

Chapter 417

(House Bill 128)

AN ACT concerning

Commercial Law – Maryland Consumer Protection Act – Scope

FOR the purpose of expanding the scope of the Maryland Consumer Protection Act by altering the definition of “consumer” to include an individual who sells or offers for sale to a merchant certain consumer goods,~~consumer services,~~ or consumer realty and the definition of “merchant” to include a person who directly or indirectly purchases or offers to purchase any consumer goods or consumer realty and whose business includes paying off consumer debt in connection with the purchase of consumer goods or consumer realty; prohibiting a person from engaging in a certain unfair or deceptive trade practice in the purchase or offer for purchase by a certain merchant of consumer goods,~~consumer services,~~ or consumer realty; and generally relating to the Maryland Consumer Protection Act.

BY repealing and reenacting, without amendments,
 Article – Commercial Law
 Section 13–101(a)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
 Article – Commercial Law
 Section 13–101(c) and (g) and 13–303
 Annotated Code of Maryland
 (2005 Replacement Volume and 2010 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; [or]

(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, ~~CONSUMER SERVICES~~, OR CONSUMER REALTY THAT THE INDIVIDUAL ACQUIRED PRIMARILY FOR PERSONAL, HOUSEHOLD, FAMILY, OR AGRICULTURAL PURPOSES.

(g) **(1)** “Merchant” means a person who directly or indirectly either offers or makes available to consumers any consumer goods, consumer services, consumer realty, or consumer credit.

(2) “MERCHANT” INCLUDES A PERSON:

(I) WHO DIRECTLY OR INDIRECTLY PURCHASES OR OFFERS TO PURCHASE ANY CONSUMER GOODS OR CONSUMER REALTY FROM A CONSUMER; AND

(II) WHOSE BUSINESS INCLUDES PAYING OFF CONSUMER DEBT IN CONNECTION WITH THE PURCHASE OF ANY CONSUMER GOODS OR CONSUMER REALTY FROM A CONSUMER.

13-303.

A person may not engage in any unfair or deceptive trade practice, as defined in this subtitle or as further defined by the Division, in:

(1) The sale, lease, rental, loan, or bailment of any consumer goods, consumer realty, or consumer services;

(2) The offer for sale, lease, rental, loan, or bailment of consumer goods, consumer realty, or consumer services;

(3) The extension of consumer credit; [or]

(4) The collection of consumer debts; **OR**

(5) THE PURCHASE OR OFFER FOR PURCHASE ~~BY A MERCHANT OF CONSUMER GOODS, GOODS OR CONSUMER REALTY, OR CONSUMER SERVICES FROM A CONSUMER BY A MERCHANT WHOSE BUSINESS INCLUDES PAYING OFF~~

CONSUMER DEBT IN CONNECTION WITH THE PURCHASE OF ANY CONSUMER GOODS OR CONSUMER REALTY FROM A CONSUMER.

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

Approved by the Governor, May 19, 2011.