

**HB0439/173891/1**

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 439  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “clarifying when” and substitute “altering the circumstances under which”; in line 9, after “altering” insert “, under certain circumstances.”; in line 10, after “that” insert “, under certain circumstances.”; in line 13, after “contract;” insert “altering a certain definition; defining a certain term;”; and after line 20, insert:

“BY adding to

Article - Commercial Law

Section 14-302.1

Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 28, strike the brackets; in the same line, strike “**5**”; in line 29, after “days” insert “**FOR A CONTRACT OTHER THAN A HOME IMPROVEMENT CONTRACT**”; and in line 29, after “OR” insert “**, FOR A HOME IMPROVEMENT CONTRACT, 5 BUSINESS DAYS OR**”.

On page 3, after line 7, insert:

“**(E) “HOME IMPROVEMENT CONTRACT” HAS THE MEANING STATED IN § 8-101 OF THE BUSINESS REGULATION ARTICLE.**”;

in lines 8, 11, 13, 15, and 16, strike “(e)”, “(f)”, “(g)”, “(h)”, and “(i)”, respectively, and substitute “**(F)**”, “**(G)**”, “**(H)**”, “**(I)**”, and “**(J)**”, respectively; in line 31, strike the brackets;

(Over)

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in the same line, strike “FIFTH”; and strike beginning with the comma in line 31 down through “OLD” in line 32.

On page 4, in line 3, strike “SEPARATE”; in lines 3 and 4, strike “THAT IS NOT A PART OF THE CONTRACT,”; in line 13, strike the brackets; in line 14, strike “5”; and strike beginning with “, OR” in line 14 down through “OLD” in line 15.

On page 5, in line 7, strike the brackets; in lines 7 and 8, strike “: (I) INFORM”; and strike in their entirety lines 11 through 24, inclusive.

AMENDMENT NO. 3

On page 6, after line 26, insert:

“14-302.1.

NOTWITHSTANDING § 14-302 OF THIS SUBTITLE, FOR A HOME IMPROVEMENT CONTRACT:

(1) THE STATEMENT REQUIRED UNDER § 14-302(1)(II) OF THIS SUBTITLE SHALL ALLOW THE BUYER TO CANCEL A TRANSACTION PRIOR TO MIDNIGHT OF THE FIFTH BUSINESS DAY AFTER THE DATE OF THE TRANSACTION, OR MIDNIGHT OF THE 10TH BUSINESS DAY AFTER THE DATE OF THE TRANSACTION IF THE BUYER IS AT LEAST 65 YEARS OLD;

(2) THE “NOTICE OF CANCELLATION” TO BE FURNISHED TO THE BUYER UNDER § 14-302(2) OF THIS SUBTITLE SHALL:

(I) BE ON A SEPARATE FORM THAT IS NOT A PART OF THE HOME IMPROVEMENT CONTRACT; AND

(II) ALLOW THE BUYER TO CANCEL A TRANSACTION PRIOR TO MIDNIGHT OF THE FIFTH BUSINESS DAY AFTER THE DATE OF THE TRANSACTION, OR MIDNIGHT OF THE 10TH BUSINESS DAY AFTER THE DATE OF THE TRANSACTION IF THE BUYER IS AT LEAST 65 YEARS OLD;

(3) THE DATE BY WHICH THE BUYER MAY GIVE NOTICE OF CANCELLATION THAT MUST BE ENTERED BY THE SELLER ON THE “NOTICE OF CANCELLATION” UNDER § 14-302(3) OF THIS SUBTITLE MAY NOT BE EARLIER THAN THE FIFTH BUSINESS DAY FOLLOWING THE DATE OF THE TRANSACTION, OR THE 10TH BUSINESS DAY FOLLOWING THE DATE OF THE TRANSACTION IF THE BUYER IS AT LEAST 65 YEARS OLD; AND

(4) IT IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE FOR A SELLER TO FAIL TO:

(I) OBTAIN THE SIGNATURE OF THE BUYER ON THE FOLLOWING WRITTEN ACKNOWLEDGMENT OF THE BUYER’S RIGHT TO CANCEL:

“I, [INSERT NAME], HAVE BEEN PROVIDED ORAL NOTICE THAT I HAVE THE RIGHT TO CANCEL THIS TRANSACTION, WITHOUT ANY PENALTY OR OBLIGATION, WITHIN 5 BUSINESS DAYS FROM THE DATE OF THE TRANSACTION SPECIFIED ON THE “NOTICE OF CANCELLATION”, OR, IF I AM AT LEAST 65 YEARS OLD, WITHIN 10 BUSINESS DAYS FROM THE DATE OF THE TRANSACTION SPECIFIED ON THE “NOTICE OF CANCELLATION”.

CHECK IF BUYER IS AT LEAST 65 YEARS OLD

\_\_\_\_\_  
(BUYER’S SIGNATURE)

\_\_\_\_\_  
(DATE)”; OR

(Over)

**(ii) FURNISH TO THE BUYER A COPY OF THE WRITTEN  
ACKNOWLEDGMENT OF THE BUYER'S RIGHT TO CANCEL WITH THE COMPLETED  
RECEIPT OR COPY OF THE HOME IMPROVEMENT CONTRACT."**