

**HB0291/750818/1**

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 291

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Stopping Fraud in” and substitute “Maryland”; strike line 3 in its entirety; in line 4, strike “requiring certain mortgage assistance relief service providers to” and substitute “establishing that a mortgage assistance relief service provider providing mortgage assistance relief service in connection with a dwelling in the State that does not”; in line 5, after “law” insert “is in violation of this Act”; in line 7, before “authorizing” insert “authorizing the Commissioner to enforce the provisions of this Act by exercising certain powers and requiring a violator to take certain affirmative action under certain circumstances;”; in line 9, strike “mortgage assistance relief services”; in lines 9 and 12, in each instance, strike “certain provisions of”; in line 10, strike “of certain provisions”; in line 11, strike “actions” and substitute “violations of this Act”; in line 13, after “circumstances;” insert “making a violation of this Act an unfair or deceptive trade practice under the Maryland Consumer Protection Act and subject to certain enforcement and penalty provisions;”; in the same line, after the second “certain” insert “attorney”; in the same line, after “exception” insert “in federal law”; in line 14, after “individuals;” insert “altering the definition of “credit services business” for purposes of certain provisions of law regulating credit services businesses to exclude, beginning on a certain date, certain mortgage assistance relief service providers;”; strike beginning with “establishing” in line 14 down through “circumstances” in line 15 and substitute “declaring the intent of the General Assembly”; after line 16, insert:

“BY repealing and reenacting, without amendments,

Article – Commercial Law

Section 14-1901(a) and (e)(1)

Annotated Code of Maryland

(2005 Replacement Volume and 2012 Supplement)

(Over)

BY repealing and reenacting, with amendments,

Article – Commercial Law  
Section 14-1901(e)(3)(viii) and (ix)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2012 Supplement)

BY adding to

Article – Commercial Law  
Section 14-1901(e)(3)(x)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2012 Supplement)”;

in line 19, strike “7-510” and substitute “7-511”; in the same line, before “Mortgage” insert “Maryland”; and in line 20, after “Services” insert “Act”.

AMENDMENT NO. 2

On page 1, after line 24, insert:

“Article – Commercial Law

14-1901.

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

(e) (1) “Credit services business” means any person who, with respect to the extension of credit by others, sells, provides, or performs, or represents that such person can or will sell, provide, or perform, any of the following services in return for the payment of money or other valuable consideration:

(i) Improving a consumer’s credit record, history, or rating or establishing a new credit file or record;

(ii) Obtaining an extension of credit for a consumer; or

(iii) Providing advice or assistance to a consumer with regard to either subparagraph (i) or (ii) of this paragraph.

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

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

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

**(X) BEGINNING JULY 1, 2013, A MORTGAGE ASSISTANCE RELIEF SERVICE PROVIDER REGULATED UNDER TITLE 7, SUBTITLE 5 OF THE REAL PROPERTY ARTICLE.”.**

AMENDMENT NO. 3

On page 1, in line 26, before “**MORTGAGE**” insert “MARYLAND”; and in the same line, after “**SERVICES**” insert “ACT”.

On page 2, in line 11, after “**(E)**” insert “**(1)**”; strike beginning with “**HAS**” in line 11 down through “**REGULATION**” in line 13 and substitute “MEANS ANY PERSON THAT PROVIDES, OFFERS TO PROVIDE, OR ARRANGES FOR ANOTHER PERSON TO PROVIDE, ANY MORTGAGE ASSISTANCE RELIEF SERVICE.”

**(2) “MORTGAGE ASSISTANCE RELIEF SERVICE PROVIDER” DOES NOT INCLUDE:**

(Over)

**(I) A HOLDER, OR ANY CONTRACTOR OF A HOLDER, OF A LOAN ON A DWELLING; OR**

**(II) A SERVICER, OR ANY CONTRACTOR OF A SERVICER, OF A LOAN ON A DWELLING**”;

strike in their entirety lines 14 and 15; in line 17, strike “(A)”;

in the same line, strike “WHO OFFERS” and substitute “PROVIDING”; in line 19, strike “SHALL” and substitute “THAT DOES NOT”; and strike beginning with the period in line 20 down through “SECTION” in line 22.

On page 4, in line 26, strike the first “THE” and substitute “:

**(1) THE**”;

and in line 28, strike “, OR WITH THE” and substitute “IN THE STATE; OR

**(2) THE**”.

On page 6, in line 10, after “RELIEF” insert “SERVICES”.

**AMENDMENT NO. 4**

On page 6, after line 8, insert:

**“A VIOLATION OF THIS SUBTITLE IS:**

**(1) AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND**

**(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS  
CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.**

**7-511.**

**AMENDMENT NO. 5**

On page 6, strike beginning with the first “the” in line 11 down through the second “Act” in line 14 and substitute “it is the intent of the General Assembly, in enacting Title 7, Subtitle 5 of the Real Property Article in Section 1 of this Act, to implement in State law the consumer protections available under federal regulations governing mortgage assistance relief service providers. This Act is not intended, and may not be construed, to have any effect on the authority of the Commissioner of Financial Regulation to regulate mortgage assistance relief service providers under Title 14, Subtitle 19 of the Commercial Law Article, or on any enforcement actions, including litigation, taken under that authority as it existed and based on actions that occurred before the effective date of this Act”.