SUBTITLE.

6 (B) AFTER A HEARING, IF THE SECRETARY FINDS THAT A PERSON HAS  
7 VIOLATED § 21-406(A) OF THIS SUBTITLE, THE SECRETARY MAY:

8 (1) ORDER THE PERSON TO CEASE AND DESIST FROM UNLAWFUL  
9 PRACTICE; AND

10 (2) IMPOSE A CIVIL PENALTY NOT EXCEEDING \$100 FOR EACH DAY OF  
11 UNLAWFUL PRACTICE.

12 (C) ANY PARTY AGGRIEVED BY A DECISION AND ORDER OF THE SECRETARY  
13 UNDER THIS SECTION MAY FILE AN APPEAL AS PROVIDED UNDER §§ 10-222 AND  
14 10-223 OF THE STATE GOVERNMENT ARTICLE.

15 21-408.

16 (A) THIS SECTION ONLY APPLIES IF THERE IS NO GREATER CRIMINAL  
17 PENALTY PROVIDED UNDER THIS TITLE OR OTHER APPLICABLE LAW.

18 (B) A PERSON THAT ENGAGES IN REPEATED VIOLATIONS OF THE PROVISIONS  
19 OF THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A  
20 FINE NOT EXCEEDING \$2,500.

21 SUBTITLE 5. SHORT TITLE.

22 21-501.

23 THIS TITLE MAY BE CITED AS THE "MARYLAND LOCKSMITHS ACT".

24 SUBTITLE 6. TERMINATION OF TITLE.

25 21-601.

26 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE  
27 MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS  
28 ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JUNE  
29 30, 2011.

30 **Article - State Government**

31 8-403.

32 (a) On or before December 15 of the 2nd year before the evaluation date of a  
33 governmental activity or unit, the Legislative Policy Committee, based on a

1 preliminary evaluation, may waive as unnecessary the evaluation required under this  
2 section.

3 (b) Except as otherwise provided in subsection (a) of this section, on or before  
4 the evaluation date for the following governmental activities or units, an evaluation  
5 shall be made of the following governmental activities or units and the statutes and  
6 regulations that relate to the governmental activities or units:

7 (39) LOCKSMITHS, LICENSING AND REGULATION OF (§ 21-201 OF THE  
8 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE: JULY 1, 2010);

9 SECTION 3. AND BE IT FURTHER ENACTED, That on or before March 31,  
10 2007, a person performing locksmith services shall be licensed by the Secretary of  
11 Labor, Licensing, and Regulation subject to the qualification and application  
12 requirements of Title 21, Subtitle 3 of the Business Occupations and Professions  
13 Article.

14 SECTION 4. AND BE IT FURTHER ENACTED, That the Secretary of Labor,  
15 Licensing, and Regulation shall report to the Senate Finance Committee and the  
16 House Economic Matters Committee, on or before December 31, 2008, in accordance  
17 with § 2-1246 of the State Government Article, assessing the appropriateness of the  
18 fees charged to licensed locksmiths.

19 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2006.