
By: **Chairman, Economic Matters Committee**
Introduced and read first time: February 9, 2000
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 29, 2000

CHAPTER _____

1 AN ACT concerning

2 **Maryland Home Improvement Commission - Sunset Extension and Program**
3 **Evaluation**

4 FOR the purpose of continuing the Maryland Home Improvement Commission in
5 accordance with the provisions of the Maryland Program Evaluation Act (Sunset
6 Law) by extending to a certain date the termination provisions relating to the
7 statutory and regulatory authority of the ~~Board~~; Commission; increasing the
8 limitation on recovery from the Home Improvement Guaranty Fund for certain
9 persons; requiring that an evaluation of the Commission and the statutes and
10 regulations that relate to the Commission be performed on or before a certain
11 date; requiring the Department of Labor, Licensing, and Regulation to submit a
12 certain report by a certain date; and generally relating to the Maryland Home
13 Improvement Commission.

14 BY repealing and reenacting, with amendments,
15 Article - Business Regulation
16 Section 8-405(e) and 8-702
17 Annotated Code of Maryland
18 (1998 Replacement Volume and 1999 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - State Government
21 Section 8-403(a)
22 Annotated Code of Maryland
23 (1999 Replacement Volume)

24 BY repealing and reenacting, without amendments,

1 Article - State Government
 2 Section 8-403(e)
 3 Annotated Code of Maryland
 4 (1999 Replacement Volume)

5 BY adding to
 6 Article - State Government
 7 Section 8-403(m)
 8 Annotated Code of Maryland
 9 (1999 Replacement Volume)

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

12 **Article - Business Regulation**

13 8-405.

14 (e) The Commission may not award from the Fund:

15 (1) more than [\$10,000] \$15,000 to 1 claimant for acts or omissions of 1
 16 contractor;

17 (2) more than \$100,000 to all claimants for acts or omissions of 1
 18 contractor unless, after the Commission has paid out \$100,000 on account of acts or
 19 omissions of the contractor, the contractor reimburses \$100,000 to the Fund;

20 (3) an amount for attorney fees, consequential damages, court costs,
 21 interest, personal injury damages, or punitive damages; or

22 (4) an amount as a result of a default judgment in court.

23 8-702.

24 Subject to the evaluation and reestablishment provisions of the Maryland
 25 Program Evaluation Act, this title and all regulations adopted under this title shall
 26 terminate on October 1, [2002] 2012.

27 **Article - State Government**

28 8-403.

29 (a) Except as otherwise provided in subsection (e) of this section, on or before
 30 July 1, 2000, an evaluation shall be made of the following governmental activities or
 31 units and the statutes and regulations that relate to the governmental activities or
 32 units:

33 (1) State Athletic Commission (§ 4-201 of the Business Regulation
 34 Article);

1 (2) State Board of Barbers (§ 4-201 of the Business Occupations and
2 Professions Article);

3 (3) State Board of Cosmetologists (§ 5-201 of the Business Occupations
4 and Professions Article);

5 (4) State Racing Commission (§ 11-201 of the Business Regulation
6 Article);

7 (5) Maryland-Bred Race Fund Advisory Committee (§ 11-531 of the
8 Business Regulation Article);

9 (6) Maryland Standardbred Race Fund Advisory Committee (§ 11-625 of
10 the Business Regulation Article);

11 (7) State Board of Veterinary Medical Examiners (§ 2-302 of the
12 Agriculture Article);

13 (8) State Board of Waterworks and Waste Systems Operators (§ 12-201
14 of the Environment Article);

15 (9) State Board of Well Drillers (§ 13-201 of the Environment Article);

16 (10) the Tobacco Authority (§ 7-201 of the Agriculture Article); AND

17 (11) [Maryland Home Improvement Commission (§ 8-201 of the Business
18 Regulation Article); and

19 (12)] State Board of Inspection of Horse Riding Stables (§ 2-701 of the
20 Agriculture Article).

21 (e) On or before November 30 of the 2nd year before the evaluation date of a
22 governmental activity or unit, the Legislative Policy Committee, based on a
23 preliminary evaluation, may waive as unnecessary the evaluation required under this
24 section.

25 (M) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (E) OF THIS SECTION,
26 ON OR BEFORE JULY 1, 2011, AN EVALUATION SHALL BE MADE OF THE MARYLAND
27 HOME IMPROVEMENT COMMISSION AND THE REGULATIONS THAT RELATE TO THE
28 MARYLAND HOME IMPROVEMENT COMMISSION.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Labor,
30 Licensing, and Regulation shall submit a report to the Senate Economic and
31 Environmental Affairs Committee and the House Economic Matters Committee by
32 October 1, 2002 that evaluates: (1) the number of complaints and claims processed by
33 the Maryland Home Improvement Commission and the need for additional support
34 staff ~~and~~ or investigators; (2) the impact of a seventh ~~commission~~ Commission
35 member on the ability of the ~~commission~~ Commission to timely process complaints
36 and claims and the need for ~~any~~ additional commissioners; ~~and~~ (3) obstacles to timely
37 pay-outs and methods to streamline the claims procedure in order to ensure timely

1 pay-outs for aggrieved consumers; and (4) the status of the Home Improvement
2 Guaranty Fund and the impact of the increase in the maximum amount that may be
3 awarded from the Home Improvement Guaranty Fund against a single contractor.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2000.