

# HOUSE BILL 1298

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By: **Delegate King**

Introduced and read first time: February 8, 2008

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Security Systems Technicians and Locksmiths - Licensing**

3 FOR the purpose of creating the State Board of Security Systems Technicians and  
4 Locksmiths in the Department of Labor, Licensing, and Regulation; providing  
5 for the purposes of this Act; providing for the composition, appointment, terms,  
6 and expenses of the Board members; specifying the terms of the initial members  
7 of the Board; establishing certain powers and duties of the Board; requiring  
8 certain persons be licensed by the Board to provide security systems services or  
9 as a locksmith before performing certain work; establishing certain  
10 qualifications for licensed security systems technicians and locksmiths;  
11 establishing certain licensing, renewal, and reinstatement requirements for  
12 security systems technicians and locksmiths; repealing certain provisions  
13 requiring certain applicants to submit fingerprints for a certain criminal records  
14 check; establishing certain examination requirements for certain licensees;  
15 providing for the waiver of certain licensing requirements in certain  
16 circumstances; establishing requirements for the issuance and display of certain  
17 pocket identification cards to certain licensees; authorizing the Board to issue  
18 an apprentice locksmith license under certain circumstances; authorizing the  
19 Board to take certain disciplinary actions; establishing certain hearing and  
20 appeal procedures for certain security systems technicians, locksmiths, and  
21 apprentice locksmiths; establishing certain insurance requirements for security  
22 systems technicians and locksmiths; requiring locksmiths to complete a form  
23 developed by the Board to elicit client information; providing for certain  
24 criminal penalties; providing for the termination of this Act under the Maryland  
25 Program Evaluation Act; providing for a certain evaluation by a certain date;  
26 providing for the terms of the initial members of the Board; defining certain  
27 terms; and generally relating to the State Board of Security Systems  
28 Technicians and Locksmiths.

29 BY repealing

30 Article – Business Occupations and Professions

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 18–201 through 18–204 and the subtitle “Subtitle 2. Duties of the  
2 Secretary”; and 18–304, 18–3A–04, and 18–402  
3 Annotated Code of Maryland  
4 (2004 Replacement Volume and 2007 Supplement)

5 BY repealing and reenacting, with amendments,  
6 Article – Business Occupations and Professions  
7 Section 18–101, 18–102, 18–301 through 18–303, 18–305 through 18–307,  
8 18–308, 18–309, 18–310, 18–311, 18–3A–01 through 18–3A–03,  
9 18–3A–05 through 18–3A–11, 18–401, 18–501 through 18–504, and  
10 18–601  
11 Annotated Code of Maryland  
12 (2004 Replacement Volume and 2007 Supplement)

13 BY adding to  
14 Article – Business Occupations and Professions  
15 Section 18–102; 18–201 through 18–206 to be under the new subtitle “Subtitle  
16 2. State Board of Security Systems Technicians and Locksmiths”; and  
17 18–302.1, 18–304, 18–305, 18–308, 18–310, 18–402, and 18–403  
18 Annotated Code of Maryland  
19 (2004 Replacement Volume and 2007 Supplement)

20 BY repealing and reenacting, without amendments,  
21 Article – Business Occupations and Professions  
22 Section 18–701  
23 Annotated Code of Maryland  
24 (2004 Replacement Volume and 2007 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
26 MARYLAND, That Section(s) 18–201 through 18–204 and the subtitle “Subtitle 2.  
27 Duties of the Secretary” of the Article – Business Occupations and Professions of the  
28 Annotated Code of Maryland be repealed.

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

31 **Article – Business Occupations and Professions**

32 18–101.

33 (a) In this title the following words have the meanings indicated.

34 (B) **“APPRENTICE LOCKSMITH” MEANS AN INDIVIDUAL WHO IS**  
35 **REGISTERED IN A LOCKSMITH APPRENTICE PROGRAM THAT HAS BEEN**  
36 **APPROVED BY THE BOARD.**

1 (C) **“APPRENTICE LOCKSMITH LICENSE” MEANS A LICENSE GRANTED**  
2 **TO AN APPRENTICE LOCKSMITH.**

3 (D) **“BOARD” MEANS THE STATE BOARD OF SECURITY SYSTEMS**  
4 **TECHNICIANS AND LOCKSMITHS.**

5 (E) **“BUILDING PERMIT” MEANS A PERMIT ISSUED BY A POLITICAL**  
6 **SUBDIVISION OF THE STATE FOR THE PURPOSE OF REGULATING BUILDING**  
7 **CONSTRUCTION, REMODELING, AND OTHER PHYSICAL CHANGES TO PROPERTY.**

8 (F) **“BURGLARY TOOL” MEANS A TOOL MANUFACTURED OR POSSESSED**  
9 **FOR THE PURPOSE OR INTENT OF BYPASSING OR NEUTRALIZING SECURITY**  
10 **DEVICES BY A PERSON NOT IN POSSESSION OF A LOCKSMITH LICENSE OR**  
11 **APPRENTICE LOCKSMITH LICENSE.**

12 (G) **“CAR OPENING TOOL AND MANUAL” MEANS A TOOL OR MANUAL**  
13 **MANUFACTURED OR POSSESSED FOR THE PURPOSE OR INTENT OF BYPASSING**  
14 **OR NEUTRALIZING AUTOMOTIVE LOCKS.**

15 [(b)] (H) (1) **“Circumventional information” means information,**  
16 **including pass codes, that allows an individual to alter the operation of a security**  
17 **system.**

18 (2) **“Circumventional information” does not include generic user or**  
19 **installation manuals.**

20 (I) **“CODE BOOK” MEANS A COMPILATION, IN ANY FORM, OF KEY CODES**  
21 **OR COMBINATION CODES.**

22 (J) **“EMERGENCY” MEANS A LIFE-THREATENING SITUATION**  
23 **INVOLVING A PERSON OR AN ANIMAL.**

24 [(c)] (K) **“Firm” means a partnership or corporation.**

25 [(d)] (L) **“Firm member” means a partner of a partnership or an officer or**  
26 **director of a corporation.**

27 (M) **“KEY DUPLICATION MACHINE” MEANS ANY DEVICE THAT IS**  
28 **CAPABLE OF COPYING KEYS.**

29 [(e)] (N) **“License” means [a license issued by the Secretary or the**  
30 **Secretary’s designee to engage in the business of providing], UNLESS THE CONTEXT**  
31 **REQUIRES OTHERWISE, ONE OF THE TWO LICENSES ISSUED BY THE BOARD**  
32 **AUTHORIZING AN INDIVIDUAL TO PROVIDE:**

1           (1) security systems services [for compensation]; OR

2           (2) LOCKSMITH SERVICES.

3           (O) “LICENSED LOCKSMITH” MEANS, UNLESS THE CONTEXT REQUIRES  
4 OTHERWISE, A LOCKSMITH WHO IS LICENSED BY THE BOARD TO PROVIDE  
5 LOCKSMITH SERVICES.

6           (P) “LICENSED SECURITY SYSTEMS TECHNICIAN” MEANS, UNLESS THE  
7 CONTEXT REQUIRES OTHERWISE, A PERSON THAT IS LICENSED BY THE BOARD  
8 TO PROVIDE SECURITY SYSTEMS SERVICES.

9           (Q) “LOCKPICKING TOOL” MEANS ANY TOOL THAT IS DESIGNED, OR  
10 INTENDED BY THE USER TO BE USED, TO OPEN A MECHANICAL OR ELECTRICAL  
11 LOCKING DEVICE BY MEANS OTHER THAN THAT INTENDED BY THE  
12 MANUFACTURER FOR NORMAL OPERATION.

13           (R) “PROVIDING LOCKSMITH SERVICES” MEANS TO ENGAGE  
14 PROFESSIONALLY AND FOR COMPENSATION IN:

15           (1) REPAIRING, REBUILDING, REKEYING, REPINNING,  
16 RECOMBINATING, ADJUSTING, OR INSTALLING MECHANICAL, ELECTRICAL OR  
17 ELECTRO-MECHANICAL, LOCKING DEVICES, SAFES, VAULTS, OR SAFE DEPOSIT  
18 BOXES; OR

19           (2) OPERATING A MECHANICAL, ELECTRICAL, OR  
20 ELECTRO-MECHANICAL LOCKING DEVICE OR OPENING SAFES, VAULTS, OR SAFE  
21 DEPOSIT BOXES BY A MEANS OTHER THAN THAT INTENDED BY THE  
22 MANUFACTURER OF SUCH LOCKING DEVICES.

23           [(f)] (S) “Providing security systems services” means TO ENGAGE  
24 PROFESSIONALLY AND FOR COMPENSATION IN providing, on the premises of a  
25 person’s residential or commercial property, the service of:

26           (1) surveying the property for purposes of installing a security system;

27           (2) physically installing, maintaining, or repairing a security system  
28 for the customer; or

29           (3) responding to a distress call or an alarm sounding from a security  
30 system.

31           [(g)] (T) “Representative member” means a firm member who is appointed  
32 under this title to act on behalf of the firm.

1           **(U) “SAFE-OPENING TOOL” MEANS ANY TOOL THAT IS DESIGNED, OR**  
2 **INTENDED BY THE USER, TO BE USED TO OPEN A SAFE, VAULT, SAFE DEPOSIT**  
3 **BOX, OR SIMILAR OBJECT, BY MEANS OTHER THAN THAT WHICH IS INTENDED BY**  
4 **THE MANUFACTURER OF SUCH SAFE, VAULT, SAFE DEPOSIT BOX, OR SIMILAR**  
5 **OBJECT, FOR NORMAL OPENING.**

6           **[(h) “Secretary” means the Secretary of State Police or the Secretary’s**  
7 **designee.]**

8           **[(i) (v) “Security systems agency” means an individual or a firm that**  
9 **conducts a business that provides security systems services.**

10           **[(j) “Security systems technician” means a person who personally provides**  
11 **security systems services.]**

12 **18-102.**

13           **THE PURPOSES OF THIS TITLE ARE TO SAFEGUARD LIFE, HEALTH, AND**  
14 **PROPERTY AND TO PROMOTE THE PUBLIC WELFARE BY REGULATING PERSONS**  
15 **THAT PROVIDE SECURITY SYSTEMS SERVICES AND LOCKSMITH SERVICES.**

16 **[18-102.] 18-103.**

17           **(a) (1) (I) THE PROVISIONS OF THIS SUBSECTION APPLY ONLY TO**  
18 **THE LICENSING AND REGISTRATION OF SECURITY SYSTEMS TECHNICIANS.**

19                           **(II) This title does not apply to an officer or employee of any unit**  
20 **of the United States, of any state, or of any county, municipal corporation, or other**  
21 **political subdivision of any state, while performing a duty of the office or employment.**

22           **[(b) (1) (2) (I) This title does not supersede any local law or**  
23 **ordinance in the State that establishes standards or qualifications for electricians or**  
24 **for electrical work involved in the installation of security systems or security alarms.**

25                           **[(2) (II) This title does not authorize an individual to perform**  
26 **electrical work that otherwise requires an electrician’s license under any State or local**  
27 **law or ordinance.**

28                           **[(3) (III) Except as provided in [paragraph (4)] SUBPARAGRAPH (IV)**  
29 **of this [subsection] PARAGRAPH, this title supersedes any local law or ordinance in**  
30 **the State that requires registration, training, bonding, or insurance for security**  
31 **systems technicians or other individuals who have access to circumventational**  
32 **information.**

1            [(4)] (IV) This title does not preempt local governments from licensing  
2 or regulating security system agencies or security system users.

3            [(c) (1)] (3) (I) The licensing requirements of this title do not apply to  
4 a master electrician who:

5                            [(i)] 1. currently is licensed in that occupation under State or  
6 local law; and

7                            [(ii)] 2. is acting only within the scope of that occupation.

8            [(2)] (II) A master electrician may not:

9                            [(i)] 1. personally provide security systems services unless  
10 the master electrician is registered as a security systems technician; or

11                           [(ii)] 2. obtain access to circumventational information unless  
12 the master electrician is registered as an individual with access to circumventational  
13 information.

14            [(d)] (4) This title does not apply to a person who sells security systems at a  
15 retail establishment or by means of a catalog or brochure for future delivery, provided  
16 that the person does not:

17                           [(1)] (I) enter the premises of the customer's property; or

18                           [(2)] (II) have access to circumventational information.

19            [(e)] (5) This title does not apply to a commercial property owner or its  
20 authorized agent performing the routine operation, including the changing of the  
21 passcodes, of a security system that protects the premises of the owner's commercial  
22 property.

23            [(f)] (6) This title may not be construed to require:

24                           [(1)] (I) a person engaged in the business of providing security  
25 systems services for compensation to obtain more than one license under this title to  
26 provide security systems services;

27                           [(2)] (II) a security systems technician, in addition to being registered  
28 under this title, to obtain a license under this title, if the security systems technician  
29 is employed by or under contract with a security systems agency; or

30                           [(3)] (III) an individual who is licensed under this title to be registered  
31 under Subtitle 3A of this title.

1           **(B) (1) THE PROVISIONS OF THIS SUBSECTION APPLY ONLY TO THE**  
2 **LICENSING AND REGISTRATION OF LOCKSMITHS.**

3           **(2) THE PROVISIONS OF THIS TITLE MAY NOT BE CONSTRUED TO**  
4 **PROHIBIT THE FOLLOWING:**

5                   **(I) BONA FIDE SALES DEMONSTRATIONS TO LOCKSMITHS**  
6 **OR LOCKSMITH SUPPLIERS BY SALES REPRESENTATIVES WHO ARE NOT**  
7 **LICENSED;**

8                   **(II) EMERGENCY OPENING SERVICES BY MEMBERS OF**  
9 **POLICE DEPARTMENTS, FIRE DEPARTMENTS, OR OTHER GOVERNMENT**  
10 **AGENCIES IN THEIR OFFICIAL LINE OF DUTY;**

11                   **(III) THE ACQUISITION OR USE OF ANY KEY DUPLICATION OR**  
12 **KEY BLANKS;**

13                   **(IV) THE REPLACING OF A REMOVABLE OR**  
14 **INTERCHANGEABLE CORE OR RECOMBINATING A CYLINDER IN A LOCK THAT**  
15 **WAS SPECIFICALLY DESIGNED BY THE MANUFACTURER TO BE CHANGED BY THE**  
16 **END USER BY USE OF A KEY;**

17                   **(V) THE INSTALLATION, REPAIR, REPLACEMENT, OR**  
18 **REBUILDING OF A LOCK BY THE MANUFACTURER OF THE LOCK;**

19                   **(VI) THE INSTALLATION, REPAIR, REPLACEMENT, OR**  
20 **REBUILDING OF AN AUTOMOTIVE LOCK BY AN AUTOMOTIVE REPAIR AND**  
21 **SERVICE FACILITY, THE LOCK MANUFACTURER, OR THE MANUFACTURER'S**  
22 **AGENT;**

23                   **(VII) THE INSTALLATION OF LOCKS BY BUILDING TRADES**  
24 **PERSONNEL ON PROJECTS THAT REQUIRE A BUILDING PERMIT; AND**

25                   **(VIII) THE INSTALLATION OR REPLACEMENT OF LOCKS BY A**  
26 **RETAILER OR THE RETAILER'S AGENT ON THE PREMISES OF THE RETAILER.**

27           **SUBTITLE 2. STATE BOARD OF SECURITY SYSTEMS TECHNICIANS AND**  
28 **LOCKSMITHS.**

29 **18-201.**

30           **THERE IS A STATE BOARD OF SECURITY SYSTEMS TECHNICIANS AND**  
31 **LOCKSMITHS IN THE DEPARTMENT.**

1 **18-202.**

2 (A) (1) **THE BOARD CONSISTS OF 11 MEMBERS.**

3 (2) **OF THE 11 MEMBERS OF THE BOARD:**

4 (I) **FOUR SHALL BE LICENSED SECURITY SYSTEMS**  
5 **TECHNICIANS;**

6 (II) **FOUR SHALL BE LICENSED LOCKSMITHS; AND**

7 (III) **THREE SHALL BE CONSUMER MEMBERS.**

8 (B) (1) **EACH LOCKSMITH MEMBER SHALL:**

9 (I) **HAVE AT LEAST 5 YEARS EXPERIENCE IN THE**  
10 **LOCKSMITH PROFESSION AND BE CURRENTLY ENGAGED IN THAT PROFESSION;**  
11 **AND**

12 (II) **RESIDE IN THE STATE.**

13 (C) (1) **THE SECRETARY SHALL APPOINT THE 11 MEMBERS.**

14 (2) **THE MEMBERS OF THE BOARD SHALL BE APPOINTED IN SUCH**  
15 **A MANNER THAT, WHENEVER POSSIBLE, MEMBERS REPRESENT THE VARIOUS**  
16 **GEOGRAPHIC AREAS OF THE STATE.**

17 (D) **EACH CONSUMER MEMBER OF THE BOARD:**

18 (1) **SHALL BE A MEMBER OF THE GENERAL PUBLIC;**

19 (2) **MAY NOT BE A LICENSEE OR OTHERWISE BE SUBJECT TO**  
20 **REGULATION BY THE BOARD;**

21 (3) **MAY NOT BE REQUIRED TO MEET THE QUALIFICATIONS FOR**  
22 **THE PROFESSIONAL MEMBERS OF THE BOARD;**

23 (4) **MAY NOT BE A SPOUSE, PARENT, CHILD, OR SIBLING OF A**  
24 **SECURITY SYSTEMS TECHNICIAN OR A LOCKSMITH; AND**

25 (5) **MAY NOT, WITHIN 1 YEAR BEFORE APPOINTMENT, HAVE HAD A**  
26 **FINANCIAL INTEREST IN OR HAVE RECEIVED COMPENSATION FROM A PERSON**  
27 **REGULATED BY THE BOARD.**



1 (E) WHILE A MEMBER OF THE BOARD, A CONSUMER MEMBER MAY NOT:

2 (1) HAVE A FINANCIAL INTEREST IN OR RECEIVE COMPENSATION  
3 FROM A PERSON REGULATED BY THE BOARD; OR

4 (2) GRADE ANY EXAMINATION GIVEN BY OR FOR THE BOARD.

5 (F) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL  
6 TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND  
7 CONSTITUTION.

8 (G) (1) THE TERM OF A MEMBER IS 3 YEARS AND BEGINS ON MAY 1.

9 (2) THE TERMS OF MEMBERS ARE STAGGERED.

10 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE  
11 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

12 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN  
13 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS  
14 APPOINTED AND QUALIFIES.

15 (5) A MEMBER MAY NOT BE APPOINTED TO SERVE MORE THAN  
16 TWO CONSECUTIVE FULL TERMS.

17 (H) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE OR  
18 MISCONDUCT.

19 **18-203.**

20 (A) FROM AMONG ITS MEMBERS, THE BOARD ANNUALLY SHALL ELECT  
21 A CHAIR AND A VICE CHAIR.

22 (B) THE MANNER OF ELECTION OF OFFICERS AND THE TERMS OF  
23 OFFICE SHALL BE AS THE BOARD DETERMINES.

24 **18-204.**

25 (A) SEVEN MEMBERS OF THE BOARD ARE A QUORUM.

26 (B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS  
27 MEETINGS.

28 (C) A MEMBER OF THE BOARD:

1           (1)   MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE  
2   BOARD; BUT

3           (2)   IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
4   STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE  
5   BUDGET.

6           (D)   THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE  
7   STATE BUDGET.

8   **18-205.**

9           (A)   IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE, THE BOARD  
10   MAY:

11           (1)   ADOPT ANY REGULATION TO CARRY OUT THIS TITLE;

12           (2)   SUE TO ENFORCE ANY PROVISION OF THIS TITLE BY  
13   INJUNCTION; AND

14           (3)   ADOPT REGULATIONS IN ACCORDANCE WITH TITLE 10,  
15   SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE NECESSARY TO:

16                   (I)   ENSURE CONTINUED COMPETENCY OF PERSONS  
17   REGULATED BY THE BOARD;

18                   (II)   PREVENT DECEPTIVE OR MISLEADING PRACTICES BY  
19   SECURITY SYSTEMS TECHNICIANS AND LOCKSMITHS; AND

20                   (III)   EFFECTIVELY ADMINISTER THE REGULATORY SYSTEM  
21   ADMINISTERED BY THE BOARD.

22           (B)   IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE BOARD  
23   SHALL:

24                   (1)   KEEP A LIST OF ALL LICENSED AND REGISTERED SECURITY  
25   SYSTEMS TECHNICIANS AND LICENSED LOCKSMITHS AND APPRENTICE  
26   LOCKSMITHS; AND

27                   (2)   SUBMIT AN ANNUAL REPORT TO THE SECRETARY.

28           (C)   IN ADDITION TO ANY POWERS AND DUTIES SET FORTH ELSEWHERE,  
29   THE BOARD HAS THE FOLLOWING POWERS AND DUTIES:

1           **(1) TO ESTABLISH THE QUALIFICATIONS FOR LICENSURE THAT**  
2 **ENSURE THE COMPETENCE AND INTEGRITY TO ENGAGE IN THE PROFESSIONS**  
3 **REGULATED BY THE BOARD;**

4           **(2) TO EXAMINE OR CAUSE TO BE EXAMINED THE QUALIFICATION**  
5 **OF EACH APPLICANT FOR LICENSURE AND REGISTRATION, INCLUDING, WHEN**  
6 **NECESSARY, THE PREPARATION, ADMINISTRATION, AND GRADING OF**  
7 **EXAMINATIONS;**

8           **(3) TO LICENSE QUALIFIED APPLICANTS REGULATED BY THE**  
9 **BOARD;**

10           **(4) TO RECEIVE COMPLAINTS CONCERNING THE CONDUCT OF**  
11 **ANY PERSON THE ACTIVITIES OF WHICH ARE REGULATED BY THE BOARD AND**  
12 **TO TAKE APPROPRIATE DISCIPLINARY ACTION IF WARRANTED;**

13           **(5) TO REVOKE, SUSPEND, OR FAIL TO RENEW A LICENSE FOR**  
14 **JUST CAUSES; AND**

15           **(6) TO PROMULGATE CANONS OF ETHICS UNDER WHICH THE**  
16 **PROFESSIONAL ACTIVITIES OF SECURITY SYSTEMS TECHNICIANS AND**  
17 **LOCKSMITHS SHALL BE CONDUCTED.**

18 **18-206.**

19           **(A) THE BOARD MAY SET REASONABLE FEES FOR ITS SERVICES.**

20           **(B) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO**  
21 **APPROXIMATE THE COST OF MAINTAINING THE BOARD.**

22           **(C) EXCEPT AS OTHERWISE PROVIDED, THE BOARD SHALL PAY ALL**  
23 **MONEY COLLECTED UNDER THIS TITLE INTO THE GENERAL FUND OF THE**  
24 **STATE.**

25 **18-301.**

26           **(A) Except as otherwise provided in this title, a person [may not] SHALL BE**  
27 **LICENSED BY THE BOARD BEFORE A PERSON MAY** engage[,], **or solicit to engage[,]**  
28 **in the business of providing security systems services in the State [unless the person**  
29 **obtains a license and meets the requirements of § 18-401 of this title].**

30           **(B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL**  
31 **SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY ENGAGE OR**

1 **SOLICIT TO ENGAGE IN THE BUSINESS OF PROVIDING LOCKSMITH SERVICES IN**  
2 **THE STATE.**

3 18-302.

4 (a) If the applicant for a license **TO PROVIDE SECURITY SYSTEMS**  
5 **SERVICES** is a firm, the firm shall appoint a firm member as the representative  
6 member to make the application on behalf of the firm.

7 (b) To qualify for a license **TO PROVIDE SECURITY SYSTEMS SERVICES**, if  
8 an applicant is an individual, an applicant shall:

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

10 (2) be of good moral character.

11 (c) To qualify for a license **TO PROVIDE SECURITY SYSTEMS SERVICES**, if  
12 the applicant is a firm, each firm member shall be:

13 (1) at least 18 years old; and

14 (2) of good moral character.

15 (d) The applicant shall meet any other requirements that the [Secretary]  
16 **BOARD** establishes for license applicants.

17 **18-302.1.**

18 (A) **TO QUALIFY FOR A LICENSE TO PROVIDE LOCKSMITH SERVICES, AN**  
19 **APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS**  
20 **SECTION.**

21 (B) **THE APPLICANT SHALL BE:**

22 (1) **AT LEAST 18 YEARS OLD; AND**

23 (2) **OF GOOD MORAL CHARACTER.**

24 (C) **THE APPLICANT SHALL MEET THE QUALIFICATIONS AND**  
25 **COMPETENCY STANDARDS ESTABLISHED BY THE BOARD.**

26 (D) **THE APPLICANT MAY NOT HAVE BEEN CONVICTED OF A CRIME THAT**  
27 **DIRECTLY RELATES TO PROVIDING LOCKSMITH SERVICES UNLESS:**

1           (1) THE APPLICANT ASKS FOR A HEARING THAT SHALL BE  
2 CONDUCTED BY THE BOARD AT THE EXPENSE OF THE APPLICANT; AND

3           (2) THE BOARD DETERMINES, BASED ON ALL THE INFORMATION  
4 AVAILABLE, THAT THE APPLICANT IS FIT AND SUITED TO ENGAGE IN PROVIDING  
5 LOCKSMITH SERVICES.

6           (E) THE APPLICANT MAY NOT HAVE HAD ANY PRIOR LICENSE TO DO  
7 BUSINESS REVOKED FOR FRAUD, MISREPRESENTATION, OR ANY OTHER ACT  
8 THAT WOULD CONSTITUTE A VIOLATION OF THIS SECTION.

9           (F) THE APPLICANT SHALL COMPLY WITH THE INSURANCE  
10 REQUIREMENTS ESTABLISHED UNDER § 18-402 OF THIS TITLE.

11           (G) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (H) OF THIS  
12 SECTION, THE APPLICANT SHALL PASS AN EXAMINATION GIVEN BY THE BOARD  
13 UNDER THIS SUBTITLE.

14           (H) (1) ON OR BEFORE SEPTEMBER 30, 2010, THE BOARD SHALL  
15 WAIVE THE EXAMINATION REQUIREMENT OF THIS SECTION.

16           (2) ON OR AFTER OCTOBER 1, 2010, TO RENEW A LICENSE IN  
17 ACCORDANCE WITH § 18-309 OF THIS SUBTITLE, A LICENSEE SHALL SUBMIT  
18 SATISFACTORY EVIDENCE TO THE BOARD OF HAVING PASSED AN EXAMINATION  
19 APPROVED BY THE BOARD.

20 18-303.

21           (a) An applicant for a license shall:

22           (1) submit to the [Secretary] **BOARD** an application on the form that  
23 the [Secretary] **BOARD** provides;

24           (2) submit the documents required by this section **OR THE BOARD**  
25 **REQUIRES**; and

26           (3) pay to the [Secretary] **BOARD** an application fee [of \$150 which  
27 shall include the cost of the Maryland and national criminal records check] **SET BY**  
28 **THE BOARD**.

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

1           (c)   **(1) THIS SUBSECTION APPLIES ONLY TO APPLICATIONS FOR A**  
2 **LICENSE TO PROVIDE SECURITY SYSTEMS SERVICES.**

3           **(2)** If the applicant is a firm, the representative member shall  
4 complete the application form and otherwise be responsible for the firm's compliance  
5 with this section.

6           [(d) (1)] **(3) (I)** The application shall be accompanied by at least two  
7 written recommendations for the applicant.

8           **[(2)] (II)** Each recommendation shall be signed, under oath, by a  
9 reputable citizen of the State.

10          [(e) (1)] An applicant for a license shall submit with the application a set of  
11 legible fingerprints of the applicant on a form approved by the Criminal Justice  
12 Information System Central Repository and the Director of the Federal Bureau of  
13 Investigation.

14          (2) If the applicant is a firm, the applicant shall pay the cost of the  
15 fingerprint card records check for each firm member.]

16          [(f)] **(4)** An applicant for a license shall submit with the application a copy  
17 of a bond or proof of insurance in accordance with the requirements of § 18-401 of this  
18 title.

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

21               (1) provides adequate evidence that the applicant:

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

24                       (ii) became licensed in the other state:

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

27                               2. after submitting to a State and national criminal  
28 records check; and

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

30 [18-304.

1 (a) Except for a license issued under § 18-303(g) of this subtitle, before  
2 issuing a license, the Secretary shall conduct a State and national criminal records  
3 check for each applicant who applies for a license.

4 (b) If the applicant is a firm, the Secretary shall conduct a State and national  
5 criminal records check for each firm member.]

6 **18-304.**

7 (A) AN APPLICANT WHO OTHERWISE QUALIFIES FOR A LICENSE TO  
8 PROVIDE LOCKSMITH SERVICES IS ENTITLED TO BE EXAMINED AS PROVIDED IN  
9 THIS SECTION.

10 (B) THE BOARD OR ITS DESIGNEE SHALL GIVE EXAMINATIONS TO  
11 APPLICANTS AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

12 (C) THE BOARD OR ITS DESIGNEE SHALL GIVE EACH QUALIFIED  
13 APPLICANT NOTICE OF THE TIME AND PLACE OF THE EXAMINATION.

14 (D) THE BOARD MAY EITHER:

15 (1) DEVELOP AND ADMINISTER AN EXAMINATION TO EVALUATE  
16 THE COMPETENCY OF AN APPLICANT; OR

17 (2) ACCEPT A PASSING SCORE ON AN EXAMINATION DEVELOPED  
18 AND ADMINISTERED BY A PROFESSIONAL LOCKSMITH ASSOCIATION  
19 RECOGNIZED BY THE BOARD.

20 **18-305.**

21 (A) THE BOARD MAY WAIVE THE REQUIREMENTS FOR LICENSURE FOR  
22 AN APPLICANT FOR A LICENSE TO PROVIDE SECURITY SYSTEMS SERVICES IF  
23 THE APPLICANT:

24 (1) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT IS  
25 LICENSED TO ENGAGE IN THE BUSINESS OF PROVIDING SECURITY SYSTEMS  
26 SERVICES IN ANOTHER STATE, TERRITORY, OR JURISDICTION THAT HAS  
27 REQUIREMENTS THAT ARE EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF  
28 § 18-302 OF THIS SUBTITLE;

29 (2) SUBMITS AN APPLICATION ON THE FORM THAT THE BOARD  
30 REQUIRES; AND

1           (3)    **PAYS TO THE BOARD AN APPLICATION FEE SET BY THE**  
2 **BOARD.**

3           **(B)    THE BOARD SHALL WAIVE THE REQUIREMENTS FOR LICENSURE**  
4 **FOR AN APPLICANT FOR A LICENSE TO PROVIDE LOCKSMITH SERVICES IF THE**  
5 **APPLICANT:**

6                   (1)    **PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT IS**  
7 **LICENSED TO PROVIDE LOCKSMITH SERVICES IN ANOTHER STATE, TERRITORY,**  
8 **OR JURISDICTION THAT HAS REQUIREMENTS THAT ARE EQUIVALENT TO OR**  
9 **EXCEED THE REQUIREMENTS OF § 18-302.1 OF THIS SUBTITLE;**

10                   (2)    **SUBMITS AN APPLICATION ON THE FORM THAT THE BOARD**  
11 **REQUIRES; AND**

12                   (3)    **PAYS TO THE BOARD AN APPLICATION FEE SET BY THE**  
13 **BOARD.**

14           **(C)    THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**  
15 **SECTION.**

16 **[18-305.] 18-306.**

17           (a)    The [Secretary] **BOARD** shall issue a license to each applicant who meets  
18 the requirements of this title.

19           (b)    The [Secretary] **BOARD** shall include on each license that the  
20 [Secretary] **BOARD** issues:

21                   (1)    the full name of the licensee;

22                   (2)    the current address of the licensee;

23                   (3)    the date of issuance of the license; [and]

24                   (4)    the date on which the license expires; **AND**

25                   (5)    **ANY OTHER INFORMATION THAT THE BOARD CONSIDERS**  
26 **NECESSARY.**

27           (c)    [Except as provided in subsection (d) of this section, the Secretary] **THE**  
28 **BOARD** shall issue to an individual licensee a pocket identification card that includes:

29                   (1)    a photograph of the licensee[, supplied by the licensee]; [and]



- 1           (2)    **THE FULL NAME OF THE LICENSEE;**  
2           (3)    **THE ADDRESS AND TELEPHONE NUMBER OF THE LICENSEE;**  
3   **AND**  
4           [(2)] (4)    the license expiration date.

5           [(d) (1)    For each license issued under § 18–303(g) of this subtitle, the  
6   Secretary shall issue to an individual licensee a licensing certificate instead of a pocket  
7   identification card.

8           (2)    The licensing certificate shall be in a format approved by the  
9   Secretary.]

10   [18–306.] **18–307.**

11           (a)    While a license is in effect, it authorizes the licensee to engage in the  
12   business of providing security systems services **OR PROVIDING LOCKSMITH**  
13   **SERVICES.**

14           (b)    An individual or a firm may qualify for a license as a security systems  
15   agency.

16   **18–308.**

17           (A)    **TO QUALIFY FOR AN APPRENTICE LOCKSMITH LICENSE, AN**  
18   **APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS**  
19   **SECTION.**

20           (B)    **THE APPLICANT SHALL BE:**

21           (1)    **AT LEAST 18 YEARS OLD; AND**

22           (2)    **OF GOOD MORAL CHARACTER.**

23           (C)    **AN INDIVIDUAL MAY PROVIDE LOCKSMITH SERVICES AS AN**  
24   **APPRENTICE IF THE INDIVIDUAL:**

25           (1)    **WORKS UNDER THE DIRECT SUPERVISION OF A LICENSED**  
26   **LOCKSMITH;**

27           (2)    **IS REGISTERED IN A LOCKSMITH APPRENTICESHIP PROGRAM**  
28   **THAT HAS BEEN APPROVED BY THE BOARD IN ACCORDANCE WITH THE**  
29   **GUIDELINES SUBMITTED TO THE DIVISION OF OCCUPATIONAL AND**

1 **PROFESSIONAL LICENSING OF THE DEPARTMENT BY THE ASSOCIATED**  
2 **LOCKSMITHS OF AMERICA;**

3 **(3) DOES NOT HAVE A CRIMINAL CONVICTION THAT DIRECTLY**  
4 **RELATES TO PROVIDING LOCKSMITH SERVICES UNLESS:**

5 **(I) THE APPLICANT ASKS FOR A HEARING THAT SHALL BE**  
6 **CONDUCTED BY THE BOARD AT THE EXPENSE OF THE APPLICANT; AND**

7 **(II) THE BOARD DETERMINES BASED ON ALL THE**  
8 **INFORMATION AVAILABLE THAT THE APPLICANT IS FIT AND SUITED TO ENGAGE**  
9 **IN THE BUSINESS OF PROVIDING LOCKSMITH SERVICES AS AN APPRENTICE; AND**

10 **(4) COMPLIES WITH THE INSURANCE REQUIREMENTS**  
11 **ESTABLISHED UNDER § 18-402 OF THIS TITLE.**

12 **(D) WHILE AN APPRENTICE LOCKSMITH LICENSE IS IN EFFECT, THE**  
13 **LICENSEE SHALL:**

14 **(1) COMPLETE 48 HOURS OF EDUCATION PER YEAR OF BOARD**  
15 **APPROVED CLASSES; AND**

16 **(2) BE IDENTIFIED AS AN APPRENTICE LOCKSMITH IN ALL**  
17 **ADVERTISING AND BUSINESS TRANSACTIONS.**

18 **[18-307.] 18-309.**

19 **(a) By regulation, the [Secretary] BOARD shall stagger the terms of the**  
20 **licenses.**

21 **(b) Unless a license is renewed for a [3-year] 2-YEAR term as provided in**  
22 **this section, the license expires on the date the [Secretary] BOARD sets.**

23 **(c) At least 1 month before a license expires, the [Secretary] BOARD shall**  
24 **mail to the agency OR THE INDIVIDUAL, at the last known address of the agency OR**  
25 **THE INDIVIDUAL:**

26 **(1) a renewal application form; and**

27 **(2) a notice that states:**

28 **(i) the date on which the current license expires;**

29 **(ii) IF THE LICENSEE IS LICENSED TO PROVIDE SECURITY**  
30 **SYSTEMS SERVICES, that the [Secretary] BOARD must receive the renewal**

1 application and proof of insurance or bonding as required in § 18–401 of this title at  
2 least 15 days before the license expiration date for the renewal to be issued and mailed  
3 before the license expires;

4 (iii) the amount of the renewal fee; **AND**

5 (IV) **IF THE LICENSEE IS AN AGENCY:**

6 [(iv)] **1.** [that,] if the complete renewal application and proof  
7 of insurance or bonding as required in § 18–401 of this title are not received at least 15  
8 days before the license expiration date, a fee of \$25 per day shall be charged against  
9 the agency until the day the license expires, at which time the agency shall be  
10 considered closed;

11 [(v)] **2.** that an agency may not be issued a license under this  
12 title until all outstanding obligations are satisfied with the [Secretary] **BOARD**; and

13 [(vi)] **3.** that the submission of a false statement in the  
14 renewal application or the submission of altered or false documents that are otherwise  
15 required is cause for revocation of the agency license.

16 (d) [An agency] **A LICENSEE** periodically may renew the license for an  
17 additional [3–year] **2–YEAR** term, if the [license holder] **LICENSEE**:

18 (1) otherwise is entitled to be licensed;

19 (2) pays to the [Secretary] **BOARD**:

20 (i) a renewal fee [of \$100;] **SET BY THE BOARD; AND**

21 (ii) [the fee authorized under § 10–221(b)(7) of the Criminal  
22 Procedure Article for access to Maryland criminal history records;

23 (iii) the mandatory processing fee required by the Federal  
24 Bureau of Investigation for a national criminal history records check; and

25 (iv)] any late fee required under this subtitle; and

26 (3) submits to the [Secretary] **BOARD**:

27 (i) a renewal application on the form the [Secretary provides;]  
28 **BOARD PROVIDES; AND**

29 [(ii)] two complete sets of the applicant’s legible fingerprints  
30 taken on forms approved by the Director of the Central Repository and the Director of  
31 the Federal Bureau of Investigation; and]

1 [(iii)] (II) satisfactory evidence of compliance with any other  
2 requirements under this section for renewal of registration.

3 [(e) In accordance with §§ 10–201 through 10–235 of the Criminal Procedure  
4 Article, the Central Repository shall forward to the applicant and the Department of  
5 State Police a printed statement of the applicant’s criminal history records  
6 information.

7 (f) The Secretary may waive the national criminal history records check  
8 required under subsection (d) of this section for an applicant who was issued a license  
9 under § 18–303(g) of this subtitle if the applicant pays to the Secretary a processing  
10 fee of \$100.

11 (g) If the renewal application was submitted as required in subsection (d) of  
12 this section and the national criminal history records check required under this  
13 section is not completed before the licensee’s license expires, the Secretary shall allow  
14 the licensee to operate in a temporary license status if the licensee otherwise meets  
15 the requirements of this section.

16 (h) A licensee may operate in a temporary license status at the time of  
17 renewal only if the renewal application and all required documents and fees were  
18 submitted by the expiration date of the license.

19 (i) The temporary license status shall expire at the earlier of:

20 (1) the completion of the national criminal history records check of the  
21 applicant; or

22 (2) the renewal or denial of the license.]

23 **(E) (1) THE BOARD SHALL SET CONTINUING EDUCATION**  
24 **REQUIREMENTS AS A CONDITION TO THE RENEWAL OF A LICENSE UNDER THIS**  
25 **SECTION.**

26 **(2) THE REQUIREMENTS UNDER THIS SECTION SHALL INCLUDE A**  
27 **MINIMUM OF 24 HOURS OF EDUCATION PER YEAR OF CLASSES APPROVED BY**  
28 **THE BOARD.**

29 [(j)] (F) The [Secretary] **BOARD** shall renew the license of each applicant  
30 who meets the requirements of this section.

31 **18–310.**

32 **(A) (1) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS**  
33 **IF THE LICENSEE:**

1                   **(I) SUBMITS TO THE BOARD AN APPLICATION FOR**  
2 **INACTIVE STATUS ON THE FORM THAT THE BOARD REQUIRES; AND**

3                   **(II) PAYS TO THE BOARD THE INACTIVE STATUS FEE SET BY**  
4 **THE BOARD.**

5                   **(2) THE BOARD SHALL ISSUE A LICENSE TO AN INDIVIDUAL WHO**  
6 **IS ON INACTIVE STATUS IF THE INDIVIDUAL COMPLIES WITH THE RENEWAL**  
7 **REQUIREMENTS THAT EXISTED WHEN THE INDIVIDUAL WAS PLACED ON**  
8 **INACTIVE STATUS.**

9                   **(B) THE BOARD SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL**  
10 **WHO HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE INDIVIDUAL:**

11                   **(1) APPLIES TO THE BOARD FOR REINSTATEMENT WITHIN 90**  
12 **DAYS AFTER THE EXPIRATION OF ANY LICENSE GRANTED;**

13                   **(2) MEETS THE RENEWAL REQUIREMENTS ESTABLISHED BY §**  
14 **18-309 OF THIS SUBTITLE;**

15                   **(3) PAYS THE REINSTATEMENT FEE SET BY THE BOARD; AND**

16                   **(4) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF**  
17 **COMPLIANCE WITH THE QUALIFICATIONS AND REQUIREMENTS ESTABLISHED**  
18 **UNDER THIS SUBTITLE FOR REINSTATEMENT OF A LICENSE.**

19 **[18-308.] 18-311.**

20                   (a) (1) [If the licensee is an individual, the licensee] **AN INDIVIDUAL**  
21 **LICENSED TO PROVIDE SECURITY SYSTEMS SERVICES** and each security systems  
22 technician employed by the [licensee] **LICENSE HOLDER AND A LOCKSMITH OR AN**  
23 **APPRENTICE LOCKSMITH** shall carry and display [the license] **THE PHOTO**  
24 **IDENTIFICATION CARD ISSUED BY THE BOARD UNDER § 18-306 OF THIS**  
25 **SUBTITLE** on demand of any customer or law enforcement officer.

26                   (2) If the [licensee] **LICENSE HOLDER OF A LICENSE TO PROVIDE**  
27 **SECURITY SYSTEMS SERVICES** is a firm, each firm member and security systems  
28 technician employed by the firm shall carry and display a [copy of the license] **PHOTO**  
29 **IDENTIFICATION CARD ISSUED BY THE BOARD UNDER § 18-306 OF THIS**  
30 **SUBTITLE** on demand of any customer or law enforcement officer.

1           **(3) EACH LOCKSMITH AND APPRENTICE LOCKSMITH SHALL HAVE**  
2 **THEIR LICENSES DISPLAYED AT THEIR NORMAL PLACE OF BUSINESS IN A**  
3 **MANNER EASILY READABLE BY THE GENERAL PUBLIC.**

4           (b) Each [licensee] **PERSON ISSUED A LICENSE TO PROVIDE SECURITY**  
5 **SYSTEMS SERVICES** shall record the license with the Secretary of State.

6           (c) Each licensee shall give the [Secretary] **BOARD** written notice of any  
7 change of address within 10 business days after the change.

8 **[18-309.] 18-312.**

9           Subject to the hearing provisions of [§ 18-310] § **18-313** of this subtitle, the  
10 [Secretary] **BOARD** may deny a license to any applicant, reprimand any licensee, fine  
11 a licensee, or suspend or revoke a license if the applicant or licensee, or a firm member  
12 or employee of an applicant or licensee that is a firm:

13           (1) fraudulently or deceptively obtains or attempts to obtain a license  
14 for the applicant or licensee or for another;

15           (2) fraudulently or deceptively uses a license;

16           (3) has a similar license denied, suspended, or revoked in another  
17 **STATE, TERRITORY, OR** jurisdiction;

18           (4) pleads guilty or nolo contendere to or is convicted of a felony, theft  
19 offense, or crime of moral turpitude;

20           (5) aids an individual in obtaining or attempting to obtain  
21 fraudulently or deceptively licensure under this title as a security systems technician  
22 **OR LOCKSMITH;**

23           (6) while not licensed, solicits to engage in or willfully engages in a  
24 business providing security systems services **OR PROVIDING LOCKSMITH SERVICES;**

25           (7) while not licensed, willfully advertises as a security systems  
26 technician **OR LOCKSMITH;**

27           (8) willfully makes a false statement or misrepresentation in any  
28 renewal application or in any other document that the [Secretary] **BOARD** requires to  
29 be submitted; [or]

30           **(9) IS GUILTY OF GROSS NEGLIGENCE, INCOMPETENCE, OR**  
31 **MISCONDUCT WHILE PROVIDING LOCKSMITH SERVICES;**

1           **(10) IS GUILTY OF AN UNFAIR OR DECEPTIVE TRADE PRACTICE, AS**  
2 **DEFINED IN § 13-301 OF THE COMMERCIAL LAW ARTICLE;**

3           **(11) FAILS TO MAINTAIN THE LIABILITY INSURANCE REQUIRED**  
4 **UNDER § 18-401 OR § 18-402 OF THIS TITLE; OR**

5           **[(9)] (12)** violates any other provision of this title or any regulation  
6 adopted by the [Secretary] **BOARD** under this title.

7 **[18-310.] 18-313.**

8           (a) Before the [Secretary] **BOARD** takes any final action under [§ 18-309] §  
9 **18-312** of this subtitle, the [Secretary] **BOARD** shall give the person against whom  
10 the action is contemplated an opportunity for a hearing before the [Secretary]  
11 **BOARD.**

12           (b) The [Secretary] **BOARD** shall give notice and hold the hearing in  
13 accordance with Title 10, Subtitle 2 of the State Government Article.

14           (c) The hearing notice to be given to the person shall be sent by certified mail  
15 to the last known address of the person at least 10 business days before the hearing.

16           (d) The [Secretary] **BOARD** may administer oaths in connection with any  
17 proceeding under this section.

18           (e) The person may be represented at the hearing by counsel.

19           (f) If, after due notice, the person against whom the action is contemplated  
20 fails or refuses to appear, nevertheless, the [Secretary] **BOARD** may hear and  
21 determine the matter.

22 **[18-311.] 18-314.**

23           Any person aggrieved by a final decision of the [Secretary] **BOARD** in a  
24 contested case, as defined in § 10-202 of the State Government Article, may take an  
25 appeal as allowed in Title 10, Subtitle 2 of the State Government Article.

26 **18-3A-01.**

27           Except as otherwise provided in this title:

28           (1) an individual may not personally provide security systems services  
29 unless the individual is registered as a security systems technician;

30           (2) a person licensed **TO PROVIDE SECURITY SYSTEMS SERVICES**  
31 under this title may not employ or contract with an individual with access to

1 circumventional information unless the individual is registered as required under this  
2 subtitle;

3 (3) neither a [licensee] **PERSON LICENSED TO PROVIDE SECURITY**  
4 **SYSTEMS SERVICES** nor a registrant may provide access to circumventional  
5 information to an individual who is not registered under this subtitle; and

6 (4) an employee of a person licensed **TO PROVIDE SECURITY**  
7 **SYSTEMS SERVICES** under this title may not obtain access to circumventional  
8 information unless the employee is registered as an individual with access to  
9 circumventional information.

10 18-3A-02.

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

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

14 (2) be of good moral character.

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

19 (c) The State Department of Education, in conjunction with the [Secretary]  
20 **BOARD**, may establish by regulation a cooperative education program under which a  
21 minor may learn the security systems trade with on-site supervision by a security  
22 systems [registrant] **REGISTRANT** under the auspices of cooperative education  
23 registration with the schools.

24 18-3A-03.

25 (a) An applicant for registration shall:

26 (1) submit to the [Secretary] **BOARD** an application on the form that  
27 the [Secretary] **BOARD** provides;

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

29 (3) pay to the [Secretary]:

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

32 (ii) the cost of any background checks] **SET BY THE BOARD.**



1 (b) The application form provided by the [Secretary] **BOARD** shall contain a  
2 statement advising the applicant that willfully making a false statement on an  
3 application is a misdemeanor, subject to a fine or imprisonment or both, as provided  
4 under § 18–504 of this title.

5 [(c) An applicant for registration shall submit with the application a set of  
6 legible fingerprints of the applicant on forms approved by the Criminal Justice  
7 Information System Central Repository and the Director of the Federal Bureau of  
8 Investigation.]

9 [(d)] (C) The [Secretary] **BOARD** may waive the requirements of this  
10 section and register an applicant who:

11 (1) provides adequate evidence that the applicant[:

12 (i)] is licensed in another state, **TERRITORY, OR**  
13 **JURISDICTION** to engage in the business of providing security systems services or  
14 registered in another state, **TERRITORY, OR JURISDICTION** as a security systems  
15 technician or other individual who has access to circumventational information[: and

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

17 1. after meeting qualifications that are at least] **THAT**  
18 **HAS REQUIREMENTS THAT ARE** equivalent to **OR EXCEED** those required in this  
19 State; and

20 [2. after submitting to a State and national criminal  
21 records check; and]

22 (2) pays to the [Secretary a processing fee that is the higher of \$15 or  
23 an amount the Secretary determines based on actual processing costs] **BOARD AN**  
24 **APPLICATION FEE SET BY THE BOARD.**

25 [(e) A minor in an apprenticeship program approved by the Department of  
26 Labor, Licensing, and Regulation or a cooperative education program established  
27 under § 18–3A–02 of this subtitle is not required to meet the criminal background  
28 check and fingerprint requirements of this section.]

29 [18–3A–04.

30 (a) Except for registration under § 18–3A–03(d) of this subtitle, the Secretary  
31 shall conduct a State and national criminal records check of an applicant before  
32 registering the applicant.

1 (b) An applicant shall pay to the Secretary the cost of any background checks  
2 before the applicant may be registered.]

3 [18-3A-05.] **18-3A-04.**

4 (a) The [Secretary] **BOARD** shall register each applicant who meets the  
5 requirements of this subtitle.

6 (b) The [Secretary] **BOARD** shall include on each registration that the  
7 [Secretary] **BOARD** issues:

8 (1) the full name of the registrant;

9 (2) the current address of the registrant;

10 (3) the date of issuance of the registration; and

11 (4) the date on which the registration expires.

12 (c) For all registrations other than temporary registrations, the [Secretary]  
13 **BOARD** shall issue to each registrant a pocket identification card that includes:

14 (1) a photograph of the registrant[, supplied by the registrant]; and

15 (2) the expiration date of the registrant's registration.

16 (d) Each registrant shall give the [Secretary] **BOARD** written notice of any  
17 change of address within 10 business days after the change.

18 [18-3A-06.] **18-3A-05.**

19 (a) While an individual is registered as a security systems technician and  
20 employed by or under contract with a security systems agency licensed under this  
21 title, the individual is authorized to personally provide security systems services.

22 (b) While an individual is registered as a security systems technician and  
23 employed by or under contract with a security systems agency licensed under this  
24 title, the individual is authorized to have access to circumventational information.

25 [18-3A-07.] **18-3A-06.**

26 (a) By regulation, the [Secretary] **BOARD** shall stagger the terms of the  
27 registrations under this subtitle.

28 (b) Unless a registration is renewed for a [3-year] **2-YEAR** term as provided  
29 in this section, the registration expires on the date the [Secretary] **BOARD** sets.

1 (c) At least 90 days before a registration expires, the applicant shall  
2 [deliver] **SEND** to the [Secretary] **BOARD**:

3 (1) a renewal application form;

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

5 (3) the amount of any late fee, as determined by the [Secretary]  
6 **BOARD**.

7 (d) An individual periodically may renew a registration for an additional  
8 [3-year] **2-YEAR** term if the individual:

9 (1) otherwise is entitled to be registered;

10 (2) pays to the [Secretary] **BOARD**:

11 (i) a renewal fee that is [the higher of \$15 or an amount which  
12 the Secretary determines based on the actual processing costs;] **SET BY THE BOARD**;  
13 **AND**

14 [(ii) the fee authorized under § 10-221(b)(7) of the Criminal  
15 Procedure Article for access to Maryland criminal history records;

16 (iii) the mandatory processing fee required by the Federal  
17 Bureau of Investigation for a national criminal history records check; and]

18 [(iv)] **(II)** any late fee required under this subtitle; and

19 (3) submits to the [Secretary] **BOARD**:

20 (i) a renewal application on the form the [Secretary provides];  
21 **BOARD PROVIDES; AND**

22 (ii) [two complete sets of the applicant's legible fingerprints  
23 taken on forms approved by the Director of the Central Repository and the Director of  
24 the Federal Bureau of Investigation; and

25 (iii)] satisfactory evidence of compliance with any other  
26 requirements under this section for renewal of registration.

27 (e) [In accordance with §§ 10-201 through 10-235 of the Criminal Procedure  
28 Article, the Central Repository shall forward to the applicant and the Department of  
29 State Police a printed statement of the applicant's criminal history records  
30 information.

1 (f) (1) Subject to paragraph (2) of this subsection, if a complete  
2 application for renewal of registration as required under this subtitle is not received  
3 by the [Secretary] **BOARD** at least 30 calendar days before the certification expires,  
4 the [Secretary] **BOARD** shall assess a late fee of \$5 per day until the application is  
5 received by the [Secretary] **BOARD**.

6 (2) The total amount of late fees assessed under this subsection may  
7 not exceed \$150.

8 (3) The [Secretary] **BOARD** may not register any applicant under this  
9 title if the applicant has outstanding late fee obligations.

10 [(g) The Secretary may waive the national criminal history records check  
11 required under subsection (d) of this section for an applicant who was registered under  
12 § 18-3A-03 of this subtitle if the applicant pays to the Secretary a processing fee of  
13 \$15.

14 (h) If the renewal application was submitted as required under this section  
15 and the national criminal history records check required under this section is not  
16 completed before a registration expires, the Secretary shall allow the applicant to  
17 operate in a temporary registration status if the applicant otherwise meets the  
18 requirements of this section.

19 (i) The temporary registration status shall expire at the earlier of:

20 (1) the completion of the national criminal history records check of the  
21 applicant; or

22 (2) the renewal or denial of the registration.]

23 [(j)] (F) (1) The [Secretary] **BOARD** shall renew the registration of each  
24 individual who meets the requirements of this section.

25 (2) Within 5 days after the [Secretary] **BOARD** refuses to renew the  
26 registration of an individual under this title, the [Secretary] **BOARD** shall send  
27 written notice of the refusal to the individual who submitted the renewal application.

28 [18-3A-08.] **18-3A-07.**

29 (a) [(1)] Subject to paragraph (2) of this subsection, the [Secretary] **BOARD**  
30 shall temporarily register any individual who[:

31 (i) does not have the training required under § 18-3A-02(b) of  
32 this subtitle but otherwise meets the requirements for registration under this title[; or

1 (ii) does not have the State and national criminal records check  
2 required under § 18-3A-04(a) of this subtitle.

3 (2) If the Secretary determines after a preliminary background  
4 investigation that the issuance of a temporary registration to an individual would  
5 result in a potential threat to public safety, the Secretary may refuse to temporarily  
6 register that individual].

7 (b) Temporary registration of a registrant under this section shall expire [at  
8 the earlier of:

9 (1) if the temporary registration was issued pursuant to subsection  
10 (a)(1) of this section, acquisition by] **WHEN** the registrant [of] **OBTAINS** the training  
11 required under § 18-3A-02(b) of this subtitle]; or

12 (2) if the temporary registration was issued pursuant to subsection  
13 (a)(2) of this section, completion of the State and national criminal records check  
14 required under § 18-3A-04(a) of this subtitle].

15 (c) An applicant obtaining temporary registration under this section:

16 (1) shall receive a form of identification as determined by the  
17 [Secretary] **BOARD**; and

18 (2) shall work under the supervision of an individual who has met the  
19 requirements of §§ 18-3A-02[, ] **AND** 18-3A-03[, and 18-3A-04] of this subtitle and is  
20 registered under [§ 18-3A-05] § **18-3A-04** of this subtitle.

21 [18-3A-09.] **18-3A-08.**

22 Subject to the hearing provisions of § 18-3A-10 of this subtitle, the [Secretary]  
23 **BOARD** may deny registration to any applicant, reprimand any registrant, fine any  
24 registrant, or suspend or revoke a registration if the applicant or registrant:

25 (1) fraudulently or deceptively obtains or attempts to obtain a  
26 registration for the applicant or registrant or for another;

27 (2) fraudulently or deceptively uses a registration;

28 (3) has a similar license or registration denied, suspended, or revoked  
29 in another jurisdiction;

30 (4) pleads guilty or nolo contendere to or is convicted of a felony, theft  
31 offense, or crime of moral turpitude;

32 (5) aids an individual in obtaining or attempting to obtain  
33 fraudulently or deceptively registration under this title;

1           (6) while not registered as a security systems technician and employed  
2 by or under contract with a security systems agency licensed under this title, solicits  
3 to engage in or willfully engages in personally providing security systems services;

4           (7) while not registered as a security systems technician and employed  
5 by or under contract with a security systems agency licensed under this title, willfully  
6 advertises as a security systems technician;

7           (8) willfully makes a false statement or misrepresentation in any  
8 renewal application or in any other document that the [Secretary] **BOARD** requires to  
9 be submitted; or

10           (9) violates any other provision of this title or any regulation adopted  
11 by the [Secretary] **BOARD** under this title.

12 [18-3A-09.1.] **18-3A-09.**

13           Before the [Secretary] **BOARD** denies the registration of an applicant under [§  
14 18-3A-09(4)] § **18-3A-08(4)** of this subtitle, the [Secretary] **BOARD** shall consider  
15 the following factors:

16           (1) the length of time that has passed since the applicant pleaded  
17 guilty or nolo contendere or was convicted of the felony, theft offense, or crime of moral  
18 turpitude;

19           (2) whether the applicant was a security systems technician prior to  
20 the requirement of registration under this subtitle; and

21           (3) any evidence that the applicant has been a good citizen since the  
22 applicant pleaded guilty or nolo contendere or was convicted of the felony, theft  
23 offense, or crime of moral turpitude.

24 18-3A-10.

25           (a) (1) Before the [Secretary] **BOARD** takes any final action under  
26 [§ 18-3A-09] § **18-3A-08** of this subtitle, the [Secretary] **BOARD** shall give the  
27 individual against whom the action is contemplated an opportunity for [either:

28                   (i)] a hearing before the [Secretary] **BOARD**]; or

29                   (ii) a hearing before an advisory panel consisting of the  
30 following members appointed by the Secretary:

31                           1. a member of the Department of State Police;

32                           2. a representative of the security systems industry;

1                   3.     one member who has engaged the services of a  
2 security systems agency; and

3                   4.     two members representing consumers.

4                   (2)    A hearing before an advisory panel under this section does not  
5 preclude a hearing before the Secretary].

6                   (b)    The [Secretary or the advisory panel] **BOARD** shall give notice and hold  
7 the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

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

11                  (d)    The [Secretary or the advisory panel] **BOARD** may administer oaths in  
12 connection with any proceeding under this section.

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

14                  (f)    If, after due notice, the individual against whom the action is  
15 contemplated fails or refuses to appear, the [Secretary or the advisory panel] **BOARD**  
16 may, nevertheless, hear and determine the matter.

17 18-3A-11.

18                  Any person aggrieved by a final decision of the [Secretary] **BOARD** in a  
19 contested case, as defined in § 10-202 of the State Government Article, may take an  
20 appeal as allowed in Title 10, Subtitle 2 of the State Government Article.

21 18-401.

22                  (a)    In order to obtain a license **TO PROVIDE SECURITY SYSTEMS**  
23 **SERVICES**, an applicant shall:

24                   (1)    (i)     execute a fidelity bond as provided in subsection (c) of this  
25 section; or

26                   (ii)    maintain general liability insurance as provided in  
27 subsection (d) of this section; and

28                   (2)    maintain in an office in the State, documents or other records that  
29 are made in the State or relate to a service performed in the State and make those  
30 records available for inspection by the Secretary for compliance with this title.

1 (b) The [Secretary] **BOARD** may not issue or renew a license or registration  
2 unless the applicant, licensee, or registrant submits proof of compliance with  
3 subsection (a) of this section.

4 (c) (1) The fidelity bond required by subsection (a)(1) of this section shall  
5 cover all individuals who:

6 (i) are licensed to provide security systems services, are  
7 registered as security systems technicians, or have access to circumventational  
8 information; or

9 (ii) are applicants for a license **TO PROVIDE SECURITY**  
10 **SYSTEMS SERVICES** or registration **AS A SECURITY SYSTEMS TECHNICIAN**.

11 (2) The fidelity bond shall be used for the benefit of any person injured  
12 on the premises of a consumer of security systems services by any fraudulent or  
13 dishonest act of a licensee, a security systems technician, or other individual who has  
14 access to circumventational information that is willful or malicious.

15 (3) The applicant for a license **TO PROVIDE SECURITY SYSTEMS**  
16 **SERVICES** or registration **AS A SECURITY SYSTEMS TECHNICIAN** shall submit a copy  
17 of the fidelity bond to the [Secretary] **BOARD** with the license or registration  
18 application.

19 (4) (i) The amount of the fidelity bond required under subsection  
20 (c)(1) of this section shall be at least \$50,000.

21 (ii) The total liability of the surety to all insured persons under  
22 the fidelity bond may not exceed the sum of the fidelity bond.

23 (5) (i) If an employer's fidelity bond is canceled, forfeited, or  
24 terminated by the surety, the surety shall immediately notify the [Secretary] **BOARD**.

25 (ii) If a surety fails to notify the [Secretary] **BOARD** as required  
26 by this paragraph, the fidelity bond shall continue in effect until the notice is given to  
27 the [Secretary] **BOARD**.

28 (d) (1) General liability insurance required by subsection (a)(1)(ii) of this  
29 section shall be in the amount of at least \$50,000.

30 (2) An applicant for a license **TO PROVIDE SECURITY SYSTEMS**  
31 **SERVICES** or registration **AS A SECURITY SYSTEMS TECHNICIAN** shall submit proof  
32 of insurance meeting the requirements of paragraph (1) of this subsection to the  
33 [Secretary] **BOARD** with the application.

34 (3) If the general liability insurance required under this section is  
35 canceled, the insured shall immediately notify the [Secretary] **BOARD**.



1 (e) If an agency fails to maintain the required fidelity bond or liability  
2 insurance as required in this section, upon notification, the [Secretary] **BOARD:**

3 (1) shall suspend the license; and

4 (2) may not reinstate the license until the agency submits proof of the  
5 required bond or insurance to the [Secretary] **BOARD.**

6 (f) In addition to § 18–504 of this title, a court of competent jurisdiction may  
7 enjoin the operation of any employer who violates the requirements of this section.

8 [18–402.

9 The Department of State Police shall adopt regulations necessary to effectuate  
10 and enforce this subtitle. The regulations shall include a schedule of fines for  
11 violations of this subtitle that may be assessed by the Secretary under §§ 18–309 and  
12 18–3A–09 of this title.]

13 **18–402.**

14 **A LOCKSMITH OR APPRENTICE LOCKSMITH SHALL BE COVERED BY**  
15 **LIABILITY INSURANCE IN THE AMOUNT OF \$300,000 PER INCIDENT, FOR THE**  
16 **PURPOSE OF PAYING CLAIMS OR JUDGMENTS FOR DAMAGES WHICH MAY OCCUR**  
17 **AS A RESULT OF NEGLIGENCE BY THE LOCKSMITH OR APPRENTICE LOCKSMITH**  
18 **IN THE COURSE OF PROVIDING LOCKSMITH SERVICES.**

19 **18–403.**

20 (A) **IN THIS SECTION, “PROPERTY” INCLUDES:**

21 (1) **RESIDENTIAL AND COMMERCIAL ESTABLISHMENTS;**

22 (2) **ANY VEHICLES REQUIRED TO BE REGISTERED UNDER TITLE**  
23 **13 OF THE TRANSPORTATION ARTICLE; AND**

24 (3) **ANY OTHER LOCKED ITEM INCLUDING A SAFE, SAFETY**  
25 **DEPOSIT BOX, OR FILE CABINET.**

26 (B) **ANY LICENSED LOCKSMITH OR LICENSED APPRENTICE LOCKSMITH**  
27 **WHO OPENS PROPERTY FOR A CLIENT BY ANY METHOD, WHETHER OR NOT FOR**  
28 **COMPENSATION, SHALL COMPLETE THE FORM DEVELOPED BY THE BOARD**  
29 **UNDER SUBSECTION (C) OF THIS SECTION.**

1           **(C) THE FORM DEVELOPED BY THE BOARD SHALL REQUIRE THE**  
2 **FOLLOWING:**

3           **(1) INFORMATION ABOUT THE CLIENT INCLUDING:**

4                   **(I) THE CLIENT'S NAME, ADDRESS, TELEPHONE NUMBER,**  
5 **AND DATE OF BIRTH;**

6                   **(II) AN IDENTIFICATION NUMBER OF THE CLIENT WHICH**  
7 **SHALL BE AN IDENTIFICATION NUMBER APPROVED BY THE BOARD FOR THIS**  
8 **PURPOSE; AND**

9                   **(III) THE CLIENT'S SIGNATURE;**

10           **(2) A DESCRIPTION OF THE PROPERTY, WHICH SHALL INCLUDE:**

11                   **(I) THE STREET ADDRESS IF THE PROPERTY IS A**  
12 **RESIDENTIAL OR COMMERCIAL ESTABLISHMENT;**

13                   **(II) THE VEHICLE REGISTRATION NUMBER; OR**

14                   **(III) A DESCRIPTION AND LOCATION OF THE PROPERTY;**

15           **(3) THE DATE THE SERVICE WAS PERFORMED; AND**

16                   **(4) THE NAME AND LICENSE NUMBER OF THE LOCKSMITH**  
17 **PERFORMING THE SERVICE.**

18           **(D) A COPY OF EACH FORM SHALL BE RETAINED BY THE LOCKSMITH**  
19 **FOR 1 YEAR AND SHALL BE OPEN TO INSPECTION BY THE BOARD WITHIN 3 DAYS**  
20 **OF A WRITTEN REQUEST.**

21 18-501.

22           **(A) A person may not engage, attempt to engage, offer to engage, or solicit to**  
23 **engage in a business of providing security systems services in the State unless**  
24 **licensed by the [Secretary] BOARD.**

25           **(B) (1) A PERSON MAY NOT ENGAGE, ATTEMPT TO ENGAGE, OFFER**  
26 **TO ENGAGE, OR SOLICIT TO ENGAGE IN PROVIDING LOCKSMITH SERVICES IN**  
27 **THE STATE UNLESS LICENSED BY THE BOARD.**

28                   **(2) AN ORGANIZATION MAY NOT PROVIDE OR OFFER TO PROVIDE**  
29 **LOCKSMITH SERVICES UNLESS SUCH SERVICES ARE, OR CAN BE, PROVIDED BY**

1 AN EMPLOYEE OR CONTRACTOR OF THE ORGANIZATION WHO IS LICENSED BY  
2 THE BOARD.

3 (C) A PERSON MAY NOT OBTAIN OWNERSHIP OR POSSESSION OF  
4 LOCKSMITH LOCKPICKING TOOLS, SAFE OPENING TOOLS, MANUALS, OR CODE  
5 BOOKS, UNLESS THE PERSON IS LICENSED BY THE BOARD.

6 18-502.

7 (A) Unless authorized under this title to engage in the business of providing  
8 security systems services, a person may not represent to the public, by use of the title  
9 “security systems agency” or “security systems technician”, by description of services,  
10 methods, or procedures, or otherwise, that the person is authorized to engage in the  
11 business of providing security systems services in the State.

12 (B) UNLESS AUTHORIZED UNDER THIS TITLE TO PROVIDE LOCKSMITH  
13 SERVICES, A PERSON MAY NOT REPRESENT TO THE PUBLIC, BY USE OF A TITLE,  
14 INCLUDING “LICENSED LOCKSMITH”, BY DESCRIPTION OF SERVICES, METHODS,  
15 OR PROCEDURES, OR OTHERWISE, THAT THE PERSON IS AUTHORIZED TO  
16 ENGAGE IN THE BUSINESS OF PROVIDING LOCKSMITH SERVICES IN THE STATE.

17 18-503.

18 A person may not willfully make a false statement on any application form or  
19 other document submitted to the [Secretary] BOARD under this title.

20 18-504.

21 (a) A person who violates any provision of this title is guilty of a  
22 misdemeanor and on conviction is subject to a fine not exceeding [\$1,000] **\$3,000** or  
23 imprisonment not exceeding [1 year] **3 YEARS** or both.

24 (b) The fines assessed under [ §§ 18-309 and 18-3A-09 ] §§ **18-312 AND**  
25 **18-3A-08** of this title may not exceed \$5,000 per violation and shall be paid to the  
26 [Secretary] BOARD within 10 days after final adjudication of any hearing or the  
27 waiver of any hearing.

28 18-601.

29 This title may be cited as the “Maryland Security Systems Technicians AND  
30 LOCKSMITHS Act”.

31 18-701.

1           Subject to the evaluation and reestablishment provisions of the Maryland  
2 Program Evaluation Act, this title and all regulations adopted under this title shall  
3 terminate and be of no further force and effect after July 1, 2016.

4           SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial  
5 members of the State Board of Security Systems Technicians and Locksmiths shall  
6 expire as follows:

7                   (1)   three consumer members in 2010;

8                   (2)   two security systems technician members and two locksmith  
9 members in 2011; and

10                  (3)   two security systems technician members and two locksmith  
11 members in 2012.

12           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2008.