
By: Delegate Snodgrass

Introduced and read first time: January 31, 1997

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Home Improvement Contractors and Subcontractors - Local Enforcement Actions**

3 FOR the purpose of establishing a civil penalty for certain violations of the Maryland
4 Home Improvement Law; limiting the imposition of the civil penalty to certain
5 enforcement actions undertaken by counties and municipal corporations under
6 certain circumstances; authorizing counties and municipal corporations to
7 undertake certain enforcement actions to impose the civil penalty under certain
8 circumstances; and generally relating to the enforcement of the Maryland Home
9 Improvement Law.

10 BY repealing and reenacting, without amendments,
11 Article - Business Regulation
12 Section 8-601
13 Annotated Code of Maryland
14 (1992 Volume and 1996 Supplement)

15 BY adding to
16 Article - Business Regulation
17 Section 8-624
18 Annotated Code of Maryland
19 (1992 Volume and 1996 Supplement)

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

22 **Article - Business Regulation**

23 8-601.

24 (a) Except as otherwise provided in this title, a person may not act or offer to act
25 as a contractor in the State unless the person has a contractor license.

26 (b) Except as otherwise provided in this title, a person may not act or offer to act
27 as a subcontractor in the State unless the person has a contractor license or subcontractor
28 license.

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1 (c) Except as otherwise provided in this title, a person may not sell or offer to sell
2 a home improvement in the State unless the person has a contractor license or
3 salesperson license.

4 (d) A person who knowingly and willfully violates this section is guilty of a
5 misdemeanor and, on conviction, is subject to a fine not exceeding \$5,000 or
6 imprisonment not exceeding 2 years or both.

7 8-624.

8 (A) A PERSON WHO VIOLATES § 8-601 OF THIS SUBTITLE IS SUBJECT TO A
9 CIVIL PENALTY, NOT EXCEEDING \$1,000, FOR EACH VIOLATION THAT IS ENFORCED
10 IN ACCORDANCE WITH THIS SECTION.

11 (B) A COUNTY OR MUNICIPAL CORPORATION MAY BRING A CIVIL ACTION
12 AGAINST A PERSON FOR A VIOLATION OF § 8-601 OF THIS SUBTITLE TO RECOVER
13 THE CIVIL PENALTIES DESCRIBED IN SUBSECTION (A) OF THIS SECTION IF:

14 (1) THE COUNTY OR MUNICIPAL CORPORATION HAS NOTIFIED THE
15 COMMISSION, IN WRITING, THAT THE COUNTY OR MUNICIPAL CORPORATION HAS A
16 REASONABLE BASIS TO BELIEVE THAT THE PERSON HAS VIOLATED OR IS
17 VIOLATING § 8-601; AND

18 (2) THE COMMISSION FAILS TO:

19 (I) BEGIN AN INVESTIGATION OF THE ALLEGED VIOLATION
20 WITHIN 10 BUSINESS DAYS FROM THE DAY ON WHICH THE COMMISSION RECEIVES
21 THE NOTICE; OR

22 (II) TAKE ENFORCEMENT ACTION AGAINST THE ALLEGED
23 VIOLATOR WITHIN 30 DAYS FROM THE DAY ON WHICH THE COMMISSION RECEIVES
24 THE NOTICE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 1997.