
By: **Delegates Barve, Gordon, Kagan, and Zirkin**

Introduced and read first time: March 1, 1999

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection - Promotional Offerings Included With a Sale of Goods**
3 **or Services - Notice and Acceptance Requirements**

4 FOR the purpose of prohibiting a merchant from including a promotional offering as
5 part of a sale of goods or services unless the merchant provides the consumer
6 with a written description of the terms and conditions of the promotional
7 offering and a form which requires the consumer to expressly accept or reject the
8 promotional offering in writing; providing that the terms of a promotional
9 offering may not be enforced if the consumer has not expressly accepted the
10 terms of the promotional offering in writing; defining a certain term; providing
11 for the application of this Act; and generally relating to promotional offerings
12 included as part of a sale of goods or services.

13 BY adding to
14 Article - Commercial Law
15 Section 13-319
16 Annotated Code of Maryland
17 (1990 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:

20 **Article - Commercial Law**

21 13-319.

22 (A) IN THIS SECTION, "PROMOTIONAL OFFERING" MEANS ANY CONSUMER
23 GOODS OR CONSUMER SERVICE WHICH IS OFFERED FREE TO A CONSUMER FOR A
24 LIMITED TIME BUT AFTER WHICH THE CONSUMER MUST PAY TO KEEP OR MAINTAIN
25 THE GOODS OR SERVICE.

26 (B) A MERCHANT MAY NOT INCLUDE A PROMOTIONAL OFFERING AS PART OF
27 A SALE FOR GOODS OR SERVICES UNLESS, AT THE TIME OF THE SALE, THE
28 MERCHANT PROVIDES THE CONSUMER WITH:

1 (1) A WRITTEN DESCRIPTION OF THE TERMS AND CONDITIONS OF THE
2 PROMOTIONAL OFFERING, INCLUDING ALL FEES AND COSTS ASSOCIATED WITH THE
3 OFFERING; AND

4 (2) A FORM THAT REQUIRES THE CONSUMER TO EXPRESSLY ACCEPT OR
5 REJECT THE PROMOTIONAL OFFERING IN WRITING.

6 (C) THE TERMS OF A PROMOTIONAL OFFERING MAY NOT BE ENFORCED
7 UNLESS A CONSUMER HAS EXPRESSLY ACCEPTED THE OFFERING IN WRITING.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
9 construed only prospectively and may not be applied or interpreted to have any effect
10 on or application to any sales of goods or services or promotional offerings before the
11 effective date of this Act.

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