
By: **Delegate Weir**

Introduced and read first time: February 9, 1998

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Estate Brokers - Disclosure**

3 FOR the purpose of providing that a real estate applicant or licensee may be denied a
4 license for failure to disclose the closest boundary of a property being offered for
5 sale that is within a certain distance to the location of the closest boundary of an
6 airport.

7 BY repealing and reenacting, with amendments,
8 Article - Business Occupations and Professions
9 Section 17-322(a) and (b)(4)
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1997 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article - Business Occupations and Professions
14 Section 17-322(c)
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1997 Supplement)

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

19 **Article - Business Occupations and Professions**

20 17-322.

21 (a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23 (2) "AIRPORT" HAS THE MEANING INDICATED IN § 5-101 OF THE
24 TRANSPORTATION ARTICLE.

25 (3) ["handicap"] "HANDICAP" and "familial status" each have the
26 meanings indicated in the Federal Fair Housing Act.

1 (b) Subject to the hearing provisions of § 17-324 of this subtitle, the
2 Commission may deny a license to any applicant, reprimand any licensee, or suspend
3 or revoke a license if the applicant or licensee:

4 (4) intentionally or negligently fails to disclose to any person with whom
5 the applicant or licensee deals a material fact that the licensee knows or should know
6 and that relates to the property with which the licensee or applicant deals,
7 INCLUDING THE LOCATION OF THE CLOSEST BOUNDARY OF THE PROPERTY BEING
8 OFFERED FOR SALE THAT IS WITHIN 5 MILES OF THE CLOSEST BOUNDARY OF AN
9 AIRPORT;

10 (c) (1) Instead of or in addition to suspending or revoking a license, the
11 Commission may impose a penalty not exceeding \$2,000 for each violation.

12 (2) To determine the amount of the penalty imposed under this
13 subsection, the Commission shall consider:

- 14 (i) the seriousness of the violation;
- 15 (ii) the harm caused by the violation;
- 16 (iii) the good faith of the licensee; and
- 17 (iv) any history of previous violations by the licensee.

18 (3) The Commission shall pay any penalty collected under this
19 subsection into the General Fund of the State.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 1998.