

SENATE BILL 507

C2

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CF HB 370

By: **Senators Conway, Colburn, DeGrange, Klausmeier, and Stone**

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Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2009

CHAPTER _____

1 AN ACT concerning

2 **Maryland Locksmiths Act**

3 FOR the purpose of requiring a certain business to be licensed by the Secretary of
4 Labor, Licensing, and Regulation before the business may provide locksmith
5 services; providing for the purpose of this Act; providing that this Act does not
6 limit the rights of certain individuals to engage in locksmith services;
7 authorizing the Secretary to adopt certain regulations for the licensure and
8 regulation of locksmiths; requiring all money collected by the Secretary to be
9 paid into the General Fund of the State; establishing certain application
10 procedures for obtaining a locksmith license; providing that before an individual
11 may begin work for a licensed locksmith the licensee shall submit the
12 individual's name to the Secretary and the individual shall apply for a national
13 and State criminal history records check; requiring certain owners of businesses
14 that are applicants and licensees to apply to the Central Repository for a certain
15 criminal history records check; requiring certain applicants to submit
16 fingerprints and a certain fee to the Central Repository; requiring the Central
17 Repository to provide the Secretary with certain information; requiring certain
18 information to be confidential and used for certain purposes; requiring licensees
19 to maintain certain general liability insurance that meets certain requirements;
20 requiring a licensee to provide a certain notice of cancellation of a certain
21 general liability insurance policy within a certain time period; authorizing the
22 issuance and renewal of certain licenses by the Secretary; authorizing the
23 issuance of certain photo identification cards by certain licensed locksmiths;
24 providing for the expiration and renewal of certain licenses; establishing
25 requirements for the display, carrying, replacement, and change of name for
26 certain licenses; authorizing the Secretary to deny a license to an applicant,

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 refuse to renew a license, reprimand a licensee, suspend or revoke a license, or
 2 impose certain penalties under certain circumstances; establishing certain
 3 hearing and appeal procedures for locksmiths; establishing certain content,
 4 keeping, reporting, and transmittal requirements for certain invoices or receipts
 5 for service; requiring certain advertisements to include the name and license
 6 number of a licensed locksmith; prohibiting certain acts; providing for certain
 7 civil and criminal penalties; requiring certain persons performing locksmith
 8 services to be licensed on or before a certain date; requiring the Secretary to
 9 submit a certain report including certain information to certain committees of
 10 the General Assembly on or before a certain date; defining certain terms; and
 11 generally relating to the licensure and regulation of locksmiths.

12 BY adding to
 13 Article – Business Regulation
 14 Section 12.5–101 through 12.5–601 to be under the new title “Title 12.5.
 15 Locksmiths”
 16 Annotated Code of Maryland
 17 (2004 Replacement Volume and 2008 Supplement)

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

20 **Article – Business Regulation**

21 **TITLE 12.5. LOCKSMITHS.**

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

23 **12.5–101.**

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

26 (B) “BUSINESS” MEANS A COMMERCIAL ENTITY THAT PROVIDES
 27 LOCKSMITH SERVICES.

28 (C) “EMPLOYEE” MEANS AN INDIVIDUAL EMPLOYED BY A LICENSED
 29 LOCKSMITH TO PROVIDE LOCKSMITH SERVICES ON BEHALF OF THE LICENSED
 30 LOCKSMITH.

31 ~~(D)~~ (D) “FIXED BUSINESS ADDRESS” MEANS A SINGLE PHYSICAL
 32 LOCATION IN THE STATE WHERE A LICENSEE REGULARLY CONDUCTS BUSINESS
 33 AND AT WHICH THE LICENSEE OR AN EMPLOYEE OF THE LICENSEE IS
 34 PHYSICALLY PRESENT:

35 (1) DURING NORMAL BUSINESS HOURS; OR

1 (2) OTHER HOURS AS PROVIDED IN THE APPLICATION FOR THE
2 LICENSE.

3 ~~(D)~~ (E) “LICENSE” MEANS A LICENSE ISSUED BY THE SECRETARY TO
4 PROVIDE LOCKSMITH SERVICES.

5 ~~(E)~~ (F) “LICENSED LOCKSMITH” MEANS, UNLESS THE CONTEXT
6 REQUIRES OTHERWISE, A BUSINESS THAT IS LICENSED BY THE SECRETARY TO
7 PROVIDE LOCKSMITH SERVICES.

8 ~~(F)~~ (G) “LOCAL LAW ENFORCEMENT UNIT” MEANS THE DEPARTMENT
9 OF STATE POLICE, A POLICE DEPARTMENT, OR SHERIFF, AS DESIGNATED BY
10 THE COUNTY OR MUNICIPAL GOVERNING BODY.

11 ~~(G)~~ (H) “PROVIDE LOCKSMITH SERVICES” MEANS TO ENGAGE
12 PROFESSIONALLY AND FOR COMPENSATION IN:

13 (1) REPAIRING, REBUILDING, REKEYING, REPINNING,
14 RECOMBINATING, ADJUSTING, OR INSTALLING MECHANICAL, ELECTRICAL, OR
15 ELECTROMECHANICAL LOCKING DEVICES, SAFES, VAULTS, OR SAFE DEPOSIT
16 BOXES; OR

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

21 **12.5-102.**

22 THE PURPOSE OF THIS TITLE IS TO SAFEGUARD THE LIFE, HEALTH, AND
23 PROPERTY OF THE RESIDENTS OF MARYLAND TO PROMOTE THEIR WELFARE BY
24 REGULATING PERSONS THAT PROVIDE LOCKSMITH SERVICES.

25 **12.5-103.**

26 THE PROVISIONS OF THIS TITLE MAY NOT BE CONSTRUED TO PROHIBIT
27 THE FOLLOWING:

28 (1) BONA FIDE SALES DEMONSTRATIONS TO LOCKSMITHS OR
29 LOCKSMITH SUPPLIERS BY SALES REPRESENTATIVES WHO ARE NOT LICENSED;

30 (2) EMERGENCY OPENING SERVICES BY MEMBERS OF POLICE
31 DEPARTMENTS, FIRE DEPARTMENTS, OR OTHER GOVERNMENT AGENCIES IN

1 THEIR OFFICIAL LINE OF DUTY IN ORDER TO PROTECT AGAINST LOSS OF LIFE
2 OR PROPERTY;

3 (3) THE ACQUISITION, MAKING, OR USE OF ANY KEY DUPLICATION
4 OR KEY BLANKS;

5 (4) THE REPLACING OF A REMOVABLE OR INTERCHANGEABLE
6 CORE OR RECOMBINATING A CYLINDER IN A LOCK THAT WAS SPECIFICALLY
7 DESIGNED BY THE MANUFACTURER TO BE CHANGED BY THE END USER BY USE
8 OF A KEY;

9 (5) THE INSTALLATION, REPAIR, REPLACEMENT, OR REBUILDING
10 OF A LOCK BY THE MANUFACTURER OF THE LOCK;

11 (6) THE INSTALLATION, REPAIR, REPLACEMENT, OR REBUILDING
12 OF AN AUTOMOTIVE LOCK BY AN AUTOMOTIVE REPAIR AND SERVICE FACILITY,
13 THE LOCK MANUFACTURER, OR THE MANUFACTURER'S AGENT;

14 (7) THE INSTALLATION OF LOCKS BY BUILDING TRADES
15 PERSONNEL ON PROJECTS THAT REQUIRE A BUILDING PERMIT; ~~AND~~

16 (8) THE INSTALLATION OR REPLACEMENT OF LOCKS BY A
17 RETAILER OR THE RETAILER'S AGENT ~~ON THE PREMISES OF THE RETAILER;~~

18 (I) ON THE PREMISES OF THE RETAILER; OR

19 (II) OFF THE PREMISES OF THE RETAILER IF THE
20 INSTALLATION OR REPLACEMENT OF LOCKS IS INCIDENTAL TO THE RETAILER'S
21 NORMAL COURSE OF BUSINESS;

22 (9) THE INSTALLATION OR REPLACEMENT OF LOCKS BY A
23 SECURITY SYSTEMS TECHNICIAN WHO IS LICENSED UNDER TITLE 18 OF THE
24 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; AND

25 (10) THE INSTALLATION, REPAIR, REPLACEMENT, REKEYING, OR
26 ADJUSTING OF LOCKS OR LOCK COMPONENTS FOR PROPERTY BY AN EMPLOYEE
27 OR AGENT OF THE PROPERTY OWNER OR A MANAGEMENT COMPANY.

28 **12.5-104.**

29 **THE SECRETARY MAY ADOPT AND ENFORCE REGULATIONS TO CARRY OUT**
30 **THIS TITLE.**

31 **12.5-105.**

1 **THE SECRETARY SHALL PAY ALL MONEY COLLECTED UNDER THIS TITLE**
2 **INTO THE GENERAL FUND OF THE STATE.**

3 **SUBTITLE 2. LICENSING.**

4 **12.5-201.**

5 **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A BUSINESS SHALL BE**
6 **LICENSED BY THE SECRETARY BEFORE THE BUSINESS AND EMPLOYEES OF THE**
7 **BUSINESS PROVIDE LOCKSMITH SERVICES IN THE STATE.**

8 **12.5-202.**

9 **(A) THE OWNER OF A BUSINESS OR THE OWNER'S DESIGNEE SHALL**
10 **APPLY ON BEHALF OF THE BUSINESS FOR A LICENSE UNDER THIS SUBTITLE.**

11 **(B) (1) AN APPLICANT FOR A LICENSE SHALL:**

12 **(I) SUBMIT TO THE SECRETARY AN APPLICATION ON THE**
13 **FORM THAT THE SECRETARY PROVIDES;**

14 **(II) SUBMIT A PASSPORT-SIZE PHOTOGRAPH, TAKEN**
15 **WITHIN 6 MONTHS IMMEDIATELY PRECEDING THE DATE OF THE FILING OF THE**
16 **APPLICATION, OF EACH OF THE FOLLOWING INDIVIDUALS:**

17 **1. THE OWNER OF THE BUSINESS; AND**

18 **2. EACH EMPLOYEE OF THE APPLICANT;**

19 **(III) PROVIDE ANY OTHER DOCUMENTS OR INFORMATION**
20 **REQUIRED BY THIS SECTION OR REQUIRED BY THE SECRETARY; AND**

21 **(IV) PAY TO THE SECRETARY AN APPLICATION FEE SET BY**
22 **THE SECRETARY.**

23 **(2) THE APPLICATION OWNER OR DESIGNEE FEE IS**
24 **NONREFUNDABLE.**

25 **(C) THE APPLICANT SHALL SIGN THE APPLICATION UNDER OATH.**

26 **(D) IN ADDITION TO ANY OTHER INFORMATION THAT THE SECRETARY**
27 **REQUIRES, THE APPLICATION SHALL STATE:**

28 **(1) THE NAME, BIRTH DATE, AND RESIDENCE ADDRESS OF THE**
29 **FOLLOWING INDIVIDUALS:**

- 1 (I) THE APPLICANT OWNER OR DESIGNEE; AND
- 2 (II) EACH EMPLOYEE OF THE APPLICANT;
- 3 (2) THE FIXED BUSINESS ADDRESS OF THE APPLICANT;
- 4 (3) A TELEPHONE NUMBER AT WHICH THE APPLICANT CAN BE
5 REACHED DURING NORMAL BUSINESS HOURS, AND, IF APPLICABLE, AN
6 ELECTRONIC MAIL ADDRESS;
- 7 (4) EACH ADDRESS WHERE THE APPLICANT HAS CONDUCTED ANY
8 BUSINESS DURING THE 36 MONTHS BEFORE APPLICATION;
- 9 (5) THE DRIVER'S LICENSE NUMBER OF THE APPLICANT OWNER
10 OR DESIGNEE AND EACH EMPLOYEE OF THE APPLICANT; AND
- 11 (6) THE NAME OF THE INSURER AND POLICY NUMBER OF THE
12 GENERAL LIABILITY INSURANCE COVERAGE REQUIRED UNDER § ~~12.5-204~~
13 12.5-205 OF THIS SUBTITLE.

14 (E) THE APPLICATION FORM PROVIDED BY THE SECRETARY SHALL
15 CONTAIN A STATEMENT ADVISING THE APPLICANT THAT WILLFULLY MAKING A
16 FALSE STATEMENT ON AN APPLICATION IS A MISDEMEANOR, SUBJECT TO A FINE
17 OR IMPRISONMENT OR BOTH, AS PROVIDED UNDER § 12.5-504 OF THIS TITLE.

18 12.5-203.

19 BEFORE AN INDIVIDUAL MAY BEGIN WORK FOR A LICENSEE AS AN
20 EMPLOYEE:

21 (1) THE LICENSEE SHALL SUBMIT TO THE SECRETARY, ON THE
22 FORM THAT THE SECRETARY PROVIDES, THE NAME OF THE INDIVIDUAL; AND

23 (2) THE INDIVIDUAL SHALL APPLY FOR A NATIONAL AND STATE
24 CRIMINAL HISTORY RECORDS CHECK REQUIRED UNDER § 12.5-204(B) OF THIS
25 SUBTITLE.

26 ~~12.5-203.~~ 12.5-204.

27 (A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL
28 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT
29 OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

1 **(B) (1) THE OWNER OF A BUSINESS THAT IS AN APPLICANT FOR A**
2 **LICENSE UNDER § 12.5-202 OF THIS SUBTITLE AND AN INDIVIDUAL WHOSE**
3 **NAME IS REQUIRED TO BE SUBMITTED TO THE SECRETARY UNDER § 12.5-203**
4 **OF THIS SUBTITLE SHALL APPLY TO THE CENTRAL REPOSITORY FOR A**
5 **NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK ON A FORM**
6 **APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY.**

7 **(2) AS A PART OF AN APPLICATION TO THE CENTRAL**
8 **REPOSITORY FOR A NATIONAL AND STATE CRIMINAL HISTORY RECORDS**
9 **CHECK, THE OWNER OF A BUSINESS THAT IS AN APPLICANT AND AN INDIVIDUAL**
10 **WHOSE NAME IS REQUIRED TO BE SUBMITTED TO THE SECRETARY UNDER §**
11 **12.5-203 OF THIS SUBTITLE SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

12 **(I) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS**
13 **TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY**
14 **AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;**

15 **(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE**
16 **CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO THE STATE CRIMINAL**
17 **HISTORY RECORDS; AND**

18 **(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE**
19 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**
20 **RECORDS CHECK.**

21 **(C) A LICENSEE OR APPLICANT MAY PAY FOR THE COSTS BORNE BY THE**
22 **EMPLOYEE OR OTHER INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS**
23 **CHECK UNDER SUBSECTION (B) OF THIS SECTION.**

24 ~~(D)~~ **(D) THE CENTRAL REPOSITORY SHALL PROVIDE TO THE**
25 **SECRETARY:**

26 **(1) THE NATIONAL AND STATE CRIMINAL HISTORY RECORDS OF**
27 **EACH INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK UNDER**
28 **SUBSECTION (B) OF THIS SECTION AND ISSUE A PRINTED STATEMENT LISTING**
29 **ANY CONVICTIONS AND PLEAS OF GUILTY OR NOLO CONTENDERE TO ANY**
30 **CRIMINAL CHARGE;**

31 **(2) AN UPDATE OF THE INITIAL CRIMINAL HISTORY RECORDS**
32 **CHECK FOR AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK**
33 **AND ISSUE A REVISED PRINTED STATEMENT LISTING ANY CONVICTIONS AND**
34 **PLEAS OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL CHARGE**
35 **OCCURRING IN THE STATE AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY**
36 **RECORDS CHECK; AND**

1 (3) AN ACKNOWLEDGED RECEIPT OF THE APPLICATION FOR A
2 CRIMINAL HISTORY RECORDS CHECK BY AN INDIVIDUAL REQUIRING A
3 CRIMINAL HISTORY RECORDS CHECK.

4 ~~(D)~~ (E) (1) INFORMATION OBTAINED BY THE SECRETARY FROM
5 THE CENTRAL REPOSITORY UNDER THIS SECTION:

6 ~~(1)~~ (I) IS CONFIDENTIAL;

7 ~~(2)~~ (II) MAY NOT BE REDISSEMINATED; AND

8 ~~(3)~~ (III) MAY BE USED ONLY FOR THE LICENSE PURPOSE
9 AUTHORIZED BY THIS TITLE.

10 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PRECLUDE
11 THE SECRETARY FROM NOTIFYING A LICENSEE OR AN APPLICANT OF THE
12 APPROVAL OR DISQUALIFICATION OF THE EMPLOYEE FOR EMPLOYMENT BASED
13 ON INFORMATION OBTAINED BY THE SECRETARY UNDER THIS SECTION.

14 ~~(E)~~ (F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK
15 UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED
16 STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223
17 OF THE CRIMINAL PROCEDURE ARTICLE.

18 (G) THE SECRETARY SHALL VERIFY PERIODICALLY THE CONTINUED
19 EMPLOYMENT OR LICENSURE OF INDIVIDUALS REQUIRING CRIMINAL HISTORY
20 RECORDS CHECKS IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE
21 SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

22 ~~12.5-204.~~ 12.5-205.

23 (A) EACH LICENSED LOCKSMITH SHALL MAINTAIN GENERAL LIABILITY
24 INSURANCE:

25 (1) IN THE AMOUNT OF AT LEAST \$300,000;

26 (2) WITH COVERAGE APPROPRIATE FOR THE INDIVIDUAL'S
27 CIRCUMSTANCES; AND

28 (3) IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE
29 SECRETARY UNDER THIS SECTION.

30 (B) A LICENSEE SHALL GIVE THE SECRETARY NOTICE OF THE
31 CANCELLATION OF INSURANCE AT LEAST 10 DAYS BEFORE THE EFFECTIVE
32 DATE OF THE CANCELLATION.

1 ~~12.5-205.~~ 12.5-206.

2 (A) THE SECRETARY SHALL ISSUE A LICENSE TO EACH APPLICANT
3 THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE AND ON RECEIPT OF:

4 (1) A COMPLETE NATIONAL AND STATE CRIMINAL HISTORY
5 RECORD REPORT FROM THE CENTRAL REPOSITORY IN ACCORDANCE WITH §
6 ~~12.5-203~~ 12.5-204 OF THIS SUBTITLE; AND

7 (2) DOCUMENTATION OF CURRENT GENERAL LIABILITY
8 INSURANCE IN THE AMOUNT REQUIRED UNDER § ~~12.5-204~~ 12.5-205 OF THIS
9 SUBTITLE.

10 (B) THE SECRETARY SHALL DETERMINE THE SIZE, FORM, AND
11 CONTENT OF ANY LICENSE CERTIFICATE THAT THE SECRETARY ISSUES.

12 (C) THE SECRETARY:

13 (1) MAY ISSUE A LICENSE ONLY FOR A FIXED BUSINESS ADDRESS;
14 BUT

15 (2) MAY NOT ISSUE A LICENSE FOR AN ADDRESS THAT IS:

16 (I) A HOTEL OR MOTEL ROOM;

17 (II) A MOTOR VEHICLE;

18 (III) A POST OFFICE BOX; OR

19 (IV) A LOCATION THAT DOES NOT MEET THE
20 QUALIFICATIONS OF A FIXED BUSINESS ADDRESS AS DEFINED IN § 12.5-101(D)
21 OF THIS TITLE.

22 (D) THE SECRETARY MAY NOT ISSUE A LICENSE TO AN INDIVIDUAL WHO
23 IS 18 YEARS OLD OR YOUNGER.

24 (E) A LICENSE ISSUED UNDER THIS TITLE IS NOT TRANSFERABLE.

25 ~~12.5-206.~~ 12.5-207.

26 (A) EACH LICENSED LOCKSMITH SHALL ISSUE A PHOTO
27 IDENTIFICATION CARD TO EACH INDIVIDUAL PROVIDING LOCKSMITH SERVICES
28 ON BEHALF OF THE LICENSED LOCKSMITH, INCLUDING EACH INDIVIDUAL

1 IDENTIFIED AS AN EMPLOYEE OF THE LICENSED LOCKSMITH UNDER § 12.5-202
2 OF THIS SUBTITLE.

3 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
4 LICENSED LOCKSMITH SHALL DETERMINE THE SIZE, FORM, AND CONTENT OF A
5 PHOTO IDENTIFICATION CARD THAT THE LICENSED LOCKSMITH ISSUES.

6 (2) THE PHOTO IDENTIFICATION CARD ISSUED BY A LICENSED
7 LOCKSMITH UNDER THIS SECTION SHALL:

8 (I) BE COMPOSED OF DURABLE MATERIAL;

9 (II) INCLUDE A CURRENT PASSPORT-SIZE PHOTOGRAPH OF
10 THE INDIVIDUAL TO WHOM THE PHOTO IDENTIFICATION CARD IS ISSUED; AND

11 (III) INCLUDE THE LICENSE NUMBER AND LICENSE
12 EXPIRATION DATE OF THE LICENSED LOCKSMITH'S LICENSE.

13 ~~12.5-207.~~ 12.5-208.

14 WHILE A LICENSE IS IN EFFECT, THE LICENSE AUTHORIZES THE
15 LICENSEE AND THE EMPLOYEES OF THE LICENSEE TO PROVIDE LOCKSMITH
16 SERVICES IN THE STATE.

17 ~~12.5-208.~~ 12.5-209.

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

19 (B) UNLESS A LICENSEE MEETS THE INSURANCE REQUIREMENTS OF §
20 ~~12.5-204~~ 12.5-205 OF THIS SUBTITLE, THE SECRETARY MAY NOT RENEW THE
21 LICENSE OF THE LICENSEE.

22 (C) (1) UNLESS A LICENSE IS RENEWED FOR A 2-YEAR TERM AS
23 PROVIDED IN THIS SECTION, THE LICENSE EXPIRES ON THE SECOND
24 ANNIVERSARY OF THE EFFECTIVE DATE OF THE LICENSE.

25 (2) A LICENSEE THAT MEETS THE REQUIREMENTS OF THIS
26 SECTION MAY OBTAIN A RENEWAL OF A LICENSE BEFORE THE LICENSE EXPIRES
27 FOR AN ADDITIONAL 2-YEAR TERM.

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

29 (D) AT LEAST 60 DAYS BEFORE A LICENSE EXPIRES, THE SECRETARY
30 SHALL MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE
31 LICENSEE:

- 1 **(1) A RENEWAL APPLICATION FORM;**
- 2 **(2) A FORM THAT ALLOWS A LICENSEE TO UPDATE THE**
3 **INFORMATION SUBMITTED IN THE ORIGINAL APPLICATION OR STATE THAT THE**
4 **INFORMATION IS CURRENT AND ACCURATE;**
- 5 **(3) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A**
6 **FORM THAT REQUIRES THE LICENSEE TO AGREE TO CONTINUE TO COMPLY**
7 **WITH EACH REQUIREMENT APPLICABLE TO THE ORIGINAL APPLICATION; AND**
- 8 **(4) A NOTICE THAT STATES:**
- 9 **(I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;**
- 10 **(II) THE DATE BY WHICH THE SECRETARY MUST RECEIVE**
11 **THE RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED**
12 **BEFORE THE LICENSE EXPIRES; AND**
- 13 **(III) THE AMOUNT OF THE RENEWAL FEE.**
- 14 **(E) THE SECRETARY MAY REQUIRE A LICENSEE TO SUBMIT A NATIONAL**
15 **AND STATE CRIMINAL HISTORY RECORDS CHECK WITH THE RENEWAL**
16 **APPLICATION.**
- 17 **(F) THE SECRETARY SHALL RENEW THE LICENSE OF EACH LICENSEE**
18 **WHO MEETS THE REQUIREMENTS OF THIS SECTION.**
- 19 **(G) (1) A LICENSEE MAY CHANGE THE FIXED BUSINESS ADDRESS FOR**
20 **WHICH A LICENSE IS ISSUED ONLY IF THE LICENSEE:**
- 21 **(I) SUBMITS TO THE SECRETARY AN APPLICATION TO**
22 **TRANSFER THE LICENSE TO A NEW BUSINESS LOCATION ON A FORM THAT THE**
23 **SECRETARY PROVIDES; AND**
- 24 **(II) RECEIVES THE WRITTEN APPROVAL OF THE**
25 **SECRETARY.**
- 26 **(2) WITHIN 45 DAYS AFTER THE APPLICATION IS FILED WITH THE**
27 **SECRETARY, THE SECRETARY SHALL APPROVE OR DISAPPROVE THE**
28 **APPLICATION AND NOTIFY THE LICENSEE OF THE APPROVAL OR DISAPPROVAL,**
29 **IN WRITING.**
- 30 **(3) IF THE SECRETARY APPROVES A PROPOSED CHANGE OF**
31 **FIXED BUSINESS ADDRESS, THE LICENSEE SHALL:**

1 (I) SUBMIT TO THE SECRETARY A CURRENT LIST OF NAMES
2 OF EACH EMPLOYEE TO BE EMPLOYED AT THE NEW LOCATION; AND

3 (II) ATTACH THE WRITTEN APPROVAL OF THE SECRETARY
4 TO THE LICENSE UNTIL AN AMENDED LICENSE IS RECEIVED BY THE LICENSEE.

5 (H) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER
6 THIS SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

7 ~~12.5-209.~~ 12.5-210.

8 (A) EACH LICENSEE SHALL DISPLAY THE LICENSE CONSPICUOUSLY IN
9 THE PLACE OF BUSINESS OF THE LICENSEE.

10 (B) A LICENSEE AND AN EMPLOYEE OF A LICENSEE SHALL:

11 (1) CARRY A VALID PHOTO IDENTIFICATION CARD ISSUED BY A
12 LICENSED LOCKSMITH UNDER § ~~12.5-206~~ 12.5-207 OF THIS SUBTITLE AT ALL
13 TIMES THE LICENSEE OR EMPLOYEE OF A LICENSEE IS ENGAGED IN PROVIDING
14 LOCKSMITH SERVICES; AND

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

17 (C) IF A PHOTO IDENTIFICATION CARD IS LOST OR DESTROYED, THE
18 LICENSEE IMMEDIATELY SHALL NOTIFY THE LICENSED LOCKSMITH THAT
19 ISSUED THE PHOTO IDENTIFICATION CARD.

20 (D) (1) TO CHANGE THE NAME OF A LICENSEE ON A LICENSE, A
21 LICENSEE SHALL SUBMIT TO THE SECRETARY:

22 (I) AN APPLICATION ON THE FORM PROVIDED BY THE
23 SECRETARY;

24 (II) THE LICENSE OF THE LICENSEE;

25 (III) ANY DOCUMENTATION ABOUT THE NAME CHANGE THAT
26 THE SECRETARY REQUIRES; AND

27 (IV) THE FEE SET BY THE SECRETARY.

28 (2) ON RECEIPT OF THE APPLICATION, FEE, AND ANY REQUIRED
29 DOCUMENTATION, THE SECRETARY SHALL ISSUE A NEW LICENSE BEARING THE
30 NEW NAME OF THE LICENSEE.

1 ~~12.5-210.~~ 12.5-211.

2 (A) (1) SUBJECT TO THE HEARING PROVISIONS OF § ~~12.5-211~~
3 12.5-212 OF THIS SUBTITLE, THE SECRETARY MAY DENY A LICENSE TO AN
4 APPLICANT, REPRIMAND A LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF
5 THE APPLICANT OR LICENSEE OR AN AGENT, EMPLOYEE, MANAGER, OR
6 PARTNER OF THE APPLICANT OR LICENSEE:

7 (I) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR
8 ATTEMPTS TO OBTAIN A LICENSE OR PHOTO IDENTIFICATION CARD FOR THE
9 APPLICANT OR LICENSEE OR FOR ANOTHER PERSON;

10 (II) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE OR
11 PHOTO IDENTIFICATION CARD;

12 (III) PRESENTS OR ATTEMPTS TO PRESENT THE LICENSE OR
13 PHOTO IDENTIFICATION CARD OF ANOTHER LICENSEE OR EMPLOYEE OF A
14 LICENSEE AS THE APPLICANT'S OR LICENSEE'S LICENSE OR PHOTO
15 IDENTIFICATION CARD;

16 (IV) ~~USE~~ USES OR ATTEMPTS TO USE AN EXPIRED,
17 SUSPENDED, OR REVOKED LICENSE OR FALSE PHOTO IDENTIFICATION CARD;

18 (V) HAS A SIMILAR LICENSE OR CERTIFICATE DENIED,
19 SUSPENDED, OR REVOKED IN ANOTHER JURISDICTION;

20 (VI) UNDER THE LAWS OF THE UNITED STATES OR OF ANY
21 STATE, IS CONVICTED OF A:

22 1. FELONY; OR

23 2. MISDEMEANOR THAT IS DIRECTLY RELATED TO
24 THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO BE
25 INVOLVED IN PROVIDING LOCKSMITH SERVICES;

26 (VII) KNOWINGLY EMPLOYS OR KNOWINGLY CONTINUES TO
27 EMPLOY AN INDIVIDUAL WHO, UNDER THE LAWS OF THE UNITED STATES OR OF
28 ANY STATE, IS CONVICTED OF:

29 1. A FELONY THAT IS DIRECTLY RELATED TO THE
30 FITNESS AND QUALIFICATION OF THE EMPLOYEE TO BE INVOLVED IN
31 PROVIDING LOCKSMITH SERVICES; OR

1 **2. A MISDEMEANOR THAT IS DIRECTLY RELATED TO**
2 **THE FITNESS AND QUALIFICATION OF THE EMPLOYEE TO BE INVOLVED IN**
3 **PROVIDING LOCKSMITH SERVICES;**

4 **(VIII) FAILS TO MAINTAIN THE LIABILITY INSURANCE**
5 **REQUIRED UNDER § ~~12.5-204~~ 12.5-205 OF THIS SUBTITLE;**

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

9 **(X) KNOWINGLY USES OR PERMITS THE USE OF ANY OF THE**
10 **LICENSEE'S OR AN EMPLOYEE OF A LICENSEE'S SKILLS, TOOLS, OR FACILITIES**
11 **FOR THE COMMISSION OF ANY CRIME;**

12 **(XI) WILLFULLY FAILS TO PROVIDE OR WILLFULLY**
13 **MISREPRESENTS ANY INFORMATION REQUIRED TO BE PROVIDED UNDER THIS**
14 **TITLE;**

15 **(XII) VIOLATES THIS TITLE; OR**

16 **(XIII) VIOLATES A REGULATION ADOPTED UNDER THIS TITLE.**

17 **(2) (I) INSTEAD OF OR IN ADDITION TO REPRIMANDING A**
18 **LICENSEE OR SUSPENDING OR REVOKING A LICENSE UNDER THIS SUBSECTION,**
19 **THE SECRETARY MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 FOR EACH**
20 **VIOLATION.**

21 **(II) TO DETERMINE THE AMOUNT OF THE PENALTY**
22 **IMPOSED UNDER THIS SUBSECTION, THE SECRETARY SHALL CONSIDER:**

23 **1. THE SERIOUSNESS OF THE VIOLATION;**

24 **2. THE HARM CAUSED BY THE VIOLATION;**

25 **3. THE GOOD FAITH OF THE LICENSEE; AND**

26 **4. ANY HISTORY OF PREVIOUS VIOLATIONS BY THE**
27 **LICENSEE.**

28 **(3) THE SECRETARY SHALL PAY ANY PENALTY COLLECTED**
29 **UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.**

30 **(B) THE SECRETARY SHALL CONSIDER THE FOLLOWING FACTS IN THE**
31 **GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR**

1 THE REPRIMAND OF AN APPLICANT OR LICENSEE WHEN AN APPLICANT OR
2 LICENSEE IS CONVICTED OF A FELONY OR MISDEMEANOR DESCRIBED IN
3 SUBSECTION (A)(1)(VI) OF THIS SECTION:

4 (1) THE NATURE OF THE CRIME;

5 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES
6 AUTHORIZED BY THE LICENSE;

7 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE
8 CONVICTION TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
9 LICENSEE TO ACT AS A LOCKSMITH;

10 (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

11 (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
12 LICENSEE BEFORE AND AFTER THE CONVICTION.

13 ~~12.5-211~~, 12.5-212.

14 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
15 GOVERNMENT ARTICLE, BEFORE THE SECRETARY TAKES ANY FINAL ACTION
16 UNDER § ~~12.5-210~~ 12.5-211 OF THIS SUBTITLE, THE SECRETARY SHALL GIVE
17 THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY
18 FOR A HEARING BEFORE THE SECRETARY.

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

22 (C) THE SECRETARY MAY ADMINISTER OATHS IN A PROCEEDING
23 UNDER THIS SECTION.

24 (D) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS
25 CONTEMPLATED DOES NOT APPEAR, NEVERTHELESS THE SECRETARY MAY
26 HEAR AND DETERMINE THE MATTER.

27 ~~12.5-212~~, 12.5-213.

28 ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE SECRETARY IN A
29 CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT
30 ARTICLE, MAY TAKE AN APPEAL AS ALLOWED IN TITLE 10, SUBTITLE 2 OF THE
31 STATE GOVERNMENT ARTICLE.

32 ~~12.5-213~~, 12.5-214.

1 **(B) ON A REQUEST FOR AN INVOICE OR A RECEIPT FOR SERVICES**
2 **UNDER SUBSECTION (A) OF THIS SECTION, THE LICENSED LOCKSMITH SHALL**
3 **SUBMIT THE ITEM BY ONE OF THE FOLLOWING METHODS:**

4 **(1) BY DELIVERING OR MAILING A COPY OF THE INVOICE OR**
5 **RECEIPT FOR SERVICES WITHIN 5 BUSINESS DAYS AFTER RECEIVING THE**
6 **REQUEST; OR**

7 **(2) BY TRANSMITTING A COPY OF THE INVOICE OR RECEIPT FOR**
8 **SERVICES ELECTRONICALLY, IN A FORMAT ACCEPTABLE TO THE RECEIVING**
9 **LOCAL LAW ENFORCEMENT UNIT OR THE DEPARTMENT, WITHIN 2 BUSINESS**
10 **DAYS AFTER RECEIVING THE REQUEST.**

11 **(C) EACH COPY OF AN INVOICE OR A RECEIPT FOR SERVICES,**
12 **SUBMITTED TO THE LOCAL LAW ENFORCEMENT UNIT OR THE DEPARTMENT,**
13 **SHALL INCLUDE:**

14 **(1) THE LICENSE NUMBER OF THE LICENSED LOCKSMITH; AND**

15 **(2) THE INFORMATION REQUIRED UNDER § 12.5-301 OF THIS**
16 **SUBTITLE.**

17 **(D) A COPY OF AN INVOICE OR A RECEIPT FOR SERVICES SUBMITTED**
18 **UNDER THIS SECTION:**

19 **(1) SHALL BE KEPT CONFIDENTIAL;**

20 **(2) IS NOT A PUBLIC RECORD; AND**

21 **(3) IS NOT SUBJECT TO TITLE 10, SUBTITLE 6 OF THE STATE**
22 **GOVERNMENT ARTICLE.**

23 **(E) A LOCAL LAW ENFORCEMENT UNIT OR THE DEPARTMENT MAY**
24 **DESTROY THE COPY OF AN INVOICE OR A RECEIPT FOR SERVICES SUBMITTED**
25 **UNDER THIS SECTION AFTER 1 YEAR FROM THE DATE THE LOCAL LAW**
26 **ENFORCEMENT UNIT OR THE DEPARTMENT RECEIVES THE COPY.**

27 **SUBTITLE 4. MISCELLANEOUS PROVISIONS.**

28 **12.5-401.**

29 **EACH LOCKSMITH ADVERTISEMENT, BUSINESS CARD, OR ANY OTHER**
30 **MEANS OF PROVIDING NOTICE TO THE PUBLIC OF THE BUSINESS PROVIDING**
31 **LOCKSMITH SERVICES SHALL INCLUDE THE NAME OF THE LICENSED**
32 **LOCKSMITH AND THE LICENSE NUMBER OF THE LICENSED LOCKSMITH.**

1 **SUBTITLE 5. PROHIBITED ACTS; PENALTIES.**

2 **12.5-501.**

3 **A PERSON MAY NOT KNOWINGLY USE OR PERMIT THE USE OF THE**
4 **LICENSEE'S OR AN EMPLOYEE OF THE LICENSEE'S SKILLS, TOOLS, OR**
5 **FACILITIES TO AID OR ABET AN UNLICENSED LOCKSMITH IN ANY ACTIVITY FOR**
6 **WHICH A LOCKSMITH LICENSE IS REQUIRED FOR THE COMMISSION OF A CRIME.**

7 **12.5-502.**

8 **A LICENSED LOCKSMITH OR EMPLOYEE OF A LICENSED LOCKSMITH MAY**
9 **NOT WILLFULLY OR DELIBERATELY DISREGARD ANY BUILDING OR SAFETY LAWS**
10 **OF THE STATE OR LOCAL GOVERNMENT UNIT.**

11 **12.5-503.**

12 **A LICENSED LOCKSMITH OR EMPLOYEE OF A LICENSED LOCKSMITH MAY**
13 **NOT FAIL IN ANY MATERIAL RESPECT TO COMPLETE THE INSTALLATION,**
14 **REPAIR, OPENING, OR MODIFICATION OF A LOCK FOR THE PRICE STATED IN THE**
15 **CONTRACT FOR SERVICES.**

16 **12.5-504.**

17 **EXCEPT FOR A VIOLATION OF § 12.5-505(A) OF THIS SUBTITLE, A PERSON**
18 **THAT VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A**
19 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**
20 **\$10,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.**

21 **12.5-505.**

22 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY**
23 **NOT ACT AS, OFFER TO ACT AS, HOLD ONESELF OUT AS, OR IMPERSONATE A**
24 **LOCKSMITH IN THE STATE UNLESS THE PERSON IS A LICENSEE OR EMPLOYEE**
25 **OF A LICENSEE.**

26 **(B) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A**
27 **MISDEMEANOR AND, ON FIRST CONVICTION, IS SUBJECT TO A FINE NOT**
28 **EXCEEDING \$1,000 AND, ON SECOND OR SUBSEQUENT CONVICTION, IS SUBJECT**
29 **TO A FINE NOT EXCEEDING \$5,000.**

30 **12.5-506.**

1 (b) whether additional competency-based credentials for locksmiths are
2 necessary for the protection and safety of the public.

3 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.