

# SENATE BILL 707

R7

71r2619  
CF HB 903

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By: **Senators Hooper, Forehand, and Munson**

Introduced and read first time: February 2, 2007

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: March 24, 2007

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## CHAPTER \_\_\_\_\_

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; making this  
17 Act contingent on the enactment of certain legislation; providing for the  
18 effective date of certain provisions of this Act; defining certain terms; and  
19 generally relating to requirements and procedures for motor vehicle  
20 manufacturers and locksmiths to provide replacement keys to motor vehicle  
21 owners or lessees.

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to  
2 Article – Transportation  
3 Section 15–210.1  
4 Annotated Code of Maryland  
5 (2006 Replacement Volume and 2006 Supplement)

6 BY repealing  
7 Article – Transportation  
8 Section 15–210.1(f)  
9 Annotated Code of Maryland  
10 (2006 Replacement Volume and 2006 Supplement)  
11 (As enacted by Section 1 of this Act)

12 BY repealing and reenacting, with amendments,  
13 Article – Transportation  
14 Section 15–210.1(g)  
15 Annotated Code of Maryland  
16 (2006 Replacement Volume and 2006 Supplement)  
17 (As enacted by Section 1 of this Act)

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

20 **Article – Transportation**

21 **15–210.1.**

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
23 MEANINGS INDICATED.

24 (2) “INFORMATION” MEANS:

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

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

28 (3) “LOCKSMITH” MEANS AN INDIVIDUAL WHO PROVIDES THE  
29 FOLLOWING SERVICES:

- 1 (I) KEY ORINATION;
- 2 (II) LOCK OPENING, MODIFICATION, REKEYING, OR  
3 RECOMBINATION; OR
- 4 (III) REPAIR OR INSTALLATION OF AN ELECTRONIC ACCESS  
5 OR LOCKING DEVICE.
- 6 (4) "MOTOR VEHICLE" MEANS:
- 7 (I) A PASSENGER CAR AS DEFINED IN § 11-144.1 OF THIS  
8 ARTICLE; OR
- 9 (II) A TRUCK AS DEFINED IN § 11-171 OF THIS ARTICLE.
- 10 (5) "REGISTERED LOCKSMITH" MEANS A LOCKSMITH WHO:
- 11 (I) HAS REGISTERED WITH A MOTOR VEHICLE  
12 MANUFACTURER AFTER POSTING A BOND IN AN AMOUNT SET BY THE MOTOR  
13 VEHICLE MANUFACTURER;
- 14 (II) POSSESSES A REGISTRY NUMBER AND SECURITY  
15 PASSWORD ISSUED BY A MOTOR VEHICLE MANUFACTURER; AND
- 16 (III) HAS UNDERGONE A BACKGROUND CHECK BY A  
17 NATIONALLY RECOGNIZED LOCKSMITH ORGANIZATION; ~~AND~~
- 18 ~~(IV) IS PROPERLY BONDED.~~
- 19 (6) "REPLACEMENT KEY" MEANS:
- 20 (I) A REPLACEMENT KEY FOR A MOTOR VEHICLE; OR
- 21 (II) A DEVICE OTHER THAN A REPLACEMENT KEY FOR A  
22 MOTOR VEHICLE THAT WILL ALLOW A MOTOR VEHICLE TO BE ENTERED,  
23 STARTED, AND OPERATED.
- 24 (7) "REQUESTOR" MEANS A REGISTERED OWNER OR LESSEE OF A  
25 MOTOR VEHICLE WHO REQUESTS SERVICES RELATING TO A REPLACEMENT KEY.

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

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

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

7                               **2. ALLOWS FOR THE PRODUCTION, BY A PERSON**  
8 **OTHER THAN THE MOTOR VEHICLE MANUFACTURER, OF A REPLACEMENT KEY.**

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

13           **(C) (1) ON OR BEFORE JANUARY 1, 2010, A MANUFACTURER OF A**  
14 **MOTOR VEHICLE SOLD OR LEASED IN THE STATE SHALL IMPLEMENT A SYSTEM**  
15 **THAT:**

16                   **(I) ALLOWS A LOCKSMITH TO REGISTER WITH THE**  
17 **MANUFACTURER;**

18                   **(II) ALLOWS FOR THE ISSUANCE OF A REGISTRY NUMBER**  
19 **AND SECURITY PASSWORD TO A REGISTERED LOCKSMITH;**

20                   **(III) ALLOWS A REQUESTOR TO CONTACT A REGISTERED**  
21 **LOCKSMITH; AND**

22                   **(IV) ALLOWS A REGISTERED LOCKSMITH, IN RESPONSE TO A**  
23 **REQUEST BY A REQUESTOR, TO ACCESS ONLY THE INFORMATION NECESSARY TO**  
24 **PRODUCE A REPLACEMENT KEY.**

25           **(2) A MOTOR VEHICLE MANUFACTURER SHALL MAKE A SYSTEM**  
26 **DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION AVAILABLE 24**  
27 **HOURS A DAY AND 7 DAYS A WEEK TO A REGISTERED LOCKSMITH OR A**  
28 **REQUESTOR.**

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

3                   **(I) BY VISUALLY INSPECTING THE REQUESTOR'S DRIVER'S**  
4 **LICENSE, VERIFY THE IDENTITY OF THE REQUESTOR;**

5                   **(II) BY VISUALLY INSPECTING THE REGISTRATION OF THE**  
6 **MOTOR VEHICLE, VERIFY THAT THE REQUESTOR IS THE REGISTERED OWNER OR**  
7 **LESSEE OF THE MOTOR VEHICLE; AND**

8                   **(III) BY VISUALLY INSPECTING THE VEHICLE**  
9 **IDENTIFICATION NUMBER OF THE MOTOR VEHICLE, VERIFY THAT THE MOTOR**  
10 **VEHICLE MATCHES THE REGISTRATION PROVIDED BY THE REQUESTOR.**

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

15           **(3) ON COMPLETION OF SERVICES RELATING TO PROVIDING A**  
16 **REPLACEMENT KEY, WHERE THE COMPLETION REQUIRED A REGISTERED**  
17 **LOCKSMITH TO OBTAIN INFORMATION FROM A MOTOR VEHICLE**  
18 **MANUFACTURER, THE REGISTERED LOCKSMITH SHALL:**

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

21                   **(II) DESTROY COPIES OF THE INFORMATION IN THE**  
22 **POSSESSION OF THE REGISTERED LOCKSMITH.**

23           **(4) (I) ON RECEIPT OF A REQUEST FROM A REGISTERED**  
24 **LOCKSMITH FOR INFORMATION NECESSARY TO ENABLE THE REGISTERED**  
25 **LOCKSMITH TO PRODUCE A REPLACEMENT KEY, A MOTOR VEHICLE**  
26 **MANUFACTURER SHALL REQUIRE THE REGISTERED LOCKSMITH TO:**

27                   **1. VERIFY THE REGISTERED LOCKSMITH'S**  
28 **REGISTRATION WITH THE MOTOR VEHICLE MANUFACTURER;**

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

3                   **3. COMPLY WITH ANY OTHER REASONABLE**  
4 **AUTHENTICATION PROCEDURE;**

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

8                   **5. PROVIDE THE MOTOR VEHICLE MANUFACTURER**  
9 **WITH THE VEHICLE IDENTIFICATION NUMBER AND MODEL NUMBER OF THE**  
10 **MOTOR VEHICLE.**

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

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

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

23                   **(I) FRAUD; OR**

24                   **(II) MISREPRESENTATION.**

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

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

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

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

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

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

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

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

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

18                                   **Article – Transportation**

19           15–210.1.

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

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

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

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

- 1 (i) At a reasonable cost; and  
 2 (ii) Within 1 day after the request or by the next overnight  
 3 delivery.]

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

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

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

14 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in  
 15 Section 4 of this Act, this Act shall take effect October 1, ~~2007~~ 2009, contingent on the  
 16 enactment of legislation during the 2008 or 2009 Session of the General Assembly that  
 17 requires the Department of Labor, Licensing, and Regulation to license, regulate, and  
 18 bond locksmiths, including a requirement for criminal background checks and  
 19 fingerprinting of all employees of an entity that provides locksmith services as  
 20 described in § 15-210.1(a)(3) of this Act. If legislation regulating locksmiths as  
 21 described under this section is not enacted during the 2008 or 2009 Session of the  
 22 General Assembly, this Act shall be null and void without the necessity of further  
 23 action by the General Assembly.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.