

SENATE BILL 554

C2

3lr1069
CF 3lr2392

By: **Senator Frosh**

Introduced and read first time: February 1, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Business Occupations and Professions – Private Process Service – Licensing**
3 **and Certification**

4 FOR the purpose of requiring the licensure as a private process service agency of any
5 person who provides certain private process service; providing for the terms and
6 renewals of the licenses, qualifications for and duties of licensees, display of
7 licenses, and required records of a licensee; establishing certain administrative,
8 financial, and surety bond requirements for a licensed private process service
9 agency; establishing the qualifications for and duties of certified private process
10 servers; providing for the denial, reprimand, suspension, or revocation of
11 private process service agency licenses and private process server certification;
12 establishing certain exceptions to certain license and certification requirements;
13 establishing certain powers of and imposing certain duties on the Secretary of
14 State Police; prohibiting certain acts; imposing certain penalties for certain
15 violations; defining certain terms; and generally relating to the licensing of
16 private process service agencies and the certification of private process servers.

17 BY adding to

18 Article – Business Occupations and Professions
19 Section 13.5–101 through 13.5–701 to be under the new title “Title 13.5. Private
20 Process Servers”
21 Annotated Code of Maryland
22 (2010 Replacement Volume and 2012 Supplement)

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

25 **Article – Business Occupations and Professions**

26 **TITLE 13.5. PRIVATE PROCESS SERVERS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 **13.5–101.**

3 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
4 **INDICATED.**

5 **(B) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE**
6 **INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF**
7 **PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

8 **(C) “CERTIFICATION CARD” MEANS A CARD ISSUED BY THE SECRETARY**
9 **UNDER § 13.5–407 OF THIS TITLE TO AN INDIVIDUAL CERTIFIED AS A PRIVATE**
10 **PROCESS SERVER.**

11 **(D) “FIRM” MEANS A PARTNERSHIP, LIMITED LIABILITY COMPANY, OR**
12 **CORPORATION.**

13 **(E) “FIRM MEMBER” MEANS A PARTNER OF A PARTNERSHIP, A MEMBER**
14 **OF A LIMITED LIABILITY COMPANY, OR AN OFFICER OR DIRECTOR OF A**
15 **CORPORATION.**

16 **(F) “LICENSE” MEANS A LICENSE ISSUED BY THE SECRETARY TO**
17 **CONDUCT A BUSINESS TO PROVIDE PRIVATE PROCESS SERVICE.**

18 **(G) “LICENSED PRIVATE PROCESS SERVICE AGENCY” MEANS A PERSON**
19 **WHO IS LICENSED BY THE SECRETARY TO CONDUCT A BUSINESS THAT**
20 **PROVIDES PRIVATE PROCESS SERVICE.**

21 **(H) “PRIVATE PROCESS SERVER” MEANS AN INDIVIDUAL WHO**
22 **PERSONALLY PROVIDES PRIVATE PROCESS SERVICE.**

23 **(I) “PRIVATE PROCESS SERVICE AGENCY” MEANS A PERSON WHO**
24 **CONDUCTS A BUSINESS THAT PROVIDES PRIVATE PROCESS SERVICE.**

25 **(J) “PROVIDE PRIVATE PROCESS SERVICE” MEANS TO PROVIDE, FOR**
26 **COMPENSATION, SERVICE OF PROCESS ON A PERSON THAT GIVES LEGAL**
27 **NOTICE TO THE PERSON OF A COURT’S EXERCISE OF ITS JURISDICTION OVER**
28 **THAT PERSON.**

1 **(K) “REPRESENTATIVE MEMBER” MEANS A FIRM MEMBER WHO IS**
2 **APPOINTED UNDER § 13.5–302(B) OF THIS TITLE TO ACT ON BEHALF OF THE**
3 **FIRM.**

4 **(L) “SECRETARY” MEANS THE SECRETARY OF STATE POLICE.**

5 **13.5–102.**

6 **THIS TITLE DOES NOT APPLY:**

7 **(1) TO AN OFFICER OR EMPLOYEE OF ANY UNIT OF THE UNITED**
8 **STATES, OF ANY STATE, OR OF ANY POLITICAL SUBDIVISION OF ANY STATE,**
9 **WHILE PERFORMING A DUTY OF THE OFFICE OR EMPLOYMENT;**

10 **(2) TO A LAWYER, WHILE PERFORMING ANY ACTIVITY THAT**
11 **RELATES TO THE LAWYER’S REGULAR PRACTICE OF LAW IN THE STATE; OR**

12 **(3) TO AN INDIVIDUAL WHO, AS A REGULAR PART-TIME OR**
13 **FULL-TIME EMPLOYEE OF A LAWYER, PROVIDES SERVICES THAT RELATE TO**
14 **THE LAWYER’S REGULAR PRACTICE OF LAW IN THE STATE.**

15 **SUBTITLE 2. SECRETARY.**

16 **13.5–201.**

17 **SUBJECT TO THE PROVISIONS OF THIS TITLE, THE SECRETARY IS**
18 **RESPONSIBLE FOR THE LICENSING OF PRIVATE PROCESS SERVICE AGENCIES**
19 **AND THE REGULATION OF THOSE PERSONS WHO PROVIDE PRIVATE PROCESS**
20 **SERVICE IN THE STATE.**

21 **13.5–202.**

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

24 **(1) ADOPT REGULATIONS TO CARRY OUT THIS TITLE;**

25 **(2) USE ANY MEMBER OF THE DEPARTMENT OF STATE POLICE,**
26 **AS NECESSARY, TO CARRY OUT AND ENFORCE THIS TITLE; AND**

27 **(3) MAKE INQUIRIES AND CONDUCT AN INVESTIGATION**
28 **REGARDING ANY APPLICANT:**

1 **(I) FOR A LICENSE; OR**

2 **(II) FOR EMPLOYMENT WITH A LICENSEE AS A PRIVATE**
3 **PROCESS SERVER.**

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

6 **(1) ADOPT REGULATIONS THAT SET STANDARDS FOR THE**
7 **CERTIFICATION OF EMPLOYEES OF PRIVATE PROCESS SERVICE AGENCIES AS**
8 **PRIVATE PROCESS SERVERS;**

9 **(2) KEEP A ROSTER OF THE INDIVIDUALS CERTIFIED AS PRIVATE**
10 **PROCESS SERVERS UNDER THIS TITLE, INCLUDING ON THE ROSTER:**

11 **(I) THE NAMES OF INDIVIDUALS CERTIFIED;**

12 **(II) THE NAME OF THE LICENSED PRIVATE PROCESS**
13 **SERVICE AGENCY WITH WHICH EACH INDIVIDUAL IS ASSOCIATED OR BY WHICH**
14 **EACH INDIVIDUAL IS EMPLOYED; AND**

15 **(III) ANY OTHER INFORMATION THAT THE SECRETARY**
16 **CONSIDERS APPROPRIATE; AND**

17 **(3) ADOPT BY REGULATION A SCHEDULE OF FINES FOR**
18 **VIOLATIONS OF THIS TITLE THAT MAY BE ASSESSED BY THE SECRETARY UNDER**
19 **§§ 13.5–312 AND 13.5–410 OF THIS TITLE.**

20 **13.5–203.**

21 **THE SECRETARY AND ALL MEMBERS OF THE DEPARTMENT OF STATE**
22 **POLICE:**

23 **(1) SHALL TREAT AS CONFIDENTIAL ANY INFORMATION**
24 **OBTAINED THROUGH AN INVESTIGATION OF AN APPLICANT FOR A LICENSE OR**
25 **FOR CERTIFICATION UNDER THIS TITLE; AND**

26 **(2) UNLESS REQUIRED BY A COURT ORDER OR SUBPOENA, MAY**
27 **NOT DIVULGE TO A PERSON WHO IS NOT A MEMBER OF THE DEPARTMENT OF**
28 **STATE POLICE OR A MEMBER OF ANY OTHER LAW ENFORCEMENT AGENCY THAT**
29 **IS CONDUCTING AN OFFICIAL INVESTIGATION ANY INFORMATION OBTAINED**
30 **THROUGH AN INVESTIGATION OF AN APPLICANT FOR A LICENSE OR FOR**
31 **CERTIFICATION UNDER THIS TITLE.**

1 **13.5-204.**

2 **ON THE REQUEST OF THE SECRETARY, THE POLICE COMMISSIONER OF**
3 **BALTIMORE CITY SHALL ASSIST AND ADVISE THE SECRETARY REGARDING THE**
4 **INVESTIGATION IN BALTIMORE CITY OF ANY APPLICANT FOR A LICENSE OR FOR**
5 **CERTIFICATION UNDER THIS TITLE.**

6 **13.5-205.**

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

9 **13.5-206.**

10 **ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE SECRETARY IN A**
11 **CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT**
12 **ARTICLE, MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE**
13 **STATE GOVERNMENT ARTICLE.**

14 **SUBTITLE 3. PRIVATE PROCESS SERVICE AGENCY LICENSES.**

15 **13.5-301.**

16 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON SHALL**
17 **BE LICENSED BY THE SECRETARY AS A PRIVATE PROCESS SERVICE AGENCY**
18 **BEFORE THE PERSON MAY:**

19 **(1) CONDUCT A BUSINESS THAT PROVIDES PRIVATE PROCESS**
20 **SERVICE IN THE STATE; AND**

21 **(2) SOLICIT TO ENGAGE IN A BUSINESS THAT PROVIDES PRIVATE**
22 **PROCESS SERVICE IN THE STATE.**

23 **(B) AN INDIVIDUAL OR A FIRM MAY QUALIFY FOR A LICENSE AS A**
24 **PRIVATE PROCESS SERVICE AGENCY.**

25 **13.5-302.**

26 **(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL MEET THE**
27 **REQUIREMENTS OF THIS SECTION.**

1 **(B) IF THE APPLICANT IS A FIRM, THE FIRM SHALL APPOINT A FIRM**
2 **MEMBER AS THE REPRESENTATIVE MEMBER TO MAKE THE APPLICATION ON**
3 **BEHALF OF THE FIRM.**

4 **(C) (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT SHALL**
5 **BE OF GOOD CHARACTER AND REPUTATION.**

6 **(2) IF THE APPLICANT IS A FIRM, EACH FIRM MEMBER SHALL BE**
7 **OF GOOD CHARACTER AND REPUTATION.**

8 **(D) THE INDIVIDUAL APPLICANT OR THE REPRESENTATIVE MEMBER**
9 **SHALL BE AT LEAST 18 YEARS OLD.**

10 **13.5-303.**

11 **(A) (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 THE DOCUMENTS REQUIRED UNDER THIS**
15 **SECTION; AND**

16 **(III) PAY TO THE SECRETARY THE FEES REQUIRED UNDER**
17 **SUBSECTION (B) OF THIS SECTION.**

18 **(2) IF THE APPLICANT IS A FIRM, THE REPRESENTATIVE MEMBER**
19 **SHALL COMPLETE THE APPLICATION FORM AND OTHERWISE BE RESPONSIBLE**
20 **FOR THE FIRM'S COMPLIANCE WITH THIS SECTION.**

21 **(B) (1) AN APPLICANT FOR A LICENSE SHALL PAY TO THE**
22 **SECRETARY AN APPLICATION FEE OF:**

23 **(I) 1. \$200, IF THE APPLICANT IS AN INDIVIDUAL; OR**

24 **2. \$375, IF THE APPLICANT IS A FIRM; AND**

25 **(II) THE FEES AUTHORIZED UNDER SUBSECTION (C)(2) OF**
26 **THIS SECTION.**

27 **(2) (I) AS PART OF THE APPLICATION FOR A LICENSE, THE**
28 **APPLICANT SHALL SUBMIT TO THE SECRETARY THE FINGERPRINTS REQUIRED**
29 **UNDER SUBSECTION (C)(2)(I) OF THIS SECTION.**

1 **(II) IF THE APPLICANT IS A FIRM, THE APPLICANT SHALL**
2 **PAY THE COST OF THE FINGERPRINT CARD RECORD CHECKS FOR EACH FIRM**
3 **MEMBER.**

4 **(C) (1) THE DEPARTMENT OF STATE POLICE SHALL APPLY TO THE**
5 **CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY**
6 **RECORDS CHECK FOR EACH APPLICANT.**

7 **(2) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY**
8 **RECORDS CHECK, THE DEPARTMENT OF STATE POLICE SHALL SUBMIT TO THE**
9 **CENTRAL REPOSITORY:**

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

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

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

20 **(3) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE**
21 **CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD**
22 **TO THE APPLICANT AND THE DEPARTMENT OF STATE POLICE A PRINTED**
23 **STATEMENT OF THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.**

24 **(4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK**
25 **UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED**
26 **STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223**
27 **OF THE CRIMINAL PROCEDURE ARTICLE.**

28 **(D) (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICATION**
29 **FORM PROVIDED BY THE SECRETARY SHALL REQUIRE:**

30 **(I) THE NAME OF THE APPLICANT;**

31 **(II) THE AGE OF THE APPLICANT;**

1 (III) THE ADDRESS OF THE APPLICANT; AND

2 (IV) THE CURRENT AND PREVIOUS EMPLOYMENT OF THE
3 APPLICANT.

4 (2) IF THE APPLICANT IS A FIRM, THE APPLICATION FORM
5 PROVIDED BY THE SECRETARY SHALL REQUIRE:

6 (I) A LIST OF ALL OF THE FIRM MEMBERS; AND

7 (II) FOR EACH FIRM MEMBER, THE SAME INFORMATION
8 REQUIRED REGARDING AN INDIVIDUAL APPLICANT UNDER PARAGRAPH (1) OF
9 THIS SUBSECTION.

10 (3) FOR ALL APPLICANTS, THE APPLICATION FORM SHALL
11 REQUIRE:

12 (I) THE ADDRESS OF THE APPLICANT'S PROPOSED
13 PRINCIPAL PLACE OF BUSINESS AND OF EACH PROPOSED BRANCH OFFICE;

14 (II) ANY TRADE OR FICTITIOUS NAME THAT THE APPLICANT
15 INTENDS TO USE WHILE CONDUCTING THE BUSINESS OF THE PRIVATE PROCESS
16 SERVICE AGENCY;

17 (III) THE SUBMISSION OF A FACSIMILE OF ANY TRADEMARK
18 THAT THE APPLICANT INTENDS TO USE WHILE CONDUCTING THE BUSINESS OF
19 THE PRIVATE PROCESS SERVICE AGENCY; AND

20 (IV) AS THE SECRETARY CONSIDERS APPROPRIATE, ANY
21 OTHER INFORMATION TO ASSIST IN THE EVALUATION OF:

22 1. AN INDIVIDUAL APPLICANT; OR

23 2. IF THE APPLICANT IS A FIRM, ANY FIRM MEMBER.

24 (E) THE APPLICATION FORM PROVIDED BY THE SECRETARY SHALL
25 CONTAIN A STATEMENT ADVISING THE APPLICANT THAT WILLFULLY MAKING A
26 FALSE STATEMENT ON AN APPLICATION IS A MISDEMEANOR, SUBJECT TO A FINE
27 OR IMPRISONMENT OR BOTH, AS PROVIDED UNDER §§ 13.5-605 AND 13.5-607
28 OF THIS TITLE.

29 (F) (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICATION
30 FORM SHALL BE SIGNED, UNDER OATH, BY THE INDIVIDUAL.

1 **(2) IF THE APPLICANT IS A FIRM, THE APPLICATION FORM SHALL**
2 **BE SIGNED, UNDER OATH, BY THE REPRESENTATIVE MEMBER, AS THE**
3 **REPRESENTATIVE MEMBER, AND BY ALL THE OTHER FIRM MEMBERS.**

4 **(G) (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICATION**
5 **SHALL BE ACCOMPANIED BY AT LEAST THREE NAMES OF INDIVIDUALS WHO CAN**
6 **ATTEST TO THE CHARACTER OF THE APPLICANT.**

7 **(2) IF THE APPLICANT IS A FIRM, THE APPLICATION SHALL BE**
8 **ACCOMPANIED BY AT LEAST THREE NAMES OF INDIVIDUALS WHO CAN ATTEST**
9 **TO THE CHARACTER OF EACH FIRM MEMBER.**

10 **(H) IN ADDITION TO MEETING THE OTHER REQUIREMENTS OF THIS**
11 **SECTION, A NONRESIDENT APPLICANT SHALL SUBMIT A CONSENT AND ANY**
12 **RELATED DOCUMENT, AS REQUIRED BY § 13.5-504 OF THIS TITLE.**

13 **13.5-304.**

14 **THE SECRETARY MAY NOT ISSUE A LICENSE TO AN APPLICANT WHOSE**
15 **TRADE OR FICTITIOUS NAME OR TRADEMARK IS SO SIMILAR TO THAT USED BY**
16 **ANOTHER LICENSEE THAT THE PUBLIC MAY BE CONFUSED OR MISLED BY THE**
17 **SIMILARITY.**

18 **13.5-305.**

19 **(A) (1) THE SECRETARY SHALL ISSUE A LICENSE TO EACH**
20 **APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.**

21 **(2) THE SECRETARY SHALL ISSUE AN AGENCY LICENSE**
22 **CERTIFICATE TO EACH LICENSED PRIVATE PROCESS SERVICE AGENCY AND A**
23 **BRANCH OFFICE CERTIFICATE FOR EACH PROPOSED BRANCH OFFICE.**

24 **(B) (1) THE SECRETARY SHALL INCLUDE ON EACH AGENCY LICENSE**
25 **CERTIFICATE THAT THE SECRETARY ISSUES:**

26 **(I) THE FULL NAME OF THE LICENSEE;**

27 **(II) THE LOCATION OF THE PRINCIPAL OFFICE AND OF EACH**
28 **BRANCH OFFICE OF THE LICENSED PRIVATE PROCESS SERVICE AGENCY;**

29 **(III) THE DATE OF ISSUANCE OF THE LICENSE;**

1 (IV) THE DATE ON WHICH THE LICENSE EXPIRES; AND

2 (V) IF THE LICENSEE IS A FIRM, THE NAME AND ADDRESS
3 OF THE REPRESENTATIVE MEMBER.

4 (2) THE SECRETARY SHALL INCLUDE ON EACH BRANCH OFFICE
5 CERTIFICATE:

6 (I) THE FULL NAME OF THE LICENSEE;

7 (II) THE LOCATION OF THE PRINCIPAL OFFICE OF THE
8 LICENSEE AND OF THE AGENCY BRANCH OFFICE FOR WHICH THE CERTIFICATE
9 IS ISSUED;

10 (III) THE DATE OF ISSUANCE OF THE BRANCH OFFICE
11 CERTIFICATE;

12 (IV) THE DATE ON WHICH THE LICENSE OF THE LICENSEE
13 EXPIRES; AND

14 (V) IF THE LICENSEE IS APPLYING ON BEHALF OF A FIRM,
15 THE NAME AND AGENCY ADDRESS OF THE REPRESENTATIVE MEMBER.

16 **13.5-306.**

17 WHILE A LICENSE IS IN EFFECT, THE LICENSE AUTHORIZES THE
18 LICENSEE TO:

19 (1) CONDUCT A BUSINESS THAT PROVIDES PRIVATE PROCESS
20 SERVICE FOR COMPENSATION;

21 (2) MAINTAIN AN OFFICE FOR THE CONDUCT OF THE BUSINESS AT
22 EACH LOCATION STATED IN THE AGENCY LICENSE CERTIFICATE;

23 (3) EMPLOY INDIVIDUALS AS PRIVATE PROCESS SERVERS TO
24 PROVIDE PRIVATE PROCESS SERVICE TO THE PUBLIC ON BEHALF OF THE
25 LICENSEE; AND

26 (4) REPRESENT THE LICENSEE TO THE PUBLIC AS A PRIVATE
27 PROCESS SERVICE AGENCY.

28 **13.5-307.**

1 **(A) BY REGULATION, THE SECRETARY SHALL STAGGER THE TERMS OF**
2 **THE LICENSES.**

3 **(B) UNLESS A LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED**
4 **IN THIS SECTION, THE LICENSE EXPIRES ON THE DAY THAT THE SECRETARY**
5 **SETS.**

6 **(C) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE SECRETARY**
7 **SHALL MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE**
8 **LICENSEE:**

9 **(1) A RENEWAL APPLICATION FORM; AND**

10 **(2) A NOTICE THAT STATES:**

11 **(I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;**

12 **(II) THAT THE SECRETARY MUST RECEIVE THE RENEWAL**
13 **APPLICATION AND THE STATEMENTS REQUIRED UNDER § 13.5-308 OF THIS**
14 **SUBTITLE AT LEAST 15 DAYS BEFORE THE LICENSE EXPIRATION DATE FOR THE**
15 **RENEWAL TO BE ISSUED AND MAILED BEFORE THE LICENSE EXPIRES;**

16 **(III) THE AMOUNT OF THE RENEWAL FEE;**

17 **(IV) THAT, IF THE STATEMENTS REQUIRED UNDER §**
18 **13.5-308 OF THIS SUBTITLE ARE NOT RECEIVED AT LEAST 15 DAYS BEFORE THE**
19 **LICENSE EXPIRATION DATE, A FEE OF \$10 PER DAY SHALL BE CHARGED**
20 **AGAINST THE LICENSEE UNTIL THE STATEMENTS ARE RECEIVED; AND**

21 **(V) THAT THE SUBMISSION OF A FALSE STATEMENT IN THE**
22 **RENEWAL APPLICATION OR IN THE ANNUAL STATEMENTS IS CAUSE FOR**
23 **REVOCAION OF THE LICENSE.**

24 **(D) A LICENSEE PERIODICALLY MAY RENEW THE LICENSE FOR AN**
25 **ADDITIONAL 2-YEAR TERM IF THE LICENSEE:**

26 **(1) OTHERWISE IS ENTITLED TO BE LICENSED;**

27 **(2) PAYS TO THE SECRETARY:**

28 **(I) A RENEWAL FEE OF:**

29 **1. \$200, IF THE LICENSEE IS AN INDIVIDUAL; OR**

- 1 **2. \$400, IF THE LICENSEE IS A FIRM; AND**
- 2 **(II) ANY LATE FEE REQUIRED UNDER § 13.5-308 OF THIS**
3 **SUBTITLE; AND**
- 4 **(3) SUBMITS TO THE SECRETARY:**
- 5 **(I) A RENEWAL APPLICATION ON THE FORM THAT THE**
6 **SECRETARY PROVIDES; AND**
- 7 **(II) THE STATEMENTS REQUIRED UNDER § 13.5-308 OF THIS**
8 **SUBTITLE.**
- 9 **(E) THE SECRETARY SHALL RENEW THE LICENSE OF EACH LICENSEE**
10 **WHO MEETS THE REQUIREMENTS OF THIS SECTION.**
- 11 **13.5-308.**
- 12 **(A) AS A CONDITION FOR LICENSE RENEWAL, A LICENSEE SHALL**
13 **SUBMIT TO THE SECRETARY WITH THE RENEWAL APPLICATION:**
- 14 **(1) A CERTIFICATION OR, AS AUTHORIZED BY THE SECRETARY,**
15 **OTHER DOCUMENTATION THAT THE LICENSED PRIVATE PROCESS SERVICE**
16 **AGENCY HAS PAID, FOR THE PAST 3 YEARS, ALL WITHHOLDING AND SOCIAL**
17 **SECURITY TAXES;**
- 18 **(2) A CERTIFICATION OR, AS AUTHORIZED BY THE SECRETARY,**
19 **OTHER DOCUMENTATION THAT THE LICENSED PRIVATE PROCESS SERVICE**
20 **AGENCY HAS PAID, FOR THE PAST 3 YEARS, ALL OTHER OBLIGATIONS PAYABLE**
21 **FOR THE EMPLOYEES OF THE LICENSED PRIVATE PROCESS SERVICE AGENCY TO**
22 **THE STATE OR THE FEDERAL GOVERNMENT;**
- 23 **(3) A CERTIFICATE FROM AN INSURANCE CARRIER OR, AS**
24 **AUTHORIZED BY THE SECRETARY, OTHER DOCUMENTATION SHOWING THAT**
25 **THE LICENSED PRIVATE PROCESS SERVICE AGENCY HAS IN EFFECT WORKERS'**
26 **COMPENSATION INSURANCE FOR ITS COVERED EMPLOYEES, AS DEFINED IN §**
27 **9-101 OF THE LABOR AND EMPLOYMENT ARTICLE; AND**
- 28 **(4) A RECEIPT FROM THE COMPTROLLER'S OFFICE OR, AS**
29 **AUTHORIZED BY THE SECRETARY, OTHER DOCUMENTATION SHOWING THAT**
30 **THE STATE INCOME TAX OF THE LICENSED PRIVATE PROCESS SERVICE AGENCY**
31 **HAS BEEN PAID FOR THE PAST 3 YEARS.**

1 **(B) IF THE SECRETARY DOES NOT RECEIVE THE DOCUMENTS**
2 **REQUIRED UNDER SUBSECTION (A) OF THIS SECTION AT LEAST 15 DAYS BEFORE**
3 **THE LICENSE EXPIRATION DATE, THE SECRETARY SHALL CHARGE THE**
4 **LICENSEE A LATE FEE OF \$10 PER DAY UNTIL THE DOCUMENTS ARE RECEIVED.**

5 **(C) THE SECRETARY MAY INSPECT ANY OF THE BUSINESS RECORDS OF**
6 **A LICENSEE THAT RELATE TO ANY MATTER THAT IS SUBJECT TO CERTIFICATION**
7 **OR DOCUMENTATION UNDER THIS SECTION.**

8 **13.5-309.**

9 **(A) EACH LICENSEE SHALL MAINTAIN AN OFFICE IN THE STATE.**

10 **(B) EACH LICENSEE SHALL KEEP IN AN OFFICE IN THE STATE ALL**
11 **FILES OR OTHER RECORDS THAT:**

12 **(1) ARE MADE IN THE STATE; AND**

13 **(2) RELATE TO PROCESS SERVED IN THE STATE.**

14 **13.5-310.**

15 **(A) (1) WITHIN 5 DAYS AFTER THE CHANGE, A LICENSEE SHALL**
16 **SUBMIT TO THE SECRETARY WRITTEN NOTICE OF:**

17 **(I) THE ADDITION OF A BRANCH OFFICE; AND**

18 **(II) ANY CHANGE IN THE ADDRESS OF AN EXISTING OFFICE.**

19 **(2) THE LICENSEE SHALL SUBMIT WITH THE NOTICE:**

20 **(I) THE AGENCY LICENSE CERTIFICATE; AND**

21 **(II) IF THE PROPOSED CHANGE AFFECTS AN EXISTING**
22 **BRANCH OFFICE, THE BRANCH OFFICE CERTIFICATE FOR THAT OFFICE.**

23 **(3) THE SECRETARY MAY:**

24 **(I) ENDORSE THE CHANGE ON THE AGENCY LICENSE**
25 **CERTIFICATE AND, IF APPLICABLE, ON THE BRANCH OFFICE CERTIFICATE OF**
26 **THE AFFECTED BRANCH OFFICE; OR**

1 **(II) ISSUE A NEW AGENCY LICENSE CERTIFICATE AND, IF**
2 **APPLICABLE, A NEW BRANCH OFFICE CERTIFICATE, BOTH OF WHICH SHALL SET**
3 **FORTH THE SAME DATE AS THE ORIGINAL AGENCY LICENSE CERTIFICATE.**

4 **(B) WITHIN 5 DAYS AFTER THE OCCURRENCE, A FIRM SHALL SUBMIT TO**
5 **THE SECRETARY WRITTEN NOTICE OF:**

6 **(1) THE WITHDRAWAL OF ANY FIRM MEMBER; AND**

7 **(2) THE DEATH OF ANY FIRM MEMBER.**

8 **13.5-311.**

9 **(A) EACH LICENSEE SHALL DISPLAY AT ALL TIMES:**

10 **(1) THE AGENCY LICENSE CERTIFICATE IN A CONSPICUOUS**
11 **PLACE IN THE PRINCIPAL OFFICE OF THE PRIVATE PROCESS SERVICE AGENCY;**
12 **AND**

13 **(2) EACH BRANCH OFFICE CERTIFICATE IN A CONSPICUOUS**
14 **PLACE IN THE AGENCY BRANCH OFFICE FOR WHICH THE CERTIFICATE WAS**
15 **ISSUED.**

16 **(B) (1) IF AN AGENCY LICENSE CERTIFICATE OR BRANCH OFFICE**
17 **CERTIFICATE IS LOST OR DESTROYED, THE LICENSEE IMMEDIATELY SHALL**
18 **NOTIFY THE SECRETARY.**

19 **(2) ON RECEIPT OF NOTICE OF THE LOSS OR DESTRUCTION OF AN**
20 **AGENCY LICENSE CERTIFICATE OR BRANCH OFFICE CERTIFICATE, THE**
21 **SECRETARY MAY ISSUE A DUPLICATE.**

22 **13.5-312.**

23 **(A) SUBJECT TO THE HEARING PROVISIONS OF § 13.5-314 OF THIS**
24 **SUBTITLE, THE SECRETARY MAY DENY A LICENSE TO ANY APPLICANT,**
25 **REPRIMAND ANY LICENSEE, FINE ANY LICENSEE OR AGENCY, OR SUSPEND OR**
26 **REVOKE A LICENSE IF THE APPLICANT OR LICENSEE:**

27 **(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**
28 **OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;**

29 **(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;**

1 **(3) AIDS AN INDIVIDUAL TO OBTAIN OR TO ATTEMPT TO OBTAIN**
2 **FRAUDULENTLY OR DECEPTIVELY CERTIFICATION UNDER THIS TITLE AS A**
3 **PRIVATE PROCESS SERVER;**

4 **(4) WHILE NOT LICENSED, SOLICITS TO ENGAGE IN OR**
5 **WILLFULLY ENGAGES IN A BUSINESS PROVIDING PRIVATE PROCESS SERVICE IN**
6 **THE STATE;**

7 **(5) WHILE NOT LICENSED, WILLFULLY ADVERTISES:**

8 **(I) AS A PRIVATE PROCESS SERVICE AGENCY; OR**

9 **(II) THE PROVISION OF PRIVATE PROCESS SERVICE;**

10 **(6) WILLFULLY MAKES A FALSE STATEMENT OR**
11 **MISREPRESENTATION THAT AN INDIVIDUAL IS OR WAS IN THE EMPLOY OF THE**
12 **APPLICANT OR LICENSEE;**

13 **(7) WILLFULLY MAKES A FALSE STATEMENT OR**
14 **MISREPRESENTATION IN ANY RENEWAL APPLICATION, IN ANY ANNUAL**
15 **STATEMENT, OR IN ANY OTHER REPORT OR DOCUMENT THAT THE SECRETARY**
16 **REQUIRES TO BE SUBMITTED;**

17 **(8) WILLFULLY MAKES A FALSE STATEMENT IN AN AFFIDAVIT OF**
18 **SERVICE OR ANY OTHER DOCUMENT FILED WITH A COURT;**

19 **(9) FAILS TO NOTIFY THE SECRETARY ABOUT ANY CHANGE**
20 **AMONG THE FIRM MEMBERS OR IN THE ADDRESS OF THE PRINCIPAL OFFICE OR**
21 **ANY BRANCH OFFICE OF A LICENSEE; OR**

22 **(10) VIOLATES ANY OTHER PROVISION OF THIS TITLE.**

23 **(B) FOR PURPOSES OF THIS SECTION, AN ACT OR OMISSION OF ANY**
24 **PRINCIPAL, AGENT, OR EMPLOYEE OF AN APPLICANT OR LICENSEE MAY BE**
25 **CONSTRUED TO BE THE ACT OR OMISSION OF THE APPLICANT OR LICENSEE, AS**
26 **WELL AS OF THE PRINCIPAL, AGENT, OR EMPLOYEE.**

27 **13.5-313.**

28 **(A) SUBJECT TO THIS SECTION, THE SECRETARY SHALL COMMENCE**
29 **PROCEEDINGS UNDER § 13-312 OF THIS SUBTITLE ON THE SECRETARY'S OWN**
30 **COMPLAINT OR ON A COMPLAINT MADE TO THE SECRETARY BY ANY PERSON.**

1 **(B) (1) A COMPLAINT SHALL:**

2 **(I) BE IN WRITING;**

3 **(II) BE SIGNED BY THE COMPLAINANT; AND**

4 **(III) STATE SPECIFICALLY THE FACTS ON WHICH THE**
5 **COMPLAINT IS BASED.**

6 **(2) IF A COMPLAINT IS MADE BY ANY PERSON OTHER THAN THE**
7 **SECRETARY, THE COMPLAINT SHALL BE MADE UNDER OATH BY THE PERSON**
8 **WHO SUBMITS THE COMPLAINT.**

9 **(C) (1) ON RECEIPT OF A COMPLAINT THAT ALLEGES FACTS THAT**
10 **ARE GROUNDS FOR ACTION UNDER § 13.5-312 OF THIS SUBTITLE, THE**
11 **SECRETARY SHALL APPOINT AN OFFICER OF THE DEPARTMENT OF STATE**
12 **POLICE, WITH THE RANK OF LIEUTENANT OR ABOVE, AS THE INVESTIGATING**
13 **OFFICER FOR THE COMPLAINT.**

14 **(2) THE INVESTIGATING OFFICER MAY ASSIGN RESPONSIBILITY**
15 **FOR CONDUCTING THE INVESTIGATION TO OTHER MEMBERS OF THE**
16 **DEPARTMENT OF STATE POLICE.**

17 **(D) (1) ON CONCLUSION OF THE INVESTIGATION, THE**
18 **INVESTIGATING OFFICER SHALL DETERMINE WHETHER THERE IS A**
19 **REASONABLE BASIS TO BELIEVE THAT THERE ARE GROUNDS FOR DISCIPLINARY**
20 **ACTION UNDER § 13.5-312 OF THIS SUBTITLE.**

21 **(2) IF THE INVESTIGATING OFFICER FINDS A REASONABLE BASIS**
22 **AS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY**
23 **SHALL ACT ON THE COMPLAINT AS PROVIDED UNDER § 13.5-314 OF THIS**
24 **SUBTITLE.**

25 **13.5-314.**

26 **(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE**
27 **GOVERNMENT ARTICLE, BEFORE THE SECRETARY TAKES ANY FINAL ACTION**
28 **UNDER § 13.5-312 OF THIS SUBTITLE, THE SECRETARY SHALL GIVE THE**
29 **PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR**
30 **A HEARING BEFORE THE SECRETARY.**

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

4 **(C) THE SECRETARY MAY ADMINISTER OATHS IN CONNECTION WITH**
5 **ANY PROCEEDING UNDER THIS SECTION.**

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

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

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

12 **13.5–315.**

13 **(A) WITHIN 5 DAYS AFTER THE SECRETARY SUSPENDS OR REVOKES**
14 **THE LICENSE OF A PERSON, THE PERSON SHALL SURRENDER TO THE**
15 **SECRETARY THE AGENCY LICENSE CERTIFICATE AND EACH BRANCH OFFICE**
16 **CERTIFICATE OF THE PERSON.**

17 **(B) THE SECRETARY MAY NOT REFUND TO A PERSON WHOSE LICENSE**
18 **IS SUSPENDED OR REVOKED ANY FEE PAID UNDER THIS TITLE.**

19 **SUBTITLE 4. CERTIFICATION OF PRIVATE PROCESS SERVERS.**

20 **13.5–401.**

21 **(A) EXCEPT AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION, AN**
22 **INDIVIDUAL SHALL BE CERTIFIED BY THE SECRETARY AS A PRIVATE PROCESS**
23 **SERVER BEFORE THE INDIVIDUAL PERSONALLY MAY PROVIDE ANY PRIVATE**
24 **PROCESS SERVICE IN THE STATE.**

25 **(B) AN INDIVIDUAL WHO IS NOT CERTIFIED AS A PRIVATE PROCESS**
26 **SERVER MAY PROVIDE PRIVATE PROCESS SERVICE IN THE STATE IF:**

27 **(1) THE INDIVIDUAL IS EMPLOYED BY OR HAS APPLIED FOR**
28 **EMPLOYMENT WITH A LICENSED PRIVATE PROCESS SERVICE AGENCY;**

29 **(2) THE LICENSED PRIVATE PROCESS SERVICE AGENCY HAS**
30 **SUBMITTED TO THE SECRETARY THE APPLICATION OF THE INDIVIDUAL FOR**

1 CERTIFICATION AS A PRIVATE PROCESS SERVER, FINGERPRINT CARDS, AND
2 FEES REQUIRED UNDER § 13-403 OF THIS SUBTITLE;

3 (3) AFTER A PRELIMINARY BACKGROUND INVESTIGATION, THE
4 SECRETARY DETERMINES THAT THE PROVISION OF PRIVATE PROCESS SERVICE
5 BY THE INDIVIDUAL WOULD NOT RESULT IN A POTENTIAL THREAT TO PUBLIC
6 SAFETY; AND

7 (4) THE SECRETARY HAS NOT DENIED THE APPLICATION.

8 13.5-402.

9 AN INDIVIDUAL QUALIFIES FOR CERTIFICATION AS A PRIVATE PROCESS
10 SERVER IF THE INDIVIDUAL:

11 (1) HOLDS A LICENSE;

12 (2) IS A FIRM MEMBER OF A LICENSED PRIVATE PROCESS
13 SERVICE AGENCY; OR

14 (3) (I) IS AN EMPLOYEE OF OR AN APPLICANT FOR
15 EMPLOYMENT WITH A LICENSED PRIVATE PROCESS SERVICE AGENCY; AND

16 (II) MEETS THE QUALIFICATIONS SET FORTH UNDER §
17 13.5-403 OF THIS SUBTITLE.

18 13.5-403.

19 TO QUALIFY FOR CERTIFICATION AS A PRIVATE PROCESS SERVER, AN
20 EMPLOYEE OF OR APPLICANT FOR EMPLOYMENT WITH A LICENSED PRIVATE
21 PROCESS SERVICE AGENCY SHALL:

22 (1) MEET THE STANDARDS SET BY THE SECRETARY;

23 (2) SUBMIT TO THE SECRETARY:

24 (I) A SWORN APPLICATION ON THE FORM THE SECRETARY
25 PROVIDES; AND

26 (II) THE FINGERPRINTS REQUIRED UNDER §
27 13.5-304(C)(2)(I) OF THIS TITLE; AND

28 (3) PAY TO THE SECRETARY:

1 (I) AN APPLICATION FEE OF \$15; AND

2 (II) THE FEES REQUIRED UNDER § 13.5-304(C)(2) OF THIS
3 TITLE.

4 **13.5-404.**

5 **THE SECRETARY SHALL CERTIFY AS A PRIVATE PROCESS SERVER EACH**
6 **INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.**

7 **13.5-405.**

8 (A) **BY REGULATION, THE SECRETARY SHALL STAGGER THE TERMS OF**
9 **THE CERTIFICATIONS UNDER THIS SUBTITLE.**

10 (B) **UNLESS A CERTIFICATION IS RENEWED FOR A 3-YEAR TERM AS**
11 **PROVIDED IN THIS SECTION, THE CERTIFICATION EXPIRES ON THE DATE THE**
12 **SECRETARY SETS.**

13 (C) **AT LEAST 90 DAYS BEFORE A CERTIFICATION EXPIRES, THE**
14 **APPLICANT SHALL DELIVER TO THE SECRETARY:**

15 (1) **A RENEWAL APPLICATION FORM;**

16 (2) **THE AMOUNT OF THE RENEWAL FEE; AND**

17 (3) **THE AMOUNT OF ANY LATE FEE, AS DETERMINED BY THE**
18 **SECRETARY.**

19 (D) **AN INDIVIDUAL PERIODICALLY MAY RENEW THE CERTIFICATION**
20 **FOR AN ADDITIONAL 3-YEAR TERM IF THE INDIVIDUAL:**

21 (1) **IS OTHERWISE ENTITLED TO BE CERTIFIED;**

22 (2) **PAYS TO THE SECRETARY:**

23 (I) **A RENEWAL FEE OF \$10;**

24 (II) **THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE**
25 **CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL**
26 **HISTORY RECORDS;**

1 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
2 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
3 RECORDS CHECK; AND

4 (IV) ANY LATE FEE REQUIRED UNDER THIS SUBTITLE; AND

5 (3) SUBMITS TO THE SECRETARY:

6 (I) A RENEWAL APPLICATION ON THE FORM THE
7 SECRETARY PROVIDES; AND

8 (II) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE
9 FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE
10 CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF
11 INVESTIGATION.

12 (E) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE
13 CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD
14 TO THE APPLICANT AND THE DEPARTMENT OF STATE POLICE A PRINTED
15 STATEMENT OF THE APPLICANT'S CRIMINAL HISTORY RECORDS INFORMATION.

16 (F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A
17 COMPLETE APPLICATION FOR RENEWAL OF CERTIFICATION AS REQUIRED
18 UNDER THIS SUBTITLE IS NOT RECEIVED BY THE SECRETARY AT LEAST 30
19 CALENDAR DAYS BEFORE THE CERTIFICATION EXPIRES, THE SECRETARY SHALL
20 ASSESS A LATE FEE OF \$5 PER DAY UNTIL THE APPLICATION IS RECEIVED BY
21 THE SECRETARY, UNLESS THE APPLICANT DID NOT MAKE TIMELY RENEWAL
22 BECAUSE OF INCAPACITY, HOSPITALIZATION, BEING CALLED TO ACTIVE
23 MILITARY DUTY, OR OTHER HARDSHIP.

24 (2) THE TOTAL AMOUNT OF LATE FEES ASSESSED UNDER THIS
25 SUBSECTION MAY NOT EXCEED \$150.

26 (3) THE SECRETARY MAY NOT CERTIFY ANY APPLICANT UNDER
27 THIS TITLE IF THE APPLICANT HAS OUTSTANDING LATE FEE OBLIGATIONS.

28 (G) (1) THE SECRETARY SHALL RENEW THE CERTIFICATION OF EACH
29 INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

30 (2) WITHIN 5 DAYS AFTER THE SECRETARY REFUSES TO RENEW
31 THE CERTIFICATION OF AN INDIVIDUAL AS A PRIVATE PROCESS SERVER, THE
32 SECRETARY SHALL SEND WRITTEN NOTICE OF THE REFUSAL TO THE
33 INDIVIDUAL WHO SUBMITTED THE RENEWAL APPLICATION.

1 **13.5-406.**

2 WHILE CERTIFICATION OF AN INDIVIDUAL AS A PRIVATE PROCESS
3 SERVER IS IN EFFECT, THE CERTIFICATION AUTHORIZES THE INDIVIDUAL TO
4 PROVIDE PRIVATE PROCESS SERVICE ONLY:

5 (1) ON BEHALF OF THE PRIVATE PROCESS SERVICE AGENCY
6 THROUGH WHICH THE INDIVIDUAL OBTAINED THE CERTIFICATION; AND

7 (2) WHILE THAT PRIVATE PROCESS SERVICE AGENCY IS
8 LICENSED UNDER THIS TITLE.

9 **13.5-407.**

10 (A) THE SECRETARY SHALL ISSUE TO EACH INDIVIDUAL WHO IS
11 CERTIFIED AS A PRIVATE PROCESS SERVER UNDER THIS SUBTITLE A
12 CERTIFICATION CARD THAT IDENTIFIES THE INDIVIDUAL AS A CERTIFIED
13 PRIVATE PROCESS SERVER.

14 (B) (1) SUBJECT TO THIS SUBSECTION, THE SECRETARY SHALL
15 DETERMINE THE FORM AND CONTENT OF THE CERTIFICATION CARD.

16 (2) THE CERTIFICATION CARD SHALL BE OF A SIZE AND MADE OF
17 MATERIALS APPROPRIATE FOR ITS INTENDED USE, AS PROVIDED UNDER §
18 13.5-408 OF THIS SUBTITLE.

19 (3) THE CERTIFICATION CARD SHALL CONTAIN:

20 (I) A STATEMENT THAT IN SUBSTANCE SPECIFIES THAT
21 THE INDIVIDUAL IS CERTIFIED BY THE SECRETARY AS A PRIVATE PROCESS
22 SERVER;

23 (II) THE NAME OF THE LICENSED PRIVATE PROCESS
24 SERVICE AGENCY WITH WHICH THE INDIVIDUAL IS ASSOCIATED OR BY WHICH
25 THE INDIVIDUAL IS EMPLOYED; AND

26 (III) ANY INFORMATION THAT THE SECRETARY CONSIDERS
27 APPROPRIATE TO:

28 1. IDENTIFY THE INDIVIDUAL; OR

29 2. SPECIFY THE AUTHORITY OF THE INDIVIDUAL.

1 **13.5-408.**

2 (A) AT ANY TIME THAT A CERTIFIED PRIVATE PROCESS SERVER
3 PROVIDES PRIVATE PROCESS SERVICE, THE PRIVATE PROCESS SERVER SHALL
4 CARRY THE CERTIFICATION CARD ISSUED UNDER § 13.5-407 OF THIS SUBTITLE.

5 (B) ON REQUEST OF A LAW ENFORCEMENT OFFICER, A CERTIFIED
6 PRIVATE PROCESS SERVER SHALL SHOW THE PRIVATE PROCESS SERVER'S
7 CERTIFICATION CARD.

8 **13.5-409.**

9 A CERTIFIED PRIVATE PROCESS SERVER MAY WEAR OR CARRY A BADGE
10 ONLY IF:

11 (1) THE SECRETARY AUTHORIZES THE WEARING OR CARRYING
12 OF THE BADGE;

13 (2) THE DESIGN OF THE BADGE IS APPROVED BY THE
14 SECRETARY; AND

15 (3) THE BADGE IS ISSUED BY THE LICENSED PRIVATE PROCESS
16 SERVICE AGENCY THROUGH WHICH THE PRIVATE PROCESS SERVER IS
17 CERTIFIED.

18 **13.5-410.**

19 SUBJECT TO THE HEARING PROVISIONS OF § 13.5-412 OF THIS SUBTITLE,
20 THE SECRETARY MAY DENY CERTIFICATION AS A PRIVATE PROCESS SERVER TO
21 ANY APPLICANT, REPRIMAND OR FINE ANY INDIVIDUAL CERTIFIED AS A
22 PRIVATE PROCESS SERVER, OR SUSPEND OR REVOKE THE CERTIFICATION OF
23 AN INDIVIDUAL:

24 (1) FOR ANY APPLICABLE GROUND UNDER § 13.5-312 OF THIS
25 TITLE;

26 (2) IF THE APPLICANT OR INDIVIDUAL FRAUDULENTLY OR
27 DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN CERTIFICATION AS A PRIVATE
28 PROCESS SERVER FOR THE APPLICANT OR INDIVIDUAL OR FOR ANOTHER; OR

1 **(3) IF THE APPLICANT OR INDIVIDUAL FAILS TO MAINTAIN THE**
2 **STANDARDS SET BY THE SECRETARY FOR CERTIFICATION AS A PRIVATE**
3 **PROCESS SERVER.**

4 **13.5-411.**

5 **(A) SUBJECT TO THIS SECTION, THE SECRETARY SHALL COMMENCE**
6 **PROCEEDINGS UNDER § 13.5-410 OF THIS SUBTITLE ON THE SECRETARY'S OWN**
7 **COMPLAINT OR ON A COMPLAINT MADE TO THE SECRETARY BY ANY PERSON.**

8 **(B) (1) A COMPLAINT SHALL:**

9 **(I) BE IN WRITING;**

10 **(II) BE SIGNED BY THE COMPLAINANT; AND**

11 **(III) STATE SPECIFICALLY THE FACTS ON WHICH THE**
12 **COMPLAINT IS BASED.**

13 **(2) IF A COMPLAINT IS MADE BY ANY PERSON OTHER THAN THE**
14 **SECRETARY, THE COMPLAINT SHALL BE MADE UNDER OATH BY THE PERSON**
15 **WHO SUBMITS THE COMPLAINT.**

16 **(C) (1) ON RECEIPT OF A COMPLAINT THAT ALLEGES FACTS THAT**
17 **ARE GROUNDS FOR ACTION UNDER § 13.5-410 OF THIS SUBTITLE, THE**
18 **SECRETARY SHALL APPOINT AN OFFICER OF THE DEPARTMENT OF STATE**
19 **POLICE, WITH THE RANK OF LIEUTENANT OR ABOVE, AS THE INVESTIGATING**
20 **OFFICER FOR THE COMPLAINT.**

21 **(2) THE INVESTIGATING OFFICER MAY ASSIGN RESPONSIBILITY**
22 **FOR CONDUCTING THE INVESTIGATION TO OTHER MEMBERS OF THE**
23 **DEPARTMENT OF STATE POLICE.**

24 **(D) (1) ON CONCLUSION OF THE INVESTIGATION, THE**
25 **INVESTIGATING OFFICER SHALL DETERMINE WHETHER THERE IS A**
26 **REASONABLE BASIS TO BELIEVE THAT THERE ARE GROUNDS FOR DISCIPLINARY**
27 **ACTION UNDER § 13.5-410 OF THIS SUBTITLE.**

28 **(2) IF THE INVESTIGATING OFFICER FINDS A REASONABLE BASIS**
29 **AS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY**
30 **SHALL ACT ON THE COMPLAINT AS PROVIDED UNDER § 13.5-412 OF THIS**
31 **SUBTITLE.**

1 **13.5-412.**

2 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
3 GOVERNMENT ARTICLE, BEFORE THE SECRETARY TAKES ANY FINAL ACTION
4 UNDER § 13.5-410 OF THIS SUBTITLE, THE SECRETARY SHALL GIVE THE
5 INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY
6 FOR A HEARING BEFORE THE SECRETARY.

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

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

12 (D) THE HEARING NOTICE TO BE GIVEN TO THE INDIVIDUAL SHALL BE
13 WRITTEN AND SENT AT LEAST 10 DAYS BEFORE THE HEARING.

14 (E) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY
15 COUNSEL.

16 (F) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE
17 ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE
18 SECRETARY MAY HEAR AND DETERMINE THE MATTER.

19 **13.5-413.**

20 WITHIN 5 DAYS AFTER THE SECRETARY SUSPENDS OR REVOKES THE
21 CERTIFICATION OF AN INDIVIDUAL AS A PRIVATE PROCESS SERVER, THE
22 INDIVIDUAL SHALL SURRENDER TO THE SECRETARY THE CERTIFICATION CARD
23 AND BADGE, IF ANY, OF THE INDIVIDUAL.

24 **SUBTITLE 5. MISCELLANEOUS PROVISIONS.**

25 **13.5-501.**

26 A PRIVATE PROCESS SERVICE AGENCY IS RESPONSIBLE FOR THE ACTS OF
27 EACH OF ITS EMPLOYEES WHILE THE EMPLOYEE IS CONDUCTING THE BUSINESS
28 OF THE AGENCY.

29 **13.5-502.**

1 **(A) THE OFFICES OF EACH PRIVATE PROCESS SERVICE AGENCY SHALL**
2 **BE SUPERVISED BY AN INDIVIDUAL WHO:**

3 **(1) HOLDS, AS AN INDIVIDUAL, THE LICENSE OF THE PRIVATE**
4 **PROCESS SERVICE AGENCY; OR**

5 **(2) IS THE REPRESENTATIVE MEMBER OF THE PRIVATE PROCESS**
6 **SERVICE AGENCY APPOINTED UNDER § 13.5-302(B) OF THIS TITLE.**

7 **(B) IF A PRIVATE PROCESS SERVICE AGENCY IS A FIRM, THE AGENCY**
8 **SHALL NOTIFY THE SECRETARY ABOUT:**

9 **(1) THE IDENTITY OF THE INDIVIDUAL SERVING AS THE**
10 **REPRESENTATIVE MEMBER OF THE AGENCY; AND**

11 **(2) EACH VACANCY IN THAT POSITION.**

12 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
13 **SUBSECTION, A PRIVATE PROCESS SERVICE AGENCY SHALL APPOINT A**
14 **REPRESENTATIVE MEMBER WITHIN 90 DAYS AFTER A VACANCY OCCURS IN THE**
15 **POSITION.**

16 **(2) IF THE VACANCY IS CAUSED BY THE DEATH OF OR AN**
17 **INCAPACITATING INJURY TO THE REPRESENTATIVE MEMBER, THE PRIVATE**
18 **PROCESS SERVICE AGENCY SHALL APPOINT A REPLACEMENT WITHIN 180 DAYS**
19 **AFTER THE VACANCY OCCURS.**

20 **(D) IF A LICENSED PRIVATE PROCESS SERVICE AGENCY FAILS TO**
21 **APPOINT A REPRESENTATIVE MEMBER AS REQUIRED UNDER SUBSECTION (C)**
22 **OF THIS SECTION, THE LICENSE OF THE PRIVATE PROCESS SERVICE AGENCY:**

23 **(1) IS SUSPENDED AUTOMATICALLY; AND**

24 **(2) SHALL REMAIN SUSPENDED UNTIL THE AGENCY COMPLIES**
25 **WITH THE REQUIREMENTS.**

26 **(E) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THIS**
27 **SECTION.**

28 **13.5-503.**

29 **(A) (1) SUBJECT TO THIS SECTION, AN APPLICANT FOR A LICENSE**
30 **SHALL EXECUTE A BOND THAT IS CONDITIONED ON THE FAITHFUL AND HONEST**

1 CONDUCT OF THE APPLICANT AND RUNS TO THE STATE FOR THE BENEFIT OF
2 ANY PERSON INJURED BY ANY WRONGFUL ACT OF THE APPLICANT THAT IS
3 WILLFUL OR MALICIOUS.

4 (2) THE APPLICANT SHALL SUBMIT THE BOND TO THE
5 SECRETARY WITH THE LICENSE APPLICATION.

6 (B) (1) THE AMOUNT OF THE BOND REQUIRED UNDER SUBSECTION
7 (A) OF THIS SECTION SHALL BE AT LEAST:

8 (I) \$15,000, IF THE APPLICANT IS AN INDIVIDUAL; OR

9 (II) \$1,000,000, IF THE APPLICANT IS A FIRM.

10 (2) THE TOTAL LIABILITY OF THE SURETY TO ALL INSURED
11 PERSONS UNDER THE BOND MAY NOT EXCEED THE PENAL SUM OF THE BOND.

12 (C) A LICENSEE SHALL KEEP IN EFFECT AT ALL TIMES A BOND THAT
13 MEETS THE REQUIREMENTS OF THIS SECTION.

14 (D) (1) IF A LICENSEE'S BOND IS CANCELED, FORFEITED, OR
15 TERMINATED BY THE SURETY, THE SURETY IMMEDIATELY SHALL NOTIFY THE
16 SECRETARY.

17 (2) IF A SURETY FAILS TO NOTIFY THE SECRETARY AS REQUIRED
18 BY THIS SUBSECTION, THE BOND SHALL CONTINUE IN EFFECT UNTIL THE
19 NOTICE IS GIVEN TO THE SECRETARY.

20 13.5-504.

21 (A) A NONRESIDENT APPLICANT FOR A LICENSE SHALL SUBMIT TO THE
22 SECRETARY OF STATE A CONSENT, AS PROVIDED UNDER THIS SECTION.

23 (B) THE CONSENT REQUIRED UNDER THIS SECTION SHALL:

24 (1) SPECIFY THAT SERVICE OF PROCESS ON THE SECRETARY OF
25 STATE SHALL BIND THE APPLICANT IN ANY ACTION, SUIT, OR PROCEEDING
26 BROUGHT AGAINST THE APPLICANT;

27 (2) SPECIFY THAT AN ACTION, SUIT, OR PROCEEDING MAY BE
28 BROUGHT AGAINST THE APPLICANT IN ANY COUNTY WHERE:

29 (I) THE CAUSE OF ACTION AROSE; OR

1 **(II) THE PLAINTIFF RESIDES; AND**

2 **(3) BE SIGNED BY THE REPRESENTATIVE MEMBER OF THE**
3 **APPLICANT.**

4 **(C) IN ADDITION TO SUBMITTING A CONSENT, A NONRESIDENT**
5 **APPLICANT SHALL SUBMIT TO THE SECRETARY OF STATE A CERTIFIED COPY OF**
6 **A RESOLUTION ADOPTED BY THE FIRM THAT CONFIRMS THAT THE FIRM**
7 **MEMBERS, BOARD OF DIRECTORS, OR OTHER MANAGING BOARD OF THE FIRM**
8 **AUTHORIZED THE REPRESENTATIVE MEMBER TO EXECUTE AND SUBMIT THE**
9 **CONSENT ON BEHALF OF THE FIRM.**

10 **(D) AN APPLICANT WHO IS REQUIRED UNDER THIS SECTION TO SUBMIT**
11 **A CONSENT OR A CONSENT AND AUTHORIZATION TO THE SECRETARY OF STATE**
12 **SHALL SUBMIT COPIES OF THE SIGNED DOCUMENTS TO THE SECRETARY.**

13 **(E) THE SECRETARY MAY NOT ISSUE A LICENSE TO A NONRESIDENT**
14 **APPLICANT UNLESS THE NONRESIDENT APPLICANT COMPLIES WITH THE**
15 **REQUIREMENTS OF SUBSECTIONS (A) THROUGH (D) OF THIS SECTION.**

16 **(F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, SERVICE**
17 **OF PROCESS ON THE SECRETARY OF STATE BINDS A PERSON WHO HAS**
18 **SUBMITTED A CONSENT TO THE SECRETARY OF STATE, AS REQUIRED UNDER**
19 **THIS SECTION.**

20 **(2) IF SERVICE OF PROCESS IS MADE ON THE SECRETARY OF**
21 **STATE AS AUTHORIZED UNDER THIS SECTION, THE PERSON INITIATING THE**
22 **ACTION, SUIT, OR PROCEEDING IMMEDIATELY SHALL SEND A COPY, BY**
23 **CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE PRINCIPAL OFFICE IN**
24 **THE STATE OF THE PERSON AGAINST WHOM THE ACTION, SUIT, OR PROCEEDING**
25 **IS DIRECTED.**

26 **(3) AS TO ANY PERSON WHO SUBMITS A CONSENT AS REQUIRED**
27 **UNDER THIS SECTION, ANY ACTION, SUIT, OR PROCEEDING MAY BE BROUGHT IN**
28 **ANY COUNTY WHERE:**

29 **(I) THE CAUSE OF ACTION AROSE; OR**

30 **(II) THE PLAINTIFF RESIDES.**

31 **13.5-505.**

1 (A) IN THIS SECTION, "AGENCY EQUIPMENT" MEANS A BADGE,
2 CLOTHING, OR OTHER EQUIPMENT THAT:

3 (1) BELONGS TO A PRIVATE PROCESS SERVICE AGENCY; AND

4 (2) BEARS THE NAME, TRADE NAME, OR TRADEMARK OF THE
5 PRIVATE PROCESS SERVICE AGENCY.

6 (B) IF A PRIVATE PROCESS SERVICE AGENCY ISSUES AGENCY
7 EQUIPMENT FOR USE BY AN INDIVIDUAL WHO IS ASSOCIATED WITH OR
8 EMPLOYED BY THE AGENCY, THE INDIVIDUAL SHALL RETURN THE AGENCY
9 EQUIPMENT TO THE AGENCY WITHIN 10 DAYS AFTER:

10 (1) THE TERMINATION OF THE INDIVIDUAL'S ASSOCIATION OR
11 EMPLOYMENT WITH THE AGENCY; OR

12 (2) THE WRITTEN REQUEST OF AN AUTHORIZED
13 REPRESENTATIVE OF THE AGENCY.

14 **13.5-506.**

15 IF A CERTIFIED PRIVATE PROCESS SERVER LOSES A CERTIFICATION
16 CARD, THE PRIVATE PROCESS SERVER IMMEDIATELY SHALL GIVE THE
17 SECRETARY NOTICE OF THE LOSS AND THE CIRCUMSTANCES REGARDING THE
18 LOSS.

19 **SUBTITLE 6. PROHIBITED ACTS; PENALTIES.**

20 **13.5-601.**

21 (A) A PERSON MAY NOT ENGAGE IN, ATTEMPT TO ENGAGE IN, OFFER TO
22 ENGAGE IN, OR SOLICIT TO ENGAGE IN A BUSINESS FOR THE PURPOSE OF
23 PROVIDING PRIVATE PROCESS SERVICE IN THE STATE UNLESS LICENSED AS A
24 PRIVATE PROCESS SERVICE AGENCY BY THE SECRETARY.

25 (B) AN INDIVIDUAL MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OFFER
26 TO PROVIDE, OR SOLICIT TO PROVIDE PRIVATE PROCESS SERVICE IN THE
27 STATE UNLESS CERTIFIED AS A PRIVATE PROCESS SERVER BY THE SECRETARY.

28 **13.5-602.**

29 (A) UNLESS AUTHORIZED UNDER THIS TITLE TO ENGAGE IN BUSINESS
30 FOR THE PURPOSE OF PROVIDING PRIVATE PROCESS SERVICE, A PERSON MAY

1 NOT REPRESENT TO THE PUBLIC, BY USE OF A TITLE, INCLUDING “LICENSED
2 PRIVATE PROCESS SERVICE AGENCY”, “PRIVATE PROCESS SERVICE AGENCY”,
3 OR “PRIVATE PROCESS SERVERS”, BY DESCRIPTION OF SERVICES, METHODS, OR
4 PROCEDURES, OR OTHERWISE, THAT THE PERSON IS AUTHORIZED TO ENGAGE
5 IN THE BUSINESS OF PROVIDING PRIVATE PROCESS SERVICE IN THE STATE.

6 (B) UNLESS AN INDIVIDUAL IS CERTIFIED AS A PRIVATE PROCESS
7 SERVER UNDER THIS TITLE, THE INDIVIDUAL MAY NOT REPRESENT TO THE
8 PUBLIC, BY USE OF A TITLE, INCLUDING “CERTIFIED PRIVATE PROCESS
9 SERVER”, “LICENSED PRIVATE PROCESS SERVER”, OR “PRIVATE PROCESS
10 SERVER”, BY USE OF A BADGE OR IDENTIFICATION CARD, BY DESCRIPTION OF
11 SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL
12 IS AUTHORIZED TO PROVIDE PRIVATE PROCESS SERVICE IN THE STATE.

13 **13.5–603.**

14 (A) EXCEPT AS AUTHORIZED UNDER THIS TITLE, A PRIVATE PROCESS
15 SERVICE AGENCY MAY NOT PROVIDE ANY PERSON WITH A BADGE OR A
16 CERTIFICATION CARD OR OTHER DOCUMENT INDICATING THAT ANY
17 INDIVIDUAL IS A PRIVATE PROCESS SERVER.

18 (B) A CERTIFIED PRIVATE PROCESS SERVER MAY NOT LEND THE
19 PRIVATE PROCESS SERVER’S CERTIFICATION CARD OR BADGE TO ANOTHER
20 PERSON OR ALLOW ANOTHER PERSON TO USE OR DISPLAY THE CARD OR BADGE.

21 (C) REGARDLESS OF ANY ASSOCIATION THAT AN INDIVIDUAL MAY HAVE
22 WITH A PRIVATE PROCESS SERVICE AGENCY, UNLESS AUTHORIZED UNDER THIS
23 TITLE, THE INDIVIDUAL MAY NOT WEAR OR CARRY A BADGE THAT:

24 (1) REPRESENTS THAT THE INDIVIDUAL IS A PRIVATE PROCESS
25 SERVER; OR

26 (2) OTHERWISE REPRESENTS THAT THE INDIVIDUAL IS
27 ASSOCIATED WITH A PRIVATE PROCESS SERVICE AGENCY.

28 **13.5–604.**

29 (A) (1) A LICENSEE MAY NOT DISPLAY OR ALLOW TO BE DISPLAYED
30 THE AGENCY LICENSE CERTIFICATE AT ANY LOCATION OTHER THAN THE
31 PRINCIPAL OFFICE OF THE LICENSEE, AS SPECIFIED IN THE CERTIFICATE.

1 **THIS TITLE MAY BE CITED AS THE “MARYLAND PRIVATE PROCESS**
2 **SERVERS ACT”.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2013.