

HOUSE BILL 1246

F5

3lr0138

By: **Chair, Ways and Means Committee (By Request – Departmental – State Library)**

Introduced and read first time: February 15, 2023

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **County Public Libraries – Overdue Library Materials – Minors**

3 FOR the purpose of prohibiting a county public library from charging a minor a fine for
4 overdue library materials; prohibiting a county public library from charging a minor
5 a replacement fee for overdue library materials, except under certain circumstances;
6 and generally relating to fines and fees levied against minors for overdue library
7 materials.

8 BY repealing and reenacting, with amendments,

9 Article – Education

10 Section 23–409

11 Annotated Code of Maryland

12 (2022 Replacement Volume)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Education**

16 23–409.

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

18 [(2) “Fee” means an amount charged by a public library to an individual for
19 the replacement of library materials that have not been returned.

20 (3) “Fine for overdue library materials” includes any fine charged by a
21 public library to an individual for not returning library materials by the due date.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) "Special collections" includes items such as cake pans, tools, and frame
2 art.]

3 (2) "MINOR" MEANS AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.

4 (3) "OVERDUE FINE" MEANS ANY AMOUNT CHARGED BY A PUBLIC
5 LIBRARY TO AN INDIVIDUAL FOR FAILURE TO RETURN LIBRARY MATERIALS BY THE
6 END OF THE LOAN PERIOD.

7 (4) "REPLACEMENT FEE" MEANS ANY AMOUNT CHARGED BY A
8 PUBLIC LIBRARY TO AN INDIVIDUAL FOR THE REPLACEMENT OF LIBRARY
9 MATERIALS THAT HAVE NOT BEEN RETURNED AT THE TIME THE FEE IS ISSUED.

10 (5) "SPECIAL COLLECTIONS" INCLUDE LIBRARY MATERIALS SUCH AS
11 CAKE PANS, TOOLS, FRAMED ART, OR OTHER GROUPS OF LIBRARY MATERIALS THAT
12 POSSESS UNIQUE VALUE AND REQUIREMENTS FOR USE, AS DESIGNATED BY THE
13 PUBLIC LIBRARY.

14 (b) This section does not apply to special collections.

15 (c) (1) A public library may not charge a MINOR AN OVERDUE fine [for
16 overdue library materials on a minor's library materials].

17 (2) (i) A public library may not charge a MINOR A REPLACEMENT fee
18 [for a minor's overdue library materials] until 21 days after the date on which the library
19 materials were due.

20 (ii) If a minor's overdue library materials are returned after a public
21 library has charged a REPLACEMENT fee, the public library shall cancel the
22 REPLACEMENT fee.

23 (III) IF A MINOR'S OVERDUE LIBRARY MATERIALS ARE
24 RETURNED AFTER A REPLACEMENT FEE HAS BEEN PAID, THE PUBLIC LIBRARY IS
25 NOT REQUIRED TO REFUND THE REPLACEMENT FEE.

26 (d) A public library SHALL WAIVE AND may not attempt to collect any
27 outstanding fees for overdue library materials that are incurred by a minor after June 30,
28 2021.

29 (e) Each board of library trustees shall adopt regulations to carry out this section.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2023.