
By: **Delegates Krysiak, La Vay, Kirk, and Dembrow**
Introduced and read first time: February 10, 1999
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 10, 1999

CHAPTER _____

1 AN ACT concerning

2 **Maryland Real Estate Time-Sharing Act - Promotional Devices - Disclosure**

3 FOR the purpose of authorizing and clarifying the use of certain promotional devices
4 to solicit the purchase of time-shares if certain disclosures are made; repealing
5 certain prohibitions against using certain promotional devices; exempting the
6 use of certain promotional devices from certain provisions of law; and generally
7 relating to the Maryland Real Estate Time-Sharing Act.

8 BY repealing and reenacting, with amendments,
9 Article - Commercial Law
10 Section 13-305(f)
11 Annotated Code of Maryland
12 (1990 Replacement Volume and 1998 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Real Property
15 Section 11A-119(c) and (d)
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 1998 Supplement)

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

1

Article - Commercial Law2 13-305.

3 (f) (1) Where provisions of law or regulations relating to the awarding of
4 prizes in the sale, lease, or rental of real property exist, [including § 11A-119 of the
5 Real Property Article,] the provisions of those laws or regulations shall apply if the
6 provisions are more stringent than this section.

7 (2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT
8 APPLY TO § 11A-119 OF THE REAL PROPERTY ARTICLE.

9

Article - Real Property

10 11A-119.

11 (c) [It is unlawful for any person to use any] NOTWITHSTANDING § 13-305 OF
12 THE COMMERCIAL LAW ARTICLE, A PERSON MAY UTILIZE A promotional device,
13 including sweepstakes, gift awards, lodging certificates or discounts, [with the
14 intent] to solicit the [acquisition] PURCHASE of time-shares [without disclosing that
15 purpose] OR OFFER MERCHANDISE OR SERVICES TO PROSPECTIVE PURCHASERS IF
16 THE FOLLOWING DISCLOSURES ARE MADE:

17 (1) THE PURPOSE OF THE PROMOTION IS THE SOLICITATION OF THE
18 ACQUISITION OF TIME-SHARES;

19 (2) THE RETAIL VALUE OF THE ~~GIFT AWARD, LODGING CERTIFICATE, OR~~
20 ~~DISCOUNT~~ MERCHANDISE OR SERVICES;

21 (3) THE REQUIREMENT, IF ANY, TO ATTEND A SALES PRESENTATION;
22 AND

23 (4) ANY OTHER RULES, TERMS, REQUIREMENTS, OR PRECONDITIONS
24 THAT MUST BE FILLED IN ORDER TO CLAIM THE ~~GIFT, LODGING CERTIFICATE, OR~~
25 ~~DISCOUNT~~ MERCHANDISE OR SERVICES.

26 (d) [A person may not utilize a promotional device to solicit the purchase of a
27 time-share or offer merchandise or services to any prospective purchaser without
28 clearly disclosing the retail value of such merchandise or services.] No promotional
29 device may involve any elements of chance as to the selection or award of particular
30 merchandise or services to any prospective purchaser.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 1999.

