

# HOUSE BILL 1134

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11r2249

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By: **Delegates Hucker, Barkley, Burns, and Frick**

Introduced and read first time: February 11, 2011

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Consumer Protection – Household Goods Movers – Estimates and Charges**

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

13 BY repealing and reenacting, without amendments,  
14 Article – Commercial Law  
15 Section 14–3101(a) and (c) through (f)  
16 Annotated Code of Maryland  
17 (2005 Replacement Volume and 2010 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – Commercial Law  
20 Section 14–3102.1, 14–3103, and 14–3104  
21 Annotated Code of Maryland  
22 (2005 Replacement Volume and 2010 Supplement)

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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 14–3103  
4 Annotated Code of Maryland  
5 (2005 Replacement Volume and 2010 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 14–3101.

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

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

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

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

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

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

22 **14–3103.**

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

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

28 (2) ARE NECESSARY BECAUSE OF CIRCUMSTANCES THAT:

29 (I) ARE BEYOND THE CONTROL OF THE HOUSEHOLD  
30 GOODS MOVER; AND

1                    **(II) COULD NOT HAVE BEEN REASONABLY ANTICIPATED BY**  
2 **THE HOUSEHOLD GOODS MOVER.**

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

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

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

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

12                   **(3) STATE THE ESTIMATED TOTAL PRICE;**

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

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

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

21                   **(2) A CONSUMER ~~THAT~~ WHO RECEIVES A NONBINDING ESTIMATE**  
22 **FROM A HOUSEHOLD GOODS MOVER MAY NOT BE REQUIRED TO PAY MORE THAN**  
23 **~~110%~~ 125% OF THE ESTIMATED TOTAL PRICE STATED IN THE ESTIMATE FOR**  
24 **THE HOUSEHOLD GOODS MOVING SERVICES DESCRIBED IN THE ESTIMATE, PLUS**  
25 **ANY APPLICABLE EXCESS CHARGES.**

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

29 **[14-3102.1.] 14-3104.**

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

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

2 (2) The address and telephone number of:

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

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

6 **[14-3103.] 14-3105.**

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

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

13 **[14-3104.] 14-3106.**

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.