

HOUSE BILL 126

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By: **Delegate Davis**

Introduced and read first time: January 17, 2013

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 13, 2013

CHAPTER _____

1 AN ACT concerning

2 **Consumer Protection – Maryland Consumer Protection Act – Scope and**
3 **Penalties**

4 FOR the purpose of expanding the definition of “consumer” under the Maryland
5 Consumer Protection Act to include a certain organization that purchases,
6 rents, or leases goods or services for the benefit of the members of the
7 organization; establishing that an unfair or deceptive trade practice includes an
8 act or omission relating to the purchase, rental, or lease by a certain
9 organization of certain goods or services; altering certain criminal penalties for
10 a violation of the Maryland Consumer Protection Act; and generally relating to
11 the scope of the Maryland Consumer Protection Act and penalties for violations
12 of that Act.

13 BY repealing and reenacting, without amendments,
14 Article – Commercial Law
15 Section 13–101(a)
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2012 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Commercial Law
20 Section 13–101(c), 13–301(14)(xxix) and (15), and 13–411
21 Annotated Code of Maryland
22 (2005 Replacement Volume and 2012 Supplement)

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.



1 BY adding to
2 Article – Commercial Law
3 Section 13–301(16)
4 Annotated Code of Maryland
5 (2005 Replacement Volume and 2012 Supplement)

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

8 **Article – Commercial Law**

9 13–101.

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

11 (c) (1) “Consumer” means an actual or prospective purchaser, lessee, or
12 recipient of consumer goods, consumer services, consumer realty, or consumer credit.

13 (2) “Consumer” includes:

14 (i) A co-obligor or surety for a consumer;

15 (ii) A licensee or recipient of computer information or computer
16 programs under a consumer contract as defined in § 22–102 of this article; [or]

17 (iii) An individual who sells or offers for sale to a merchant
18 consumer goods or consumer realty that the individual acquired primarily for
19 personal, household, family, or agricultural purposes; **OR**

20 **(IV) A FRATERNAL, RELIGIOUS, CIVIC, PATRIOTIC,**
21 **EDUCATIONAL, OR CHARITABLE ORGANIZATION THAT PURCHASES, RENTS, OR**
22 **LEASES GOODS OR SERVICES FOR THE BENEFIT OF THE MEMBERS OF THE**
23 **ORGANIZATION.**

24 13–301.

25 Unfair or deceptive trade practices include any:

26 (14) Violation of a provision of:

27 (xxix) Title 19, Subtitle 7 of the Business Regulation Article; [or]

28 (15) Act or omission that relates to a residential building and that is
29 chargeable as a misdemeanor under or otherwise violates a provision of the Energy

1 Conservation Building Standards Act, Title 7, Subtitle 4 of the Public Utilities Article;
2 OR

3 (16) ACT OR OMISSION THAT RELATES TO THE PURCHASE,
4 RENTAL, OR LEASE BY A FRATERNAL, RELIGIOUS, CIVIC, PATRIOTIC,
5 EDUCATIONAL, OR CHARITABLE ORGANIZATION OF GOODS OR SERVICES FOR
6 THE BENEFIT OF THE MEMBERS OF THE ORGANIZATION.

7 13-411.

8 (a) Except as provided in subsection (b) of this section, any person who
9 violates any provision of this title is guilty of a misdemeanor and, unless another
10 criminal penalty is specifically provided elsewhere, on conviction is subject to a fine
11 not exceeding [~~\$1,000~~] **\$3,000** or imprisonment not exceeding [one year] **3 YEARS** or
12 both, in addition to any civil penalties.

13 (b) A person may not be imprisoned for violation of any provision of an order
14 of the Attorney General or an agreement of a party relating to unit pricing under Title
15 14, Subtitle 1 of this article.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.