

HB0313/258370/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 313
(Third Reading File Bill)

On page 1, in lines 11 and 12, strike “third party” and substitute “third-party”; in line 18, after “payment,” insert “and”; in the same line, strike “and excise” and substitute “or”; in lines 18 and 19, strike “, dealer processing charge, and any other fee, tax, or charge”; in line 21, after “canceled,” insert “requiring a dealer to maintain certain required security for a vehicle until a certain financing or lease agreement is approved by a third-party finance source; prohibiting a buyer from waiving the rights established by this Act;”; and in line 22, after “buyer;” insert “making a violation of this Act an unfair and deceptive trade practice; establishing that a dealer that is found guilty of an unfair and deceptive trade practice is subject to certain enforcement and penalty provisions;”.

On page 2, after line 4, insert:

“BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 13-301(14)(xxviii)

Annotated Code of Maryland

(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article – Commercial Law

Section 13-301(14)(xxix) and (15)

Annotated Code of Maryland

(2013 Replacement Volume and 2014 Supplement)

BY adding to

Article – Commercial Law

Section 13-301(14)(xxx)

(Over)

Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)”;

after line 11, insert:

“Article – Commercial Law

13–301.

Unfair or deceptive trade practices include any:

(14) Violation of a provision of:

(xxviii) Title 12, Subtitle 10 of the Financial Institutions
Article; [or]

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

(xxx) SECTION 15-311.3 OF THE TRANSPORTATION ARTICLE;

OR

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

in line 23, strike “**3**” and substitute “**4**”; in line 28, after “**DEALER**” insert “**BOTH VOLUNTARILY**”; in the same line, strike “**DIFFERENT**” and substitute “**NEW**”; in the same line, after “**TERMS**” insert “**FOR THE SALE**”; in line 29, strike “**EXCISE**”; strike beginning with “**DEALER**” in line 29 down through “**ANY**” in line 30 and substitute “**OR**”; strike beginning with “**, IN**” in line 30 down through “**VEHICLE,**” in line 31; and in line 33, after “**SALE.**” Insert “**YOU MAY NOT WAIVE ANY OF THESE RIGHTS.**”.

On page 3, in line 3, strike “**3**” and substitute “**4**”; in line 9, strike “**DELIVERY**” and substitute “**RECEIPT**”; and strike beginning with the colon in line 22 down through “**TRANSACTION**” in line 30 and substitute “**ANY TRADE-IN VEHICLE, DOWN PAYMENT, AND TITLING FEE OR TAX PAID UNDER TITLE 13, SUBTITLE 8 OF THIS ARTICLE**”.

On page 4, in line 3, after “**(E)**” insert “**A DEALER SHALL MAINTAIN THE REQUIRED SECURITY FOR THE VEHICLE UNDER § 17-104 OF THIS ARTICLE UNTIL THE TERMS OF THE FINANCING OR LEASE AGREEMENT BETWEEN A BUYER AND A DEALER ARE APPROVED BY A THIRD-PARTY FINANCE SOURCE.**”

(F) A BUYER MAY NOT WAIVE THE RIGHTS ESTABLISHED UNDER THIS SECTION.

(G);

in the same line, strike “**§§ 12-609 AND 12-1023**” and substitute “**TITLE 12, SUBTITLES 1 AND 6**”; and after line 5, insert:

(H) A VIOLATION OF THIS SECTION BY A DEALER:

(1) IS AN UNFAIR AND DECEPTIVE TRADE PRACTICE UNDER TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND

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