

HOUSE BILL 648

I3

8lr0851

By: **Delegates A. Miller, Barkley, Carr, Frick, Hettleman, Hixson, Jackson, Lafferty, Sydnor, Tarlau, and P. Young**

Introduced and read first time: January 29, 2018

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Consumers' Rights**

3 FOR the purpose of authorizing a court to award certain actual damages or certain
4 statutory damages and treble damages under certain circumstances to a person who
5 is injured by a violation of the Maryland Consumer Protection Act; making a stylistic
6 change; and generally relating to damages for violations of the Maryland Consumer
7 Protection Act.

8 BY repealing and reenacting, with amendments,
9 Article – Commercial Law
10 Section 13–408
11 Annotated Code of Maryland
12 (2013 Replacement Volume and 2017 Supplement)

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

15 **Article – Commercial Law**

16 13–408.

17 (a) In addition to any action by the Division or Attorney General authorized by
18 this title and any other action otherwise authorized by law, any person may bring an action
19 to recover **ACTUAL DAMAGES OR \$1,000, WHICHEVER IS GREATER**, for injury or loss
20 sustained by [him] **THE PERSON** as the result of a practice prohibited by this title.

21 (b) **IN ADDITION TO ACTUAL OR STATUTORY DAMAGES AWARDED TO A**
22 **PERSON UNDER SUBSECTION (A) OF THIS SECTION, THE COURT MAY AWARD TO THE**
23 **PERSON DAMAGES IN AN AMOUNT EQUAL TO THREE TIMES THE AMOUNT OF ACTUAL**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **OR STATUTORY DAMAGES AWARDED IF THE COURT FINDS THAT THE DEFENDANT**
2 **WILLFULLY OR KNOWINGLY VIOLATED A PROVISION OF THIS TITLE.**

3 **(C)** Any person who brings an action to recover for injury or loss under this section
4 and who is awarded damages may also seek, and the court may award, reasonable
5 attorney's fees.

6 **[(c)] (D)** If it appears to the satisfaction of the court, at any time, that an action
7 is brought in bad faith or is of a frivolous nature, the court may order the offending party
8 to pay to the other party reasonable attorney's fees.

9 **[(d)] (E)** Notwithstanding any other provision of this section, a person may not
10 bring an action under this section to recover for injuries sustained as a result of the
11 professional services provided by a health care provider, as defined in § 3-2A-01 of the
12 Courts Article.

13 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
14 October 1, 2018.