

SENATE BILL 936

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5lr2689
CF HB 1255

By: **Senator Klausmeier**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session
Introduced and read first time: March 19, 2015

Assigned to: Rules

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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Business Regulation**

4 12.5–401.

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

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

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

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

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

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

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

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

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

31 **12.5–508.**

1 **(A) A LICENSED LOCKSMITH OR ANY OTHER PERSON AGGRIEVED BY A**
2 **VIOLATION OF ANY PROVISION OF THIS TITLE MAY FILE A PETITION FOR A**
3 **DECLARATORY JUDGMENT THAT AN ACT OR A PRACTICE VIOLATES A PROVISION OF**
4 **THIS TITLE.**

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

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

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

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

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

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

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

32 **(D) A VIOLATION OF § 12.5-401 OF THIS TITLE OR ANY OTHER PROVISION**
33 **OF THIS TITLE:**

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

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

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

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