

Annotated Code of Maryland
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*** Statutes current through the 2013 General Assembly Regular Session with updates for sections effective through June 1, 2013 ***

PUBLIC SAFETY
TITLE 5. FIREARMS
SUBTITLE 1. REGULATED FIREARMS

Md. PUBLIC SAFETY Code Ann. § 5-106 (2013)

§ 5-106. Dealer's license

(a) Required. -- A person must lawfully possess a dealer's license issued by the Secretary before the person engages in the business of selling, renting, or transferring regulated firearms.

(b) One license for each place of business. -- One dealer's license is required for each place of business where regulated firearms are sold.

HISTORY: An. Code 1957, art. 27, § 443(a); 2003, ch. 5, § 2.

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PUBLIC SAFETY
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Md. PUBLIC SAFETY Code Ann. § 5-107 (2013)

§ 5-107. Application for dealer's license

(a) In general. --

(1) An applicant for a dealer's license shall:

- (i) submit to the Secretary an application on the form that the Secretary provides; and
- (ii) pay to the Secretary an application fee of \$ 50, payable to the Comptroller.

(2) A refund or proration of the application fee is prohibited.

(b) Required information. -- An application for a dealer's license shall contain:

(1) the applicant's name, address, Social Security number, place and date of birth, height, weight, race, eye and hair color, and signature;

(2) a clear and recognizable photograph of the applicant, unless the photograph has been submitted with a prior year's application;

(3) a set of the applicant's fingerprints, unless the fingerprints have been submitted with a prior year's application; and

(4) a statement by the applicant that the applicant:

(i) is a citizen of the United States;

(ii) is at least 21 years old;

(iii) has never been convicted of a disqualifying crime;

(iv) has never been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;

(v) is not a fugitive from justice;

(vi) is not a habitual drunkard;

(vii) is not addicted to a controlled dangerous substance or is not a habitual user; and

(viii) has never spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless a physician's certificate issued within 30 days before the date of application is attached to the application, certifying that the applicant is capable of possessing a regulated firearm without undue danger to the applicant or to another.

(c) Required warning. -- Each application for a dealer's license shall contain the following statement: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than 3 years, or a fine of not more than \$ 5,000 or both."

(d) Application of corporation. -- If an applicant is a corporation, a corporate officer who is a

resident of the State shall complete and execute the application.

HISTORY: An. Code 1957, art. 27, § 443(b)(2), (3), (d), (e); 2003, ch. 5, § 2.

Md. PUBLIC SAFETY Code Ann. § 5-108 (Copy w/ Cite)

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Md. PUBLIC SAFETY Code Ann. § 5-108

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PUBLIC SAFETY
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Md. PUBLIC SAFETY Code Ann. § 5-108 (2013)

§ 5-108. Criminal history records check

(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) Application required. -- The Secretary shall apply to the Central Repository for a State and national criminal history records check for each applicant for a dealer's license.

(c) Contents of application. -- As part of the application for a criminal history records check, the Secretary shall submit to the Central Repository:

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

(2) the fee authorized under [§ 10-221\(b\)\(7\) of the Criminal Procedure Article](#) for access to Maryland criminal history records; and

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

(d) Information forwarded to applicant and State Police. -- In accordance with [§§ 10-201 through 10-234 of the Criminal Procedure Article](#), the Central Repository shall forward to the applicant and the Secretary a printed statement of the applicant's criminal history record information.

(e) Restrictions on information. -- Information obtained from the Central Repository under this section:

(1) is confidential and may not be disseminated; and

(2) shall be used only for the licensing purpose authorized by this section.

(f) Subject may contest contents. -- 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](#).

HISTORY: An. Code 1957, art. 27, § 443(c); 2003, ch. 5, § 2.

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Md. PUBLIC SAFETY Code Ann. § 5-109

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Md. PUBLIC SAFETY Code Ann. § 5-109 (2013)

§ 5-109. Investigation of applicant for dealer's license

The Secretary shall conduct an investigation to determine the truth or falsity of the information supplied and the statements made in an application for a dealer's license.

HISTORY: An. Code 1957, art. 27, § 443(f); 2003, ch. 5, § 2.

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Md. PUBLIC SAFETY Code Ann. § 5-110 (2013)

§ 5-110. Disapproval of dealer's license application

(a) Grounds. -- The Secretary shall disapprove an application for a dealer's license if:

(1) the Secretary determines that the applicant supplied false information or made a false statement;

(2) the Secretary determines that the application is not properly completed; or

(3) the Secretary receives a written notification from the applicant's licensed attending physician that the applicant suffers from a mental disorder and is a danger to the applicant or to another.

(b) Notice. -- If the Secretary disapproves an application for a dealer's license, the Secretary shall notify the applicant in writing of the disapproval.

(c) Effect of disapproval. -- A person whose application for a dealer's license has been disapproved may not engage in the business of selling, renting, or transferring regulated firearms, unless the disapproval has been subsequently withdrawn by the Secretary or overruled by a court in accordance with subsection (d) of this section.

(d) Appeal. --

(1) An applicant who is aggrieved because the Secretary has disapproved the application for a dealer's license may appeal to the circuit court of the county where the applicant's place of business is to be located.

(2) The appeal must be filed not later than 30 days after the Secretary mails notification of disapproval to the applicant.

(3) If the appeal is properly and timely filed, the court shall affirm or reverse the disapproval of the Secretary depending on whether the court finds that:

(i) the applicant supplied false information or made a false statement; or

(ii) the application was not properly completed.

(4) The Secretary or the applicant may appeal the decision of the circuit court to the Court of Special Appeals.

HISTORY: An. Code 1957, art. 27, § 443(f)-(h); 2003, ch. 5, § 2.

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Md. PUBLIC SAFETY Code Ann. § 5-111 (2013)

§ 5-111. Term of dealer's license

(a) In general. -- Unless a dealer's license is renewed for a 1-year term as provided in this section, a dealer's license expires on the first June 30 after its effective date.

(b) Applications for renewal. --

(1) Before a dealer's license expires, the licensee periodically may renew it for an additional 1-year term, if the licensee:

(i) is otherwise entitled to be licensed;

(ii) pays to the Secretary a renewal fee of \$ 25, payable to the Comptroller; and

(iii) submits to the Secretary a renewal application on the form that the Secretary provides.

(2) A refund or proration of the renewal fee is prohibited.

HISTORY: An. Code 1957, art. 27, § 443(b); 2003, ch. 5, § 2.

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Md. PUBLIC SAFETY Code Ann. § 5-112 (2013)

§ 5-112. Nontransferability of dealer's license; new place of business

- (a) Nontransferability of dealer's license. -- A dealer's license is not transferable.
- (b) Notice to Secretary of new place of business. -- Before moving a place of business, a licensee shall inform the Secretary and surrender the dealer's license.
- (c) New dealer's license for new place of business. -- If a cause to revoke the dealer's license does not exist, the Secretary shall issue a new dealer's license without charge covering the new place of business for the rest of the term of the surrendered dealer's license.

HISTORY: An. Code 1957, art. 27, § 443(b)(3); 2003, ch. 5, § 2.

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Md. PUBLIC SAFETY Code Ann. § 5-113

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Md. PUBLIC SAFETY Code Ann. § 5-113 (2013)

§ 5-113. Display of dealer's license

(a) Required. -- A licensee shall display conspicuously the dealer's license and any other license required by law at the licensee's place of business.

(b) Identification of licensee and location. -- The dealer's license shall identify the licensee and the location of the licensee's place of business.

HISTORY: An. Code 1957, art. 27, § 443(a); 2003, ch. 5, § 2.

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Md. PUBLIC SAFETY Code Ann. § 5-114 (2013)

§ 5-114. Suspensions and revocations -- Grounds; notice; effect

(a) Suspensions. -- The Secretary shall suspend a dealer's license if the licensee:

(1) is under indictment for a crime of violence; or

(2) is arrested for a violation of this subtitle that prohibits the purchase or possession of a regulated firearm.

(b) Revocations. -- The Secretary shall revoke a dealer's license if:

(1) it is discovered that false information has been supplied or false statements have been made in an application required by this subtitle; or

(2) the licensee:

(i) is convicted of a disqualifying crime;

(ii) is convicted of a violation classified as a common law crime and receives a term of imprisonment of more than 2 years;

(iii) is a fugitive from justice;

(iv) is a habitual drunkard;

(v) is addicted to a controlled dangerous substance or is a habitual user;

(vi) has spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless the licensee produces a physician's certificate, issued after the last institutionalization and certifying that the licensee is capable of possessing a regulated firearm without undue danger to the licensee or to another;

(vii) has knowingly or willfully manufactured, offered to sell, or sold a handgun not on the handgun roster in violation of § 5-406 of this title; or

(viii) has knowingly or willfully participated in a straw purchase of a regulated firearm.

(c) Notice. -- If the Secretary suspends or revokes a dealer's license, the Secretary shall notify the licensee in writing of the suspension or revocation.

(d) Effect of suspension or revocation. -- A person whose dealer's license is suspended or revoked may not engage in the business of selling, renting, or transferring regulated firearms, unless the suspension or revocation has been subsequently withdrawn by the Secretary or overruled by a court in accordance with § 5-116 of this subtitle.

HISTORY: An. Code 1957, art. 27, § 443(i)-(k); 2003, ch. 5, § 2.

Md. PUBLIC SAFETY Code Ann. § 5-115

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Md. PUBLIC SAFETY Code Ann. § 5-115 (2013)

§ 5-115. Suspensions and revocations -- Hearings

(a) Right to hearing. --

(1) A person whose dealer's license is suspended or revoked and who is aggrieved by the action of the Secretary may request a hearing by writing to the Secretary within 30 days after the Secretary forwards notice to the applicant under § 5-114(c) of this subtitle.

(2) The Secretary shall grant the hearing within 15 days after receiving the request.

(b) Application of contested case provisions. -- The hearing shall be held in accordance with Title 10, Subtitle 2 of the State Government Article.

HISTORY: An. Code 1957, art. 27, § 443(l); 2003, ch. 5, § 2.

Md. PUBLIC SAFETY Code Ann. § 5-116

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Md. PUBLIC SAFETY Code Ann. § 5-116 (2013)

§ 5-116. Judicial review

(a) Stay of revocation. -- A revocation may not take effect while an appeal is pending.

(b) Application of contested case provisions. -- Any subsequent judicial review shall be held in accordance with Title 10, Subtitle 2 of the State Government Article.

HISTORY: An. Code 1957, art. 27, § 443(l); 2003, ch. 5, § 2.

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Md. PUBLIC SAFETY Code Ann. § 5-117 (2013)

§ 5-117. Application for regulated firearm required

A person must submit a firearm application in accordance with this subtitle before the person purchases, rents, or transfers a regulated firearm.

HISTORY: 2003, ch. 5, § 2.