

# HOUSE BILL 126

I3

(3lr0375)

## ENROLLED BILL

— Economic Matters/Finance —

Introduced by **Delegate Davis**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### 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; expanding the definition of “consumer goods” and “consumer  
8 services” under the Maryland Consumer Protection Act to include certain goods  
9 and services purchased, rented, or leased by a certain organization for the benefit  
10 of members of the organization ~~establishing that an unfair or deceptive trade~~  
11 ~~practice includes an act or omission relating to the purchase, rental, or lease by~~  
12 ~~a certain organization of certain goods or services; altering certain criminal~~  
13 ~~penalties for a violation of the Maryland Consumer Protection Act~~ making this  
14 Act subject to a certain contingency; requiring the Division of Consumer  
15 Protection of the Office of the Attorney General to give a certain notice to the

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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.

*Italics* indicate opposite chamber/conference committee amendments.



~~Department of Legislative Services under certain circumstances; providing that this Act shall be null and void and of no force and effect under certain circumstances; and generally relating to the scope of the Maryland Consumer Protection Act and penalties for violations of that Act.~~

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

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

~~BY adding to~~  
~~Article – Commercial Law~~  
~~Section 13–301(16)~~  
~~Annotated Code of Maryland~~  
~~(2005 Replacement Volume and 2012 Supplement)~~

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

### Article – Commercial Law

13–101.

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

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

(2) “Consumer” includes:

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

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

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

1 (IV) A FRATERNAL, RELIGIOUS, CIVIC, PATRIOTIC,  
 2 EDUCATIONAL, OR CHARITABLE ORGANIZATION THAT PURCHASES, RENTS, OR  
 3 LEASES GOODS OR SERVICES FOR THE BENEFIT OF THE MEMBERS OF THE  
 4 ORGANIZATION.

5 (d) (1) “Consumer credit”, “consumer debts”, “consumer goods”, “consumer  
 6 realty”, and “consumer services” mean, respectively, credit, debts or obligations, goods,  
 7 real property, and services which are primarily for personal, household, family, or  
 8 agricultural purposes.

9 (2) “CONSUMER GOODS” AND “CONSUMER SERVICES” INCLUDE,  
 10 RESPECTIVELY, GOODS AND SERVICES WHICH ARE PURCHASED, RENTED, OR  
 11 LEASED BY A FRATERNAL, RELIGIOUS, CIVIC, PATRIOTIC, EDUCATIONAL, OR  
 12 CHARITABLE ORGANIZATION FOR THE BENEFIT OF THE MEMBERS OF THE  
 13 ORGANIZATION.

14 ~~13-301.~~

15 ~~Unfair or deceptive trade practices include any:~~

16 ~~(14) Violation of a provision of:~~

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

18 ~~(15) Act or omission that relates to a residential building and that is~~  
 19 ~~chargeable as a misdemeanor under or otherwise violates a provision of the Energy~~  
 20 ~~Conservation Building Standards Act, Title 7, Subtitle 4 of the Public Utilities Article;~~  
 21 ~~OR~~

22 ~~(16) ACT OR OMISSION THAT RELATES TO THE PURCHASE,~~  
 23 ~~RENTAL, OR LEASE BY A FRATERNAL, RELIGIOUS, CIVIC, PATRIOTIC,~~  
 24 ~~EDUCATIONAL, OR CHARITABLE ORGANIZATION OF GOODS OR SERVICES FOR~~  
 25 ~~THE BENEFIT OF THE MEMBERS OF THE ORGANIZATION.~~

26 ~~13-411.~~

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

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1           ~~(b) A person may not be imprisoned for violation of any provision of an order~~  
2 ~~of the Attorney General or an agreement of a party relating to unit pricing under Title~~  
3 ~~14, Subtitle 1 of this article.~~

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.