

## Article - Commercial Law

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§14–1323.

(a) (1) In this section the following words have the meanings indicated.

(2) “Consumer” means a purchaser, lessee, or recipient of consumer goods, consumer services, or consumer credit.

(3) “Consumer credit”, “consumer goods”, and “consumer services” mean, respectively, credit, goods, and services that are primarily for personal, household, or family purposes.

(4) “Consumer credit contract” means a written agreement for the provision of consumer credit between a person and a consumer who resides in the State.

(5) “Prohibited risk factor” means the identity of:

(i) A person from whom a consumer lawfully obtains consumer credit, consumer goods, or consumer services; or

(ii) A person who makes or holds a mortgage loan on a consumer’s home.

(b) A person may not include or enforce a provision in a consumer credit contract, without the consumer’s prior written consent, that:

(1) Triggers a default under the consumer credit contract based on a prohibited risk factor; or

(2) Authorizes a party to the consumer credit contract to use a prohibited risk factor for the purpose of:

(i) Accelerating a payment owed under the consumer credit contract;

(ii) Increasing the interest rate payable under the consumer credit contract;

(iii) Reducing the credit limit available under the consumer credit contract; or

(iv) Altering a term of the consumer credit contract in any other manner adverse to the consumer.

(c) A provision included in a consumer credit contract in violation of subsection (b) of this section is void and unenforceable.

(d) Subsection (b) of this section does not prohibit a person from using information to detect or prevent fraudulent activity in connection with the provision of consumer credit.

(e) A violation of this section is:

(1) An unfair or deceptive trade practice within the meaning of Title 13 of this article; and

(2) Subject to the penalty and enforcement provisions contained in Title 13 of this article.

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