

SENATE BILL 707

R7

71r2619
CF HB 903

By: **Senators Hooper, Forehand, and Munson**
Introduced and read first time: February 2, 2007
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Consumer Access to Replacement Key Information**

3 FOR the purpose of requiring a manufacturer of a motor vehicle sold or leased in the
4 State on or after a certain date to implement a system for providing certain
5 replacement key information to certain locksmiths on or before a certain date;
6 requiring a motor vehicle manufacturer to make a certain key replacement
7 system available to certain individuals at all times; establishing procedures for
8 a certain locksmith and a certain motor vehicle manufacturer to follow to
9 provide a replacement key to a certain motor vehicle owner or lessee; providing
10 for exemption from liability for theft for certain locksmiths and certain motor
11 vehicle manufacturers under certain circumstances; requiring a manufacturer
12 of certain motor vehicles to operate a certain telephone or electronic system for
13 providing a replacement key to a certain vehicle owner or lessee at all times at a
14 reasonable cost and within a certain period of time; authorizing a motor vehicle
15 manufacturer to enter into a contract with another entity to provide the services
16 required under this Act; providing for the severability of this Act; providing for
17 the effective date of certain provisions of this Act; defining certain terms; and
18 generally relating to requirements and procedures for motor vehicle
19 manufacturers and locksmiths to provide replacement keys to motor vehicle
20 owners or lessees.

21 BY adding to
22 Article – Transportation
23 Section 15–210.1
24 Annotated Code of Maryland
25 (2006 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing
 2 Article – Transportation
 3 Section 15–210.1(f)
 4 Annotated Code of Maryland
 5 (2006 Replacement Volume and 2006 Supplement)
 6 (As enacted by Section 1 of this Act)

7 BY repealing and reenacting, with amendments,
 8 Article – Transportation
 9 Section 15–210.1(g)
 10 Annotated Code of Maryland
 11 (2006 Replacement Volume and 2006 Supplement)
 12 (As enacted by Section 1 of this Act)

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

15 **Article – Transportation**

16 **15–210.1.**

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
 18 MEANINGS INDICATED.

19 (2) “INFORMATION” MEANS:

20 (I) THE KEY CODE FOR A MOTOR VEHICLE; OR

21 (II) AN IMMOBILIZER OR ACCESS CODE FOR A MOTOR
 22 VEHICLE OR ANY SUCCESSOR TECHNOLOGY.

23 (3) “LOCKSMITH” MEANS AN INDIVIDUAL WHO PROVIDES THE
 24 FOLLOWING SERVICES:

25 (I) KEY ORIGINATION;

26 (II) LOCK OPENING, MODIFICATION, REKEYING, OR
 27 RECOMBINATION; OR

1 (III) REPAIR OR INSTALLATION OF AN ELECTRONIC ACCESS
2 OR LOCKING DEVICE.

3 (4) "MOTOR VEHICLE" MEANS:

4 (I) A PASSENGER CAR AS DEFINED IN § 11-144.1 OF THIS
5 ARTICLE; OR

6 (II) A TRUCK AS DEFINED IN § 11-171 OF THIS ARTICLE.

7 (5) "REGISTERED LOCKSMITH" MEANS A LOCKSMITH WHO:

8 (I) HAS REGISTERED WITH A MOTOR VEHICLE
9 MANUFACTURER;

10 (II) POSSESSES A REGISTRY NUMBER AND SECURITY
11 PASSWORD ISSUED BY A MOTOR VEHICLE MANUFACTURER;

12 (III) HAS UNDERGONE A BACKGROUND CHECK BY A
13 NATIONALLY RECOGNIZED LOCKSMITH ORGANIZATION; AND

14 (IV) IS PROPERLY BONDED.

15 (6) "REPLACEMENT KEY" MEANS:

16 (I) A REPLACEMENT KEY FOR A MOTOR VEHICLE; OR

17 (II) A DEVICE OTHER THAN A REPLACEMENT KEY FOR A
18 MOTOR VEHICLE THAT WILL ALLOW A MOTOR VEHICLE TO BE ENTERED,
19 STARTED, AND OPERATED.

20 (7) "REQUESTOR" MEANS A REGISTERED OWNER OR LESSEE OF A
21 MOTOR VEHICLE WHO REQUESTS SERVICES RELATING TO A REPLACEMENT KEY.

22 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
23 SUBSECTION, THIS SECTION APPLIES TO A MOTOR VEHICLE THAT:

24 (I) IS SOLD OR LEASED IN THE STATE ON OR AFTER
25 JANUARY 1, 2010, AND IS OF MODEL YEAR 2010 OR LATER; OR

1 (II) 1. IS OF MODEL YEAR 2006, 2007, 2008, OR 2009;
2 AND

3 2. ALLOWS FOR THE PRODUCTION, BY A PERSON
4 OTHER THAN THE MOTOR VEHICLE MANUFACTURER, OF A REPLACEMENT KEY.

5 (2) SUBSECTIONS (C), (D), AND (E) OF THIS SECTION DO NOT
6 APPLY TO A MOTOR VEHICLE OF MODEL YEAR 2006 OR EARLIER THAT DOES NOT
7 ALLOW FOR THE PRODUCTION, BY A PERSON OTHER THAN THE MOTOR VEHICLE
8 MANUFACTURER, OF A REPLACEMENT KEY.

9 (C) (1) ON OR BEFORE JANUARY 1, 2010, A MANUFACTURER OF A
10 MOTOR VEHICLE SOLD OR LEASED IN THE STATE SHALL IMPLEMENT A SYSTEM
11 THAT:

12 (I) ALLOWS A LOCKSMITH TO REGISTER WITH THE
13 MANUFACTURER;

14 (II) ALLOWS FOR THE ISSUANCE OF A REGISTRY NUMBER
15 AND SECURITY PASSWORD TO A REGISTERED LOCKSMITH;

16 (III) ALLOWS A REQUESTOR TO CONTACT A REGISTERED
17 LOCKSMITH; AND

18 (IV) ALLOWS A REGISTERED LOCKSMITH, IN RESPONSE TO A
19 REQUEST BY A REQUESTOR, TO ACCESS ONLY THE INFORMATION NECESSARY TO
20 PRODUCE A REPLACEMENT KEY.

21 (2) A MOTOR VEHICLE MANUFACTURER SHALL MAKE A SYSTEM
22 DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION AVAILABLE 24
23 HOURS A DAY AND 7 DAYS A WEEK TO A REGISTERED LOCKSMITH OR A
24 REQUESTOR.

25 (D) (1) ON RECEIPT OF A REQUEST FOR A REPLACEMENT KEY, A
26 REGISTERED LOCKSMITH PROVIDING SERVICES UNDER THIS SECTION SHALL:

27 (I) BY VISUALLY INSPECTING THE REQUESTOR'S DRIVER'S
28 LICENSE, VERIFY THE IDENTITY OF THE REQUESTOR;

1 **(II) BY VISUALLY INSPECTING THE REGISTRATION OF THE**
2 **MOTOR VEHICLE, VERIFY THAT THE REQUESTOR IS THE REGISTERED OWNER OR**
3 **LESSEE OF THE MOTOR VEHICLE; AND**

4 **(III) BY VISUALLY INSPECTING THE VEHICLE**
5 **IDENTIFICATION NUMBER OF THE MOTOR VEHICLE, VERIFY THAT THE MOTOR**
6 **VEHICLE MATCHES THE REGISTRATION PROVIDED BY THE REQUESTOR.**

7 **(2) ON VERIFICATION OF INFORMATION SPECIFIED IN**
8 **PARAGRAPH (1) OF THIS SUBSECTION, A REGISTERED LOCKSMITH MAY ACCESS**
9 **A SYSTEM DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION TO PROVIDE A**
10 **REQUESTOR WITH A REPLACEMENT KEY.**

11 **(3) ON COMPLETION OF SERVICES RELATING TO PROVIDING A**
12 **REPLACEMENT KEY, WHERE THE COMPLETION REQUIRED A REGISTERED**
13 **LOCKSMITH TO OBTAIN INFORMATION FROM A MOTOR VEHICLE**
14 **MANUFACTURER, THE REGISTERED LOCKSMITH SHALL:**

15 **(I) PROVIDE INFORMATION OBTAINED FROM THE MOTOR**
16 **VEHICLE MANUFACTURER TO THE REQUESTOR; AND**

17 **(II) DESTROY COPIES OF THE INFORMATION IN THE**
18 **POSSESSION OF THE REGISTERED LOCKSMITH.**

19 **(4) (I) ON RECEIPT OF A REQUEST FROM A REGISTERED**
20 **LOCKSMITH FOR INFORMATION NECESSARY TO ENABLE THE REGISTERED**
21 **LOCKSMITH TO PRODUCE A REPLACEMENT KEY, A MOTOR VEHICLE**
22 **MANUFACTURER SHALL REQUIRE THE REGISTERED LOCKSMITH TO:**

23 **1. VERIFY THE REGISTERED LOCKSMITH'S**
24 **REGISTRATION WITH THE MOTOR VEHICLE MANUFACTURER;**

25 **2. PROVIDE THE SECURITY PASSWORD ISSUED TO**
26 **THE REGISTERED LOCKSMITH BY THE MOTOR VEHICLE MANUFACTURER;**

27 **3. COMPLY WITH ANY OTHER REASONABLE**
28 **AUTHENTICATION PROCEDURE;**

1 **4. CONFIRM THE VISUAL VERIFICATIONS**
2 **PERFORMED BY THE REGISTERED LOCKSMITH UNDER PARAGRAPH (1) OF THIS**
3 **SUBSECTION; AND**

4 **5. PROVIDE THE MOTOR VEHICLE MANUFACTURER**
5 **WITH THE VEHICLE IDENTIFICATION NUMBER AND MODEL NUMBER OF THE**
6 **MOTOR VEHICLE.**

7 **(II) ON COMPLETION OF THE REQUIREMENTS UNDER**
8 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE MOTOR VEHICLE**
9 **MANUFACTURER SHALL PROVIDE THE REGISTERED LOCKSMITH WITH**
10 **INFORMATION NECESSARY FOR THE REGISTERED LOCKSMITH TO PRODUCE A**
11 **REPLACEMENT KEY.**

12 **(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
13 **SUBSECTION, A REGISTERED LOCKSMITH WHO COMPLIES WITH THE**
14 **REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION IS NOT LIABLE FOR**
15 **THEFT OF A MOTOR VEHICLE RELATED TO THE PRODUCTION BY A REGISTERED**
16 **LOCKSMITH OF A REPLACEMENT KEY.**

17 **(2) THE EXEMPTION FROM LIABILITY UNDER PARAGRAPH (1) OF**
18 **THIS SUBSECTION DOES NOT APPLY TO:**

19 **(I) FRAUD; OR**

20 **(II) MISREPRESENTATION.**

21 **(3) A MOTOR VEHICLE MANUFACTURER THAT COMPLIES WITH**
22 **THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION IS NOT LIABLE FOR**
23 **THEFT OF A MOTOR VEHICLE RELATED TO THE PROVISION OF INFORMATION TO**
24 **A REGISTERED LOCKSMITH FOR THE PRODUCTION OF A REPLACEMENT KEY.**

25 **(F) A MANUFACTURER OF A MOTOR VEHICLE OF MODEL YEAR 2006 OR**
26 **EARLIER THAT DOES NOT ALLOW FOR THE PRODUCTION, BY A PERSON OTHER**
27 **THAN THE MOTOR VEHICLE MANUFACTURER, OF A REPLACEMENT KEY SHALL:**

28 **(1) OPERATE A TELEPHONE OR ELECTRONIC SYSTEM TO**
29 **FACILITATE A REQUEST FOR A REPLACEMENT KEY;**

1 **(2) MAKE THE TELEPHONE OR ELECTRONIC SYSTEM AVAILABLE**
2 **TO A REQUESTOR 24 HOURS A DAY AND 7 DAYS A WEEK; AND**

3 **(3) ON RECEIPT OF A REQUEST, PROVIDE A REPLACEMENT KEY**
4 **TO A REQUESTOR:**

5 **(I) AT A REASONABLE COST; AND**

6 **(II) WITHIN 1 DAY AFTER THE REQUEST OR BY THE NEXT**
7 **OVERNIGHT DELIVERY.**

8 **(G) A MOTOR VEHICLE MANUFACTURER MAY ENTER INTO A CONTRACT**
9 **WITH ANOTHER ENTITY TO PROVIDE THE SERVICES REQUIRED UNDER THIS**
10 **SECTION.**

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

13 **Article – Transportation**

14 15–210.1.

15 [(f) A manufacturer of a motor vehicle of model year 2006 or earlier that does
16 not allow for the production, by a person other than the motor vehicle manufacturer, of
17 a replacement key shall:

18 (1) Operate a telephone or electronic system to facilitate a request for
19 a replacement key;

20 (2) Make the telephone or electronic system available to a requestor 24
21 hours a day and 7 days a week; and

22 (3) On receipt of a request, provide a replacement key to a requestor:

23 (i) At a reasonable cost; and

24 (ii) Within 1 day after the request or by the next overnight
25 delivery.]

26 [(g)] **(F)** A motor vehicle manufacturer may enter into a contract with
27 another entity to provide the services required under this section.

1 SECTION 3. AND BE IT FURTHER ENACTED, That if any provision of this
2 Act or the application thereof to any person or circumstance is held invalid for any
3 reason in a court of competent jurisdiction, the invalidity does not affect other
4 provisions or any other application of this Act which can be given effect without the
5 invalid provision or application, and for this purpose the provisions of this Act are
6 declared severable.

7 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act
8 shall take effect January 1, 2015.

9 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in
10 Section 4 of this Act, this Act shall take effect October 1, 2007.