

HOUSE BILL 126

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By: **Delegate Davis**

Introduced and read first time: January 17, 2013

Assigned to: Economic Matters

A BILL ENTITLED

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; establishing that an unfair or deceptive trade practice includes an
8 act or omission relating to the purchase, rental, or lease by a certain
9 organization of certain goods or services; altering certain criminal penalties for
10 a violation of the Maryland Consumer Protection Act; and generally relating to
11 the scope of the Maryland Consumer Protection Act and penalties for violations
12 of that Act.

13 BY repealing and reenacting, without amendments,
14 Article – Commercial Law
15 Section 13–101(a)
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2012 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Commercial Law
20 Section 13–101(c), 13–301(14)(xxix) and (15), and 13–411
21 Annotated Code of Maryland
22 (2005 Replacement Volume and 2012 Supplement)

23 BY adding to
24 Article – Commercial Law
25 Section 13–301(16)
26 Annotated Code of Maryland
27 (2005 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Commercial Law**

4 13–101.

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

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

8 (2) “Consumer” includes:

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

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

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

15 **(IV) A FRATERNAL, RELIGIOUS, CIVIC, PATRIOTIC,**
16 **EDUCATIONAL, OR CHARITABLE ORGANIZATION THAT PURCHASES, RENTS, OR**
17 **LEASES GOODS OR SERVICES FOR THE BENEFIT OF THE MEMBERS OF THE**
18 **ORGANIZATION.**

19 13–301.

20 Unfair or deceptive trade practices include any:

21 (14) Violation of a provision of:

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

23 (15) Act or omission that relates to a residential building and that is
24 chargeable as a misdemeanor under or otherwise violates a provision of the Energy
25 Conservation Building Standards Act, Title 7, Subtitle 4 of the Public Utilities Article;
26 **OR**

27 **(16) ACT OR OMISSION THAT RELATES TO THE PURCHASE,**
28 **RENTAL, OR LEASE BY A FRATERNAL, RELIGIOUS, CIVIC, PATRIOTIC,**
29 **EDUCATIONAL, OR CHARITABLE ORGANIZATION OF GOODS OR SERVICES FOR**
30 **THE BENEFIT OF THE MEMBERS OF THE ORGANIZATION.**

1 13-411.

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

7 (b) A person may not be imprisoned for violation of any provision of an order
8 of the Attorney General or an agreement of a party relating to unit pricing under Title
9 14, Subtitle 1 of this article.

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