

HOUSE BILL 1255

C2

5l2681
CF 5l2689

By: **Delegate Impallaria**

Introduced and read first time: March 6, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Locksmith Act – Public Lists of Licensees – Remedies for Violations**

3 FOR the purpose of requiring Internet Web sites and electronic mail to contain certain
4 information about licensed locksmiths under certain circumstances; requiring
5 certain advertisements, directories of service providers, or search result information
6 to include certain information about licensed locksmiths; requiring certain
7 advertisers, directory publishers, or search result providers to verify with the
8 Secretary of Labor, Licensing, and Regulation certain information under certain
9 circumstances; authorizing a certain petition for declaratory judgment under certain
10 circumstances; authorizing certain injunctions and a certain license suspension
11 under certain circumstances; providing for certain attorney's fees and costs under
12 certain circumstances; authorizing a certain action to be brought to recover for
13 certain injury or loss under certain circumstances; providing that certain violations
14 of certain provisions of law are certain unfair and deceptive trade practices and
15 subject to certain penalty and enforcement provisions; and generally relating to
16 locksmiths and the Maryland Locksmith Act.

17 BY repealing and reenacting, with amendments,
18 Article – Business Regulation
19 Section 12.5–401
20 Annotated Code of Maryland
21 (2010 Replacement Volume and 2014 Supplement)

22 BY adding to
23 Article – Business Regulation
24 Section 12.5–508
25 Annotated Code of Maryland
26 (2010 Replacement Volume and 2014 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Business Regulation

12.5–401.

(A) Each locksmith advertisement, **INTERNET WEB SITE, ELECTRONIC MAIL,** business card, or any other means of providing notice to the public of the business providing locksmith services shall include the name of the licensed locksmith and the license number of the licensed locksmith.

(B) (1) **ANY ADVERTISEMENT, DIRECTORY OF SERVICE PROVIDERS, OR SEARCH RESULT INFORMATION THAT PUBLICLY DISPLAYS LISTS OF LOCKSMITHS SHALL INCLUDE IN THE ADVERTISEMENT, DIRECTORY LISTING, OR SEARCH RESULT, THE FOLLOWING INFORMATION:**

(I) **THE VERBATIM NAME OF THE LICENSED LOCKSMITH THAT IS ON FILE WITH THE SECRETARY;**

(II) **THE FIXED BUSINESS ADDRESS OF THE LICENSED LOCKSMITH THAT IS ON FILE WITH THE SECRETARY;**

(III) **THE TELEPHONE NUMBER OF THE LICENSED LOCKSMITH THAT IS ON FILE WITH THE SECRETARY;**

(IV) **THE LICENSE NUMBER OF THE LICENSED LOCKSMITH; AND**

(V) **THE DATE THAT THE ADVERTISER, DIRECTORY PUBLISHER, OR SEARCH RESULT PROVIDER VERIFIED THAT THE LOCKSMITH IS LICENSED.**

(2) **THE ADVERTISER, DIRECTORY PUBLISHER, OR SEARCH RESULT PROVIDER SHALL VERIFY WITH THE SECRETARY THAT THE LOCKSMITH LISTED IN THE ADVERTISEMENT, DIRECTORY LISTING, OR SEARCH RESULT INFORMATION IS LICENSED IN ACCORDANCE WITH THIS TITLE BEFORE ALLOWING THE PUBLIC DISPLAY OF THE ADVERTISEMENT, DIRECTORY LISTING, OR SEARCH RESULT INFORMATION.**

(3) **IN ADDITION TO ANY OTHER REMEDIES PROVIDED UNDER THIS TITLE, A VIOLATION OF ANY PROVISION OF THIS SECTION IS SUBJECT TO AN ACTION FOR INJUNCTIVE RELIEF UNDER § 12.5–508 OF THIS TITLE.**

12.5–508.

(A) **A LICENSED LOCKSMITH OR ANY OTHER PERSON AGGRIEVED BY A VIOLATION OF ANY PROVISION OF THIS TITLE MAY FILE A PETITION FOR A**

1 DECLARATORY JUDGMENT THAT AN ACT OR A PRACTICE VIOLATES A PROVISION OF
2 THIS TITLE.

3 (B) (1) A LICENSED LOCKSMITH OR ANY OTHER PERSON AGGRIEVED BY
4 A VIOLATION OF ANY PROVISION OF THIS TITLE MAY SEEK A TEMPORARY
5 INJUNCTION TO PROHIBIT A PERSON WHO HAS ENGAGED OR IS ENGAGING IN A
6 VIOLATION OF THIS TITLE FROM CONTINUING TO ENGAGE OR ENGAGING IN THE
7 VIOLATION.

8 (2) IF A COURT FINDS THAT AN ACT OR A PRACTICE VIOLATES ANY
9 PROVISION OF THIS TITLE, A TEMPORARY INJUNCTION MAY BE MADE PERMANENT,
10 MODIFIED, OR CONVERTED INTO A LICENSE SUSPENSION FOR A PERIOD OF NO MORE
11 THAN 10 YEARS.

12 (3) THE VIOLATOR IS LIABLE TO THE PERSON BRINGING THE ACTION
13 FOR AN INJUNCTION FOR THE PERSON'S REASONABLE ATTORNEY'S FEES AND COSTS
14 IF THE COURT ISSUES THE INJUNCTION.

15 (4) PROOF OF ACTUAL DAMAGE OR THAT ANY PERSON WILL SUSTAIN
16 ANY DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION
17 UNDER THIS SUBSECTION.

18 (C) (1) IN ADDITION TO ANY ACTION BY THE SECRETARY AUTHORIZED BY
19 THIS TITLE AND ANY OTHER ACTION OTHERWISE AUTHORIZED BY LAW, ANY PERSON
20 MAY BRING AN ACTION TO RECOVER FOR INJURY OR LOSS SUSTAINED BY THE
21 PERSON AS THE RESULT OF AN ACT OR A PRACTICE THAT VIOLATES ANY PROVISION
22 OF THIS TITLE.

23 (2) ANY PERSON WHO BRINGS AN ACTION TO RECOVER FOR INJURY
24 OR LOSS UNDER THIS SUBSECTION AND WHO IS AWARDED DAMAGES MAY ALSO SEEK,
25 AND THE COURT MAY AWARD, REASONABLE ATTORNEY'S FEES.

26 (3) IF IT APPEARS TO THE SATISFACTION OF THE COURT, AT ANY
27 TIME, THAT AN ACTION IS BROUGHT IN BAD FAITH OR IS OF A FRIVOLOUS NATURE,
28 THE COURT MAY ORDER THE OFFENDING PARTY TO PAY TO THE OTHER PARTY
29 REASONABLE ATTORNEY'S FEES.

30 (D) A VIOLATION OF § 12.5-401 OF THIS TITLE OR ANY OTHER PROVISION
31 OF THIS TITLE:

32 (1) IS AN UNFAIR AND DECEPTIVE TRADE PRACTICE WITHIN THE
33 MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND

1 **(2)** IS SUBJECT TO THE PENALTY AND ENFORCEMENT PROVISIONS
2 CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.

3 **(E)** AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT IN
4 SUBSTITUTION FOR DISCIPLINARY ACTION UNDER § 12.5-211 OF THIS TITLE OR
5 CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PROVISION OF LOCKSMITH
6 SERVICES UNDER § 12.5-505(A) OF THIS SUBTITLE.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2015.