

SENATE BILL 250

F5

(4lr0005)

ENROLLED BILL

— Education, Energy, and the Environment/Ways and Means —

Introduced by **Chair, Education, Energy, and the Environment Committee (By Request – Departmental – State Library)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

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.*

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.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
 2 Article – Education
 3 Section 23–409
 4 Annotated Code of Maryland
 5 (2022 Replacement Volume and 2023 Supplement)

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

8 **Article – Education**

9 23–409.

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

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

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

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

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

18 ~~(3) (2) “OVERDUE FINE” MEANS ANY AMOUNT CHARGED BY A~~
 19 ~~PUBLIC LIBRARY TO AN INDIVIDUAL FOR FAILURE TO RETURN LIBRARY MATERIALS~~
 20 ~~BY THE END OF THE LOAN PERIOD.~~

21 ~~(4) (3) “REPLACEMENT FEE” MEANS ANY AMOUNT CHARGED BY A~~
 22 ~~PUBLIC LIBRARY TO AN INDIVIDUAL FOR THE REPLACEMENT OF LIBRARY~~
 23 ~~MATERIALS THAT HAVE NOT BEEN RETURNED OR HAVE BEEN RETURNED IN A~~
 24 ~~DAMAGED CONDITION AT THE TIME THE FEE IS ISSUED.~~

25 ~~(4) “RESERVE FEE” MEANS ANY AMOUNT CHARGED BY A PUBLIC~~
 26 ~~LIBRARY TO AN INDIVIDUAL FOR FAILURE TO COLLECT LIBRARY MATERIALS THAT~~
 27 ~~HAVE BEEN PLACED ON HOLD OR RESERVED.~~

28 (5) “SPECIAL COLLECTIONS” INCLUDES LIBRARY MATERIALS SUCH
 29 AS CAKE PANS, TOOLS, FRAMED ART, AND OTHER GROUPS OF LIBRARY MATERIALS
 30 THAT POSSESS UNIQUE VALUE AND REQUIREMENTS FOR USE, AS DESIGNATED BY
 31 THE PUBLIC LIBRARY.

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

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

4 (I) TO A MINOR; OR

5 (II) FOR LIBRARY MATERIALS INTENDED FOR CHILDREN OR
6 TEENS.

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

8 (I) TO A MINOR; OR

9 (II) FOR RESERVED LIBRARY MATERIALS INTENDED FOR
10 CHILDREN OR TEENS.

11 (3) (I) THIS PARAGRAPH APPLIES TO PREVIOUSLY BORROWED
12 LIBRARY MATERIALS THAT WERE:

13 1. BORROWED BY A MINOR; OR

14 2. INTENDED FOR CHILDREN OR TEENS.

15 (II) A PUBLIC LIBRARY MAY NOT PROHIBIT AN INDIVIDUAL
16 FROM BORROWING LIBRARY MATERIALS BECAUSE THE INDIVIDUAL FAILED TO
17 RETURN PREVIOUSLY BORROWED LIBRARY MATERIALS UNTIL 21 DAYS OR MORE
18 AFTER THE DATE THE LIBRARY MATERIALS WERE DUE.

19 ~~(2)~~ (4) (i) A public library may not charge a ~~MINOR~~ A
20 REPLACEMENT fee [for a minor's overdue library materials] until 21 days after the date
21 on which the library materials were due;

22 1. TO A MINOR; OR

23 2. FOR LIBRARY MATERIALS INTENDED FOR CHILDREN
24 OR TEENS.

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

1 (iii) ~~IF A MINOR'S~~ OVERDUE LIBRARY MATERIALS *BORROWED BY*
 2 *A MINOR OR INTENDED FOR CHILDREN OR TEENS* ARE RETURNED *IN A NONDAMAGED*
 3 *CONDITION WITHIN 6 MONTHS* AFTER A REPLACEMENT FEE HAS BEEN PAID, THE
 4 PUBLIC LIBRARY ~~IS NOT REQUIRED TO~~ *SHALL* REFUND THE REPLACEMENT FEE.

5 (d) ~~A public library SHALL WAIVE AND may not attempt to collect any~~
 6 ~~outstanding fees for overdue library materials that are incurred by a minor after June 30,~~
 7 ~~2021.~~

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.