
By: **Senator Kasemeyer**

Introduced and read first time: February 3, 1999

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Automatic Garage Door Openers - Servicing - Home Inspections**

3 FOR the purpose of requiring a certain person to conduct a certain on-site test on
4 automatic garage door opening systems under certain circumstances; detailing
5 the requirements of a certain on-site test on certain automatic garage door
6 opening systems; outlining the requirements for successful completion of a
7 certain on-site test; prohibiting the repair of certain automatic garage door
8 opening systems under certain circumstances; requiring the placement in a
9 certain location of a certain warning label under certain circumstances;
10 requiring a certain person to make notifications within a certain time to certain
11 individuals under certain circumstances; making a violation of these notice
12 requirements an unfair and deceptive trade practice; requiring a home inspector
13 to perform certain tests; requiring a home inspector to provide certain notice
14 under certain circumstances; defining certain terms; and generally relating to
15 notifications about automatic garage door opening systems and the testing of
16 automatic garage door opening systems.

17 BY adding to
18 Article - Commercial Law
19 Section 14-2901 to be under the new subtitle "Subtitle 29. Automatic Garage
20 Door Opening Systems"
21 Annotated Code of Maryland
22 (1990 Replacement Volume and 1998 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article - Real Property
25 Section 10-801
26 Annotated Code of Maryland
27 (1996 Replacement Volume and 1998 Supplement)

28 BY adding to
29 Article - Real Property
30 Section 10-802
31 Annotated Code of Maryland

1 (1996 Replacement Volume and 1998 Supplement)

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

4 **Article - Commercial Law**

5 SUBTITLE 29. AUTOMATIC GARAGE DOOR OPENING SYSTEMS.

6 14-2901.

7 (A) (1) A PERSON WHO INSTALLS, SERVICES, OR REPAIRS AN AUTOMATIC
8 GARAGE DOOR OPENING SYSTEM IN A RESIDENTIAL DWELLING UNIT SHALL
9 CONDUCT AN ON-SITE REVERSAL TEST OF THE SYSTEM.

10 (2) AN ON-SITE REVERSAL TEST SHALL CONSIST OF PLACING A RIGID 2
11 INCH HIGH OBSTACLE OR A 2 INCH BY 4 INCH BLOCK OF WOOD ON THE SURFACE
12 BENEATH THE GARAGE DOOR AND CLOSING THE GARAGE DOOR WITH THE BLOCK
13 UNDERNEATH.

14 (3) IN ORDER TO PASS THE ON-SITE REVERSAL TEST, THE AUTOMATIC
15 GARAGE DOOR OPENING SYSTEM, WITHIN 2 SECONDS, MUST REVERSE THE DOOR
16 UPON CONTACT WITH THE RIGID 2 INCH HIGH OBSTACLE OR THE 2 INCH BY 4 INCH
17 BLOCK OF WOOD.

18 (B) A PERSON MAY NOT SERVICE OR REPAIR THE AUTOMATIC GARAGE DOOR
19 OPENING SYSTEM IF THE AUTOMATIC GARAGE DOOR OPENING SYSTEM DOES NOT
20 PASS THE ON-SITE REVERSAL TEST REQUIRED BY SUBSECTION (A) OF THIS SECTION.

21 (C) (1) IF THE AUTOMATIC GARAGE DOOR OPENING SYSTEM DOES NOT
22 PASS THE ON-SITE REVERSAL TEST REQUIRED BY SUBSECTION (A) OF THIS SECTION,
23 THE PERSON CONDUCTING THE TEST SHALL COMPLETE AND CONSPICUOUSLY
24 ATTACH TO THE AUTOMATIC GARAGE DOOR OPENING SYSTEM A LABEL THAT STATES
25 THE FOLLOWING:

26 "WARNING

27 THIS GARAGE DOOR OPENER WAS TESTED AND DOES NOT MEET THE CURRENT
28 REQUIREMENTS FOR A WORKING SAFETY REVERSE FEATURE. THIS CAN BE
29 DANGEROUS AND MAY CAUSE SERIOUS INJURY OR DEATH. YOU ARE ADVISED TO
30 IMMEDIATELY DISCONNECT THE OPENER FROM THE DOOR AND OPERATE THE DOOR
31 MANUALLY UNTIL THE OPENER HAS BEEN REPAIRED OR REPLACED WITH AN
32 OPENER THAT MEETS THE CURRENT SAFETY STANDARDS RELATING TO AUTOMATIC
33 REVERSAL."

34 (2) THE WORD "WARNING" ON THE LABEL DESCRIBED IN PARAGRAPH (1)
35 OF THIS SUBSECTION SHALL BE IN THE FOREGROUND AND BACKGROUND COLORS
36 THAT COMPLY WITH THE STANDARDS OF THE AMERICAN NATIONAL STANDARDS
37 INSTITUTE (ANSI) THAT ARE IN EFFECT AT THE TIME THAT THE LABEL IS AFFIXED.

1 (D) THE PERSON OR THE EMPLOYER OF THE PERSON WHO ATTACHES A
2 LABEL UNDER SUBSECTION (B) OF THIS SECTION SHALL NOTIFY IN WRITING THE
3 OCCUPANT OF THE RESIDENTIAL DWELLING UNIT WITHIN 10 WORKING DAYS THAT
4 THE RESIDENCE'S AUTOMATIC GARAGE DOOR OPENING SYSTEM DOES NOT COMPLY
5 WITH CURRENT SAFETY STANDARDS RELATING TO AUTOMATIC REVERSAL.

6 (E) A VIOLATION OF THIS SECTION BY THE SELLER OR THE SELLER'S AGENT
7 IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13
8 OF THIS ARTICLE.

9 **Article - Real Property**

10 10-801.

11 (a) In this subtitle, "home inspector" means a person who provides or offers to
12 provide home inspection services.

13 (b) Promptly after agreeing to perform an inspection and before a home is
14 inspected, a home inspector shall provide the person who has entered into a contract
15 for the purchase of the property:

16 (1) A list of the credentials of:

17 (i) The home inspector; and

18 (ii) If the individual who will actually perform the inspection is
19 different from the home inspector, that individual; and

20 (2) A disclosure in 10-point bold type that states:

21 "An inspection is intended to assist in evaluation of the overall condition of a
22 building. The inspection is based on observation of the visible and apparent condition
23 of the building and its components on the date of inspection.

24 The results of this home inspection are not intended to make any representation
25 regarding latent or concealed defects that may exist, and no warranty or guaranty is
26 expressed or implied.

27 If the person conducting your home inspection is not a licensed structural
28 engineer or other professional whose license authorizes the rendering of an opinion as
29 to the structural integrity of a building or its other component parts, you may be
30 advised to seek a professional opinion as to any defects or concerns mentioned in the
31 report."

32 (c) The information required to be provided under subsection (b) of this
33 section shall be included in the home inspection report that is delivered to the person
34 who has entered into a contract for the purchase of the property.

1 10-802.

2 (A) (1) DURING A HOME INSPECTION, A HOME INSPECTOR SHALL CONDUCT
3 AN ON-SITE REVERSAL TEST OF AN AUTOMATIC GARAGE DOOR OPENING SYSTEM.

4 (2) AN ON-SITE REVERSAL TEST SHALL CONSIST OF PLACING A RIGID 2
5 INCH HIGH OBSTACLE OR A 2 INCH BY 4 INCH BLOCK OF WOOD ON THE SURFACE
6 BENEATH THE GARAGE DOOR AND CLOSING THE GARAGE DOOR WITH THE BLOCK
7 UNDERNEATH.

8 (3) IN ORDER TO PASS THE ON-SITE REVERSAL TEST, THE AUTOMATIC
9 GARAGE DOOR OPENING SYSTEM, WITHIN 2 SECONDS, MUST REVERSE THE DOOR
10 UPON CONTACT WITH THE RIGID 2 INCH HIGH OBSTACLE OR THE 2 INCH BY 4 INCH
11 BLOCK OF WOOD.

12 (B) IF THE AUTOMATIC GARAGE DOOR OPENING SYSTEM DOES NOT PASS THE
13 ON-SITE REVERSAL TEST REQUIRED BY SUBSECTION (A) OF THIS SECTION, THE
14 HOME INSPECTOR SHALL PROVIDE THE PERSON WHO HAS ENTERED INTO A
15 CONTRACT FOR THE PURCHASE OF THE PROPERTY THE FOLLOWING NOTICE:

16 "THIS GARAGE DOOR OPENER WAS TESTED AND DOES NOT MEET THE CURRENT
17 REQUIREMENTS FOR A WORKING SAFETY REVERSE FEATURE. THIS CAN BE
18 DANGEROUS AND MAY CAUSE SERIOUS INJURY OR DEATH. YOU ARE ADVISED TO
19 IMMEDIATELY DISCONNECT THE OPENER FROM THE DOOR AND OPERATE THE DOOR
20 MANUALLY UNTIL THE OPENER HAS BEEN REPAIRED OR REPLACED WITH AN
21 OPENER THAT MEETS THE CURRENT SAFETY STANDARDS RELATING TO AUTOMATIC
22 REVERSAL."

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