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By: **Delegates Hubbard, Oaks, Pitkin, C. Davis, Rosenberg, W. Baker,  
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Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Assistive Technology Guaranteed Loan Fund**

3 FOR the purpose of providing for an Assistive Technology Guaranteed Loan Fund;  
4 establishing a Board of Directors; providing for membership of the Board;  
5 providing that the Fund be used to guarantee loans and subsidies for loan  
6 interest for certain assistive technology; providing that the Fund operate as a  
7 nonlapsing revolving fund; providing that the Fund be established as a program  
8 of the Office of Individuals with Disabilities; providing for the terms of the  
9 guarantees of loans and the subsidies of loan interest; providing for funding;  
10 requiring the Fund to deposit or invest moneys in a certain manner; defining a  
11 certain term; and generally relating to the Assistive Technology Guaranteed  
12 Loan Fund.

13 BY adding to

14 Article 41 - Governor - Executive and Administrative Departments  
15 Section 14-901 through 14-915, inclusive, to be under the new subtitle "Subtitle  
16 9. Assistive Technology Guaranteed Loan Fund"  
17 Annotated Code of Maryland  
18 (1997 Replacement Volume and 1998 Supplement)

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

21 **Article 41 - Governor - Executive and Administrative Departments**

22 **SUBTITLE 9. ASSISTIVE TECHNOLOGY GUARANTEED LOAN FUND.**

23 14-901.

24 THERE IS AN ASSISTIVE TECHNOLOGY GUARANTEED LOAN FUND  
25 ADMINISTERED BY THE OFFICE OF INDIVIDUALS WITH DISABILITIES.

1 14-902.

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (B) (1) "ASSISTIVE TECHNOLOGY" MEANS ANY ITEM, PIECE OF EQUIPMENT  
5 OR DEVICE, THAT ENABLES AN INDIVIDUAL WITH A DISABILITY TO IMPROVE  
6 INDIVIDUAL INDEPENDENCE AND QUALITY OF LIFE.

7 (2) "ASSISTIVE TECHNOLOGY" INCLUDES WHEELCHAIRS, MOTORIZED  
8 SCOOTERS, BRAILLE EQUIPMENT, VOICE SIMULATION SYSTEMS, SCANNERS,  
9 ASSISTIVE LISTENING DEVICES, TELECOMMUNICATIONS DEVICES FOR THE DEAF,  
10 AUGMENTATIVE COMMUNICATION SYSTEMS, ENVIRONMENTAL CONTROL SYSTEMS,  
11 COMPUTERS AND ADAPTIVE PERIPHERALS, BUILDING MODIFICATIONS FOR  
12 ACCESSIBILITY, MOTOR VEHICLES, AND VEHICLE MODIFICATIONS.

13 (C) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE ASSISTIVE  
14 TECHNOLOGY GUARANTEED LOAN FUND.

15 (D) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE FOR INDIVIDUALS  
16 WITH DISABILITIES.

17 (E) "FUND" MEANS THE ASSISTIVE TECHNOLOGY GUARANTEED LOAN FUND  
18 ESTABLISHED PURSUANT TO THIS SUBTITLE.

19 (F) "PROGRAM" MEANS THE ASSISTIVE TECHNOLOGY GUARANTEED LOAN  
20 PROGRAM ESTABLISHED UNDER THIS SUBTITLE.

21 (G) "QUALIFYING BORROWER" MEANS ANY INDIVIDUAL WHO DEMONSTRATES  
22 THAT A LOAN MADE UNDER THIS SUBTITLE WILL ASSIST ONE OR MORE INDIVIDUALS  
23 WITH DISABILITIES TO IMPROVE THEIR INDEPENDENCE OR BECOME MORE  
24 PRODUCTIVE MEMBERS OF THE COMMUNITY.

25 14-903.

26 THERE IS AN ASSISTIVE TECHNOLOGY GUARANTEED LOAN FUND  
27 ESTABLISHED, AS A PROGRAM OF THE OFFICE OF INDIVIDUALS WITH DISABILITIES,  
28 TO PROVIDE ASSISTANCE FOR THE PURCHASE OF ASSISTIVE TECHNOLOGY  
29 EQUIPMENT DESIGNED TO ENABLE INDIVIDUALS WITH DISABILITIES TO BECOME  
30 MORE INDEPENDENT OR MORE PRODUCTIVE MEMBERS OF THE COMMUNITY WITH  
31 AN IMPROVED QUALITY OF LIFE.

32 14-904.

33 (A) THE POWERS AND DUTIES OF THE ASSISTIVE TECHNOLOGY GUARANTEED  
34 LOAN PROGRAM SHALL REST IN AND BE EXERCISED BY A BOARD OF NINE  
35 DIRECTORS.

36 (B) THE BOARD OF DIRECTORS SHALL CONSIST OF:

1 (1) THE SECRETARY OF THE DEPARTMENT OF BUDGET AND  
2 MANAGEMENT OR THE SECRETARY'S DESIGNEE; AND

3 (2) EIGHT INDIVIDUALS APPOINTED BY THE GOVERNOR, CONFIRMED BY  
4 THE GENERAL ASSEMBLY, AS FOLLOWS:

5 (I) ONE EXPERIENCED ACCOUNTANT;

6 (II) ONE EXPERIENCED CONSUMER LENDER; AND

7 (III) SIX REPRESENTATIVES WITH A RANGE OF DISABILITIES.

8 (C) THE TERM OF A MEMBER IS 4 YEARS.

9 (D) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A  
10 SUCCESSOR IS APPOINTED AND QUALIFIES.

11 (E) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES FOR  
12 THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

13 (F) A MEMBER APPOINTED BY THE GOVERNOR MAY SERVE NO MORE THAN  
14 TWO TERMS.

15 (G) THE SECRETARY OF BUDGET AND MANAGEMENT OR THE SECRETARY'S  
16 DESIGNEE SHALL SERVE COINCIDENT WITH THE TERM OF THE GOVERNOR.

17 14-905.

18 (A) ANNUALLY, THE BOARD OF DIRECTORS SHALL ELECT ONE OF THEIR  
19 MEMBERS TO SERVE AS CHAIRMAN.

20 (B) THE BOARD SHALL MEET AT THE CALL OF THE CHAIRMAN, WHENEVER A  
21 REQUEST IS MADE BY FIVE MEMBERS, OR WHEN IT IS NECESSARY TO ATTEND TO  
22 THE BUSINESS OF THE FUND.

23 (C) THE BOARD SHALL MEET REGULARLY TO REVIEW THE APPLICATIONS FOR  
24 THE GUARANTEES OF LOANS AND THE SUBSIDIES FOR LOAN INTEREST AND  
25 APPROVE OR DENY THE APPLICATIONS BASED UPON INFORMATION PROVIDED TO OR  
26 OBTAINED BY THE BOARD.

27 (D) FIVE MEMBERS SHALL CONSTITUTE A QUORUM.

28 (E) A MEMBER:

29 (1) MAY NOT RECEIVE COMPENSATION; BUT

30 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
31 STANDARD STATE TRAVEL REGULATIONS AS PROVIDED IN THE STATE BUDGET.

1 (F) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A MEMBER  
2 MAY NOT FINANCIALLY BENEFIT EITHER DIRECTLY OR INDIRECTLY FROM THE  
3 ACTIVITIES OF THE FUND.

4 14-906.

5 THE FUND SHALL BE USED AS A NONLAPSING REVOLVING FUND TO PROVIDE  
6 GUARANTEES OF LOANS AND SUBSIDIES OF LOAN INTEREST FOR THE PURCHASE OF  
7 ASSISTIVE TECHNOLOGY EQUIPMENT DESIGNED TO ENABLE INDIVIDUALS WITH  
8 DISABILITIES TO BECOME MORE INDEPENDENT OR MORE PRODUCTIVE MEMBERS OF  
9 THE COMMUNITY WITH AN IMPROVED QUALITY OF LIFE.

10 14-907.

11 (A) ALL RECEIPTS DESIGNATED FOR THE FUND SHALL BE PLACED IN THE  
12 FUND AND ADMINISTERED BY THE BOARD INCLUDING:

13 (1) PREMIUMS AND FEES FOR THE GUARANTEES OF LOANS OR THE  
14 SUBSIDIES OF LOAN INTEREST;

15 (2) INCOME FROM INVESTMENTS THAT THE STATE TREASURER, ON  
16 INSTRUCTION OF THE BOARD, MAKES FOR THE BOARD UNDER THIS SUBTITLE;

17 (3) PROCEEDS FROM THE SALE, DISPOSITION, LEASE, OR RENTAL OF  
18 COLLATERAL RELATING TO THE GUARANTEES OR LOANS OF SUBSIDIES OF LOAN  
19 INTEREST;

20 (4) MONEYS APPROPRIATED BY THE STATE TO THE FUND; AND

21 (5) ANY OTHER MONEYS MADE AVAILABLE TO THE FUND.

22 (B) THE FUND SHALL BE USED TO PAY ALL EXPENSES AND DISBURSEMENTS  
23 AUTHORIZED BY THE BOARD FOR ADMINISTERING THE FUND AND FINANCING THE  
24 GUARANTEES OF LOANS AND THE SUBSIDIES OF LOAN INTEREST FOR THE  
25 PURCHASE OF ASSISTIVE TECHNOLOGY FOR INDIVIDUALS WITH DISABILITIES,  
26 INCLUDING BY WAY OF EXAMPLE:

27 (1) GUARANTY PAYMENTS REQUIRED BY LOAN DEFAULTS; AND

28 (2) EXPENSES FOR ADMINISTRATIVE, LEGAL, ACTUARIAL, TECHNICAL  
29 ASSISTANCE, AND OTHER SERVICES.

30 14-908.

31 (A) IF, AT ANY TIME, THE AMOUNT OF MONEY IN THE FUND EXCEEDS THE  
32 AMOUNT THAT THE BOARD CONSIDERS NECESSARY TO CURRENTLY MEET EXPENSES  
33 AND OBLIGATIONS, THE EXCESS SHALL BE:

34 (1) DEPOSITED WITH THE STATE TREASURER, TO THE CREDIT OF THE  
35 FUND; AND

1 (2) INVESTED IN THE MANNER PROVIDED FOR BY LAW.

2 (B) IF, AT ANY TIME, THE AMOUNT OF MONEY IN OR CREDITED TO THE FUND  
3 EXCEEDS THE AMOUNT THAT THE BOARD CONSIDERS NECESSARY TO MEET ITS  
4 OBLIGATIONS, THE EXCESS, ON RESOLUTION OF THE BOARD, SHALL BE PAID TO THE  
5 STATE TREASURER.

6 14-909.

7 ANNUALLY, THE STATE TREASURER SHALL REPORT TO THE BOARD AS TO:

8 (1) THE STATUS OF THE MONEY INVESTED UNDER THIS SUBTITLE;

9 (2) THE MARKET VALUE OF THE ASSETS IN THE FUND AS OF THE DATE  
10 OF THE REPORT; AND

11 (3) THE INTEREST RECEIVED FROM INVESTMENTS DURING THE PERIOD  
12 COVERED BY THE REPORT.

13 14-910.

14 SUBJECT TO THE RESTRICTIONS OF THIS SUBTITLE, THE BOARD, ON  
15 APPLICATION, MAY PROVIDE A GUARANTEE OF A LOAN OR A SUBSIDY OF LOAN  
16 INTEREST FOR A LOAN MADE TO A QUALIFYING BORROWER.

17 14-911.

18 THE BOARD MAY GUARANTEE A LOAN OR PROVIDE A SUBSIDY FOR LOAN  
19 INTEREST TO AN APPLICANT ONLY IF:

20 (1) THE APPLICANT MEETS THE QUALIFICATIONS REQUIRED IN THIS  
21 SUBTITLE; AND

22 (2) THE LOAN TO BE GUARANTEED OR THE SUBSIDY FOR LOAN  
23 INTEREST IS TO BE USED TO PURCHASE ASSISTIVE TECHNOLOGY.

24 14-912.

25 (A) TO APPLY FOR FINANCIAL ASSISTANCE, AN APPLICANT SHALL SUBMIT TO  
26 THE BOARD AN APPLICATION ON THE FORM PROVIDED BY THE DIRECTOR.

27 (B) THE BOARD MAY ENTER INTO AGREEMENTS WITH A QUALIFYING  
28 BORROWER WHO DEMONSTRATES:

29 (1) THAT THE LOAN OR SUBSIDY WILL BE USED TO ACQUIRE ASSISTIVE  
30 TECHNOLOGY OR OTHER EQUIPMENT DESIGNED TO HELP ONE OR MORE  
31 INDIVIDUALS WITH DISABILITIES TO IMPROVE THEIR INDEPENDENCE OR BECOME  
32 MORE PRODUCTIVE MEMBERS OF THE COMMUNITY;

33 (2) THE ABILITY TO REPAY THE LOAN;

1 (3) CREDITWORTHINESS; AND

2 (4) INABILITY TO QUALIFY FOR A LOAN FROM A LENDING INSTITUTION  
3 WITHOUT A LOAN GUARANTEE OR A SUBSIDY FOR LOAN INTEREST.

4 14-913.

5 (A) EXCEPT AS PROVIDED IN THIS SUBTITLE, THE BOARD AND LENDER SHALL  
6 JOINTLY DETERMINE THE AMOUNT AND TERMS OF THE GUARANTEE OF THE LOAN  
7 OR THE SUBSIDY OF LOAN INTEREST.

8 (B) THE TOTAL AGGREGATE AMOUNT OF THE LOAN GUARANTEE MAY BE UP  
9 TO 80% OF THE LOAN.

10 (C) THE TOTAL AGGREGATE AMOUNT OF INSURANCE FROM THE FUND, WITH  
11 RESPECT TO THE INSURED PORTIONS OF THE LOAN, MAY NOT EXCEED AT ANY TIME  
12 AN AMOUNT EQUAL TO 5 TIMES THE BALANCE IN THE FUND.

13 14-914.

14 IF ANY QUALIFYING BORROWER VIOLATES ANY PROVISIONS OF THE LOAN  
15 GUARANTEE OR SUBSIDY AGREEMENT OR CEASES TO MEET THE REQUIREMENTS OF  
16 THIS SUBTITLE, ON REASONABLE NOTICE TO THE QUALIFYING BORROWER, THE  
17 BOARD MAY:

18 (1) WITHHOLD FROM THE QUALIFYING BORROWER FURTHER LOAN  
19 GUARANTEES OR SUBSIDIES UNTIL THE QUALIFYING BORROWER COMPLIES WITH  
20 THE AGREEMENT OR REQUIREMENTS; AND

21 (2) EXERCISE ANY OTHER REMEDY FOR WHICH THE LOAN GUARANTEE  
22 OR SUBSIDY AGREEMENT PROVIDES.

23 14-915.

24 THE BOARD SHALL REPORT ANNUALLY TO THE GOVERNOR AND, SUBJECT TO §  
25 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY, ON OR  
26 BEFORE JANUARY 1 OF EACH YEAR ON THE NUMBER, AMOUNT, AND USE OF LOANS  
27 AND SUBSIDIES FOR WHICH THE PROGRAM HAS PROVIDED GUARANTEES OF LOANS  
28 AND SUBSIDIES OF LOAN INTEREST UNDER THIS SUBTITLE.

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