

SENATE BILL 375

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3lr2397
CF HB 785

By: ~~Senator Middleton~~ Senators Middleton, Astle, Garagiola, Glassman,
Kelley, Kittleman, Klausmeier, Mathias, Pugh, and Ramirez

Introduced and read first time: January 25, 2013

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2013

CHAPTER _____

1 AN ACT concerning

2 **Commercial Law – Maryland Credit Services Businesses Act – Scope**

3 FOR the purpose of altering the definition of “credit services business” for purposes of
4 the Maryland Credit Services Businesses Act to exclude a person licensed by the
5 State as an associate real estate broker or a real estate salesperson; and
6 generally relating to the Maryland Credit Services Businesses Act.

7 BY repealing and reenacting, without amendments,
8 Article – Commercial Law
9 Section 14–1901(a)
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2012 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Commercial Law
14 Section 14–1901(e)(3)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2012 Supplement)

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

19 **Article – Commercial Law**

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 14–1901.

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

3 (e) (3) “Credit services business” does not include:

4 (i) Any person authorized to make loans or extensions of credit
5 under the laws of this State or the United States who is actively engaged in the
6 business of making loans or other extensions of credit to residents of this State;

7 (ii) Any bank, trust company, savings bank, or savings and loan
8 association whose deposits or accounts are eligible for insurance by the Federal
9 Deposit Insurance Corporation or any credit union organized and chartered under the
10 laws of this State or the United States;

11 (iii) Any nonprofit organization exempt from taxation under §
12 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3));

13 (iv) Any person licensed as a real estate broker, **AN ASSOCIATE**
14 **REAL ESTATE BROKER, OR A REAL ESTATE SALESPERSON** by this State where the
15 person is acting within the course and scope of that license;

16 (v) Any person licensed as a mortgage lender by this State;

17 (vi) An individual admitted to the Bar of the Court of Appeals of
18 Maryland when the individual renders services within the course and scope of practice
19 by the individual as a lawyer and does not engage in the credit services business on a
20 regular and continuing basis;

21 (vii) Any broker–dealer registered with the Securities and
22 Exchange Commission or the Commodity Futures Trading Commission where the
23 broker–dealer is acting within the course and scope of that regulation;

24 (viii) Any consumer reporting agency as defined in the federal
25 Fair Credit Reporting Act (15 U.S.C. §§ 1681 – 1681t) or in § 14–1201(e) of this title; or

26 (ix) An individual licensed by the Maryland Board of Public
27 Accountancy when the individual renders services within the course and scope of
28 practice by the individual as a certified public accountant and does not engage in the
29 credit services business on a regular and continuing basis.

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