

Chapter 208

(Senate Bill 250)

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,

Article – Education

Section 23–409

Annotated Code of Maryland

(2022 Replacement Volume and 2023 Supplement)

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

Article – Education

23–409.

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

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

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

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

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

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

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

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

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

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

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

(I) TO A MINOR; OR

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

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

(I) TO A MINOR; OR

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

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

1. BORROWED BY A MINOR; OR

2. INTENDED FOR CHILDREN OR TEENS.

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

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

1. TO A MINOR; OR

2. FOR LIBRARY MATERIALS INTENDED FOR CHILDREN OR TEENS.

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

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

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

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

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

Approved by the Governor, April 25, 2024.