

HOUSE BILL 370

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By: **Delegates King, Frush, Haddaway, Harrison, Impallaria, Kelly, Kirk, Love, Manno, Minnick, Stifler, Taylor, and V. Turner**

Introduced and read first time: February 2, 2009

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Locksmiths Act**

3 FOR the purpose of requiring a certain business to be licensed by the Secretary of
4 Labor, Licensing, and Regulation before the business may provide locksmith
5 services; providing for the purpose of this Act; providing that this Act does not
6 limit the rights of certain individuals to engage in locksmith services;
7 authorizing the Secretary to adopt certain regulations for the licensure and
8 regulation of locksmiths; requiring all money collected by the Secretary to be
9 paid into the General Fund of the State; establishing certain application
10 procedures for obtaining a locksmith license; requiring certain owners of
11 businesses that are applicants and licensees to apply to the Central Repository
12 for a certain criminal history records check; requiring certain applicants to
13 submit fingerprints and a certain fee to the Central Repository; requiring the
14 Central Repository to provide the Secretary with certain information; requiring
15 certain information to be confidential and used for certain purposes; requiring
16 licensees to maintain certain general liability insurance that meets certain
17 requirements; requiring a licensee to provide a certain notice of cancellation of a
18 certain general liability insurance policy within a certain time period;
19 authorizing the issuance and renewal of certain licenses by the Secretary;
20 authorizing the issuance of certain photo identification cards by certain licensed
21 locksmiths; providing for the expiration and renewal of certain licenses;
22 establishing requirements for the display, carrying, replacement, and change of
23 name for certain licenses; authorizing the Secretary to deny a license to an
24 applicant, refuse to renew a license, reprimand a licensee, suspend or revoke a
25 license, or impose certain penalties under certain circumstances; establishing
26 certain hearing and appeal procedures for locksmiths; establishing certain
27 content, keeping, reporting, and transmittal requirements for certain invoices or
28 receipts for service; requiring certain advertisements to include the name and
29 license number of a licensed locksmith; prohibiting certain acts; providing for
30 certain civil and criminal penalties; requiring certain persons performing

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 locksmith services to be licensed on or before a certain date; requiring the
2 Secretary to submit a certain report including certain information to certain
3 committees of the General Assembly on or before a certain date; defining certain
4 terms; and generally relating to the licensure and regulation of locksmiths.

5 BY adding to
6 Article – Business Regulation
7 Section 12.5–101 through 12.5–601 to be under the new title “Title 12.5.
8 Locksmiths”
9 Annotated Code of Maryland
10 (2004 Replacement Volume and 2008 Supplement)

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

13 **Article – Business Regulation**

14 **TITLE 12.5. LOCKSMITHS.**

15 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

16 **12.5–101.**

17 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (B) “BUSINESS” MEANS A COMMERCIAL ENTITY THAT PROVIDES
20 LOCKSMITH SERVICES.

21 (C) “FIXED BUSINESS ADDRESS” MEANS A SINGLE PHYSICAL LOCATION
22 IN THE STATE WHERE A LICENSEE REGULARLY CONDUCTS BUSINESS AND AT
23 WHICH THE LICENSEE OR AN EMPLOYEE OF THE LICENSEE IS PHYSICALLY
24 PRESENT:

25 (1) DURING NORMAL BUSINESS HOURS; OR

26 (2) OTHER HOURS AS PROVIDED IN THE APPLICATION FOR THE
27 LICENSE.

28 (D) “LICENSE” MEANS A LICENSE ISSUED BY THE SECRETARY TO
29 PROVIDE LOCKSMITH SERVICES.

30 (E) “LICENSED LOCKSMITH” MEANS, UNLESS THE CONTEXT REQUIRES
31 OTHERWISE, A BUSINESS THAT IS LICENSED BY THE SECRETARY TO PROVIDE
32 LOCKSMITH SERVICES.

1 **(F) “LOCAL LAW ENFORCEMENT UNIT” MEANS THE DEPARTMENT OF**
2 **STATE POLICE, A POLICE DEPARTMENT, OR SHERIFF, AS DESIGNATED BY THE**
3 **COUNTY OR MUNICIPAL GOVERNING BODY.**

4 **(G) “PROVIDE LOCKSMITH SERVICES” MEANS TO ENGAGE**
5 **PROFESSIONALLY AND FOR COMPENSATION IN:**

6 **(1) REPAIRING, REBUILDING, REKEYING, REPINNING,**
7 **RECOMBINATING, ADJUSTING, OR INSTALLING MECHANICAL, ELECTRICAL, OR**
8 **ELECTROMECHANICAL LOCKING DEVICES, SAFES, VAULTS, OR SAFE DEPOSIT**
9 **BOXES; OR**

10 **(2) OPERATING A MECHANICAL, ELECTRICAL, OR**
11 **ELECTROMECHANICAL LOCKING DEVICE OR OPENING SAFES, VAULTS, OR SAFE**
12 **DEPOSIT BOXES BY A MEANS OTHER THAN THAT INTENDED BY THE**
13 **MANUFACTURER OF SUCH LOCKING DEVICES.**

14 **12.5-102.**

15 **THE PURPOSE OF THIS TITLE IS TO SAFEGUARD THE LIFE, HEALTH, AND**
16 **PROPERTY OF THE RESIDENTS OF MARYLAND TO PROMOTE THEIR WELFARE BY**
17 **REGULATING PERSONS THAT PROVIDE LOCKSMITH SERVICES.**

18 **12.5-103.**

19 **THE PROVISIONS OF THIS TITLE MAY NOT BE CONSTRUED TO PROHIBIT**
20 **THE FOLLOWING:**

21 **(1) BONA FIDE SALES DEMONSTRATIONS TO LOCKSMITHS OR**
22 **LOCKSMITH SUPPLIERS BY SALES REPRESENTATIVES WHO ARE NOT LICENSED;**

23 **(2) EMERGENCY OPENING SERVICES BY MEMBERS OF POLICE**
24 **DEPARTMENTS, FIRE DEPARTMENTS, OR OTHER GOVERNMENT AGENCIES IN**
25 **THEIR OFFICIAL LINE OF DUTY IN ORDER TO PROTECT LOSS OF LIFE OR**
26 **PROPERTY;**

27 **(3) THE ACQUISITION, MAKING, OR USE OF ANY KEY DUPLICATION**
28 **OR KEY BLANKS;**

29 **(4) THE REPLACING OF A REMOVABLE OR INTERCHANGEABLE**
30 **CORE OR RECOMBINATING A CYLINDER IN A LOCK THAT WAS SPECIFICALLY**
31 **DESIGNED BY THE MANUFACTURER TO BE CHANGED BY THE END USER BY USE**
32 **OF A KEY;**

1 1. **THE OWNER OF THE BUSINESS; AND**

2 2. **EACH EMPLOYEE OF THE APPLICANT;**

3 (III) **PROVIDE ANY OTHER DOCUMENTS OR INFORMATION**
4 **REQUIRED BY THIS SECTION OR REQUIRED BY THE SECRETARY; AND**

5 (IV) **PAY TO THE SECRETARY AN APPLICATION FEE SET BY**
6 **THE SECRETARY.**

7 (2) **THE APPLICATION FEE IS NONREFUNDABLE.**

8 (C) **THE APPLICANT OWNER OR DESIGNEE SHALL SIGN THE**
9 **APPLICATION UNDER OATH.**

10 (D) **IN ADDITION TO ANY OTHER INFORMATION THAT THE SECRETARY**
11 **REQUIRES, THE APPLICATION SHALL STATE:**

12 (1) **THE NAME, BIRTH DATE, AND RESIDENCE ADDRESS OF THE**
13 **FOLLOWING INDIVIDUALS:**

14 (I) **THE APPLICANT OWNER OR DESIGNEE; AND**

15 (II) **EACH EMPLOYEE OF THE APPLICANT;**

16 (2) **THE FIXED BUSINESS ADDRESS OF THE APPLICANT;**

17 (3) **A TELEPHONE NUMBER AT WHICH THE APPLICANT CAN BE**
18 **REACHED DURING NORMAL BUSINESS HOURS, AND, IF APPLICABLE, AN**
19 **ELECTRONIC MAIL ADDRESS;**

20 (4) **EACH ADDRESS WHERE THE APPLICANT HAS CONDUCTED ANY**
21 **BUSINESS DURING THE 36 MONTHS BEFORE APPLICATION;**

22 (5) **THE DRIVER'S LICENSE NUMBER OF THE APPLICANT OWNER**
23 **OR DESIGNEE AND EACH EMPLOYEE OF THE APPLICANT; AND**

24 (6) **THE NAME OF THE INSURER AND POLICY NUMBER OF THE**
25 **GENERAL LIABILITY INSURANCE COVERAGE REQUIRED UNDER § 12.5-204 OF**
26 **THIS SUBTITLE.**

27 (E) **THE APPLICATION FORM PROVIDED BY THE SECRETARY SHALL**
28 **CONTAIN A STATEMENT ADVISING THE APPLICANT THAT WILLFULLY MAKING A**

1 FALSE STATEMENT ON AN APPLICATION IS A MISDEMEANOR, SUBJECT TO A FINE
2 OR IMPRISONMENT OR BOTH, AS PROVIDED UNDER § 12.5-504 OF THIS TITLE.

3 **12.5-203.**

4 (A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL
5 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT
6 OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

7 (B) (1) THE OWNER OF A BUSINESS THAT IS AN APPLICANT FOR A
8 LICENSE UNDER § 12.5-202 OF THIS SUBTITLE SHALL APPLY TO THE CENTRAL
9 REPOSITORY FOR A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK
10 ON A FORM APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY.

11 (2) AS A PART OF AN APPLICATION TO THE CENTRAL
12 REPOSITORY FOR A NATIONAL AND STATE CRIMINAL HISTORY RECORDS
13 CHECK, THE OWNER OF A BUSINESS THAT IS AN APPLICANT SHALL SUBMIT TO
14 THE CENTRAL REPOSITORY:

15 (I) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS
16 TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY
17 AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

18 (II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE
19 CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO THE STATE CRIMINAL
20 HISTORY RECORDS; AND

21 (III) THE PROCESSING FEE REQUIRED BY THE FEDERAL
22 BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS
23 CHECK.

24 (C) THE CENTRAL REPOSITORY SHALL PROVIDE TO THE SECRETARY:

25 (1) THE NATIONAL AND STATE CRIMINAL HISTORY RECORDS OF
26 EACH INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK UNDER
27 SUBSECTION (B) OF THIS SECTION AND ISSUE A PRINTED STATEMENT LISTING
28 ANY CONVICTIONS AND PLEAS OF GUILTY OR NOLO CONTENDERE TO ANY
29 CRIMINAL CHARGE;

30 (2) AN UPDATE OF THE INITIAL CRIMINAL HISTORY RECORDS
31 CHECK FOR AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK
32 AND ISSUE A REVISED PRINTED STATEMENT LISTING ANY CONVICTIONS AND
33 PLEAS OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL CHARGE

1 OCCURRING IN THE STATE AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY
2 RECORDS CHECK; AND

3 (3) AN ACKNOWLEDGED RECEIPT OF THE APPLICATION FOR A
4 CRIMINAL HISTORY RECORDS CHECK BY AN INDIVIDUAL REQUIRING A
5 CRIMINAL HISTORY RECORDS CHECK.

6 (D) INFORMATION OBTAINED BY THE SECRETARY FROM THE CENTRAL
7 REPOSITORY UNDER THIS SECTION:

8 (1) IS CONFIDENTIAL;

9 (2) MAY NOT BE REDISSEMINATED; AND

10 (3) MAY BE USED ONLY FOR THE LICENSE PURPOSE AUTHORIZED
11 BY THIS TITLE.

12 (E) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER
13 THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT
14 ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE
15 CRIMINAL PROCEDURE ARTICLE.

16 **12.5-204.**

17 (A) EACH LICENSED LOCKSMITH SHALL MAINTAIN GENERAL LIABILITY
18 INSURANCE:

19 (1) IN THE AMOUNT OF AT LEAST \$300,000;

20 (2) WITH COVERAGE APPROPRIATE FOR THE INDIVIDUAL'S
21 CIRCUMSTANCES; AND

22 (3) IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE
23 SECRETARY UNDER THIS SECTION.

24 (B) A LICENSEE SHALL GIVE THE SECRETARY NOTICE OF THE
25 CANCELLATION OF INSURANCE AT LEAST 10 DAYS BEFORE THE EFFECTIVE
26 DATE OF THE CANCELLATION.

27 **12.5-205.**

28 (A) THE SECRETARY SHALL ISSUE A LICENSE TO EACH APPLICANT
29 THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE AND ON RECEIPT OF:

1 (1) A COMPLETE NATIONAL AND STATE CRIMINAL HISTORY
2 RECORD REPORT FROM THE CENTRAL REPOSITORY IN ACCORDANCE WITH §
3 12.5-203 OF THIS SUBTITLE; AND

4 (2) DOCUMENTATION OF CURRENT GENERAL LIABILITY
5 INSURANCE IN THE AMOUNT REQUIRED UNDER § 12.5-204 OF THIS SUBTITLE.

6 (B) THE SECRETARY SHALL DETERMINE THE SIZE, FORM, AND
7 CONTENT OF ANY LICENSE CERTIFICATE THAT THE SECRETARY ISSUES.

8 (C) THE SECRETARY:

9 (1) MAY ISSUE A LICENSE ONLY FOR A FIXED BUSINESS ADDRESS;
10 BUT

11 (2) MAY NOT ISSUE A LICENSE FOR AN ADDRESS THAT IS:

12 (I) A HOTEL OR MOTEL ROOM;

13 (II) A MOTOR VEHICLE;

14 (III) A POST OFFICE BOX; OR

15 (IV) A LOCATION THAT DOES NOT MEET THE
16 QUALIFICATIONS OF A FIXED BUSINESS ADDRESS AS DEFINED IN § 12.5-101(D)
17 OF THIS TITLE.

18 (D) THE SECRETARY MAY NOT ISSUE A LICENSE TO AN INDIVIDUAL WHO
19 IS 18 YEARS OLD OR YOUNGER.

20 (E) A LICENSE ISSUED UNDER THIS TITLE IS NOT TRANSFERABLE.

21 **12.5-206.**

22 (A) EACH LICENSED LOCKSMITH SHALL ISSUE A PHOTO
23 IDENTIFICATION CARD TO EACH INDIVIDUAL PROVIDING LOCKSMITH SERVICES
24 ON BEHALF OF THE LICENSED LOCKSMITH, INCLUDING EACH INDIVIDUAL
25 IDENTIFIED AS AN EMPLOYEE OF THE LICENSED LOCKSMITH UNDER § 12.5-202
26 OF THIS SUBTITLE.

27 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
28 LICENSED LOCKSMITH SHALL DETERMINE THE SIZE, FORM, AND CONTENT OF A
29 PHOTO IDENTIFICATION CARD THAT THE LICENSED LOCKSMITH ISSUES.

1 **(2) THE PHOTO IDENTIFICATION CARD ISSUED BY A LICENSED**
2 **LOCKSMITH UNDER THIS SECTION SHALL:**

3 **(I) BE COMPOSED OF DURABLE MATERIAL;**

4 **(II) INCLUDE A CURRENT PASSPORT-SIZE PHOTOGRAPH OF**
5 **THE INDIVIDUAL TO WHOM THE PHOTO IDENTIFICATION CARD IS ISSUED; AND**

6 **(III) INCLUDE THE LICENSE NUMBER AND LICENSE**
7 **EXPIRATION DATE OF THE LICENSED LOCKSMITH'S LICENSE.**

8 **12.5-207.**

9 **WHILE A LICENSE IS IN EFFECT, THE LICENSE AUTHORIZES THE**
10 **LICENSEE AND THE EMPLOYEES OF THE LICENSEE TO PROVIDE LOCKSMITH**
11 **SERVICES IN THE STATE.**

12 **12.5-208.**

13 **(A) A LICENSE IS ISSUED FOR A TERM OF 2 YEARS.**

14 **(B) UNLESS A LICENSEE MEETS THE INSURANCE REQUIREMENTS OF §**
15 **12.5-204 OF THIS SUBTITLE, THE SECRETARY MAY NOT RENEW THE LICENSE OF**
16 **THE LICENSEE.**

17 **(C) (1) UNLESS A LICENSE IS RENEWED FOR A 2-YEAR TERM AS**
18 **PROVIDED IN THIS SECTION, THE LICENSE EXPIRES ON THE SECOND**
19 **ANNIVERSARY OF THE EFFECTIVE DATE OF THE LICENSE.**

20 **(2) A LICENSEE THAT MEETS THE REQUIREMENTS OF THIS**
21 **SECTION MAY OBTAIN A RENEWAL OF A LICENSE BEFORE THE LICENSE EXPIRES**
22 **FOR AN ADDITIONAL 2-YEAR TERM.**

23 **(3) ONCE EXPIRED, A LICENSE MAY NOT BE RENEWED.**

24 **(D) AT LEAST 60 DAYS BEFORE A LICENSE EXPIRES, THE SECRETARY**
25 **SHALL MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE**
26 **LICENSEE:**

27 **(1) A RENEWAL APPLICATION FORM;**

28 **(2) A FORM THAT ALLOWS A LICENSEE TO UPDATE THE**
29 **INFORMATION SUBMITTED IN THE ORIGINAL APPLICATION OR STATE THAT THE**
30 **INFORMATION IS CURRENT AND ACCURATE;**

1 **(3) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A**
2 **FORM THAT REQUIRES THE LICENSEE TO AGREE TO CONTINUE TO COMPLY**
3 **WITH EACH REQUIREMENT APPLICABLE TO THE ORIGINAL APPLICATION; AND**

4 **(4) A NOTICE THAT STATES:**

5 **(I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;**

6 **(II) THE DATE BY WHICH THE SECRETARY MUST RECEIVE**
7 **THE RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED**
8 **BEFORE THE LICENSE EXPIRES; AND**

9 **(III) THE AMOUNT OF THE RENEWAL FEE.**

10 **(E) THE SECRETARY MAY REQUIRE A LICENSEE TO SUBMIT A NATIONAL**
11 **AND STATE CRIMINAL HISTORY RECORDS CHECK WITH THE RENEWAL**
12 **APPLICATION.**

13 **(F) THE SECRETARY SHALL RENEW THE LICENSE OF EACH LICENSEE**
14 **WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

15 **(G) (1) A LICENSEE MAY CHANGE THE FIXED BUSINESS ADDRESS FOR**
16 **WHICH A LICENSE IS ISSUED ONLY IF THE LICENSEE:**

17 **(I) SUBMITS TO THE SECRETARY AN APPLICATION TO**
18 **TRANSFER THE LICENSE TO A NEW BUSINESS LOCATION ON A FORM THAT THE**
19 **SECRETARY PROVIDES; AND**

20 **(II) RECEIVES THE WRITTEN APPROVAL OF THE**
21 **SECRETARY.**

22 **(2) WITHIN 45 DAYS AFTER THE APPLICATION IS FILED WITH THE**
23 **SECRETARY, THE SECRETARY SHALL APPROVE OR DISAPPROVE THE**
24 **APPLICATION AND NOTIFY THE LICENSEE OF THE APPROVAL OR DISAPPROVAL,**
25 **IN WRITING.**

26 **(3) IF THE SECRETARY APPROVES A PROPOSED CHANGE OF**
27 **FIXED BUSINESS ADDRESS, THE LICENSEE SHALL:**

28 **(I) SUBMIT TO THE SECRETARY A CURRENT LIST OF NAMES**
29 **OF EACH EMPLOYEE TO BE EMPLOYED AT THE NEW LOCATION; AND**

1 (II) ATTACH THE WRITTEN APPROVAL OF THE SECRETARY
2 TO THE LICENSE UNTIL AN AMENDED LICENSE IS RECEIVED BY THE LICENSEE.

3 (H) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER
4 THIS SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

5 **12.5-209.**

6 (A) EACH LICENSEE SHALL DISPLAY THE LICENSE CONSPICUOUSLY IN
7 THE PLACE OF BUSINESS OF THE LICENSEE.

8 (B) A LICENSEE AND AN EMPLOYEE OF A LICENSEE SHALL:

9 (1) CARRY A VALID PHOTO IDENTIFICATION CARD ISSUED BY A
10 LICENSED LOCKSMITH UNDER § 12.5-206 OF THIS SUBTITLE AT ALL TIMES THE
11 LICENSEE OR EMPLOYEE OF A LICENSEE IS ENGAGED IN PROVIDING
12 LOCKSMITH SERVICES; AND

13 (2) DISPLAY THE VALID PHOTO IDENTIFICATION CARD AS
14 REQUIRED BY REGULATION.

15 (C) IF A PHOTO IDENTIFICATION CARD IS LOST OR DESTROYED, THE
16 LICENSEE IMMEDIATELY SHALL NOTIFY THE LICENSED LOCKSMITH THAT
17 ISSUED THE PHOTO IDENTIFICATION CARD.

18 (D) (1) TO CHANGE THE NAME OF A LICENSEE ON A LICENSE, A
19 LICENSEE SHALL SUBMIT TO THE SECRETARY:

20 (I) AN APPLICATION ON THE FORM PROVIDED BY THE
21 SECRETARY;

22 (II) THE LICENSE OF THE LICENSEE;

23 (III) ANY DOCUMENTATION ABOUT THE NAME CHANGE THAT
24 THE SECRETARY REQUIRES; AND

25 (IV) THE FEE SET BY THE SECRETARY.

26 (2) ON RECEIPT OF THE APPLICATION, FEE, AND ANY REQUIRED
27 DOCUMENTATION, THE SECRETARY SHALL ISSUE A NEW LICENSE BEARING THE
28 NEW NAME OF THE LICENSEE.

29 **12.5-210.**

1 (A) (1) SUBJECT TO THE HEARING PROVISIONS OF § 12.5-211 OF
2 THIS SUBTITLE, THE SECRETARY MAY DENY A LICENSE TO AN APPLICANT,
3 REPRIMAND A LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF THE
4 APPLICANT OR LICENSEE OR AN AGENT, EMPLOYEE, MANAGER, OR PARTNER OF
5 THE APPLICANT OR LICENSEE:

6 (I) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR
7 ATTEMPTS TO OBTAIN A LICENSE OR PHOTO IDENTIFICATION CARD FOR THE
8 APPLICANT OR LICENSEE OR FOR ANOTHER PERSON;

9 (II) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE OR
10 PHOTO IDENTIFICATION CARD;

11 (III) PRESENTS OR ATTEMPTS TO PRESENT THE LICENSE OR
12 PHOTO IDENTIFICATION CARD OF ANOTHER LICENSEE OR EMPLOYEE OF A
13 LICENSEE AS THE APPLICANT'S OR LICENSEE'S LICENSE OR PHOTO
14 IDENTIFICATION CARD;

15 (IV) USE OR ATTEMPTS TO USE AN EXPIRED, SUSPENDED, OR
16 REVOKED LICENSE OR FALSE PHOTO IDENTIFICATION CARD;

17 (V) HAS A SIMILAR LICENSE OR CERTIFICATE DENIED,
18 SUSPENDED, OR REVOKED IN ANOTHER JURISDICTION;

19 (VI) UNDER THE LAWS OF THE UNITED STATES OR OF ANY
20 STATE, IS CONVICTED OF A:

21 1. FELONY; OR

22 2. MISDEMEANOR THAT IS DIRECTLY RELATED TO
23 THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO BE
24 INVOLVED IN PROVIDING LOCKSMITH SERVICES;

25 (VII) KNOWINGLY EMPLOYS OR KNOWINGLY CONTINUES TO
26 EMPLOY AN INDIVIDUAL WHO, UNDER THE LAWS OF THE UNITED STATES OR OF
27 ANY STATE, IS CONVICTED OF:

28 1. A FELONY; OR

29 2. A MISDEMEANOR THAT IS DIRECTLY RELATED TO
30 THE FITNESS AND QUALIFICATION OF THE EMPLOYEE TO BE INVOLVED IN
31 PROVIDING LOCKSMITH SERVICES;

1 (VIII) FAILS TO MAINTAIN THE LIABILITY INSURANCE
2 REQUIRED UNDER § 12.5-204 OF THIS SUBTITLE;

3 (IX) ENGAGES IN A PATTERN OF UNFAIR OR DECEPTIVE
4 TRADE PRACTICES UNDER THE CONSUMER PROTECTION ACT, AS DETERMINED
5 BY A FINAL ADMINISTRATIVE ORDER OR JUDICIAL DECISION;

6 (X) KNOWINGLY USES OR PERMITS THE USE OF ANY OF THE
7 LICENSEE'S OR AN EMPLOYEE OF A LICENSEE'S SKILLS, TOOLS, OR FACILITIES
8 FOR THE COMMISSION OF ANY CRIME;

9 (XI) WILLFULLY FAILS TO PROVIDE OR WILLFULLY
10 MISREPRESENTS ANY INFORMATION REQUIRED TO BE PROVIDED UNDER THIS
11 TITLE;

12 (XII) VIOLATES THIS TITLE; OR

13 (XIII) VIOLATES A REGULATION ADOPTED UNDER THIS TITLE.

14 (2) (I) INSTEAD OF OR IN ADDITION TO REPRIMANDING A
15 LICENSEE OR SUSPENDING OR REVOKING A LICENSE UNDER THIS SUBSECTION,
16 THE SECRETARY MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 FOR EACH
17 VIOLATION.

18 (II) TO DETERMINE THE AMOUNT OF THE PENALTY
19 IMPOSED UNDER THIS SUBSECTION, THE SECRETARY SHALL CONSIDER:

- 20 1. THE SERIOUSNESS OF THE VIOLATION;
- 21 2. THE HARM CAUSED BY THE VIOLATION;
- 22 3. THE GOOD FAITH OF THE LICENSEE; AND
- 23 4. ANY HISTORY OF PREVIOUS VIOLATIONS BY THE
24 LICENSEE.

25 (3) THE SECRETARY SHALL PAY ANY PENALTY COLLECTED
26 UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.

27 (B) THE SECRETARY SHALL CONSIDER THE FOLLOWING FACTS IN THE
28 GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR
29 THE REPRIMAND OF AN APPLICANT OR LICENSEE WHEN AN APPLICANT OR
30 LICENSEE IS CONVICTED OF A FELONY OR MISDEMEANOR DESCRIBED IN
31 SUBSECTION (A)(1)(VI) OF THIS SECTION:

- 1 (1) **THE NATURE OF THE CRIME;**
- 2 (2) **THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES**
3 **AUTHORIZED BY THE LICENSE;**
- 4 (3) **WITH RESPECT TO A FELONY, THE RELEVANCE OF THE**
5 **CONVICTION TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR**
6 **LICENSEE TO ACT AS A LOCKSMITH;**
- 7 (4) **THE LENGTH OF TIME SINCE THE CONVICTION; AND**
- 8 (5) **THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR**
9 **LICENSEE BEFORE AND AFTER THE CONVICTION.**

10 **12.5-211.**

11 (A) **EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE**
12 **GOVERNMENT ARTICLE, BEFORE THE SECRETARY TAKES ANY FINAL ACTION**
13 **UNDER § 12.5-210 OF THIS SUBTITLE, THE SECRETARY SHALL GIVE THE**
14 **PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR**
15 **A HEARING BEFORE THE SECRETARY.**

16 (B) **THE SECRETARY SHALL GIVE NOTICE AND HOLD THE HEARING IN**
17 **ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT**
18 **ARTICLE.**

19 (C) **THE SECRETARY MAY ADMINISTER OATHS IN A PROCEEDING**
20 **UNDER THIS SECTION.**

21 (D) **IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS**
22 **CONTEMPLATED DOES NOT APPEAR, NEVERTHELESS THE SECRETARY MAY**
23 **HEAR AND DETERMINE THE MATTER.**

24 **12.5-212.**

25 **ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE SECRETARY IN A**
26 **CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT**
27 **ARTICLE, MAY TAKE AN APPEAL AS ALLOWED IN TITLE 10, SUBTITLE 2 OF THE**
28 **STATE GOVERNMENT ARTICLE.**

29 **12.5-213.**

1 **(B) ON A REQUEST FOR AN INVOICE OR A RECEIPT FOR SERVICES**
2 **UNDER SUBSECTION (A) OF THIS SECTION, THE LICENSED LOCKSMITH SHALL**
3 **SUBMIT THE ITEM BY ONE OF THE FOLLOWING METHODS:**

4 **(1) BY DELIVERING OR MAILING A COPY OF THE INVOICE OR**
5 **RECEIPT FOR SERVICES WITHIN 5 BUSINESS DAYS AFTER RECEIVING THE**
6 **REQUEST; OR**

7 **(2) BY TRANSMITTING A COPY OF THE INVOICE OR RECEIPT FOR**
8 **SERVICES ELECTRONICALLY, IN A FORMAT ACCEPTABLE TO THE RECEIVING**
9 **LOCAL LAW ENFORCEMENT UNIT OR THE DEPARTMENT, WITHIN 2 BUSINESS**
10 **DAYS AFTER RECEIVING THE REQUEST.**

11 **(C) EACH COPY OF AN INVOICE OR A RECEIPT FOR SERVICES,**
12 **SUBMITTED TO THE LOCAL LAW ENFORCEMENT UNIT OR THE DEPARTMENT,**
13 **SHALL INCLUDE:**

14 **(1) THE LICENSE NUMBER OF THE LICENSED LOCKSMITH; AND**

15 **(2) THE INFORMATION REQUIRED UNDER § 12.5-301 OF THIS**
16 **SUBTITLE.**

17 **(D) A COPY OF AN INVOICE OR RECEIPT FOR SERVICES SUBMITTED**
18 **UNDER THIS SECTION:**

19 **(1) SHALL BE KEPT CONFIDENTIAL;**

20 **(2) IS NOT A PUBLIC RECORD; AND**

21 **(3) IS NOT SUBJECT TO TITLE 10, SUBTITLE 6 OF THE STATE**
22 **GOVERNMENT ARTICLE.**

23 **(E) A LOCAL LAW ENFORCEMENT UNIT OR THE DEPARTMENT MAY**
24 **DESTROY THE COPY OF AN INVOICE OR RECEIPT FOR SERVICES SUBMITTED**
25 **UNDER THIS SECTION AFTER 1 YEAR FROM THE DATE THE LOCAL LAW**
26 **ENFORCEMENT UNIT OR THE DEPARTMENT RECEIVES THE COPY.**

27 **SUBTITLE 4. MISCELLANEOUS PROVISIONS.**

28 **12.5-401.**

29 **EACH LOCKSMITH ADVERTISEMENT, BUSINESS CARD, OR ANY OTHER**
30 **MEANS OF PROVIDING NOTICE TO THE PUBLIC OF THE BUSINESS PROVIDING**

1 LOCKSMITH SERVICES SHALL INCLUDE THE NAME OF THE LICENSED
2 LOCKSMITH AND THE LICENSE NUMBER OF THE LICENSED LOCKSMITH.

3 **SUBTITLE 5. PROHIBITED ACTS; PENALTIES.**

4 **12.5-501.**

5 A PERSON MAY NOT KNOWINGLY USE OR PERMIT THE USE OF THE
6 LICENSEE'S OR AN EMPLOYEE OF THE LICENSEE'S SKILLS, TOOLS, OR
7 FACILITIES TO AID OR ABET AN UNLICENSED LOCKSMITH IN ANY ACTIVITY FOR
8 WHICH A LOCKSMITH LICENSE IS REQUIRED FOR THE COMMISSION OF A CRIME.

9 **12.5-502.**

10 A LICENSED LOCKSMITH OR EMPLOYEE OF A LICENSED LOCKSMITH MAY
11 NOT WILLFULLY OR DELIBERATELY DISREGARD ANY BUILDING OR SAFETY LAWS
12 OF THE STATE OR LOCAL GOVERNMENT UNIT.

13 **12.5-503.**

14 A LICENSED LOCKSMITH OR EMPLOYEE OF A LICENSED LOCKSMITH MAY
15 NOT FAIL IN ANY MATERIAL RESPECT TO COMPLETE THE INSTALLATION,
16 REPAIR, OPENING, OR MODIFICATION OF A LOCK FOR THE PRICE STATED IN THE
17 CONTRACT FOR SERVICES.

18 **12.5-504.**

19 EXCEPT FOR A VIOLATION OF § 12.5-505(A) OF THIS SUBTITLE, A PERSON
20 THAT VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A
21 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
22 \$10,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

23 **12.5-505.**

24 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY
25 NOT ACT AS, OFFER TO ACT AS, HOLD ONESELF OUT AS, OR IMPERSONATE A
26 LOCKSMITH IN THE STATE UNLESS THE PERSON IS A LICENSEE OR EMPLOYEE
27 OF A LICENSEE.

28 (B) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A
29 MISDEMEANOR AND, ON FIRST CONVICTION, IS SUBJECT TO A FINE NOT
30 EXCEEDING \$1,000 AND, ON SECOND OR SUBSEQUENT CONVICTION, IS SUBJECT
31 TO A FINE NOT EXCEEDING \$5,000.

32 **12.5-506.**

1 **(A) SUBJECT TO THE NOTICE AND HEARING PROVISIONS OF TITLE 10,**
2 **SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE, THE SECRETARY MAY**
3 **BRING A CIVIL ADMINISTRATIVE ACTION AGAINST A PERSON THAT VIOLATES §**
4 **12.5-505(A) OF THIS SUBTITLE.**

5 **(B) AFTER A HEARING, IF THE SECRETARY FINDS THAT A PERSON HAS**
6 **VIOLATED § 12.5-505(A) OF THIS SUBTITLE, THE SECRETARY MAY:**

7 **(1) ORDER THE PERSON TO CEASE AND DESIST FROM UNLAWFUL**
8 **PRACTICE; AND**

9 **(2) IMPOSE A CIVIL PENALTY NOT EXCEEDING \$100 FOR EACH**
10 **DAY OF UNLAWFUL PRACTICE.**

11 **(C) ANY PERSON AGGRIEVED BY A DECISION AND ORDER OF THE**
12 **SECRETARY UNDER THIS SECTION MAY TAKE AN APPEAL AS ALLOWED IN TITLE**
13 **10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

14 **12.5-507.**

15 **(A) THIS SECTION APPLIES ONLY IF THERE IS NO GREATER CRIMINAL**
16 **PENALTY PROVIDED UNDER THIS TITLE OR OTHER APPLICABLE LAW.**

17 **(B) A PERSON THAT ENGAGES IN REPEATED VIOLATIONS OF THE**
18 **PROVISIONS OF THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION**
19 **IS SUBJECT TO A FINE NOT EXCEEDING \$5,000.**

20 **SUBTITLE 6. SHORT TITLE.**

21 **12.5-601.**

22 **THIS TITLE MAY BE CITED AS THE “MARYLAND LOCKSMITHS ACT”.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1,
24 2010, a person providing locksmith services shall be licensed by the Secretary of
25 Labor, Licensing, and Regulation subject to the qualification and application
26 requirements of Title 12.5, Subtitle 2 of the Business Regulation Article.

27 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1,
28 2012, the Secretary of Labor, Licensing, and Regulation shall report to the Senate
29 Finance Committee and the House Economic Matters Committee, in accordance with §
30 2-1246 of the State Government Article, on:

1 (a) the number and nature of complaints submitted to the Department of
2 Labor, Licensing, and Regulation regarding locksmiths and locksmith services; and

3 (b) whether additional competency-based credentials for locksmiths are
4 necessary for the protection and safety of the public.

5 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2009.