

Annotated Code of Maryland
BUSINESS REGULATION
TITLE 12.5. LOCKSMITHS
SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

MARYLAND BUSINESS REGULATION Code Ann. § 12.5-101 (2013)

§ 12.5-101. Definitions

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

(b) Business. -- "Business" means a commercial entity that provides locksmith services.

(c) Employee. -- "Employee" means an individual employed by a licensed locksmith to provide locksmith services on behalf of the licensed locksmith.

(d) Fixed business address. -- "Fixed business address" means a single physical location where a licensee conducts business and at which the licensee or an employee of the licensee is available:

- (1) during normal business hours; or
- (2) other hours as provided in the application for the license.

(e) License. -- "License" means a license issued by the Secretary to provide locksmith services.

(f) Licensed locksmith. -- "Licensed locksmith" means, unless the context requires otherwise, a business that is licensed by the Secretary to provide locksmith services.

(g) Local law enforcement unit. -- "Local law enforcement unit" means the Department of State Police, a police department in the State, or sheriff in the State:

- (1) designated by the county or municipal governing body for a licensee with an in-State fixed business address;
- or
- (2) designated by the Secretary for a licensee with an out-of-state fixed business address.

(h) Provide locksmith services. -- "Provide locksmith services" means to engage professionally and for compensation in:

(1) repairing, rebuilding, rekeying, repinning, recombining, adjusting, or installing mechanical, electrical, or electromechanical locking devices, safes, vaults, or safe deposit boxes; or

(2) operating a mechanical, electrical, or electromechanical locking device or opening safes, vaults, or safe deposit boxes by a means other than that intended by the manufacturer of such locking devices.

§ 12.5-102. Purpose

The purpose of this title is to safeguard the life, health, and property of the residents of Maryland to promote their welfare by regulating persons that provide locksmith services.

§ 12.5-103. Prohibited acts

The provisions of this title may not be construed to prohibit the following:

(1) bona fide sales demonstrations to locksmiths or locksmith suppliers by sales representatives who are not licensed;

(2) emergency opening services by members of police departments, fire departments, or other government agencies in their official line of duty in order to protect against loss of life or property;

(3) the acquisition, making, or use of any key duplication or key blanks;

(4) the replacing of a removable or interchangeable core or recombining a cylinder in a lock that was specifically designed by the manufacturer to be changed by the end user by use of a key;

(5) the installation, repair, replacement, or rebuilding of a lock by the manufacturer of the lock;

(6) the installation, repair, replacement, or rebuilding of an automotive lock by an automotive repair and service facility, the lock manufacturer, or the manufacturer's agent;

(7) the installation of locks by building trades personnel on projects that require a building permit;

(8) the installation or replacement of locks by a retailer or the retailer's agent:

(i) on the premises of the retailer; or

(ii) off the premises of the retailer if the installation or replacement of locks is incidental to the retailer's normal course of business;

(9) the installation or replacement of locks by a security systems technician who is licensed under Title 18 of the Business Occupations and Professions Article; and

(10) the installation, repair, replacement, rekeying, or adjusting of locks or lock components for property by an employee or agent of the property owner or a management company.

§ 12.5-104. Regulations

The Secretary may adopt and enforce regulations to carry out this title.

§ 12.5-105. Money paid into General Fund

The Secretary shall pay all money collected under this title into the General Fund of the State.

SUBTITLE 2. LICENSING

§ 12.5-201. License required

Except as otherwise provided in this title, a business shall be licensed by the Secretary before the business and employees of the business provide locksmith services in the State.

§ 12.5-202. Application

(a) In general. -- The owner of a business or the owner's designee shall apply on behalf of the business for a license under this subtitle.

(b) Form; photograph; documentation; fee. --

(1) An applicant for a license shall:

(i) submit to the Secretary an application on the form that the Secretary provides;

(ii) submit a passport-size photograph, taken within 6 months immediately preceding the date of the filing of the application, of each of the following individuals:

1. the owner of the business; and

2. each employee of the applicant;
 - (iii) provide any other documents or information required by this section or required by the Secretary; and
 - (iv) pay to the Secretary an application fee set by the Secretary.
- (2) The application fee is nonrefundable.
- (c) Signature under oath. -- The applicant owner or designee shall sign the application under oath.
- (d) Information required. -- In addition to any other information that the Secretary requires, the application shall state:
- (1) the name, birth date, and residence address of the following individuals:
 - (i) the applicant owner or designee; and
 - (ii) each employee of the applicant;
 - (2) the fixed business address of the applicant;
 - (3) a telephone number at which the applicant can be reached during normal business hours, and, if applicable, an electronic mail address;
 - (4) each address where the applicant has conducted any business during the 36 months before application;
 - (5) the driver's license number of the applicant owner or designee and each employee of the applicant; and
 - (6) the name of the insurer and policy number of the general liability insurance coverage required under § 12.5-205 of this subtitle.
- (e) Statement. -- The application form provided by the Secretary shall contain a statement advising the applicant that willfully making a false statement on an application is a misdemeanor, subject to a fine or imprisonment or both, as provided under § 12.5-504 of this title.

§ 12.5-203. Requirements before employee can work for licensee

Before an individual may begin work for a licensee as an employee:

- (1) the licensee shall submit to the Secretary, on the form that the Secretary provides, the name of the individual; and
- (2) the individual shall apply for a national and State criminal history records check required under § 12.5-204(b) of this subtitle.

§ 12.5-204. Criminal history records background checks

(a) "Central Repository" defined. -- In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) National and State criminal history records check. --

(1) The owner of a business that is an applicant for a license under § 12.5-202 of this subtitle and an individual whose name is required to be submitted to the Secretary under § 12.5-203 of this subtitle shall apply to the Central Repository for a national and State criminal history records check on a form approved by the Director of the Central Repository.

(2) As a part of an application to the Central Repository for a national and State criminal history records check, the owner of a business that is an applicant and an individual whose name is required to be submitted to the Secretary under § 12.5-203 of this subtitle shall submit to the Central Repository:

(i) two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to the State criminal history records; and

(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(c) Payment of costs. -- A licensee or applicant may pay for the costs borne by the employee or other individual requiring a criminal history records check under subsection (b) of this section.

(d) Criminal records provided by Central Repository. -- The Central Repository shall provide to the Secretary:

(1) the national and State criminal history records of each individual requiring a criminal history records check under subsection (b) of this section and issue a printed statement listing any convictions and pleas of guilty or nolo contendere to any criminal charge;

(2) an update of the initial criminal history records check for an individual requiring a criminal history records check and issue a revised printed statement listing any convictions and pleas of guilty or nolo contendere to any criminal charge occurring in the State after the date of the initial criminal history records check; and

(3) an acknowledged receipt of the application for a criminal history records check by an individual requiring a criminal history records check.

(e) Confidentiality. --

(1) Information obtained by the Secretary from the Central Repository under this section:

(i) is confidential;

(ii) may not be disseminated; and

(iii) may be used only for the license purpose authorized by this title.

(2) Paragraph (1) of this subsection does not preclude the Secretary from notifying a licensee or an applicant of the approval or disqualification of the employee for employment based on information obtained by the Secretary under this section.

(f) Contest of printed statement. -- The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10-223 of the Criminal Procedure Article.

(g) Verification of employment and licensure. -- The Secretary shall verify periodically the continued employment or licensure of individuals requiring criminal history records checks in accordance with regulations adopted by the Secretary of Public Safety and Correctional Services.

§ 12.5-205. General liability insurance

(a) In general. -- Each licensed locksmith shall maintain general liability insurance:

(1) in the amount of at least \$ 300,000;

(2) with coverage appropriate for the individual's circumstances; and

(3) in accordance with the regulations adopted by the Secretary under this section.

(b) Notice of cancellation. -- A licensee shall give the Secretary notice of the cancellation of insurance at least 10 days before the effective date of the cancellation.

§ 12.5-206. Issuance of license

(a) Issuance. -- The Secretary shall issue a license to each applicant that meets the requirements of this subtitle and on receipt of:

(1) a complete national and State criminal history record report from the Central Repository in accordance with § 12.5-204 of this subtitle; and

(2) documentation of current general liability insurance in the amount required under § 12.5-205 of this subtitle.

(b) License certificate. -- The Secretary shall determine the size, form, and content of any license certificate that the Secretary issues.

(c) Fixed business address required. -- The Secretary:

(1) may issue a license only for a fixed business address; but

(2) may not issue a license for an address that is:

(i) a hotel or motel room;

(ii) a motor vehicle;

(iii) a post office box; or

(iv) a location that does not meet the qualifications of a fixed business address as defined in § 12.5-101(d) of this title.

(d) Age limitations. -- The Secretary may not issue a license to an individual who is 18 years old or younger.

(e) Nontransferability. -- A license issued under this title is not transferable.

§ 12.5-207. Photo identification card

(a) Issuance. -- Each licensed locksmith shall issue a photo identification card to each individual providing locksmith services on behalf of the licensed locksmith, including each individual identified as an employee of the licensed locksmith under § 12.5-202 of this subtitle.

(b) Size, form, and content. --

(1) Subject to paragraph (2) of this subsection, the licensed locksmith shall determine the size, form, and content of a photo identification card that the licensed locksmith issues.

(2) The photo identification card issued by a licensed locksmith under this section shall:

(i) be composed of durable material;

(ii) include a current passport-size photograph of the individual to whom the photo identification card is issued; and

(iii) include the license number and license expiration date of the licensed locksmith's license.

§ 12.5-208. Scope

While a license is in effect, the license authorizes the licensee and the employees of the licensee to provide locksmith services in the State.

§ 12.5-209. Term and renewal

(a) Term. -- A license is issued for a term of 2 years.

(b) Renewal -- In general. -- Unless a licensee meets the insurance requirements of § 12.5-205 of this subtitle, the Secretary may not renew the license of the licensee.

(c) Expiration. --

(1) Unless a license is renewed for a 2-year term as provided in this section, the license expires on the second anniversary of the effective date of the license.

(2) A licensee that meets the requirements of this section may obtain a renewal of a license before the license expires for an additional 2-year term.

(3) Once expired, a license may not be renewed.

(d) Application and notice. -- At least 60 days before a license expires, the Secretary shall mail to the licensee, at the last known address of the licensee:

(1) a renewal application form;

(2) a form that allows a licensee to update the information submitted in the original application or state that the information is current and accurate;

(3) except as provided in subsection (e) of this section, a form that requires the licensee to agree to continue to comply with each requirement applicable to the original application; and

(4) a notice that states:

(i) the date on which the current license expires;

(ii) the date by which the Secretary must receive the renewal application for the renewal to be issued and mailed before the license expires; and

(iii) the amount of the renewal fee.

(e) Submission of criminal history records check with renewal. -- The Secretary may require a licensee to submit a national and State criminal history records check with the renewal application.

(f) Renewal authorized. -- The Secretary shall renew the license of each licensee who meets the requirements of this section.

(g) Change of fixed business address. --

(1) A licensee may change the fixed business address for which a license is issued only if the licensee:

(i) submits to the Secretary an application to transfer the license to a new business location on a form that the Secretary provides; and

(ii) receives the written approval of the Secretary.

(2) Within 45 days after the application is filed with the Secretary, the Secretary shall approve or disapprove the application and notify the licensee of the approval or disapproval, in writing.

(3) If the Secretary approves a proposed change of fixed business address, the licensee shall:

(i) submit to the Secretary a current list of names of each employee to be employed at the new location; and

(ii) attach the written approval of the Secretary to the license until an amended license is received by the licensee.

(h) Staggered expirations. -- The Secretary may determine that licenses issued under this subtitle shall expire on a staggered basis.

§ 12.5-210. Display; lost identification card; change of name on license

(a) Display. -- Each licensee shall display the license conspicuously in the place of business of the licensee.

(b) Display -- Photo identification card. -- A licensee and an employee of a licensee shall:

(1) carry a valid photo identification card issued by a licensed locksmith under § 12.5-207 of this subtitle at all times the licensee or employee of a licensee is engaged in providing locksmith services; and

(2) display the valid photo identification card as required by regulation.

(c) Notice of lost or destroyed identification card. -- If a photo identification card is lost or destroyed, the licensee immediately shall notify the licensed locksmith that issued the photo identification card.

(d) Change of name of licensee on license. --

(1) To change the name of a licensee on a license, a licensee shall submit to the Secretary:

- (i) an application on the form provided by the Secretary;
- (ii) the license of the licensee;
- (iii) any documentation about the name change that the Secretary requires; and
- (iv) the fee set by the Secretary.

(2) On receipt of the application, fee, and any required documentation, the Secretary shall issue a new license bearing the new name of the licensee.

§ 12.5-211. Denial, reprimand, suspension, revocation

(a) Grounds. --

(1) Subject to the hearing provisions of § 12.5-212 of this subtitle, the Secretary may deny a license to an applicant, reprimand a licensee, or suspend or revoke a license if the applicant or licensee or an agent, employee, manager, or partner of the applicant or licensee:

(i) fraudulently or deceptively obtains or attempts to obtain a license or photo identification card for the applicant or licensee or for another person;

(ii) fraudulently or deceptively uses a license or photo identification card;

(iii) presents or attempts to present the license or photo identification card of another licensee or employee of a licensee as the applicant's or licensee's license or photo identification card;

(iv) uses or attempts to use an expired, suspended, or revoked license or false photo identification card;

(v) has a similar license or certificate denied, suspended, or revoked in another jurisdiction;

(vi) under the laws of the United States or of any state, is convicted of a:

1. felony; or

2. misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to be involved in providing locksmith services;

(vii) knowingly employs or knowingly continues to employ an individual who, under the laws of the United States or of any state, is convicted of:

1. a felony that is directly related to the fitness and qualification of the employee to be involved in providing locksmith services; or

2. a misdemeanor that is directly related to the fitness and qualification of the employee to be involved in providing locksmith services;

(viii) fails to maintain the liability insurance required under § 12.5-205 of this subtitle;

(ix) engages in a pattern of unfair or deceptive trade practices under the Consumer Protection Act, as determined by a final administrative order or judicial decision;

(x) knowingly uses or permits the use of any of the licensee's or an employee of a licensee's skills, tools, or facilities for the commission of any crime;

(xi) willfully fails to provide or willfully misrepresents any information required to be provided under this title;

(xii) violates this title; or

(xiii) violates a regulation adopted under this title.

(2) (i) Instead of or in addition to reprimanding a licensee or suspending or revoking a license under this subsection, the Secretary may impose a penalty not exceeding \$ 5,000 for each violation.

(ii) To determine the amount of the penalty imposed under this subsection, the Secretary shall consider:

1. the seriousness of the violation;
2. the harm caused by the violation;
3. the good faith of the licensee; and
4. any history of previous violations by the licensee.

(3) The Secretary shall pay any penalty collected under this subsection into the General Fund of the State.

(b) Considerations. -- The Secretary shall consider the following facts in the granting, denial, renewal, suspension, or revocation of a license or the reprimand of an applicant or licensee when an applicant or licensee is convicted of a felony or misdemeanor described in subsection (a)(1)(vi) of this section:

- (1) the nature of the crime;
- (2) the relationship of the crime to the activities authorized by the license;
- (3) with respect to a felony, the relevance of the conviction to the fitness and qualification of the applicant or licensee to act as a locksmith;
- (4) the length of time since the conviction; and
- (5) the behavior and activities of the applicant or licensee before and after the conviction.

§ 12.5-212. Notice and hearing

(a) Hearing. -- Except as otherwise provided in § 10-226 of the State Government Article, before the Secretary takes any final action under § 12.5-211 of this subtitle, the Secretary shall give the person against whom the action is contemplated an opportunity for a hearing before the Secretary.

(b) Notice. -- The Secretary shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) Oaths. -- The Secretary may administer oaths in a proceeding under this section.

(d) Nonappearance. -- If, after due notice, the person against whom the action is contemplated does not appear, nevertheless the Secretary may hear and determine the matter.

§ 12.5-213. Appeal

Any person aggrieved by a final decision of the Secretary in a contested case, as defined in § 10-202 of the State Government Article, may take an appeal as allowed in Title 10, Subtitle 2 of the State Government Article.

§ 12.5-214. Information to local law enforcement unit

The Secretary shall inform each local law enforcement unit of each license that is issued, renewed, changed to a new business location, denied, suspended, or revoked.

SUBTITLE 3. RECORDS.

§ 12.5-301. Information required on invoice

Each licensed locksmith shall include on each invoice or receipt for services the following information regarding each service call:

- (1) the address where the services were provided by the locksmith;
- (2) the type of lock being serviced;
- (3) the vehicle identification number, if applicable;
- (4) the quoted cost of the service provided to the customer prior to agreeing to provide the service; and
- (5) the actual cost of the service paid by the customer.

§ 12.5-302. Copy of invoice to be kept at fixed business address

Unless otherwise authorized by the Secretary, a licensed locksmith shall keep a copy of each invoice or receipt for services required by this subtitle, at the fixed business address provided by the licensee to the Secretary, for 3 years after the date of the service call and, on reasonable notice from the Department, make required records available for inspection by the Department.

§ 12.5-303. Copy of invoice to be provided to local law enforcement unit or Department

(a) In general. --

(1) A licensed locksmith shall provide to a local law enforcement unit or the Department a copy of each invoice or receipt for services requested by either a local law enforcement unit or the Department.

(2) The Secretary shall encourage licensed locksmiths to develop a system for maintaining the records required by this subtitle electronically.

(b) Methods. -- On a request for an invoice or a receipt for services under subsection (a) of this section, the licensed locksmith shall submit the item by one of the following methods:

(1) by delivering or mailing a copy of the invoice or receipt for services within 5 business days after receiving the request; or

(2) by transmitting a copy of the invoice or receipt for services electronically, in a format acceptable to the receiving local law enforcement unit or the Department, within 2 business days after receiving the request.

(c) Information included. -- Each copy of an invoice or a receipt for services, submitted to the local law enforcement unit or the Department, shall include:

- (1) the license number of the licensed locksmith; and
- (2) the information required under § 12.5-301 of this subtitle.

(d) Confidentiality. -- A copy of an invoice or receipt for services submitted under this section:

- (1) shall be kept confidential;
- (2) is not a public record; and
- (3) is not subject to Title 10, Subtitle 6 of the State Government Article.

(e) Destruction. -- A local law enforcement unit or the Department may destroy the copy of an invoice or receipt for services submitted under this section after 1 year from the date the local law enforcement unit or the Department receives the copy.

SUBTITLE 4. MISCELLANEOUS PROVISIONS

§ 12.5-401. Advertising requirements

Each locksmith advertisement, business card, or any other means of providing notice to the public of the business providing locksmith services shall include the name of the licensed locksmith and the license number of the licensed locksmith.

SUBTITLE 5. PROHIBITED ACTS; PENALTIES

§ 12.5-501. Knowing use of skills, tools or facilities to aid unlicensed locksmith

A person may not knowingly use or permit the use of the licensee's or an employee of the licensee's skills, tools, or facilities to aid or abet an unlicensed locksmith in any activity for which a locksmith license is required for the commission of a crime.

§ 12.5-502. Disregard building or safety laws

A licensed locksmith or employee of a licensed locksmith may not willfully or deliberately disregard any building or safety laws of the State or local government unit.

§ 12.5-503. Failure to complete work

A licensed locksmith or employee of a licensed locksmith may not fail in any material respect to complete the installation, repair, opening, or modification of a lock for the price stated in the contract for services.

§ 12.5-504. Penalties

Except for a violation of § 12.5-505(a) of this subtitle, a person that violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 10,000 or imprisonment not exceeding 2 years or both.

§ 12.5-505. Unauthorized practice

(a) Prohibition. -- Except as otherwise provided in this title, a person may not act as, offer to act as, hold oneself out as, or impersonate a locksmith in the State unless the person is a licensee or employee of a licensee.

(b) Penalties. -- A person that violates this section is guilty of a misdemeanor and, on first conviction, is subject to a fine not exceeding \$ 1,000 and, on second or subsequent conviction, is subject to a fine not exceeding \$ 5,000.

§ 12.5-506. Civil administrative action

(a) In general. -- Subject to the notice and hearing provisions of Title 10, Subtitle 2 of the State Government Article, the Secretary may bring a civil administrative action against a person that violates § 12.5-505(a) of this subtitle.

(b) Cease and desist order; civil penalty. -- After a hearing, if the Secretary finds that a person has violated § 12.5-505(a) of this subtitle, the Secretary may:

- (1) order the person to cease and desist from unlawful practice; and
- (2) impose a civil penalty not exceeding \$ 100 for each day of unlawful practice.

(c) Appeal. -- Any person aggrieved by a decision and order of the Secretary under this section may take an appeal as allowed in Title 10, Subtitle 2 of the State Government Article.

§ 12.5-507. Repeated violations

(a) Applicability. -- This section applies only if there is no greater criminal penalty provided under this title or other applicable law.

(b) Penalties. -- A person that engages in repeated violations of the provisions of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 5,000.

SUBTITLE 6. SHORT TITLE

§ 12.5-601. Short title

This title may be cited as the "Maryland Locksmiths Act".