
By: **Delegates Hubbard, Oaks, Pitkin, C. Davis, Rosenberg, W. Baker, Glassman, Rosso, Shriver, Leopold, and ~~Fulton~~ Fulton, Guns, Weir, Baldwin, Boutin, Cane, D. Davis, Elliott, Frush, Hammen, Klausmeier, Mohorovic, Morhaim, Nathan-Pulliam, Owings, Redmer, Schisler, Sher, Stern, and Stull**

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Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 9, 1999

CHAPTER _____

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 ~~for~~ 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:

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

2 SUBTITLE 9. ASSISTIVE TECHNOLOGY GUARANTEED LOAN FUND.

3 14-901.

4 THERE IS AN ASSISTIVE TECHNOLOGY GUARANTEED LOAN FUND
5 ADMINISTERED BY THE OFFICE ~~OF~~ FOR INDIVIDUALS WITH DISABILITIES.

6 14-902.

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.9 (B) (1) "ASSISTIVE TECHNOLOGY" MEANS ANY ITEM, PIECE OF EQUIPMENT
10 OR DEVICE, THAT ENABLES AN INDIVIDUAL WITH A DISABILITY TO IMPROVE
11 INDIVIDUAL INDEPENDENCE AND QUALITY OF LIFE.12 (2) "ASSISTIVE TECHNOLOGY" INCLUDES WHEELCHAIRS, MOTORIZED
13 SCOOTERS, BRAILLE EQUIPMENT, VOICE SIMULATION SYSTEMS, SCANNERS,
14 ASSISTIVE LISTENING DEVICES, TELECOMMUNICATIONS DEVICES FOR THE DEAF,
15 AUGMENTATIVE COMMUNICATION SYSTEMS, ENVIRONMENTAL CONTROL SYSTEMS,
16 COMPUTERS AND ADAPTIVE PERIPHERALS, BUILDING MODIFICATIONS FOR
17 ACCESSIBILITY, MOTOR VEHICLES, AND VEHICLE MODIFICATIONS.18 (C) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE ASSISTIVE
19 TECHNOLOGY GUARANTEED LOAN FUND.20 (D) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE FOR INDIVIDUALS
21 WITH DISABILITIES.22 (E) "FUND" MEANS THE ASSISTIVE TECHNOLOGY GUARANTEED LOAN FUND
23 ESTABLISHED PURSUANT TO THIS SUBTITLE.24 (F) "PROGRAM" MEANS THE ASSISTIVE TECHNOLOGY GUARANTEED LOAN
25 PROGRAM ESTABLISHED UNDER THIS SUBTITLE.26 (G) "QUALIFYING BORROWER" MEANS ANY INDIVIDUAL WHO DEMONSTRATES
27 THAT A LOAN MADE UNDER THIS SUBTITLE WILL ASSIST ONE OR MORE INDIVIDUALS
28 WITH DISABILITIES TO IMPROVE THEIR INDEPENDENCE OR BECOME MORE
29 PRODUCTIVE MEMBERS OF THE COMMUNITY.

30 14-903.

31 THERE IS AN ASSISTIVE TECHNOLOGY GUARANTEED LOAN FUND
32 ESTABLISHED, AS A PROGRAM OF THE OFFICE ~~OF~~ FOR INDIVIDUALS WITH
33 DISABILITIES, TO PROVIDE ASSISTANCE FOR THE PURCHASE OF ASSISTIVE
34 TECHNOLOGY EQUIPMENT DESIGNED TO ENABLE INDIVIDUALS WITH DISABILITIES
35 TO BECOME MORE INDEPENDENT OR MORE PRODUCTIVE MEMBERS OF THE
36 COMMUNITY WITH AN IMPROVED QUALITY OF LIFE.

1 14-904.

2 (A) THE POWERS AND DUTIES OF THE ASSISTIVE TECHNOLOGY GUARANTEED
3 LOAN PROGRAM SHALL REST IN AND BE EXERCISED BY A BOARD OF NINE
4 DIRECTORS.

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

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

8 (2) EIGHT INDIVIDUALS APPOINTED BY THE GOVERNOR, CONFIRMED BY
9 ~~THE GENERAL ASSEMBLY~~ SENATE OF MARYLAND, AS FOLLOWS:

10 (I) ONE EXPERIENCED ACCOUNTANT;

11 (II) ONE EXPERIENCED CONSUMER LENDER; AND

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

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

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

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

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

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

22 (H) THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL STAFF THE BOARD.

23 14-905.

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

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

29 (C) THE BOARD SHALL MEET REGULARLY TO REVIEW THE APPLICATIONS FOR
30 THE GUARANTEES OF LOANS AND THE SUBSIDIES FOR LOAN INTEREST AND
31 APPROVE OR DENY THE APPLICATIONS BASED UPON INFORMATION PROVIDED TO OR
32 OBTAINED BY THE BOARD.

33 (D) FIVE MEMBERS SHALL CONSTITUTE A QUORUM.

1 (E) A MEMBER:

2 (1) MAY NOT RECEIVE COMPENSATION; BUT

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

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

8 14-906.

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

14 14-907.

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

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

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

21 (3) PROCEEDS FROM THE SALE, DISPOSITION, LEASE, OR RENTAL OF
22 COLLATERAL RELATING TO THE GUARANTEES ~~OR~~ OF LOANS ~~OR~~ OF SUBSIDIES OF
23 LOAN INTEREST;

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

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

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

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

32 (2) EXPENSES FOR ADMINISTRATIVE, LEGAL, ACTUARIAL, TECHNICAL
33 ASSISTANCE, AND OTHER SERVICES.

1 14-908.

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

5 (1) DEPOSITED WITH THE STATE TREASURER, TO THE CREDIT OF THE
6 FUND; AND

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

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

12 14-909.

13 ANNUALLY, THE STATE TREASURER SHALL REPORT TO THE BOARD AND THE
14 DIRECTOR AS TO:

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

16 (2) THE MARKET VALUE OF THE ASSETS IN THE FUND AS OF THE DATE
17 OF THE REPORT; AND

18 (3) THE INTEREST RECEIVED FROM INVESTMENTS DURING THE PERIOD
19 COVERED BY THE REPORT.

20 14-910.

21 ~~SUBJECT TO THE RESTRICTIONS~~ § 14-912 OF THIS SUBTITLE, THE BOARD, ON
22 APPLICATION, MAY PROVIDE A GUARANTEE OF A LOAN OR A SUBSIDY OF LOAN
23 INTEREST FOR A LOAN MADE TO A QUALIFYING BORROWER.

24 14-911.

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

27 (1) THE APPLICANT MEETS THE QUALIFICATIONS REQUIRED IN § 14-912
28 OF THIS SUBTITLE; AND

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

31 14-912.

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

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

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

7 (2) THE ABILITY TO REPAY THE LOAN;

8 (3) CREDITWORTHINESS; AND

9 (4) INABILITY TO QUALIFY FOR A LOAN FROM A LENDING INSTITUTION
10 WITHOUT A LOAN GUARANTEE OR A SUBSIDY ~~FOR~~ OF LOAN INTEREST.

11 14-913.

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

15 (B) THE TOTAL AGGREGATE AMOUNT OF THE LOAN GUARANTEE MAY BE UP
16 TO ~~80%~~ 100% OF THE LOAN.

17 (C) THE TOTAL AGGREGATE AMOUNT OF ~~INSURANCE GUARANTEES~~
18 PROVIDED FROM THE FUND, WITH RESPECT TO THE INSURED PORTIONS OF THE
19 LOAN, MAY NOT EXCEED AT ANY TIME AN AMOUNT EQUAL TO 5 TIMES AT ANY TIME
20 EXCEED THE BALANCE AVAILABLE IN THE FUND.

21 14-914.

22 IF ANY QUALIFYING BORROWER VIOLATES ANY PROVISIONS OF THE LOAN
23 GUARANTEE OR SUBSIDY AGREEMENT OR CEASES TO MEET THE REQUIREMENTS OF
24 THIS SUBTITLE, ON REASONABLE NOTICE TO THE QUALIFYING BORROWER, THE
25 BOARD MAY:

26 (1) WITHHOLD FROM THE QUALIFYING BORROWER FURTHER LOAN
27 GUARANTEES OR SUBSIDIES UNTIL THE QUALIFYING BORROWER COMPLIES WITH
28 THE AGREEMENT OR REQUIREMENTS; AND

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

31 14-915.

32 THE BOARD, THROUGH THE DIRECTOR, SHALL REPORT ANNUALLY TO THE
33 GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE
34 GENERAL ASSEMBLY, ON OR BEFORE JANUARY 1 OF EACH YEAR ON THE NUMBER,
35 AMOUNT, AND USE OF LOANS AND SUBSIDIES FOR WHICH THE PROGRAM HAS

1 PROVIDED GUARANTEES OF LOANS AND SUBSIDIES OF LOAN INTEREST UNDER THIS
2 SUBTITLE.

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