

Chapter 315

(Senate Bill 496)

AN ACT concerning

Business Regulation – Miscellaneous State Business Licenses – Alterations

FOR the purpose of altering certain administrative and enforcement provisions for business licenses issued in the State; altering certain licensing provisions for certain businesses in the State, including construction, garages, peddlers, junk dealers and scrap metal processors, laundries and dry cleaners, storage warehouses, restaurants, chain stores, traders, and vending machines; repealing the provisions of law for the licensure of amusement devices, wholesale farm machinery dealers, plumbers and gas fitters, and trading stamp issuers; and generally relating to the issuance of business licenses in the State.

BY repealing

Article – Business Regulation

Section 17–203 through 17–205; 17–401 through 17–454 and the subtitle “Subtitle 4. Amusement Devices”; 17–701 through 17–703 and the subtitle “Subtitle 7. Wholesale Farm Machinery Dealers”; 17–904, 17–910, 17–913, and 17–915; the part designation “Part I. Definitions” immediately preceding Section 17–1001; 17–1005 and the part “Part II. State Licensing”; 17–1009; 17–1501 through 17–1504 and the subtitle “Subtitle 15. Plumbers and Gas Fitters”; 17–1803, 17–1805, 17–1809, 17–1810, 17–1815; 17–1907; and 17–2001 through 17–2003 and the subtitle “Subtitle 20. Trading Stamp Issuers”

Annotated Code of Maryland

(2015 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 17–101, 17–102, 17–201, 17–202(e), 17–206, 17–301, 17–302, 17–303(c), 17–305(a), 17–601, 17–602, 17–603, 17–801, 17–901, 17–907, 17–908, 17–911, 17–912, 17–1001, 17–1006, 17–1007, 17–1008, 17–1010, 17–1011, 17–1012, 17–1013, 17–1101, 17–1102, 17–1201 through 17–1204, and 17–1601, and 17–1603; 17–1801, 17–1804, 17–1806, 17–1807, 17–1807.1, 17–1808, 17–1811, 17–1812, 17–1813, 17–1814, and 17–1816 to be under the amended subtitle “Subtitle 18. Traders”; and 17–1902, 17–1904, 17–1905, 17–1906, 17–2101, and 17–2103

Annotated Code of Maryland

(2015 Replacement Volume and 2021 Supplement)

BY adding to

Article – Business Regulation

Section 17–202(e) and 17–303(d); and 17–17A–01 through 17–17A–04 to be under the new subtitle “Subtitle 17A. Chain Stores”

Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 17–401 through 17–454 and the subtitle “Subtitle 4. Amusement Devices”; 17–701 through 17–703 and the subtitle “Subtitle 7. Wholesale Farm Machinery Dealers”; 17–1501 through 17–1504 and the subtitle “Subtitle 15. Plumbers and Gas Fitters”; and 17–2001 through 17–2003 and the subtitle “Subtitle 20. Trading Stamp Issuers” of Article – Business Regulation of the Annotated Code of Maryland be repealed.

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

Article – Business Regulation

Subtitle 1. Definitions; General Provisions.

17–101.

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

(b) “Goods” means tangible personal property, **ITEMS OF TRADE, MERCHANDISE, OR OTHER TYPES OF PRODUCTS SOLD AT WHOLESALE OR RETAIL.**

(c) **“LICENSE” MEANS A LICENSE ISSUED UNDER THIS TITLE.**

~~[(c)]~~ (d) (1) “Sale” [includes barter] **MEANS THE EXCHANGE OR TRANSFER, OR THE AGREEMENT TO CHANGE OR TRANSFER, TITLE OR POSSESSION OF GOODS IN ANY MANNER FOR CONSIDERATION.**

(2) **“SALE” INCLUDES BARTER.**

~~[(d)]~~ (e) “Sell” includes barter.

(f) **“STOCK-IN-TRADE” MEANS:**

(1) **GOODS HELD FOR SALE AND REPORTED AS INVENTORY ON THE BUSINESS PERSONAL PROPERTY TAX RETURN FILED WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION; OR**

(2) **EXCEPT FOR ALCOHOLIC BEVERAGES, GOODS HELD FOR SALE AND REPORTED AS INVENTORY ON THE BUSINESS PERSONAL PROPERTY TAX RETURN FILED WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION FOR DETERMINING THE VALUATION OF A TRADER’S LICENSE UNDER SUBTITLE 18 OF THIS TITLE.**

[(e)] (G) “Trader” **[includes] MEANS** a person who operates a room or other place of business for selling goods, **INCLUDING GOODS SOLD** at auction.

[(f)] (H) “Trader’s license” means a license issued by the clerk to do business as a trader.

17-102.

(A) THIS TITLE APPLIES TO A PERSON WHO IS ENGAGED IN A FOR-PROFIT BUSINESS.

(B) This title does not apply to **[a person who does not buy or sell in a trade or business carried on for profit]:**

(1) A PERSON WHO IS ENGAGED IN A NOT-FOR-PROFIT BUSINESS OR A BUSINESS EXEMPT FROM TAXATION UNDER THE FEDERAL INTERNAL REVENUE CODE; OR

(2) A GOVERNMENTAL UNIT.

Subtitle 2. Administration and Enforcement.

17-201.

(a) In this subtitle, “license” means a license issued by a clerk under this title.

(b) In this subtitle, “license” includes:

[(1)] (1) a console machine license issued under Subtitle 4 of this title;

(2) a pinball machine license issued under Subtitle 4 of this title;

(3) a Wicomico County pinball machine license issued under Subtitle 4 of this title;

(4) a Garrett County amusement device license issued under Subtitle 4 of this title;

(5) a billiard table license issued under Subtitle 5 of this title;]

[(6)] (1) a construction license issued under Subtitle 6 of this title;

[(7)] (2) a nonresident construction license issued under Subtitle 6 of this title;

[(8) a wholesale farm machinery dealer's license issued under Subtitle 7 of this title;]

[(9) (3) a garage license issued under Subtitle 8 of this title;

[(10) (4) a peddler license issued under Subtitle 9 of this title;

[(11) (5) a **CALVERT COUNTY** magazine seller license issued under Subtitle 9 of this title;

[(12) (6) a junk dealer or scrap metal processor license issued under Subtitle 10 of this title;

[(13) (7) an agent license issued under Subtitle 10 of this title;

[(14) (8) a Calvert County junk dealer or scrap metal processor license issued under Subtitle 10 of this title;

[(15) (9) a license to do the business of cleaning, dyeing, pressing, or laundering **ON-SITE** issued under Subtitle 11 of this title;

[(16) (10) a [license to keep a] storage warehouse **LICENSE** issued under Subtitle 12 of this title;

[(17) a State juke box license issued under Subtitle 13 of this title;

[(18) a Harford County juke box license issued under Subtitle 13 of this title;]

[(19) (11) a promoter license issued under Subtitle 14 of this title;

[(20) a plumber's license issued under Subtitle 15 of this title;]

[(21) (12) a restaurant license issued under Subtitle 16 of this title;

[(22) (13) a trader's license issued under Subtitle 18 of this title;

[(23) (14) a chain store license issued under Subtitle [18] **17A** of this title;

AND

[(24) (15) a vending machine license issued under Subtitle 19 of this title[;

and

(25) a license to do business as a trading stamp issuer issued under Subtitle 20 of this title].

17-202.

(E) THE COMPTROLLER SHALL MAKE ALL LICENSE MATERIALS, INCLUDING STICKERS, AVAILABLE TO THE CLERKS ON OR BEFORE APRIL 1 EACH YEAR.

[(e) (F) The Comptroller may adopt regulations to:

- (1) carry out this title; and
- (2) define any term used in this title.

[17-203.

(a) The Comptroller shall:

(1) cause to be printed or otherwise prepared, in the form required by law or usage, blank licenses of each kind authorized by law; and

(2) deliver to the clerks the number and kind of blank licenses that they need.

(b) (1) Before May 1 of each year, each clerk shall apply to the Comptroller for the number of blank licenses that the clerk is likely to need for the year that begins on May 1.

(2) Each clerk shall apply to the Comptroller for blank licenses at other times as necessary.

(c) If a clerk fails to comply with subsection (b) of this section, the clerk shall pay a penalty of \$1,000 for each violation.]

[17-204.

(a) On or before the first Monday of June and the first Monday of December of each year, each clerk shall submit to the Comptroller, under oath, a list and account of licenses issued by the clerk.

(b) The list shall contain:

- (1) the number of licenses issued;
- (2) the kind of each license issued;

- (3) the date of issuance of each license;
 - (4) the license fee received for each license;
 - (5) the name of each licensee; and
 - (6) the number and kind of any blank licenses remaining unissued.
- (c) If a clerk fails to comply with this section, the Comptroller shall:
- (1) charge the clerk, at the rates set by law, with the whole amount of blank licenses delivered to the clerk; and
 - (2) immediately bring suit against the official bond of the clerk to recover that amount.]

[17–205.

On or before the tenth day of each month, each clerk shall send to the State Department of Assessments and Taxation a copy of each license and the application for each license that the clerk issued during the preceding month.]

[17–206.] **17–203.**

- (a) This section does not apply to:
- (1) [a console machine license, pinball machine license, Wicomico County pinball machine license, or Garrett County amusement device license issued under Subtitle 4 of this title;
 - (2)] a Calvert County peddler license or magazine seller license issued under Subtitle 9 of this title;
 - [(3)] **(2)** a junk dealer or scrap metal processor license[,] **OR** agent license[, or Calvert County junk dealer or scrap metal processor license] issued under Subtitle 10 of this title;
 - [(4)] **(3)** a [license to keep a] storage warehouse **LICENSE** issued under Subtitle 12 of this title;
 - [(5)] **(4)** a promoter license issued under Subtitle 14 of this title; **OR**
 - [(6)] **(5)** a vending machine license issued under Subtitle 19 of this title[;

or

(7) a license to do business as a trading stamp issuer issued under Subtitle 20 of this title].

(b) Except as provided in subsections (a) and (c) of this section or otherwise in this title, each clerk shall account for and distribute the **LICENSE** fees received for licenses issued under this title as follows:

(1) the clerk shall pay into the General Fund of the State:

(i) the percentage of license fees authorized [by law as a fee of the office;

(ii) the additional issuance fee now allowed; and] **UNDER § 2-213 OF THE COURTS ARTICLE; AND**

[(iii)] **(II)** 3% of license fees to defray the expenses of the State License Bureau; and

(2) [except as provided in subsection (d) of this section,] the clerk shall distribute the remaining license fees:

(i) to the municipal corporation where the licensed business or activity is located, if the licensed business or activity is located in a municipal corporation; or

(ii) to the county where the licensed business or activity is located, if the licensed business or activity is not located in a municipal corporation.

(c) A clerk shall account for and pay into the General Fund of the State the entire fee received for a trader's license issued in a county or municipal corporation that selects a uniform license fee under [§ 17-1807.1] **§ 17-1806** of this title.

(D) THE CLERK SHALL PAY ALL ISSUANCE FEES INTO THE GENERAL FUND OF THE STATE.

[(d)] **(E)** (1) For purposes of this subsection, per capita revenue shall be computed by using the population figures from the later of:

(i) the most recent federal census; or

(ii) an official local census.

(2) The clerk may not distribute license fees to a county or municipal corporation unless the county or municipal corporation:

(i) levies, in its current fiscal year, taxes sufficient to collect at least \$1.00 per capita in revenue; and

(ii) certifies to the Comptroller a copy of the levy.

(3) THE COMPTROLLER SHALL NOTIFY THE CLERK IF A COUNTY OR MUNICIPALITY HAS NOT CERTIFIED A COPY OF THE LEVY AS REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

[(3)] (4) The clerk shall pay into the General Fund of the State any money that is not distributed at the end of the fiscal year of a county or municipal corporation because the county or municipal corporation failed to make the levy and certification required by paragraph (2) of this subsection.

Subtitle 3. General Business Licensing Provisions.

17-301.

In this subtitle, “license” has the meaning stated in [§ 17-201] **§§ 17-101 AND 17-201** of this title.

17-302.

(a) **(1) [Except] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND EXCEPT** as otherwise provided in this title, an applicant for a **NEW** license under this title shall **SUBMIT TO THE CLERK**:

[(1)] (I) [submit to the clerk, in duplicate,] an application [on the form] that the clerk provides; **AND**

[(2)] submit to the clerk a receipt or certificate for taxes in accordance with subsection (c) of this section; and]

[(3)] (II) [pay to the clerk] **PAYMENT OF** the appropriate license fee required by this title.

(2) IF AN APPLICANT IS APPLYING FOR A NEW TRADER’S LICENSE ~~UNDER~~ IN A COUNTY OR MUNICIPALITY THAT HAS NOT SELECTED A UNIFORM LICENSE FEE UNDER § 17-1806 OF THIS TITLE, THE APPLICANT SHALL SUBMIT TO THE CLERK A CERTIFICATION BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, OR OTHER CERTIFICATION ACCEPTABLE TO THE CLERK, OF THE VALUE OF THE STOCK-IN-TRADE REPORTED AS INVENTORY ON THE BUSINESS PERSONAL PROPERTY TAX RETURN IN EACH COUNTY WHERE THE BUSINESS IS LOCATED FOR THE APPROPRIATE VALUATION YEAR.

(b) (1) [Each application for a license shall be verified in the way and contain the information that the Comptroller requires by regulation.] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A LICENSEE APPLYING FOR RENEWAL OF A LICENSE SHALL SUBMIT TO THE CLERK, ELECTRONICALLY OR OTHERWISE:**

(I) A CERTIFICATION BY THE COUNTY TREASURER UNDER SUBSECTION (C) OF THIS SECTION THAT THERE ARE NO UNPAID TAXES DUE TO THE STATE OR COUNTY ON THE FIXTURES OR STOCK-IN-TRADE; AND

(II) PAYMENT OF THE APPROPRIATE LICENSE FEE REQUIRED BY THIS TITLE.

(2) IF A LICENSEE IS APPLYING TO RENEW A TRADER'S LICENSE UNDER THIS TITLE, THE LICENSEE SHALL SUBMIT TO THE CLERK A CERTIFICATION BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, OR OTHER CERTIFICATION ACCEPTABLE TO THE CLERK, OF THE VALUE OF THE FIXTURES AND STOCK-IN-TRADE REPORTED AS INVENTORY ON THE BUSINESS PERSONAL PROPERTY TAX RETURN IN EACH COUNTY WHERE THE BUSINESS IS LOCATED FOR THE APPLICANT'S BUSINESS FOR THE APPROPRIATE VALUATION YEAR.

(c) (1) In this subsection, "county treasurer" includes the Director of Finance or other chief fiscal officer of a county that does not have a county treasurer.

(2) This subsection does not apply to a domestic corporation that has shares subject to taxation under State law.

(3) Except as otherwise provided in this title, [an applicant] **A LICENSEE APPLYING** for **RENEWAL OF** a license shall submit to the clerk, **ELECTRONICALLY OR OTHERWISE:**

(i) [a certification by the State Department of Assessments and Taxation of the value of the goods, fixtures, and stock in trade in each county where the business is located for the applicant's business for the valuation year;

(ii) a certification by the county treasurer of that county, **IF APPLICABLE**, that there are no unpaid taxes due to the [State or] county on the [goods,] fixtures[, or stock in trade] **OR STOCK-IN-TRADE; [and]**

[(iii)] **(II)** a certification by the municipal corporation, if any, where the business is located that there are no unpaid taxes due to the municipal corporation on the [goods,] fixtures[, or stock in trade] **OR STOCK-IN-TRADE; AND**

(III) A CERTIFICATION BY THE COMPTROLLER THAT THERE ARE NO UNPAID TAXES DUE TO THE STATE.

[(4)] (D) In this [subsection] **SECTION**, the valuation year:

[(i)] (1) in Washington County, is the fiscal year that includes May 1 of the calendar year when the license is issued; or

[(ii)] (2) in each other county, is the [last] **SECOND PRECEDING** calendar year before the year for which the license is sought.

[(d)] (E) (1) This subsection applies only in Calvert County.

(2) The clerk may not issue a license under this title for the first time to a business that will be located in Calvert County unless the applicant submits to the clerk a certification that the location of the business for which the license is sought is zoned for the type of business for which the applicant is seeking a license.

(3) The certification must be issued from:

(i) the Calvert County Department of Planning and Zoning; or

(ii) the appropriate municipal corporation, if the location of the proposed business is within the boundaries of a municipal corporation.

(F) EACH APPLICATION FOR A LICENSE SHALL CONTAIN ANY INFORMATION REQUIRED BY THE COMPTROLLER IN REGULATION.

17–303.

(c) (1) A person who must have a license under this title but does not get the license on time shall pay to the clerk, in addition to the required license fee, a late fee.

(2) **[The] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE** late fee shall be the sum of:

(i) 10% of the required license fee for the calendar month following the calendar month when the required license fee is due; and

(ii) 2% of the required license fee for each calendar month or part of a month after that.

(3) A LATE FEE IMPOSED UNDER THIS SUBSECTION MAY NOT EXCEED 30% OF THE REQUIRED LICENSE FEE FOR THE LICENSE YEAR.

(D) THE COMPTROLLER SHALL CHARGE AN ISSUANCE FEE FOR EACH LICENSE THAT IS ISSUED OR TRANSFERRED.

17-305.

(a) (1) Except as otherwise provided in this title, a license is effective on May 1.

(2) Whenever a person begins business after May 31, the clerk shall issue a license that is effective on the [first of the month when the person begins business under the license] **DATE OF ISSUANCE**.

Subtitle 6. Construction.

17-601.

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

(b) “Construction license” means a license issued by the clerk to do construction business.

(c) **(1)** “Do construction business” means to agree to:

[(1)] (I) pave or curb a sidewalk, street, or other public or private property;

[(2)] (II) excavate earth, rock, or other material for a foundation or other purpose; or

[(3)] (III) do work on or in a building or other structure that requires the use of a building material, including:

[(i)] 1. paint;

[(ii)] 2. stone;

[(iii)] 3. brick;

[(iv)] 4. mortar;

[(v)] 5. wood;

[(vi)] 6. cement;

[(vii)] 7. structural iron;

- [(viii)] **8.** structural steel;
- [(ix)] **9.** sheet iron;
- [(x)] **10.** galvanized iron;
- [(xi)] **11.** metallic piping;
- [(xii)] **12.** tin;
- [(xiii)] **13.** lead;
- [(xiv)] **14.** electric wiring; or
- [(xv)] **15.** any other metal.

(2) “DO CONSTRUCTION BUSINESS” DOES NOT INCLUDE HOME IMPROVEMENT AS DEFINED IN § 8–101 OF THIS ARTICLE.

(d) “Nonresident construction license” means a construction license issued by the clerk to a person who is incorporated or has its principal office in another state.

17–602.

(a) Except as provided in § 8–317 of this article, a person must have a construction license whenever the person does construction business in the State.

(b) [(1)] [Except as provided in paragraph (3) of this subsection, a] **A** person who is incorporated or has its principal office in another state must [also] have a nonresident construction license, **IN ADDITION TO ANY OTHER LICENSE REQUIRED BY LAW**, whenever the person does construction business in this State.

[(2)] Except as provided in paragraph (3) of this subsection, an additional nonresident construction license is required for each contract to do construction business in this State if the gross amount of the contract exceeds \$1,000.

(3) No nonresident construction license is required if the state where the person is incorporated or has its principal office does not require a similar license for a Maryland contractor doing construction business in that state.]

(C) (1) A CONSTRUCTION LICENSE MUST BE ISSUED IN THE COUNTY WHERE THE CONSTRUCTION BUSINESS HAS ITS PRINCIPAL PLACE OF BUSINESS.

(2) A NONRESIDENT CONSTRUCTION LICENSE MUST BE ISSUED IN THE COUNTY WHERE THE CONSTRUCTION BUSINESS FIRST DOES CONSTRUCTION BUSINESS IN THE STATE.

(D) A CONSTRUCTION LICENSE OR NONRESIDENT CONSTRUCTION LICENSE UNDER THIS SUBTITLE AUTHORIZES THE LICENSEE TO DO CONSTRUCTION BUSINESS IN THE STATE.

17-603.

[(a)] An applicant for a construction license OR NONRESIDENT CONSTRUCTION LICENSE shall pay to the clerk a license fee of:

(1) \$15 for a [construction] license in a county other than Baltimore City, Baltimore County, or Cecil County;

(2) \$40 for a [construction] license in Baltimore City or Baltimore County;
or

(3) \$30 for a [construction] license in Cecil County.

[(b) (1) Except as provided in paragraph (2) of this subsection, an applicant for a nonresident construction license shall pay to the clerk:

(i) a license fee of:

1. \$50 for a nonresident construction license in a county other than Baltimore City or Baltimore County; or

2. \$60 for a nonresident construction license in Baltimore City or Baltimore County; and

(ii) for each contract for which the applicant is required to get an additional nonresident construction license, an additional license fee of:

1. \$50, if the contract will be performed in a county other than Baltimore City or Baltimore County; or

2. \$60, if the contract will be performed in Baltimore City or Baltimore County.

(2) An applicant for a nonresident construction license who is incorporated or has its principal office in another state shall pay to the clerk the total fees imposed in that state on a similar nonresident business if the total fees are higher than the total license fees under this section.]

Subtitle 8. Garages.

17-801.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Garage” means a building or part of a building where motor vehicles are stored **OR PARKED** for a fee.
- (c) “Garage license” means a license issued by the clerk to keep a garage.

Subtitle 9. Peddlers.

17-901.

- (a) In this subtitle the following words have the meanings indicated.
- (B) “CALVERT COUNTY MAGAZINE SELLER LICENSE” MEANS A LICENSE ISSUED BY THE CLERK IN CALVERT COUNTY TO ACT AS A NONRESIDENT ITINERANT MAGAZINE SELLER IN CALVERT COUNTY.**
- (C) “FOOT PEDDLER” MEANS A PEDDLER WHO TRAVELS ON FOOT.**
- (D) “MOTOR VEHICLE PEDDLER” MEANS A PEDDLER WHO TRAVELS BY MOTOR VEHICLE.**
- (E) “NONRESIDENT ITINERANT MAGAZINE SELLER” MEANS A PERSON WHO IS NOT A RESIDENT OF CALVERT COUNTY AND WHO SELLS OR OFFERS TO SELL A SUBSCRIPTION TO A MAGAZINE OR OTHER PUBLICATION IN CALVERT COUNTY.**
- (F) “ONE-HORSE PEDDLER” MEANS A PEDDLER WHO TRAVELS WITH A WAGON OR OTHER VEHICLE DRAWN BY ONE HORSE OR OTHER BEAST OF BURDEN.**
- [(b)] (G) (1) “Peddler” [includes a hawker, a huckster, and a mobile vendor] MEANS A PERSON WHO:**
- (I) DOES NOT HAVE A FIXED PLACE OF BUSINESS LOCATED IN A PHYSICAL STRUCTURE; AND**
- (II) MOVES FROM HOUSE TO HOUSE OR PLACE TO PLACE CARRYING ARTICLES OF MERCHANDISE TO BE SOLD AND DELIVERED CONCURRENTLY.**

(2) “PEDDLER” INCLUDES A FOOT PEDDLER, MOTOR VEHICLE PEDDLER, ONE–HORSE PEDDLER, AND TWO–HORSE PEDDLER.

[(c)] (H) “Peddler license” means a license issued by the clerk to act as a peddler.

(I) “TWO–HORSE PEDDLER” MEANS A PEDDLER WHO TRAVELS WITH A WAGON OR OTHER VEHICLE DRAWN BY TWO HORSES OR OTHER BEASTS OF BURDEN.

[17–904.

(a) In Part II of this subtitle the following words have the meanings indicated.

(b) “Foot peddler” means a peddler who travels on foot.

(c) “Motor vehicle peddler” means a peddler who travels by motor vehicle.

(d) “One horse peddler” means a peddler who travels with a wagon or other vehicle drawn by 1 horse or other beast of burden.

(e) “Two horse peddler” means a peddler who travels with a wagon or other vehicle drawn by 2 horses or other beasts of burden.]

17–907.

(a) (1) An applicant for a peddler license shall pay to the clerk the applicable license fee.

(2) If the applicant is a foot peddler, the license fee is:

(i) in Baltimore City, \$200;

(ii) in St. Mary’s County, the amount set by the County Commissioners, by resolution; and

(iii) in any other county, \$100.

(3) If the applicant is a [one horse] **ONE–HORSE** peddler, the license fee is:

(i) in Baltimore City, \$250;

(ii) in St. Mary’s County, the amount set by the County Commissioners, by resolution; and

(iii) in any other county, \$150.

(4) If the applicant is a [two horse] **TWO–HORSE** peddler, the license fee is:

(i) in Baltimore City, \$300;

(ii) in St. Mary's County, the amount set by the County Commissioners, by resolution; and

(iii) in any other county, \$200.

(5) If the applicant is a motor vehicle peddler, the license fee is:

(i) in Baltimore City, \$500;

(ii) in St. Mary's County, the amount set by the County Commissioners, by resolution; and

(iii) in any other county, \$300; but

1. in Garrett County, the license fee is \$100 for a resident of Garrett County; and

2. in Worcester County, the license fee is \$100 for a resident of Worcester County who sells only ice cream.

(b) (1) In Harford County, an applicant for a peddler license must have the written permission of the owner or lessee of the property where the applicant will do business.

(2) The written permission shall include:

(i) the name, address, and telephone number of the owner or lessee of the property;

(ii) the name, permanent address, and telephone number of the applicant;

(iii) a description of the goods to be sold by the applicant; and

(iv) the times of day and the number of days per month that the applicant is allowed to do business on the property of the owner or lessee.

17–908.

(A) (1) The clerk shall provide a metal tag [or stamp] **AND LICENSE STICKER** to each [one horse] peddler[, two horse peddler, or motor vehicle peddler] who holds a peddler license.

(2) THE CLERK SHALL PROVIDE A LICENSE STICKER TO EACH PEDDLER WHO RENEWS A PEDDLER LICENSE.

(B) (1) A PEDDLER SHALL POSSESS THE METAL TAG AND LICENSE STICKER AT ALL TIMES THAT THE INDIVIDUAL IS ACTING AS A PEDDLER.

(2) A ONE-HORSE PEDDLER, TWO-HORSE PEDDLER, AND MOTOR VEHICLE PEDDLER SHALL KEEP THE METAL TAG AND LICENSE STICKER ATTACHED TO THE VEHICLE.

[17-910.

(a) Each one horse peddler, two horse peddler, and motor vehicle peddler shall keep the metal tag or stamp issued under this subtitle attached to the vehicle so as to be clearly visible.

(b) A peddler in Harford County shall:

(1) keep with the peddler at all times the peddler license and a copy of the original written permission of the property owner required under this subtitle; and

(2) produce the peddler license and copy of the written permission on request.]

[17-911.] **17-910.**

(a) Except as otherwise provided in [Part II of] this subtitle, a person may not act as a peddler unless the person has a peddler license.

[(b) A peddler is considered to be acting as a peddler without a peddler license if the peddler:

(1) acts or offers to act as a peddler without the peddler license with the peddler at the time; or

(2) fails to show the peddler license to a law enforcement officer on request.

(c) A person who violates this section is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$100.]

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$100.

[17-912.] 17-911.

(a) This section does not apply in Allegany and Washington counties.

(b) A municipal corporation may not require a local license or impose a local fee or tax to sell fresh fruits, vegetables, or other country produce from a wagon at retail if the seller is the producer.

(c) However, a municipal corporation by ordinance may:

(1) provide for the issuance of identification cards or tags to producers of country produce who sell the produce from a wagon at retail;

(2) set a fee, not exceeding 50 cents for each producer, for the issuance of identification cards or tags; and

(3) require producers to get and display identification cards or tags.

(d) (1) A person who is not the producer may not sell or offer to sell any fresh fruits, vegetables, or other country produce from a wagon at retail in a municipal corporation that requires a local license or imposes a local fee or tax to do so without getting the license or paying the fee or tax.

(2) A person who violates this subsection is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$25.

[17-913.]

If the County Commissioners of St. Mary's County set a license fee for a license issued under § 17-907 of this subtitle, the County Commissioners shall notify the Comptroller of the Treasury by December 31 of the year before the year the license fee takes effect.]

[17-915.]

(a) In Part III of this subtitle the following words have the meanings indicated.

(b) "Magazine seller license" means a license issued by the clerk to act as a nonresident itinerant magazine seller.

(c) "Nonresident itinerant magazine seller" means a person who:

- (1) is not a resident of Calvert County; and
- (2) sells or offers to sell a subscription to a magazine or other publication.]

Subtitle 10. Junk Dealers and Scrap Metal Processors.

[Part I. Definitions.]

17-1001.

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

(b) “Agent” means a person who buys or sells junk or scrap metal for a junk dealer or scrap metal processor.

(C) “AGENT LICENSE” MEANS A LICENSE ISSUED BY THE CLERK TO ACT AS AN AGENT.

[(c)] (D) “Antique dealer” means a person who does business buying and selling antiques.

[(d)] (E) “Antiques” means objects made in, or typical of, an earlier period of time, that either have special value because of their age or are examples of works of art or handicrafts.

[(e)] (F) (1) “Junk” or “scrap metal” includes:

(i) nonferrous articles made wholly or substantially of:

1. aluminum;
2. babbitt metal;
3. brass;
4. bronze;
5. light copper;
6. heavy copper;
7. lead;
8. low carbon chrome;

9. low carbon manganese;
10. molybdenum;
11. monel metal;
12. pewter;
13. nickel;
14. stainless steel;
15. tin;
16. vanadium;
17. zinc;
18. platinum;
19. gold;
20. rhodium; or
21. other nonferrous metals; and

metal: (ii) the following used articles, made of either ferrous or nonferrous

1. catalytic converters;
2. metal bleachers;
3. hard-drawn copper;
4. metal beer kegs;
5. cemetery urns;
6. grave markers;
7. propane tanks;
8. cell tower batteries; and
9. any other used articles owned by a public utility including:

- A. guardrails;
- B. manhole covers;
- C. metal light poles;
- D. tree grates;
- E. water meters; and
- F. street signs.

(2) “Junk” or “scrap metal” does not include beverage cans or food cans.

[(f)] (G) (1) “Junk dealer” or “scrap metal processor” means a person who does business buying or selling junk or scrap metal.

(2) “Junk dealer” or “scrap metal processor” does not include a dealer or pawnbroker licensed under Title 12 of this article.

(H) “JUNK DEALER OR SCRAP METAL PROCESSOR LICENSE” MEANS A LICENSE ISSUED BY THE CLERK TO DO BUSINESS AS A JUNK DEALER OR SCRAP METAL PROCESSOR.

(I) “NONRESIDENT JUNK DEALER” MEANS A JUNK DEALER WHO IS NOT A RESIDENT OF THE STATE.

(J) “NONRESIDENT SCRAP METAL PROCESSOR” MEANS A SCRAP METAL PROCESSOR WHO IS NOT A RESIDENT OF THE STATE.

[(g)] (K) “Primary law enforcement unit” means the Department of State Police, a police department, or sheriff, as designated by a resolution of the county or municipal governing body in the county in which the license of the junk dealer or scrap metal processor is held.

(L) “STATE JUNK LICENSE” INCLUDES:

- (1) A JUNK DEALER OR SCRAP METAL PROCESSOR LICENSE; OR**
- (2) AN AGENT LICENSE.**

[Part II. State Licensing.]

- (a) In Part II of this subtitle the following words have the meanings indicated.
- (b) “Agent license” means a license issued by the clerk to act as an agent.
- (c) “Junk dealer or scrap metal processor license” means a license issued by the clerk to do business as a junk dealer or scrap metal processor.
- (d) “Nonresident junk dealer” or “nonresident scrap metal processor” means a junk dealer or scrap metal processor who is not a resident of the State.
- (e) “State junk license” includes:
 - (1) a junk dealer or scrap metal processor license; and
 - (2) an agent license.]

[17–1006.] 17–1005.

- (a) (1) Except as otherwise provided in this subtitle, a person must have a junk dealer or scrap metal processor license whenever the person does business as a junk dealer or scrap metal processor in the State.
 - (2) This subsection does not apply to a situation in which:
 - (i) a nonresident junk dealer or nonresident scrap metal processor buys junk or scrap metal from a junk dealer or scrap metal processor licensee who is a resident of the State; or
 - (ii) the nonresident junk dealer or nonresident scrap metal processor transports that junk or scrap metal.
 - (3) If a nonresident junk dealer or nonresident scrap metal processor comes into the State in a vehicle, the nonresident junk dealer or nonresident scrap metal processor may not transport from the State in that vehicle any junk or scrap metal bought in the State unless the nonresident junk dealer or nonresident scrap metal processor holds a junk dealer or scrap metal processor license.

- (b) (1) Except as otherwise provided in this subtitle, a person must have an agent license whenever the person acts as an agent in the State.
 - (2) This subsection does not apply to a salaried employee of a junk dealer or scrap metal processor licensee.

[17–1007.] 17–1006.

(A) An applicant for a State junk license shall:

(1) certify to the clerk the applicant's name and business address; and

(2) pay to the clerk a license fee of:

(i) \$10 for a junk dealer or scrap metal processor license[, if the applicant is a resident of the State]; **OR**

(ii) \$5 for an agent license[, if the applicant is a resident of the State; or

(iii) \$100 for a junk dealer or scrap metal processor license or agent license, if the applicant is not a resident of the State].

(B) ALL LICENSE FEES COLLECTED FOR ISSUANCE OF STATE JUNK LICENSES UNDER THIS SECTION SHALL BE PAID TO THE COMPTROLLER.

[17-1008.] **17-1007.**

(a) The clerk shall[:

(1)] issue[, in numerical order,] a State junk license to each applicant who meets the requirements of [Part II of] this subtitle[; and

(2) collect an issuing fee of 50 cents per State junk license].

(b) [The clerk shall keep a record of the name, business address, and license number of each State junk licensee] **A STATE JUNK LICENSE IS NOT TRANSFERABLE.**

[17-1009.

A State junk license is not transferable.]

[17-1010.] **17-1008.**

[A] **IF A nonresident junk dealer or nonresident scrap metal processor [may not keep] ESTABLISHES a fixed place of business AS A JUNK DEALER OR SCRAP METAL PROCESSOR in the State, THE NONRESIDENT JUNK DEALER OR SCRAP METAL PROCESSOR SHALL:**

(1) OBTAIN A JUNK DEALER OR SCRAP METAL PROCESSOR LICENSE;
AND

(2) COMPLY WITH ALL LAWS AND REGULATIONS RELATED TO THE JUNK DEALER OR SCRAP METAL PROCESSOR LICENSE.

[17-1011.] 17-1009.

(a) (1) This section applies to all junk dealers and scrap metal processors doing business in the State, including nonresident junk dealers and nonresident scrap metal processors.

(2) This section applies to an automotive dismantler and recycler or scrap metal processor licensed under Title 15, Subtitle 5 of the Transportation Article if the automotive dismantler and recycler or scrap metal processor:

(i) conducts business as a licensed junk dealer or scrap metal processor;

(ii) acquires vehicle parts that qualify as junk or scrap metal as defined under [§ 17-1001(e)] **§ 17-1001(F)** of this subtitle; or

(iii) acquires articles that are listed, or made of metals that are listed, in [§ 17-1001(e)] **§ 17-1001(F)** of this subtitle.

(3) This section does not apply to:

(i) an automotive dismantler and recycler or scrap metal processor that only acquires whole vehicles for the purpose of dismantling, destroying, or scrapping them for the benefit of their parts or the materials in them; or

(ii) a person that buys scrap metal to use as raw material to produce 1,000,000 tons of steel or more in the State per calendar year.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, this section preempts the right of a county or municipality to regulate the resale of junk or scrap metal.

(ii) This section does not limit the power of a county or municipality to license junk dealers and scrap metal processors.

(iii) This section supersedes any existing law of a county or municipality that regulates the resale of junk or scrap metal.

(b) (1) For each purchase of junk or scrap metal in the State, a junk dealer or scrap metal processor shall keep an accurate record in English.

(2) The record shall state:

- (i) the date and time of purchase;
 - (ii) a description of the junk or scrap metal purchased, including:
 - 1. the type and grade of the junk or scrap metal; and
 - 2. if payment is based on weight, the weight of each type and grade of junk or scrap metal;
 - (iii) the amount paid or other consideration for the junk or scrap metal;
 - (iv) the registration plate number, make, and model of any vehicle used;
 - (v) the name and address of the individual from whom the junk or scrap metal is acquired;
 - (vi) the signature of:
 - 1. the individual from whom the junk or scrap metal is acquired; and
 - 2. the junk dealer, scrap metal processor, or employee who accepted the junk or scrap metal; and
 - (vii) for each individual from whom the junk dealer or scrap metal processor acquires junk or scrap metal:
 - 1. the date of birth and driver's license number of the individual; or
 - 2. identification information about the individual from a valid State-issued photo ID that provides a physical description of the individual, including the sex, race, any distinguishing features, and approximate age, height, and weight of the individual.
- (3) The records required under this subsection shall be kept in electronic form.
- (4) (i) Subject to subparagraph (iv) of this paragraph, the junk dealer or scrap metal processor shall submit a copy of each record required under this paragraph to the primary law enforcement unit in accordance with subparagraphs (ii) and (iii) of this paragraph.

(ii) A junk dealer or scrap metal processor shall submit a record by transmitting a copy of the records electronically, in a format acceptable to the receiving primary law enforcement unit, by the end of the first business day following the date of the transaction.

(iii) Each copy of a record submitted to the primary law enforcement unit shall include:

1. the date and time of purchase;
2. a description of the junk or scrap metal, including its weight if payment is based on weight;
3. whether the amount paid or other consideration for the junk or scrap metal exceeds \$500;
4. the registration plate number of any vehicle used by the individual from whom the junk or scrap metal is acquired;
5. the name and address of the individual from whom the junk or scrap metal is acquired;
6. the date of birth and driver's license number of the individual from whom the junk or scrap metal is acquired;
7. identification information about the individual from a valid State-issued photo ID that provides a physical description of the individual, including the sex, race, age, height, and weight of the individual; and
8. an electronic scan or photocopy of the valid State-issued photo ID under item 7 of this subparagraph.

(iv) The provisions of subparagraphs (i), (ii), and (iii) of this paragraph may not be construed to require a junk dealer or scrap metal processor to incur a substantial financial burden to comply with the requirements of this paragraph.

(5) A copy of a record submitted under paragraph (4) of this subsection:

- (i) shall be kept confidential;
- (ii) is not a public record; and
- (iii) is not subject to Title 4 of the General Provisions Article.

(6) The primary law enforcement unit may destroy the copy of a record submitted under paragraph (4) of this subsection after 1 year from the date that the primary law enforcement unit receives the copy.

(7) (i) The primary law enforcement unit may waive the holding of electronic records under paragraph (3) of this subsection or the submission of electronic records under paragraph (4) of this subsection by a junk dealer or scrap metal processor.

(ii) Any waivers granted under subparagraph (i) of this paragraph shall be limited to authorizing a junk dealer or scrap metal processor to:

1. extend the reporting deadline under paragraph (4) of this subsection for an extra day;
2. hold written records; or
3. submit records by facsimile or by mail.

(c) (1) This subsection applies to junk dealers and scrap metal processors who are residents of the State.

(2) Each junk dealer or scrap metal processor shall keep the records required by subsection (b) of this section for 1 year after the date of the transaction.

(3) The records kept in accordance with this subsection shall be open to inspection during business hours by State or local law enforcement personnel for an investigation of a specific crime involving the materials listed under [§ 17–1001(e)] § **17–1001(F)** of this subtitle.

(d) (1) A junk dealer or scrap metal processor may not barter, buy, exchange, or accept from a person any junk or scrap metal unless the junk dealer or scrap metal processor keeps records and makes entries in them in accordance with [Part II] of this subtitle.

(2) A junk dealer or scrap metal processor may not purchase a catalytic converter from an individual unless the individual, at the time of purchase, provides identification as:

- (i) a licensed automotive dismantler and recycler or scrap metal processor; or
- (ii) an agent or employee of a licensed commercial enterprise.

(3) A junk dealer or scrap metal processor may not purchase a cemetery urn, grave marker, or any other item listed under [§ 17–1001(e)(1)(ii)] § **17–1001(F)(1)(II)** of this subtitle from an individual unless the individual, at the time of purchase, provides

appropriate authorization from a relevant business or unit of federal, State, or local government specifically authorizing the individual to conduct the transaction.

(e) State or local law enforcement personnel may request information from the records required under subsection (b) of this section pursuant to an investigation of a specific crime involving the materials listed under [§ 17–1001(e)] **§ 17–1001(F)** of this subtitle.

(f) (1) The record and reporting requirements of subsection (b) of this section do not apply to an item that is acquired from:

(i) a licensed junk dealer or scrap metal processor;

(ii) a unit of federal, State, or local government; or

(iii) a commercial enterprise with a valid business license that has entered into a written contract with a junk dealer or scrap metal processor who has provided to the primary law enforcement unit:

1. the name and business address of the commercial enterprise; and

2. the type of junk or scrap metal subject to the contract.

(2) (i) Subject to subparagraph (ii) of this paragraph, a contract under paragraph (1)(iii) of this subsection shall be open to inspection by a local law enforcement agency on the premises of the junk dealer or scrap metal processor during business hours.

(ii) Notwithstanding any other law, a contract open to inspection by a local law enforcement agency under subparagraph (i) of this paragraph may not be open for public inspection without the consent of the junk dealer or scrap metal processor.

(g) (1) If a State or local law enforcement agency has reasonable cause to believe that junk or scrap metal that is in the possession of a junk dealer or scrap metal processor is stolen, the law enforcement agency may issue a written hold notice.

(2) The written hold notice shall:

(i) identify the items of junk or scrap metal alleged to be stolen and subject to hold;

(ii) inform the junk dealer or scrap metal processor of the hold imposed on the items of junk or scrap metal; and

(iii) specify the time period for the hold, not to exceed 15 days.

(3) On receipt of a written hold notice from a law enforcement agency, a junk dealer or scrap metal processor may not process or remove from the junk dealer's or scrap metal processor's place of business before the end of the hold period any items of junk or scrap metal identified in the hold notice, unless the item is released by the law enforcement agency or by court order.

(h) Local law enforcement personnel of the county where the place of business of the junk dealer or scrap metal processor is located or where the junk or scrap metal was purchased may enforce this section.

(i) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) a fine not exceeding \$500 for a first offense; and

(2) a fine not exceeding \$5,000 or imprisonment not exceeding 1 year or both for a subsequent offense.

[17-1012.] 17-1010.

(a) In this section, "historic marker or plaque" means a marker, plaque, or tablet commemorating a historic person or event, or identifying a historic place, structure, or object.

(b) This section applies to all junk dealers, scrap metal processors, and antique dealers who are residents of the State.

(c) (1) Each junk dealer, scrap metal processor, or antique dealer subject to this section who purchases a historic marker or plaque shall register with the sheriff or other law enforcement official designated by the governing body of the county in which the business of the junk dealer, scrap metal processor, or antique dealer is located a complete description of the historic marker or plaque.

(2) The description shall include:

(i) the date and time of purchase;

(ii) the name and address of the seller;

(iii) the license tag number of any vehicle used; and

(iv) a description of the historic marker or plaque, including the full text, any installation date, and the name of any installation sponsor.

(3) The registration required under this section shall be made within 3 business days after the date of the purchase of the historic marker or plaque.

(d) The sheriff or other law enforcement official promptly shall notify the Maryland Historical Trust with a copy to the junk dealer, scrap metal processor, or antique dealer who registered with the sheriff.

(e) A historic marker or plaque may not be sold or otherwise disposed of for a period of 30 days from the date of the notice required under subsection (d) of this section.

(f) A person who violates this section is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$100.

[17-1013.] 17-1011.

Except as otherwise [specifically] provided in [Part II of] this subtitle, a person who violates [Part II of] this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$500 for each offense.

Subtitle 11. Laundries and Dry Cleaners.

17-1101.

In this subtitle, “license” means a license issued by the clerk to do the business of cleaning, dyeing, pressing, or laundering **ON-SITE AT THE LOCATION STATED ON THE LICENSE.**

17-1102.

A person must have a license whenever the person does the business of **ON-SITE** cleaning, dyeing, pressing, or laundering, other than hand laundering, in the State.

Subtitle 12. Storage Warehouses.

17-1201.

(A) In this subtitle[, “license” means a license issued by the clerk to keep a storage warehouse] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(B) **“STORAGE WAREHOUSE” MEANS A BUILDING OR STRUCTURE USED FOR KEEPING GOODS FOR A FEE, ~~INCLUDING SELF-STORAGE WAREHOUSES.~~**

(C) **“STORAGE WAREHOUSE LICENSE” MEANS A LICENSE ISSUED BY THE CLERK TO KEEP A STORAGE WAREHOUSE.**

17-1202.

A person must have a **STORAGE WAREHOUSE** license whenever the person keeps a storage warehouse where goods are stored for a fee in the State.

17-1203.

(A) An applicant for a **STORAGE WAREHOUSE** license shall pay to the clerk a license fee of:

(1) \$30 for a storage warehouse in a municipal corporation with a population of not more than 10,000;

(2) \$50 for a storage warehouse in a municipal corporation **OR COUNTY** with a population of 10,001 to 20,000;

(3) \$75 for a storage warehouse in a municipal corporation **OR COUNTY** with a population of 20,001 to 50,000; or

(4) \$150 for a storage warehouse in a municipal corporation **OR COUNTY** with a population of more than 50,000.

(B) **ALL LICENSE FEES COLLECTED UNDER THIS SECTION SHALL BE PAID TO THE COMPTROLLER.**

17-1204.

(a) Before a moving and storage firm or warehouse that stores household goods provides any service, the moving and storage firm or warehouse shall give **WRITTEN** notice to the buyer of the service that the buyer should get insurance to protect the buyer from loss of goods.

(b) [The notice shall be:

(1) in writing;

(2) printed in 12-point or larger type; and

(3) included in the application for service or in a separate statement.

(c)] A person who violates this section is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 30 days or both.

Subtitle 16. Restaurants.

17-1601.

(A) In this subtitle[, “restaurant license” means a license issued by the clerk to operate a restaurant or other eating place] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(B) **“RESTAURANT” MEANS AN ESTABLISHMENT THAT:**

- (1) **ACCOMMODATES THE PUBLIC;**
- (2) **PROVIDES SEATING; AND**
- (3) **IS EQUIPPED WITH FACILITIES FOR PREPARING AND SERVING FOOD.**

(C) **“RESTAURANT LICENSE” MEANS A LICENSE ISSUED BY THE CLERK TO OPERATE A RESTAURANT OR OTHER EATING PLACE.**

~~17-1603.~~

~~A person must have a restaurant license AND A TRADER’S LICENSE ISSUED UNDER SUBTITLE 18 OF THIS TITLE whenever the person operates a restaurant or other eating place in the State.~~

SUBTITLE 17A. CHAIN STORES.

17-17A-01.

(A) **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(B) **“CHAIN STORE LICENSE” MEANS A LICENSE ISSUED BY THE CLERK TO OPERATE TWO OR MORE STORES UNDER THE SAME GENERAL MANAGEMENT OR OWNERSHIP.**

(C) **“GENERAL MANAGEMENT OR OWNERSHIP” MEANS A COMMON OR SHARED MANAGEMENT, SUPERVISION, OR OWNERSHIP OF MORE THAN ONE RETAIL STORE, REGARDLESS OF CORPORATE FORM, PURPOSE, OR STRUCTURE.**

17-17A-02.

THIS SUBTITLE DOES NOT APPLY TO A RETAIL SERVICE STATION DEALER, AS DEFINED IN § 10-101 OF THIS ARTICLE, OF WHICH THE PRINCIPAL BUSINESS IS THE SALE OR DISTRIBUTION OF MOTOR FUEL.

17-17A-03.

A PERSON MUST HAVE A CHAIN STORE LICENSE AND A TRADER'S LICENSE ISSUED UNDER SUBTITLE 18 OF THIS TITLE WHENEVER THE PERSON OPERATES TWO OR MORE RETAIL STORES UNDER THE SAME GENERAL MANAGEMENT OR OWNERSHIP IN THE STATE.

17-17A-04.

(A) AN APPLICANT FOR A CHAIN STORE LICENSE SHALL PAY TO THE CLERK A LICENSE FEE BASED ON THE NUMBER OF LOCATIONS IN THE STATE.

(B) (1) THIS SUBSECTION DOES NOT APPLY IN BALTIMORE CITY, BALTIMORE COUNTY, AND CECIL COUNTY.

(2) THE LICENSE FEE IN EACH COUNTY IS:

(I) FOR 2 TO 5 STORES, \$5 FOR EACH STORE;

(II) FOR 6 TO 10 STORES, \$ 20 FOR EACH STORE;

(III) FOR 11 TO 20 STORES, \$100 FOR EACH STORE; AND

(IV) FOR MORE THAN 20 STORES, \$150 FOR EACH STORE.

(C) IN BALTIMORE CITY AND BALTIMORE COUNTY THE LICENSE FEE IS:

(1) FOR 2 TO 5 STORES, \$12 FOR EACH STORE;

(2) FOR 6 TO 10 STORES, \$50 FOR EACH STORE;

(3) FOR 11 TO 20 STORES, \$250 FOR EACH STORE; AND

(4) FOR MORE THAN 20 STORES, \$150 FOR EACH STORE.

(D) IN CECIL COUNTY THE LICENSE FEE IS:

(1) FOR 2 TO 5 STORES, \$10 FOR EACH STORE;

(2) FOR 6 TO 10 STORES, \$30 FOR EACH STORE;

(3) FOR 11 TO 20 STORES, \$100 FOR EACH STORE; AND

(4) FOR MORE THAN 20 STORES, \$300 FOR EACH STORE.

Subtitle 18. Traders [and Chain Stores].

17–1801.

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

(b) “Blind Industries” means Blind Industries and Services of Maryland.

[(c) “Chain store license” means a license issued by the clerk to operate 2 or more stores under the same general management or ownership.]

[(d)] (C) “Exhibitor” means a person who rents space from a promoter to display and sell goods at a show.

[(e)] (D) “Licensed trader” means a trader who is licensed by the clerk under this subtitle.

(E) “MOBILE PLACE OF BUSINESS” MEANS A PLACE OF BUSINESS LOCATED IN A TRUCK, TRAILER, OR OTHER VEHICLE AND NOT IN A BUILDING OR OTHER FIXED STRUCTURE.

(f) “Promoter” means a person who rents space at a show to an exhibitor.

(g) “Show” includes an antique show, coin show, flea market, gun show, stamp show, and show of a temporary nature.

[17–1803.

(a) Except as otherwise provided by State law and notwithstanding any local ordinance or regulation to the contrary, a manufacturer located and doing business in the State may sell and deliver goods to licensed traders in the State and for doing so need not get a license from or pay a fee to a county, municipal corporation, or other political subdivision.

(b) A county or municipal corporation may require a local license to sell goods at auction.

(c) Notwithstanding any public general or public local law to the contrary, if a visually handicapped individual or Blind Industries holds a trader’s license under this subtitle, the individual or Blind Industries need not get an additional license or pay an additional license fee to do business as a trader during the term of the trader’s license.]

[17–1804.] **17–1803.**

(a) Except as otherwise provided in this subtitle, a person must have a trader's license whenever the person:

- (1) does business as a trader in the State; or
- (2) does business as an exhibitor in the State.

(b) A separate trader's license is required for each store or [fixed] place of business that a person operates in the State.

(C) (1) A SEPARATE TRADER'S LICENSE IS REQUIRED FOR EACH MOBILE PLACE OF BUSINESS THAT OPERATES EXCLUSIVELY IN ONE FIXED LOCATION IN THE STATE.

(2) EACH MOBILE PLACE OF BUSINESS THAT OPERATES IN MORE THAN ONE LOCATION IN THE STATE REQUIRES A TRADER'S LICENSE AND A PEDDLER'S LICENSE ISSUED UNDER SUBTITLE 9 OF THIS TITLE.

[(c)] (D) This section does not apply to:

- (1) a grower, maker, or manufacturer of goods;
- (2) a nonresident traveling salesperson, sample merchant, or representative of a foreign mercantile or manufacturing business while selling to or soliciting an order from a licensed trader in the State; ~~or~~
- (3) a private individual while publicly selling the individual's personal effects on the individual's property, if the individual holds only 1 sale not exceeding 14 consecutive days in a calendar year; **OR**

(4) A RESTAURANT LICENSED UNDER SUBTITLE 16 OF THIS TITLE.

[(d)] (E) (1) An exhibitor need not get a trader's license for a show if the show is promoted by:

- (i) a church, as defined in § 5-301(b) of the Corporations and Associations Article;
- (ii) a governmental unit;
- (iii) an amateur radio organization;
- (iv) an antique vehicle, machine, and equipment organization;
- (v) a volunteer fire department or rescue squad; or

(vi) a model train collectors' association.

(2) An exhibitor need not get a trader's license for a show if the exhibitor gives to the promoter an exhibitor's affidavit stating that the exhibitor:

(i) receives less than 10% of the exhibitor's annual income from selling the kind of goods that the exhibitor will display and sell at the show; and

(ii) has not participated in more than three shows, not including participation in one show sponsored by a national organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code, during the previous 365 days.

(3) An exhibitor at an antique show, coin show, or collector show need not get a trader's license for the show if the exhibitor gives to the promoter an exhibitor's affidavit stating that the exhibitor:

(i) will display and sell at the show;

(ii) receives less than 10% of the exhibitor's annual income in the State from selling the kind of goods that the exhibitor will display and sell at the show; and

(iii) has not participated in more than three antique shows, coin shows, or collector shows in the State during the previous 365 days.

(4) An exhibitor who has a trader's license need not get an additional trader's license for a show if, before the show, the exhibitor gives the promoter a photocopy of the trader's license.

[17-1805.

A person must have a chain store license whenever the person operates 2 or more retail stores under the same general management or ownership in the State.]

[17-1806.] **17-1804.**

(a) An applicant for a trader's license shall state in the application the place where the applicant will do business as a trader.

(b) (1) An applicant for a trader's license may apply under this subsection if the applicant has a defect in vision such that:

(i) visual acuity in the applicant's better eye does not exceed 20/140 with correcting lenses; or

(ii) the widest diameter of the applicant's visual field subtends an angle not exceeding 20 degrees.

(2) An applicant for a trader's license under this subsection shall submit to the clerk:

(i) a signed certificate, from a licensed physician who specializes in treatment of the eye, that the applicant's vision meets the standard of paragraph (1) of this subsection; and

(ii) an affidavit that the applicant is the owner of the place of business listed in the application.

(3) Blind Industries also may apply for a trader's license under this subsection for a business that it operates, if Blind Industries submits to the clerk an affidavit that:

(i) Blind Industries operates the business listed in the application; and

(ii) the manager of the business has vision that meets the standard of paragraph (1) of this subsection.

[17-1807.] 17-1805.

(a) (1) In Baltimore County, the clerk may not issue a trader's license for the first time without the approval of the zoning commissioner.

(2) In an area of Cecil County where the Cecil County Office of Planning and Zoning has jurisdiction, the clerk may not issue a trader's license for the first time until the applicant has obtained zoning approval from that office.

(3) (i) In Howard County, the clerk may not issue a trader's license for the first time without the approval of the Director of the Office of Planning and Zoning.

(ii) Within 3 working days after an application for a trader's license is submitted for review to the Director of the Office of Planning and Zoning, the Director shall notify the clerk of the approval or disapproval of the application.

(4) IN CALVERT COUNTY, THE CLERK MAY NOT ISSUE A TRADER'S LICENSE WITHOUT THE APPROVAL OF THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING FOR ALL NEW LICENSES AND FOR ANY CHANGES TO A LOCATION FOR AN EXISTING LICENSE.

(B) THE CLERK SHALL INDICATE ON EACH TRADER'S LICENSE THE PLACE WHERE THE LICENSED TRADER MAY DO BUSINESS AS A TRADER.

[(b)] (C) (1) This subsection does not apply to a county or municipal corporation that selects a uniform license fee under **[§ 17–1807.1] § 17–1806** of this subtitle.

(2) A clerk may not issue a trader’s license until the clerk reviews the accuracy of the statement made by the applicant on the application for a trader’s license under **[§ 17–1806] § 17–1804** of this subtitle regarding the place where the applicant will do business as a trader.

[17–1807.1.] 17–1806.

(a) On or before ~~October~~ **DECEMBER** 1 each year, the governing body of a county or municipal corporation may select a uniform license fee for a trader’s license under **[§ 17–1808(b)] § 17–1807(B)** of this subtitle by submitting its selection on a form provided by the Comptroller and the State Department of Assessments and Taxation.

(b) A selection by the governing body of a county or municipal corporation under this section is irrevocable.

[17–1808.] 17–1807.

(a) (1) Except as otherwise provided in this section, an applicant for a trader’s license shall pay to the clerk a license fee.

(2) If the applicant’s business is located in a county or municipal corporation that selects a uniform license fee under **[§ 17–1807.1] § 17–1806** of this subtitle, the applicant:

(i) shall pay the license fee set forth in subsection (b) of this section;
and

(ii) if the county or municipal corporation in which the business is located provides a full tax exemption for commercial inventory, may not be required to submit a certification by the State Department of Assessments and Taxation of the value of the goods, fixtures, and stock-in-trade under § 17–302 of this title.

(3) If the applicant’s business is located in a county or municipal corporation with a license fee based on the value of the applicant’s stock-in-trade, the applicant shall pay the license fee under subsection (c) of this section.

(b) (1) This subsection applies only to a county or municipal corporation that selects a uniform license fee for a trader’s license under **[§ 17–1807.1] § 17–1806** of this subtitle.

(2) In a county other than Baltimore City or Baltimore County, the license fee is \$15.

(3) In Baltimore City or Baltimore County, the license fee is \$20.

(c) (1) This subsection applies only to a county or municipal corporation with a license fee based on the value of the applicant's stock-in-trade.

(2) In a county other than Baltimore City or Baltimore County, the license fee is:

(i) \$15, if the value of the applicant's stock-in-trade is not more than \$1,000;

(ii) \$18, if the value is more than \$1,000 but not more than \$1,500;

(iii) \$20, if the value is more than \$1,500 but not more than \$2,500;

(iv) \$25, if the value is more than \$2,500 but not more than \$4,000;

(v) \$30, if the value is more than \$4,000 but not more than \$6,000;

(vi) \$40, if the value is more than \$6,000 but not more than \$8,000;

(vii) \$50, if the value is more than \$8,000 but not more than \$10,000;

(viii) \$65, if the value is more than \$10,000 but not more than \$15,000;

(ix) \$80, if the value is more than \$15,000 but not more than \$20,000;

(x) \$100, if the value is more than \$20,000 but not more than \$30,000;

(xi) \$125, if the value is more than \$30,000 but not more than \$40,000;

(xii) \$150, if the value is more than \$40,000 but not more than \$50,000;

(xiii) \$200, if the value is more than \$50,000 but not more than \$75,000;

(xiv) \$250, if the value is more than \$75,000 but not more than \$100,000;

- (xv) \$300, if the value is more than \$100,000 but not more than \$150,000;
- (xvi) \$350, if the value is more than \$150,000 but not more than \$200,000;
- (xvii) \$400, if the value is more than \$200,000 but not more than \$300,000;
- (xviii) \$500, if the value is more than \$300,000 but not more than \$400,000;
- (xix) \$600, if the value is more than \$400,000 but not more than \$500,000;
- (xx) \$750, if the value is more than \$500,000 but not more than \$750,000; and
- (xxi) \$800, if the value is more than \$750,000.

(3) In Baltimore City, the license fee is:

- (i) \$20, if the value of the applicant's stock-in-trade is not more than \$1,000;
- (ii) \$40, if the value is more than \$1,000 but not more than \$5,000;
- (iii) \$80, if the value is more than \$5,000 but not more than \$10,000;
- (iv) \$160, if the value is more than \$10,000 but not more than \$50,000;
- (v) \$375, if the value is more than \$50,000 but not more than \$100,000;
- (vi) \$1,000, if the value is more than \$100,000 but not more than \$300,000;
- (vii) \$1,500, if the value is more than \$300,000 but not more than \$750,000; and
- (viii) \$2,125, if the value is more than \$750,000.

(4) In Baltimore County, the license fee is:

- than \$1,000;
- (i) \$20, if the value of the applicant's stock-in-trade is not more than \$1,000;
 - (ii) \$40, if the value is more than \$1,000 but not more than \$5,000;
 - (iii) \$80, if the value is more than \$5,000 but not more than \$10,000;
 - (iv) \$160, if the value is more than \$10,000 but not more than \$50,000;
 - (v) \$375, if the value is more than \$50,000 but not more than \$100,000;
 - (vi) \$450, if the value is more than \$100,000 but not more than \$200,000;
 - (vii) \$500, if the value is more than \$200,000 but not more than \$300,000;
 - (viii) \$775, if the value is more than \$300,000 but not more than \$400,000;
 - (ix) \$1,000, if the value is more than \$400,000 but not more than \$500,000;
 - (x) \$1,250, if the value is more than \$500,000 but not more than \$750,000; and
 - (xi) \$1,600, if the value is more than \$750,000.

(d) (1) This subsection does not apply to a domestic corporation that has shares subject to taxation under State law.

(2) In determining the value of an applicant's stock-in-trade, the clerk shall accept as prima facie evidence the values shown on the certification of the State Department of Assessments and Taxation, **OR DECLARATION OF INVENTORY FROM THE APPLICANT, AS** required by § 17-302 of this title.

(e) A license fee shall be waived for:

(1) a visually handicapped applicant who meets the standards of [§ 17-1806(b)(1)] **§ 17-1804(B)(1)** of this subtitle; and

(2) Blind Industries.

[17-1809.

(a) This section does not apply to an automobile service station where the principal business is the sale or distribution of motor fuel.

(b) (1) An applicant for a chain store license shall pay to the clerk a license fee based on the value of the applicant's stock-in-trade under § 17-1808 of this subtitle and an additional license fee.

(2) In a county other than Baltimore City, Baltimore County, or Cecil County, the additional license fee is:

- (i) \$5 for each store for 2 to 5 stores;
- (ii) \$20 for each store for 6 to 10 stores;
- (iii) \$100 for each store for 11 to 20 stores; or
- (iv) \$150 for each store for more than 20 stores.

(3) In Baltimore City or Baltimore County, the additional license fee is:

- (i) \$12 for each store for 2 to 5 stores;
- (ii) \$50 for each store for 6 to 10 stores;
- (iii) \$250 for each store for 11 to 20 stores; or
- (iv) \$375 for each store for more than 20 stores.

(4) In Cecil County, the additional license fee is:

- (i) \$10 for each store for 2 to 5 stores;
- (ii) \$30 for each store for 6 to 10 stores;
- (iii) \$100 for each store for 11 to 20 stores; and
- (iv) \$300 for each store for more than 20 stores.]

[17-1810.

The clerk shall state on each trader's license the place where the licensed trader may do business as a trader.]

[17-1811.] 17-1808.

[(a) (1) Except as provided in paragraph (2) of this subsection, a trader's license authorizes the holder to offer goods for sale in any part of the State.]

(A) (1) THE CLERK SHALL STATE ON EACH TRADER'S LICENSE THE PLACE WHERE THE LICENSEE MAY DO BUSINESS AS A TRADER.

(2) [However, a] A trader may keep a [store or fixed] place of business only at the place stated [in] ON the trader's license.

(b) A trader's license issued to an exhibitor authorizes the holder to do business as an exhibitor at any show in the State.

(C) A TRADER'S LICENSE ISSUED TO A PEDDLER, AS DEFINED IN § 17-901 OF THIS TITLE, AUTHORIZES THE HOLDER OF THE TRADER'S LICENSE TO ACT AS A PEDDLER ONLY IN THE COUNTY WHERE THE TRADER'S LICENSE WAS ISSUED.

[17-1812.] 17-1809.

(a) (1) If a trader disputes the value of the trader's stock-in-trade on which the license fee is based, the trader may submit in accordance with the Tax – Property Article an appeal to the State Department of Assessments and Taxation as to the value of the stock-in-trade.

(2) To avoid being in default, the trader may pay the license fee and get a trader's license with the understanding that the trader will get a refund of any excess amount paid for the trader's license.

(b) (1) If the State Department of Assessments and Taxation reduces the value of the stock-in-trade, resulting in a lower license fee, the licensed trader may get a refund of any excess amount paid by submitting to the clerk who issued the trader's license:

(i) a claim for the refund; and

(ii) supporting evidence of the reduction from the State Department of Assessments and Taxation.

(2) On approving the claim, the clerk shall pay the refund.

(c) If the clerk pays a refund, the clerk shall deduct the amount of the refund from the license fees distributed to the county or municipal corporation that receives the fee.

[17-1813.] 17-1810.

(a) Except as provided in subsection (b) of this section, a trader may transfer the trader's license to a person who:

- (1) buys the stock-in-trade of the trader; and
- (2) buys or rents the place of business of the trader.

(b) (1) A trader's license issued to a visually handicapped individual or Blind Industries is not transferable.

(2) However, Blind Industries may change the manager of the place of business for which a trader's license was issued if the new manager has vision that meets the standard of [§ 17-1806(b)(1)] **§ 17-1804(B)(1)** of this subtitle.

(c) Whenever a trader sells the trader's stock-in-trade and transfers the trader's license:

(1) the transfer of the trader's license shall be reported to the clerk who issued the license; and

(2) the clerk shall[:

(i)] record the transfer of the trader's license[; and

(ii) charge 50 cents for doing so.]

(d) (1) In Baltimore County, the clerk may not issue a transferred trader's license without the approval of the zoning commissioner.

[(2) (i) In Howard County, the clerk may not issue a transferred trader's license without the approval of the Director of the Office of Planning and Zoning.

(ii) Within 3 working days after an application for issuance of a transferred trader's license is submitted for review by the Director of the Office of Planning and Zoning, the Director shall notify the clerk of the approval or disapproval of the application.]

(2) IN CALVERT COUNTY, THE CLERK MAY NOT ISSUE A TRANSFERRED TRADER'S LICENSE UNLESS THE ZONING REQUIREMENTS UNDER § 17-307 OF THIS TITLE ARE MET.

(e) A person who buys a trader's license may do business as a trader for the rest of the term of the trader's license.

[17-1814.] **17-1811.**

(a) A promoter may not allow an exhibitor to do business at a show unless, before the show, the exhibitor submits to the promoter:

(1) a photocopy of the trader's license of the exhibitor; or

(2) an exhibitor's affidavit in accordance with § [17-1804(d)(2)] **17-1803(D)(2)** or (3) of this subtitle.

(b) The exhibitor's affidavit or the photocopy of the trader's license shall be displayed conspicuously during the show.

(c) Within 7 days after a show ends, the promoter shall submit to the Comptroller the exhibitors' affidavits.

[17-1815.

(a) (1) In this section the following words have the meanings indicated.

(2) "Yacht brokerage" means the sale of new or used vessels.

(3) (i) "Yacht salesperson" means an individual who provides yacht brokerage services on behalf of a licensed trader.

(ii) "Yacht salesperson" includes a licensed yacht broker.

(b) Subject to the provisions of this section, a licensed trader who sells yachts may, at the trader's option, utilize as an independent contractor, employ, or otherwise contract with a yacht salesperson.

(c) A yacht salesperson:

(1) may operate under a trader's license; and

(2) is not required to be licensed personally.

(d) (1) A licensed trader shall exercise reasonable and adequate supervision over the provision of yacht brokerage services by a yacht salesperson on behalf of the trader.

(2) The requirement of paragraph (1) of this subsection shall apply regardless of the manner in which a yacht salesperson is affiliated with the trader on whose behalf the services are rendered.]

[17-1816.] **17-1812.**

A person, including a licensed physician, who violates or conspires to violate any provision of this subtitle that relates to trader's licenses for visually handicapped individuals or Blind Industries is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 6 months or both.

Subtitle 19. Vending Machines.

17-1902.

This subtitle does not apply to:

(1) the sale or offering for sale of [cigarettes,] newspapers, magazines, paper cups, paper or cloth towels, soap, toilet seat covers, postage stamps, or sanitary napkins; [or]

(2) the sale or offering for sale of merchandise through a bulk vending machine as defined in § 11-201.1 of the Tax – General Article; **OR**

(3) THE SALE OF TOBACCO PRODUCTS THROUGH A VENDING MACHINE UNDER TITLE 16, SUBTITLE 3A OF THIS ARTICLE.

17-1904.

(A) An applicant for a vending machine license shall pay to the clerk a license fee of \$2.50 for each vending machine.

(B) ALL VENDING MACHINE LICENSE FEES COLLECTED UNDER THIS SECTION SHALL BE PAID TO THE COMPTROLLER.

17-1905.

(a) [The clerk shall give each vending machine licensee an identification label for each vending machine.] **THE COMPTROLLER SHALL PRINT AND DELIVER TO THE CLERK A LICENSE STICKER FOR EACH VENDING MACHINE.**

(B) THE CLERK SHALL GIVE EACH VENDING MACHINE LICENSEE A LICENSE STICKER FOR EACH VENDING MACHINE.

[(b)] (C) (1) Subject to regulations adopted by the Comptroller, the [identification label] **LICENSE STICKER** shall be attached to the vending machine so that the identification label is easily visible.

(2) In addition, the name and telephone number of the vending machine licensee or owner of the vending machine shall be displayed on each vending machine so that the name and telephone number are easily visible.

[(c)] (D) (1) If an inspector finds that a vending machine does not display the [identification label] **LICENSE STICKER** required by this section, the inspector promptly shall:

(i) notify the vending machine licensee or owner in writing of the violation; and

(ii) require that the vending machine licensee or owner display the [identification label] **LICENSE STICKER** properly within 10 days after receiving notice of the violation.

(2) If the vending machine licensee or owner fails to display the [identification label] **LICENSE STICKER** properly within 10 days, the inspector shall:

(i) seal the vending machine to prevent further use; and

(ii) take necessary action to enforce the licensing provisions of this subtitle.

(3) If neither the [identification label] **LICENSE STICKER** nor the name and telephone number of the vending machine licensee or owner are displayed properly, the inspector:

(i) immediately shall seal the vending machine to prevent further use; and

(ii) shall take necessary action to enforce this subtitle.

17-1906.

(a) A person may not sell goods or offer goods for sale through a vending machine in the State unless the person has a vending machine license that covers that machine.

(B) AN UNAUTHORIZED PERSON MAY NOT REMOVE OR TAMPER WITH A LICENSE STICKER OR SEAL ON A VENDING MACHINE.

[(b)] (C) A person who violates **ANY PROVISION OF** this [section] **SUBTITLE** is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$100.

[17-1907.

(a) An unauthorized person may not remove or tamper with a seal on a vending machine.

(b) A person who violates this section is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$100.]

Subtitle 21. General Prohibited Acts; Penalties.

17-2101.

In this subtitle, “license” has the meaning stated in [§ 17-201] §§ 17-101 AND 17-201 of this title.

17-2103.

A person may not fail to display a license, LICENSE STICKER, OR METAL TAG as required by this title.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Approved by the Governor, May 12, 2022.