

HOUSE BILL 1196

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4r1771
CF SB 962

By: **Delegates Rose, Jacobs, Arentz, Chisholm, Hornberger, Mangione, McComas,
Miller, T. Morgan, Stonko, and Tomlinson**

Introduced and read first time: February 8, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Contracts of Sale – Title Report Requirement**

3 FOR the purpose of requiring the seller of any real property to provide a certain title report
4 to the buyer prior to closing; authorizing a buyer to rescind a contract of sale under
5 certain circumstances; establishing that a violation of this Act is an unfair, abusive,
6 or deceptive trade practice; and generally relating to title reports.

7 BY repealing and reenacting, with amendments,

8 Article – Commercial Law

9 Section 13–301(14)(xl)

10 Annotated Code of Maryland

11 (2013 Replacement Volume and 2023 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Commercial Law

14 Section 13–301(14)(xli)

15 Annotated Code of Maryland

16 (2013 Replacement Volume and 2023 Supplement)

17 BY adding to

18 Article – Commercial Law

19 Section 13–301(14)(xlii)

20 Annotated Code of Maryland

21 (2013 Replacement Volume and 2023 Supplement)

22 BY adding to

23 Article – Real Property

24 Section 10–714

25 Annotated Code of Maryland

26 (2023 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Commercial Law**

4 13–301.

5 Unfair, abusive, or deceptive trade practices include any:

6 (14) Violation of a provision of:

7 (xl) Title 14, Subtitle 13 of the Public Safety Article; [or]

8 (xli) Title 14, Subtitle 45 of this article; or

9 **(XLII) § 10–714 OF THE REAL PROPERTY ARTICLE; OR**

10 **Article – Real Property**

11 **10–714.**

12 **(A) THE SELLER OF ANY REAL PROPERTY LOCATED IN THE STATE SHALL,**
13 **PRIOR TO CLOSING, PROVIDE THE BUYER WITH A TITLE REPORT THAT IS**
14 **SUPPORTED BY AN AFFIDAVIT BY THE PERSON MAKING THE TITLE SEARCH STATING**
15 **THAT A COMPLETE SEARCH OF THE PUBLIC RECORDS COVERING A PERIOD OF NOT**
16 **LESS THAN 60 YEARS HAS BEEN PERFORMED IN ACCORDANCE WITH GENERALLY**
17 **ACCEPTED STANDARDS OF TITLE EXAMINATION.**

18 **(B) A BUYER, BY WRITTEN NOTICE TO THE SELLER NOT LATER THAN 5 DAYS**
19 **AFTER CLOSING, MAY RESCIND A CONTRACT OF SALE FOR REAL PROPERTY IF THE**
20 **TITLE REPORT PROVIDED UNDER SUBSECTION (A) OF THIS SECTION REVEALS ANY**
21 **OF THE FOLLOWING TITLE DEFECTS:**

22 **(1) AN UNMARKETABLE TITLE;**

23 **(2) A FRAUDULENT OR FORGED DEED;**

24 **(3) AN ENCUMBRANCE OR EASEMENT;**

25 **(4) A MISSING HEIR;**

26 **(5) A LIEN;**

27 **(6) A DISPUTED BOUNDARY; OR**

1 **(7) ANY OTHER DEFECT THAT MATERIALLY IMPACTS THE BUYER'S**
2 **CLAIM OF TITLE.**

3 **(C) FAILURE TO PROVIDE A TITLE REPORT AS REQUIRED BY SUBSECTION**
4 **(A) OF THIS SECTION IS:**

5 **(1) AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE WITHIN**
6 **THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND**

7 **(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS**
8 **CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.**

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