

Chapter 377

(House Bill 1134)

AN ACT concerning

Consumer Protection – Household Goods Movers – Estimates and Charges

FOR the purpose of requiring a household goods mover to provide a written estimate to a consumer before providing household goods moving services for an intrastate move; specifying the contents of the written estimate; providing that a consumer ~~that~~ who receives a binding estimate may not be required to pay more than a certain price for certain household goods moving services; providing that a consumer ~~that~~ who receives a nonbinding estimate may not be required to pay more than a certain percentage of a certain price for certain household goods moving services, plus certain excess charges; authorizing a consumer to waive the right to receive a written estimate under certain circumstances; and generally relating to the regulation of household goods movers.

BY repealing and reenacting, without amendments,

Article – Commercial Law

Section 14–3101(a) and (c) through (f)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 14–3102.1, 14–3103, and 14–3104

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY adding to

Article – Commercial Law

Section 14–3103

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

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

Article – Commercial Law

14–3101.

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

(c) “Consumer” has the meaning stated in § 13–101 of this article.

(d) “Household goods” means goods used primarily for personal, family, or household purposes.

(e) “Household goods mover” means a person who provides household goods moving services.

(f) (1) “Household goods moving services” means the loading, packing, moving, transporting, storing while in transit, unloading, or otherwise taking possession or control from a consumer of household goods for the purpose of moving them to another location at the direction of the consumer for a fee.

(2) “Household goods moving services” does not include moving household goods for disposal or destruction.

14–3103.

(A) IN THIS SECTION, “EXCESS CHARGES” MEANS AN AMOUNT, IN EXCESS OF THE ESTIMATE PROVIDED TO A CONSUMER, CHARGED BY A HOUSEHOLD GOODS MOVER FOR ADDITIONAL SERVICES THAT:

(1) ARE PROVIDED BEFORE OR DURING AN INTRASTATE MOVE;

AND

(2) ARE NECESSARY BECAUSE OF CIRCUMSTANCES THAT:

(i) ARE BEYOND THE CONTROL OF THE HOUSEHOLD GOODS MOVER; AND

(ii) COULD NOT HAVE BEEN REASONABLY ANTICIPATED BY THE HOUSEHOLD GOODS MOVER.

(B) ~~A~~ SUBJECT TO SUBSECTION (E) OF THIS SECTION, A HOUSEHOLD GOODS MOVER SHALL PROVIDE A WRITTEN ESTIMATE TO A CONSUMER BEFORE PROVIDING HOUSEHOLD GOODS MOVING SERVICES FOR AN INTRASTATE MOVE.

~~(B)~~ (C) THE WRITTEN ESTIMATE SHALL:

(1) SEPARATELY IDENTIFY EACH HOUSEHOLD GOODS MOVING SERVICE THAT THE HOUSEHOLD GOODS MOVER WILL PROVIDE AND THE PRICE OF EACH SERVICE;

(2) SEPARATELY IDENTIFY EACH FEE THAT THE CONSUMER WILL OR MAY BE REQUIRED TO PAY;

(3) STATE THE ESTIMATED TOTAL PRICE;

(4) STATE THE TIME AND METHOD OF PAYMENT FOR THE HOUSEHOLD GOODS MOVING SERVICES; AND

(5) INDICATE CLEARLY WHETHER THE ESTIMATE IS BINDING ON THE CONSUMER AND HOUSEHOLD GOODS MOVER.

~~(C)~~ (D) (1) A CONSUMER ~~THAT~~ WHO RECEIVES A BINDING ESTIMATE FROM A HOUSEHOLD GOODS MOVER MAY NOT BE REQUIRED TO PAY MORE THAN THE ESTIMATED TOTAL PRICE STATED IN THE ESTIMATE FOR THE HOUSEHOLD GOODS MOVING SERVICES DESCRIBED IN THE ESTIMATE.

(2) A CONSUMER ~~THAT~~ WHO RECEIVES A NONBINDING ESTIMATE FROM A HOUSEHOLD GOODS MOVER MAY NOT BE REQUIRED TO PAY MORE THAN ~~110%~~ 125% OF THE ESTIMATED TOTAL PRICE STATED IN THE ESTIMATE FOR THE HOUSEHOLD GOODS MOVING SERVICES DESCRIBED IN THE ESTIMATE, PLUS ANY APPLICABLE EXCESS CHARGES.

(E) A CONSUMER MAY WAIVE THE RIGHT TO RECEIVE A WRITTEN ESTIMATE UNDER SUBSECTION (A) OF THIS SECTION IF THE WAIVER IS MADE VOLUNTARILY AND WITHOUT COERCION BY THE HOUSEHOLD GOODS MOVER.

[14-3102.1.] 14-3104.

On completion of household goods moving services for an intrastate move for a consumer, a household goods mover shall provide the consumer with a written receipt that states:

(1) The household goods mover's legal name; and

(2) The address and telephone number of:

(i) The household goods mover's resident agent in the State; or

(ii) If the household goods mover does not have a resident agent in the State, the household goods mover's principal place of business.

[14-3103.] 14-3105.

(a) A violation of this subtitle is an unfair or deceptive trade practice within the meaning of Title 13 of this article and is subject to the enforcement and penalty provisions contained in Title 13 of this article.

(b) In addition to being subject to the enforcement and penalty provisions contained in Title 13 of this article, a household goods mover that violates this subtitle is subject to any other civil or criminal action provided by law.

[14-3104.] 14-3106.

This subtitle may be cited as the Maryland Household Goods Movers Act.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

Approved by the Governor, May 10, 2011.