

HOUSE BILL 208

F5

(PRE-FILED)

4lr0006
CF SB 250

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

Requested: September 10, 2023

Introduced and read first time: January 10, 2024

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 23, 2024

CHAPTER _____

1 AN ACT concerning

2 **County Public Libraries – ~~Overdue Library Materials – Minors~~ Minors,**
3 **Children, and Teens – Prohibited Practices**

4 FOR the purpose of prohibiting a county public library from charging ~~a minor~~ a fine for
5 overdue library materials borrowed by a minor or intended for children or teens;
6 prohibiting a county public library from charging a reserve fee for library materials
7 reserved by a minor or intended for children or teens; prohibiting a county public
8 library from prohibiting the borrowing of library materials by a minor or the
9 borrowing of library materials intended for children or teens because of previous
10 overdue library materials; prohibiting a county public library from charging ~~a minor~~
11 a replacement fee for overdue library materials, except under certain circumstances;
12 requiring a county public library to cancel or refund replacement fees under certain
13 circumstances; and generally relating to ~~finances and fees levied against minors for~~
14 overdue library materials borrowed by a minor or intended for children or teens.

15 BY repealing and reenacting, with amendments,

16 Article – Education

17 Section 23–409

18 Annotated Code of Maryland

19 (2022 Replacement Volume and 2023 Supplement)

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

21 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Education**

2 23–409.

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

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

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

8 (4) “Special collections” includes items such as cake pans, tools, and frame
9 art.]

10 ~~(2) “MINOR” MEANS AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.~~

11 ~~(3)~~ (2) **“OVERDUE FINE” MEANS ANY AMOUNT CHARGED BY A
12 PUBLIC LIBRARY TO AN INDIVIDUAL FOR FAILURE TO RETURN LIBRARY MATERIALS
13 BY THE END OF THE LOAN PERIOD.**

14 ~~(4)~~ (3) **“REPLACEMENT FEE” MEANS ANY AMOUNT CHARGED BY A
15 PUBLIC LIBRARY TO AN INDIVIDUAL FOR THE REPLACEMENT OF LIBRARY
16 MATERIALS THAT HAVE NOT BEEN RETURNED OR HAVE BEEN RETURNED IN A
17 DAMAGED CONDITION AT THE TIME THE FEE IS ISSUED.**

18 (4) **“RESERVE FEE” MEANS ANY AMOUNT CHARGED BY A PUBLIC
19 LIBRARY TO AN INDIVIDUAL FOR FAILURE TO COLLECT LIBRARY MATERIALS THAT
20 HAVE BEEN PLACED ON HOLD OR RESERVED.**

21 (5) **“SPECIAL COLLECTIONS” INCLUDES LIBRARY MATERIALS SUCH
22 AS CAKE PANS, TOOLS, FRAMED ART, AND OTHER GROUPS OF LIBRARY MATERIALS
23 THAT POSSESS UNIQUE VALUE AND REQUIREMENTS FOR USE, AS DESIGNATED BY
24 THE PUBLIC LIBRARY.**

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

26 (c) (1) A public library may not charge a ~~MINOR~~ AN OVERDUE fine [for
27 overdue library materials on a minor’s library materials];

28 (I) **TO A MINOR; OR**

29 (II) **FOR LIBRARY MATERIALS INTENDED FOR CHILDREN OR**
30 **TEENS.**

1 **(2) A PUBLIC LIBRARY MAY NOT CHARGE A RESERVE FEE:**

2 **(I) TO A MINOR; OR**

3 **(II) FOR RESERVED LIBRARY MATERIALS INTENDED FOR**
 4 **CHILDREN OR TEENS.**

5 **(3) (I) THIS PARAGRAPH APPLIES TO PREVIOUSLY BORROWED**
 6 **LIBRARY MATERIALS THAT WERE:**

7 **1. BORROWED BY A MINOR; OR**

8 **2. INTENDED FOR CHILDREN OR TEENS.**

9 **(II) A PUBLIC LIBRARY MAY NOT PROHIBIT AN INDIVIDUAL**
 10 **FROM BORROWING LIBRARY MATERIALS BECAUSE THE INDIVIDUAL FAILED TO**
 11 **RETURN PREVIOUSLY BORROWED LIBRARY MATERIALS UNTIL 21 DAYS OR MORE**
 12 **AFTER THE DATE THE LIBRARY MATERIALS WERE DUE.**

13 ~~(2)~~ **(4)** (i) A public library may not charge a ~~MINOR~~ A
 14 **REPLACEMENT** fee [for a minor's overdue library materials] until 21 days after the date
 15 on which the library materials were due;

16 **1. TO A MINOR; OR**

17 **2. FOR LIBRARY MATERIALS INTENDED FOR CHILDREN**
 18 **OR TEENS.**

19 (ii) If a ~~minor's~~ overdue library materials **BORROWED BY A MINOR**
 20 **OR INTENDED FOR CHILDREN OR TEENS** are returned **IN A NONDAMAGED CONDITION**
 21 after a public library has charged a **REPLACEMENT** fee, the public library shall cancel the
 22 **REPLACEMENT** fee.

23 **(III) IF A MINOR'S OVERDUE LIBRARY MATERIALS BORROWED BY**
 24 **A MINOR OR INTENDED FOR CHILDREN OR TEENS ARE RETURNED IN A**
 25 **NONDAMAGED CONDITION WITHIN 6 MONTHS AFTER A REPLACEMENT FEE HAS**
 26 **BEEN PAID, THE PUBLIC LIBRARY IS NOT REQUIRED TO SHALL REFUND THE**
 27 **REPLACEMENT FEE.**

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

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.