

HOUSE BILL 794

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C2

2002 Regular Session
(2r2200)

ENROLLED BILL
-- Economic Matters/Finance --

Introduced by ~~Delegates Love, McHale, and Kaeh~~ Kach, Brown, Fulton, Harrison, Hill, Kirk, Krysiak, Minnick, Moe, and Pendergrass

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 543

1 AN ACT concerning

2 **Maryland ~~Home~~ Household Goods Movers Act**

3 FOR the purpose of ~~requiring home movers to provide consumers with certain~~
4 ~~information under certain circumstances; requiring home movers to provide~~
5 ~~consumers with written estimates under certain circumstances; requiring a~~
6 ~~home mover's written estimate to contain certain information; prohibiting a~~
7 ~~home mover from exercising or threatening to exercise a warehouseman's lien or~~
8 ~~from refusing to deliver consumer goods~~ prohibiting a household goods mover
9 from enforcing a carrier's lien or refusing to deliver certain household goods
10 under certain circumstances; providing that a violation of this subtitle is an
11 unfair and deceptive trade practice subject to certain enforcement and penalty
12 provisions; providing that a household goods mover who violates this subtitle is
13 subject to certain civil and criminal penalties under certain circumstances;
14 making a certain conforming change; requiring the Division of Consumer
15 Protection of the Office of the Attorney General to report to certain committees of
16 the General Assembly on or before a certain date; providing for the application of

1 ~~this Act~~ establishing a certain short title; defining certain terms; and generally
 2 relating to the Maryland ~~Home~~ Household Goods Movers Act.

3 BY repealing and reenacting, with amendments,

4 Article - Commercial Law

5 Section 7-308(1)

6 Annotated Code of Maryland

7 (1997 Replacement Volume and 2001 Supplement)

8 BY repealing and reenacting, with amendments,

9 Article - Commercial Law

10 Section 13-301(14)

11 Annotated Code of Maryland

12 (2000 Replacement Volume and 2001 Supplement)

13 BY adding to

14 Article - Commercial Law

15 Section 14-2901 through ~~14-2905~~ 14-2904, inclusive, to be under the new

16 subtitle "Subtitle 29. Maryland ~~Home~~ Household Goods Movers Act"

17 Annotated Code of Maryland

18 (2000 Replacement Volume and 2001 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Commercial Law**

22 7-308.

23 (1) [A] EXCEPT AS PROVIDED IN § 14-2902 OF THIS ARTICLE, A carrier's lien
 24 may be enforced by public or private sale of the goods, in bloc or in parcels, at any time
 25 or place and on any terms which are commercially reasonable, after notifying all
 26 persons known to claim an interest in the goods. Such notification must include a
 27 statement of the amount due, the nature of the proposed sale and the time and place of
 28 any public sale. The fact that a better price could have been obtained by a sale at a
 29 different time or in a different method from that selected by the carrier is not of itself
 30 sufficient to establish that the sale was not made in a commercially reasonable
 31 manner. If the carrier either sells the goods in the usual manner in any recognized
 32 market therefor or if he sells at the price current in such market at the time of his sale
 33 or if he has otherwise sold in conformity with commercially reasonable practices
 34 among dealers in the type of goods sold he has sold in a commercially reasonable
 35 manner. A sale of more goods than apparently necessary to be offered to ensure
 36 satisfaction of the obligation is not commercially reasonable except in cases covered by
 37 the preceding sentence.

1 13-301.

2 Unfair or deceptive trade practices include any:

3 (14) Violation of a provision of:

4 (i) This title;

5 (ii) An order of the Attorney General or agreement of a party
6 relating to unit pricing under Title 14, Subtitle 1 of this article;

7 (iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt
8 Collection Act;

9 (iv) Title 14, Subtitle 3 of this article, the Maryland Door-to-Door
10 Sales Act;

11 (v) Title 14, Subtitle 9 of this article, Kosher Products;

12 (vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;

13 (vii) Section 14-1302 of this article;

14 (viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales
15 Act;

16 (ix) Section 22-415 of the Transportation Article;

17 (x) Title 14, Subtitle 20 of this article;

18 (xi) Title 14, Subtitle 15 of this article, the Automotive Warranty
19 Enforcement Act;

20 (xii) Title 14, Subtitle 21 of this article;

21 (xiii) Section 18-107 of the Transportation Article;

22 (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone
23 Solicitations Act;

24 (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts
25 Act;

26 (xvi) Title 10, Subtitle 6 of the Real Property Article;

27 (xvii) Title 10, Subtitle 8 of the Real Property Article;

28 (xviii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;
29 or

1 (xix) Title 14, Subtitle 26 of this article, the Maryland Door-to-Door
2 Solicitations Act; [or]

3 (XX) TITLE 14, SUBTITLE 29 OF THIS ARTICLE, THE MARYLAND ~~HOME~~
4 HOUSEHOLD GOODS MOVERS ACT; OR

5 SUBTITLE 29. MARYLAND ~~HOME~~ HOUSEHOLD GOODS MOVERS ACT.

6 14-2901.

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) "CARRIER'S LIEN" MEANS A LIEN ESTABLISHED UNDER § 7-307 OF THIS
10 ARTICLE.

11 (B) (C) "CONSUMER" HAS THE SAME MEANING AS PROVIDED IN TITLE 13
12 STATED IN § 13-101 OF THIS ARTICLE.

13 (C) (D) "CONSUMER GOODS HOUSEHOLD GOODS" ~~HAS THE SAME MEANING~~
14 ~~AS PROVIDED IN TITLE 13 OF THIS ARTICLE~~ MEANS GOODS USED PRIMARILY FOR
15 PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES.

16 (D) (E) "HOME HOUSEHOLD GOODS MOVER" MEANS A PERSON WHO
17 PROVIDES ~~HOME~~ HOUSEHOLD GOODS MOVING SERVICES.

18 (E) (F) (1) "HOME HOUSEHOLD GOODS MOVING SERVICES" MEANS THE
19 LOADING, PACKING, MOVING, TRANSPORTING, STORING WHILE IN TRANSIT,
20 UNLOADING, OR OTHERWISE TAKING POSSESSION OR CONTROL FROM A CONSUMER
21 OF ~~CONSUMER GOODS~~ HOUSEHOLD GOODS FOR THE PURPOSE OF MOVING THEM TO
22 ANOTHER LOCATION AT THE DIRECTION OF THE CONSUMER FOR A ~~TOTAL CHARGE~~
23 ~~OF \$250 OR MORE FEE.~~

24 (2) "HOME HOUSEHOLD GOODS MOVING SERVICES" DOES NOT INCLUDE
25 MOVING ~~CONSUMER~~ HOUSEHOLD GOODS FOR DISPOSAL OR DESTRUCTION.

26 (F) "WAREHOUSEMAN'S LIEN" ~~HAS THE SAME MEANING AS PROVIDED IN §~~
27 ~~7-209 OF THIS ARTICLE.~~

28 14-2902.

29 (A) ~~A HOME MOVER SHALL PROVIDE AN ESTIMATE TO A CONSUMER IN~~
30 ~~ACCORDANCE WITH THIS SECTION.~~

31 (B) ~~A HOME MOVER MAY PROVIDE PRICE INFORMATION ORALLY OR IN~~
32 ~~WRITING PRIOR TO AGREEING TO PROVIDE HOME MOVING SERVICES.~~

33 (C) ~~IF A HOME MOVER AGREES TO PROVIDE HOME MOVING SERVICES TO A~~
34 ~~CONSUMER, THE HOME MOVER SHALL PROVIDE THE CONSUMER WITH A WRITTEN~~
35 ~~ESTIMATE PRIOR TO THE SCHEDULING OF THE MOVE.~~

1 (D) A WRITTEN ESTIMATE SHALL:

2 (1) SEPARATELY IDENTIFY EACH MOVING SERVICE THAT THE HOME
3 MOVER IS OFFERING TO THE CONSUMER, THE PRICE OF THE SERVICE, AND THE
4 METHOD OF CALCULATING THE PRICE OF THE SERVICE;

5 (2) SEPARATELY IDENTIFY ANY FEE THAT THE CONSUMER WILL OR MAY
6 BE REQUIRED TO PAY;

7 (3) STATE THE ESTIMATED TOTAL PRICE;

8 (4) CONTAIN, IN CLOSE PROXIMITY TO THE ESTIMATED TOTAL PRICE, A
9 CONSPICUOUS NOTICE STATING:

10 "A HOME MOVER MAY NOT REFUSE TO DELIVER A CONSUMER'S GOODS IF THE
11 CONSUMER OFFERS TO PAY THE LESSER OF:

12 (I) THE OUTSTANDING BALANCE OF THE FINAL TOTAL PRICE
13 DEMANDED BY THE HOME MOVER; OR

14 (II) THE OUTSTANDING BALANCE OF 110 PERCENT OF THE
15 ESTIMATED TOTAL PRICE STATED IN THE WRITTEN ESTIMATE.";

16 (5) STATE THE TIME AND METHOD OF PAYMENT REQUIRED OR
17 ALLOWED;

18 (6) STATE THE SCHEDULED DATES OF PICKUP AND DELIVERY;

19 (7) DESCRIBE THE COMPENSATION A CONSUMER WILL RECEIVE FOR
20 ANY LOSS OR DAMAGE TO THE CONSUMER'S GOODS;

21 (8) STATE THAT ANY CLAIM MADE BY A CONSUMER AGAINST A HOME
22 MOVER FOR LOSS OR DAMAGE TO THE CONSUMER'S GOODS MAY BE FILED UP TO
23 NINE MONTHS FROM THE DELIVERY OF THE GOODS; AND

24 (9) HAVE ATTACHED A COPY OF ANY CONTRACT, ORDER FOR SERVICE,
25 OR OTHER DOCUMENT THAT THE CONSUMER WILL BE ASKED TO SIGN OR THAT
26 DESCRIBES THE TERMS AND CONDITIONS OF THE MOVE.

27 14-2903.

28 A HOME MOVER MAY NOT EXERCISE OR THREATEN TO EXERCISE A
29 WAREHOUSEMAN'S LIEN OR OTHERWISE REFUSE TO DELIVER A CONSUMER'S
30 GOODS, UNLESS:

31 (1) A WRITTEN ESTIMATE WAS PROVIDED TO THE CONSUMER IN
32 ACCORDANCE WITH THIS SUBTITLE; AND

33 (2) THE CONSUMER FAILS TO TENDER TO THE HOME MOVER THE
34 LESSER OF:

1 (4) ~~THE OUTSTANDING BALANCE OF THE FINAL TOTAL PRICE~~
2 ~~DEMANDED BY THE HOME MOVER; OR~~

3 (II) ~~THE OUTSTANDING BALANCE OF 110 PERCENT OF THE~~
4 ~~ESTIMATED TOTAL PRICE STATED IN THE WRITTEN ESTIMATE.~~

5 A HOUSEHOLD GOODS MOVER MAY NOT ENFORCE OR THREATEN TO ENFORCE
6 A CARRIER'S LIEN AGAINST, OR REFUSE TO DELIVER, A CONSUMER'S HOUSEHOLD
7 GOODS WHEN PROVIDING HOUSEHOLD GOODS MOVING SERVICES FOR AN
8 INTRASTATE MOVE.

9 44-2904. 14-2903.

10 (A) A VIOLATION OF ~~ANY PROVISION OF~~ THIS SUBTITLE IS AN UNFAIR OR
11 DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE
12 AND IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN
13 TITLE 13 OF THIS ARTICLE.

14 (B) IN ADDITION TO BEING SUBJECT TO THE ENFORCEMENT AND PENALTY
15 PROVISIONS CONTAINED IN TITLE 13 OF THIS ARTICLE, A HOUSEHOLD GOODS
16 MOVER THAT VIOLATES THIS SUBTITLE IS SUBJECT TO ANY OTHER CIVIL OR
17 CRIMINAL ACTION PROVIDED BY LAW.

18 44-2905. 14-2904.

19 THIS SUBTITLE MAY BE CITED AS THE MARYLAND ~~HOME~~ HOUSEHOLD GOODS
20 MOVERS ACT.

21 SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1,
22 2003, the Division of Consumer Protection of the Office of the Attorney General shall
23 report, in accordance with § 2-1246 of the State Government Article, to the Senate
24 Finance Committee and the House Economic Matters Committee on:

25 (a) the need for a registration process for household goods movers, including
26 the persons subject to registration;

27 (b) the number of complaints received under this Act; and

28 (c) any enforcement action taken under this Act.

29 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
30 effect October 1, 2002.

