

HOUSE BILL 811

Unofficial Copy
C2

2000 Regular Session
0lr1755
CF 0lr1136

By: **Delegates Kach, Busch, Gordon, Love, Pendergrass, Krysiak, Barve, Brown, Donoghue, Eckardt, Fulton, Goldwater, Harrison, Hill, J. Kelly, Kirk, La Vay, McClenahan, McHale, Minnick, Mitchell, Moe, Walkup, Klima, and Pitkin**

Introduced and read first time: February 11, 2000
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 7, 2000

CHAPTER _____

1 AN ACT concerning

2 **Maryland Home Builders Act**

3 FOR the purpose of prohibiting a person from claiming to be or acting as a home
4 builder unless the person has been issued a certain builder registration number
5 by the Chief of the Division of Consumer Protection of the Office of the Attorney
6 General; providing that certain lenders are exempt from registration; providing
7 that certain contracts are not enforceable unless performed by a registered home
8 builder; establishing a certain application and renewal process for home builder
9 registration; establishing a Home Builder's Registration Fund; requiring a home
10 builder to post the builder registration number on certain properties where the
11 home builder is doing certain work; prohibiting a county or municipal
12 corporation from issuing a building permit for the construction of a new home
13 unless the permit includes the builder registration number of a registered home
14 builder, subject to certain exceptions; requiring a person who advertises that the
15 person is a registered home builder include certain information in the
16 advertisement; requiring the Chief, in consultation with ~~the home building~~
17 ~~industry~~ certain industries, to develop a certain consumer information
18 pamphlet; requiring a home builder to provide a contract purchaser with a
19 consumer information pamphlet prior to entering into a contract for the initial
20 sale of a new home; requiring a home builder to include certain information in a
21 contract for the initial sale of a new home; prohibiting a person from making
22 certain false representations relating to a builder registration number or
23 engaging in business as a home builder without having a current builder
24 registration number; requiring a county or municipal corporation to notify the
25 Chief of the failure of a home builder to correct certain violations after a certain

1 period of time; authorizing the Chief to deny an application or renewal for a
2 builder registration number or revoke or suspend a builder registration number
3 under certain circumstances; requiring a consumer to submit a complaint
4 against a home builder to arbitration and exhaust any remedies available under
5 a new home warranty under certain circumstances subject to certain exceptions;
6 requiring any additional requirements to be placed on home builders to be made
7 in a certain manner; altering the penalty schedule of certain blanket bonds and
8 blanket letters of credit; providing that a violation of certain provisions of this
9 Act is an unfair or deceptive trade practice under the Maryland Consumer
10 Protection Act; limiting the applicable penalties under the Maryland Consumer
11 Protection Act for certain violations to civil penalties; exempting ~~certain~~
12 ~~counties~~ Montgomery County from the application of this Act; defining certain
13 terms; providing for the application of this Act; providing for the termination of
14 certain provisions of this Act; providing for the delayed effective date of this Act;
15 and generally relating to the registration of home builders.

16 BY repealing and reenacting, with amendments,
17 Article - Commercial Law
18 Section 13-301(14) and 13-411
19 Annotated Code of Maryland
20 (1990 Replacement Volume and 1999 Supplement)

21 BY adding to
22 Article - Commercial Law
23 Section 14-2901 through 14-2919, inclusive, to be under the new subtitle
24 "Subtitle 29. Maryland Home Builders Act"
25 Annotated Code of Maryland
26 (1990 Replacement Volume and 1999 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article - Real Property
29 Section 10-302 and 10-303
30 Annotated Code of Maryland
31 (1996 Replacement Volume and 1999 Supplement)

32 BY adding to
33 Article - Real Property
34 Section 14-117(j)
35 Annotated Code of Maryland
36 (1996 Replacement Volume and 1999 Supplement)

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

Article - Commercial Law

1 13-301.

2 Unfair or deceptive trade practices include any:

3 (14) Violation of a provision of:

4 (i) This title;

5 (ii) An order of the Attorney General or agreement of a party
6 relating to unit pricing under Title 14, Subtitle 1 of this article;

7 (iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt
8 Collection Act;

9 (iv) Title 14, Subtitle 3 of this article, the Maryland Door-to-Door
10 Sales Act;

11 (v) Title 14, Subtitle 9 of this article, Kosher Products;

12 (vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;

13 (vii) Section 14-1302 of this article;

14 (viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales
15 Act;

16 (ix) Section 22-415 of the Transportation Article;

17 (x) Title 14, Subtitle 20 of this article;

18 (xi) Title 14, Subtitle 15 of this article, the Automotive Warranty
19 Enforcement Act;

20 (xii) Title 14, Subtitle 21 of this article;

21 (xiii) Section 18-107 of the Transportation Article;

22 (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone
23 Solicitations Act;

24 (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts
25 Act;

26 (xvi) Title 10, Subtitle 6 of the Real Property Article;

27 (xvii) Title 10, Subtitle 8 of the Real Property Article;

28 (xviii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;

29 [or]
30

1 (xix) Title 14, Subtitle 26 of this article, the Maryland Door-to-Door
2 Solicitations Act; or

3 (XX) SECTION 14-2912 OF THIS ARTICLE; OR
4 13-411.

5 (a) Except as provided in subsection (b) of this section, any person who
6 violates any provision of this title is guilty of a misdemeanor and, unless another
7 criminal penalty is specifically provided elsewhere, on conviction is subject to a fine
8 not exceeding \$1,000 or imprisonment not exceeding one year or both, in addition to
9 any civil penalties.

10 (b) A person may not be imprisoned for violation of any provision of an order of
11 the Attorney General or an agreement of a party relating to unit pricing under Title
12 14, Subtitle 1 of this article.

13 (C) THIS SECTION DOES NOT APPLY TO VIOLATIONS OF THE MARYLAND HOME
14 BUILDERS ACT.

15 SUBTITLE 29. MARYLAND HOME BUILDERS ACT.
16 14-2901.

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (B) "BUILDER REGISTRATION NUMBER" MEANS A REGISTRATION NUMBER
20 ISSUED BY THE CHIEF TO A HOME BUILDER UNDER THIS SUBTITLE.

21 (C) "CHIEF" MEANS THE CHIEF OF THE DIVISION.

22 (D) "CONSUMER" MEANS AN OWNER OR A CONTRACT PURCHASER.

23 (E) "CONTRACT PURCHASER" MEANS A PERSON WHO HAS ENTERED INTO A
24 CONTRACT WITH A HOME BUILDER TO PURCHASE A NEW HOME, BUT WHO HAS NOT
25 YET SETTLED ON THE PURCHASE OF THE NEW HOME.

26 ~~(D)~~ (F) "DIVISION" MEANS THE DIVISION OF CONSUMER PROTECTION OF
27 THE OFFICE OF THE ATTORNEY GENERAL.

28 (G) "EXEMPT LENDER" MEANS A LENDER EXEMPT FROM THE REQUIREMENTS
29 OF REGISTRATION AS PROVIDED IN § 14-2902(C) OF THIS SUBTITLE.

30 ~~(E)~~ (H) "FIXTURES" DOES NOT INCLUDE ANY APPLIANCES, GOODS, OR
31 OTHER FEATURES OF A NEW HOME BROUGHT INTO OR INCORPORATED INTO THE
32 NEW HOME THAT ARE COVERED BY MANUFACTURER'S WARRANTIES.

33 ~~(F)~~ (I) "FUND" MEANS THE HOME BUILDERS REGISTRATION FUND.

1 ~~(G)~~ (J) (1) "HOME BUILDER" MEANS A PERSON, AS DEFINED IN § 1-201 OF
2 THIS ARTICLE, THAT:

3 (I) UNDERTAKES TO ERECT OR OTHERWISE CONSTRUCT A NEW
4 HOME;

5 (II) IS A CUSTOM HOME BUILDER, AS DEFINED IN § 10-501 OF THE
6 REAL PROPERTY ARTICLE; OR

7 (III) INSTALLS MANUFACTURED HOMES, RETAILS, OR BROKERS
8 NEW INDUSTRIALIZED BUILDINGS INTENDED FOR RESIDENTIAL USE OR NEW
9 MOBILE HOMES INTENDED FOR RESIDENTIAL USE.

10 (2) "HOME BUILDER" DOES NOT INCLUDE:

11 (I) AN EMPLOYEE OF A HOME BUILDER THAT IS REGISTERED
12 UNDER THIS SUBTITLE OR IS AN EXEMPT LENDER, SO LONG AS THAT EMPLOYEE
13 DOES NOT WORK AS A HOME BUILDER OTHER THAN AS AN EMPLOYEE OF THE
14 REGISTERED ~~HOME BUILDER~~ HOME BUILDER OR EXEMPT LENDER;

15 (II) A SUBCONTRACTOR OR OTHER VENDOR HIRED BY THE HOME
16 BUILDER TO PERFORM SERVICES OR SUPPLY MATERIALS FOR THE CONSTRUCTION
17 OF A NEW HOME AND WHO DOES NOT OTHERWISE MEET THE REQUIREMENTS OF
18 THIS SUBTITLE;

19 (III) A MANUFACTURER OF ~~MANUFACTURED HOMES~~
20 INDUSTRIALIZED BUILDINGS INTENDED FOR RESIDENTIAL USE OR OF MOBILE
21 HOMES, EXCEPT IF THE MANUFACTURER ALSO INSTALLS THE ~~MANUFACTURED~~
22 HOMES INDUSTRIALIZED BUILDINGS OR MOBILE HOMES;

23 (IV) A REAL ESTATE DEVELOPER WHO DOES NOT CONSTRUCT NEW
24 HOMES; OR

25 (V) A PERSON WHO ERECTS OR CONSTRUCTS NEW HOMES SOLELY
26 IN MONTGOMERY COUNTY OR WASHINGTON COUNTY.

27 ~~(H)~~ (K) "INDIVIDUAL APPLICANT" MEANS AN INDIVIDUAL WHO IS A HOME
28 BUILDER AND APPLIES FOR A BUILDER REGISTRATION NUMBER UNDER THIS
29 SUBTITLE.

30 (L) "INDUSTRIALIZED BUILDING" HAS THE MEANING STATED IN ARTICLE 83B,
31 § 6-202 OF THE CODE.

32 ~~(I)~~ (M) "INSTALL" HAS THE MEANING STATED IN ARTICLE 83B, § 6-202 OF
33 THE CODE.

34 ~~(J)~~ "~~MANUFACTURED HOME~~" MEANS A BUILDING MANUFACTURED AT A SITE
35 ~~OTHER THAN THE SITE WHERE THE BUILDING IS INTENDED FOR USE AS A~~
36 ~~RESIDENTIAL DWELLING.~~

1 ~~(K)~~ (N) (1) "MOBILE HOME" HAS THE MEANING STATED IN ARTICLE 83B, §
2 6-202 OF THE CODE.

3 (2) "MOBILE HOME" INCLUDES STRUCTURES CONSTRUCTED TO THE
4 STANDARDS CONTAINED IN 24 CFR PART 3280, "MANUFACTURED HOME
5 CONSTRUCTION AND SAFETY STANDARDS".

6 ~~(L)~~ (O) (1) "NEW HOME" MEANS A NEWLY CONSTRUCTED PRIVATE
7 DWELLING UNIT IN THE STATE AND THE FIXTURES AND STRUCTURE THAT ARE
8 MADE A PART OF THE NEWLY CONSTRUCTED PRIVATE DWELLING UNIT AT THE TIME
9 OF CONSTRUCTION.

10 (2) "NEW HOME" INCLUDES SINGLE-FAMILY RESIDENTIAL UNITS AND
11 CUSTOM HOMES, AS DEFINED IN § 10-501 OF THE REAL PROPERTY ARTICLE.

12 ~~(M)~~ (P) (1) "OWNER" MEANS A PERSON FOR WHOM A NEW HOME IS BUILT
13 OR TO WHOM A NEW HOME IS SOLD, FOR RESIDENTIAL OCCUPANCY BY THE PERSON
14 OR THE FAMILY OF THE PERSON.

15 (2) "OWNER" INCLUDES A CONTRACT PURCHASER WHO HAS ENTERED
16 INTO A CONTRACT WITH A HOME BUILDER FOR THE CONSTRUCTION AND PURCHASE
17 OF A NEW HOME.

18 (3) "OWNER" DOES NOT INCLUDE:

19 (I) A DEVELOPMENT COMPANY, ASSOCIATION, OR SUBSIDIARY
20 COMPANY OF THE HOME BUILDER; OR

21 (II) A PERSON TO WHOM THE NEW HOME ~~MAY BE~~ IS CONVEYED BY
22 THE HOME BUILDER FOR A PURPOSE OTHER THAN RESIDENTIAL OCCUPANCY.

23 ~~(N)~~ (Q) "PRINCIPAL" MEANS:

24 (1) ~~ALL OFFICERS, DIRECTORS, GENERAL PARTNERS, AND LIMITED~~
25 ~~LIABILITY COMPANY MANAGERS~~ EACH OFFICER, DIRECTOR, GENERAL PARTNER, AND
26 LIMITED LIABILITY COMPANY MANAGER OF THE HOME BUILDER, AS APPLICABLE;
27 AND

28 (2) IN THE CASE OF A BUSINESS ENTITY THAT DOES NOT HAVE
29 SECURITIES REGISTERED FOR TRADING ON A NATIONAL EXCHANGE, THE NAMES,
30 ADDRESSES, AND SOCIAL SECURITY NUMBERS OF ALL INDIVIDUALS HOLDING A 35%
31 OR GREATER OWNERSHIP INTEREST IN THE HOME BUILDER.

32 4-2902.

33 (A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON
34 MAY NOT CLAIM TO BE A HOME BUILDER OR ACT AS A HOME BUILDER UNLESS THE
35 PERSON HAS BEEN ISSUED A BUILDER REGISTRATION NUMBER BY THE CHIEF IN
36 ACCORDANCE WITH THIS SUBTITLE.

1 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A CONTRACT
2 FOR THE PERFORMANCE OF ANY ACT FOR WHICH A BUILDER REGISTRATION
3 NUMBER IS REQUIRED IS NOT ENFORCEABLE UNLESS THE HOME BUILDER WAS
4 REGISTERED AT THE TIME THE CONTRACT WAS SIGNED BY THE OWNER.

5 (C) THE FOLLOWING LENDERS ARE EXEMPT FROM THE REQUIREMENTS
6 RELATING TO REGISTRATION UNDER THIS SUBTITLE WHEN THE LENDER
7 UNDERTAKES TO COMPLETE A HOME BUILDER'S UNFINISHED PROJECT PURSUANT
8 TO A DEFAULT IN OBLIGATIONS OF THE HOME BUILDER TO THE LENDER:

9 (1) A MORTGAGE LENDER AS DEFINED IN § 11-501(J)(1)(II) OF THE
10 FINANCIAL INSTITUTIONS ARTICLE THAT IS A LICENSEE UNDER TITLE 11, SUBTITLE
11 5 OF THE FINANCIAL INSTITUTIONS ARTICLE;

12 (2) A BANK, TRUST COMPANY, SAVINGS BANK, SAVINGS AND LOAN
13 ASSOCIATION, OR CREDIT UNION INCORPORATED OR CHARTERED UNDER THE LAWS
14 OF THIS STATE OR THE UNITED STATES THAT MAINTAINS ITS PRINCIPAL OFFICE IN
15 THIS STATE;

16 (3) AN OUT-OF-STATE BANK AS DEFINED IN § 5-1001 OF THE FINANCIAL
17 INSTITUTIONS ARTICLE THAT HAS A BRANCH IN THIS STATE THAT ACCEPTS
18 DEPOSITS;

19 (4) AN INSTITUTION INCORPORATED UNDER FEDERAL LAW AS A
20 SAVINGS ASSOCIATION OR SAVINGS BANK THAT DOES NOT MAINTAIN ITS PRINCIPAL
21 OFFICE IN THIS STATE BUT HAS A BRANCH THAT ACCEPTS DEPOSITS IN THIS STATE;
22 AND

23 (5) A SUBSIDIARY OR AFFILIATE OF AN INSTITUTION DESCRIBED IN
24 PARAGRAPH (2), (3), OR (4) OF THIS SUBSECTION THAT IS SUBJECT TO AUDIT OR
25 EXAMINATION BY A REGULATORY BODY OR AGENCY OF THIS STATE, THE UNITED
26 STATES, OR THE STATE WHERE THE SUBSIDIARY OR AFFILIATE MAINTAINS ITS
27 PRINCIPAL OFFICE.

28 (D) AN EXEMPT LENDER IS SUBJECT ONLY TO §§ 14-2908, 14-2909, 14-2910,
29 14-2911, 14-2912, 14-2913, 14-2915, AND 14-2916 OF THIS SUBTITLE.

30 14-2903.

31 (A) A PERSON SEEKING A BUILDER REGISTRATION NUMBER SHALL SUBMIT
32 TO THE CHIEF A WRITTEN APPLICATION UNDER OATH ON A FORM PROVIDED BY THE
33 CHIEF.

34 (B) THE APPLICATION SHALL INCLUDE:

35 (1) THE APPLICANT'S NAME;

36 (2) THE PRINCIPAL BUSINESS ADDRESS AND TELEPHONE NUMBER OF
37 THE APPLICANT;

1 (3) IF THE APPLICANT IS AN INDIVIDUAL APPLICANT, THE SOCIAL
2 SECURITY NUMBER OF THE APPLICANT;

3 (4) IF THE APPLICANT IS A BUSINESS ENTITY OR ORGANIZATION:

4 (I) THE APPLICANT'S FEDERAL EMPLOYER IDENTIFICATION
5 NUMBER; AND

6 (II) THE NAMES, ADDRESSES, AND SOCIAL SECURITY NUMBERS OF
7 ALL PRINCIPALS OF THE APPLICANT;

8 (5) A STATEMENT INDICATING WHETHER OR NOT THE APPLICANT HAS
9 PREVIOUSLY APPLIED FOR REGISTRATION IN THIS STATE AND THE DISPOSITION OF
10 ALL PRIOR APPLICATIONS;

11 (6) A LIST OF ALL STATES AND OTHER JURISDICTIONS IN WHICH THE
12 APPLICANT PRESENTLY HOLDS A SIMILAR REGISTRATION OR LICENSE;

13 (7) A STATEMENT INDICATING WHETHER THERE ARE ANY UNSATISFIED
14 JUDGMENTS OR TAX LIENS AGAINST THE APPLICANT;

15 (8) (I) THE ELECTION MADE BY THE APPLICANT REGARDING THE
16 HOLDING OF DEPOSIT MONEYS UNDER § 10-301 OF THE REAL PROPERTY ARTICLE;
17 AND

18 (II) IF THE APPLICANT ELECTS TO HOLD DEPOSITS IN AN ESCROW
19 ACCOUNT, THE ACCOUNT NUMBER AND NAME OF THE FINANCIAL INSTITUTION IN
20 WHICH THE ACCOUNT IS BEING HELD;

21 (9) IF THE APPLICANT PARTICIPATES IN A NEW HOME WARRANTY
22 SECURITY PLAN, THE NAME AND ADDRESS OF THE WARRANTY COMPANY; AND

23 (10) THE NAME OF THE INSURER THAT PROVIDES THE APPLICANT WITH
24 GENERAL LIABILITY INSURANCE AND THE POLICY NUMBERS OF ~~ANY~~ ALL SUCH
25 POLICIES.

26 (C) EACH APPLICATION SHALL BE ACCOMPANIED BY A NONREFUNDABLE FEE
27 OF \$100.

28 (D) THE CHIEF SHALL ISSUE A BUILDER REGISTRATION NUMBER TO EACH
29 APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

30 14-2904.

31 (A) UNLESS A BUILDER REGISTRATION NUMBER IS RENEWED AS PROVIDED
32 IN THIS SECTION, THE BUILDER REGISTRATION NUMBER SHALL EXPIRE ON THE
33 LAST DAY OF THE 24TH MONTH FOLLOWING THE EFFECTIVE DATE OF THE ISSUANCE
34 OF THE BUILDER REGISTRATION NUMBER.

1 (B) AT LEAST 60 DAYS BEFORE A BUILDER REGISTRATION NUMBER EXPIRES,
2 THE CHIEF SHALL MAIL TO THE REGISTRANT, AT THE REGISTRANT'S LAST KNOWN
3 ADDRESS:

4 (1) A RENEWAL APPLICATION FORM; AND

5 (2) A NOTICE THAT STATES:

6 (I) THE DATE ON WHICH THE CURRENT BUILDER REGISTRATION
7 NUMBER EXPIRES; AND

8 (II) THE DATE BY WHICH THE CHIEF MUST RECEIVE THE RENEWAL
9 APPLICATION FOR A RENEWAL TO BE ISSUED AND MAILED BEFORE THE CURRENT
10 BUILDER REGISTRATION NUMBER EXPIRES.

11 (C) EACH RENEWAL APPLICATION SUBMITTED TO THE CHIEF SHALL BE
12 ACCOMPANIED BY A NONREFUNDABLE FEE OF \$100.

13 (D) THE CHIEF SHALL RENEW THE BUILDER REGISTRATION NUMBER OF
14 EACH REGISTRANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

15 14-2905.

16 A HOME BUILDER MAY NOT TRANSFER, ASSIGN, OR PLEDGE A BUILDER
17 REGISTRATION NUMBER.

18 14-2906.

19 (A) (1) THERE IS A HOME BUILDER'S REGISTRATION FUND.

20 (2) THE FUND IS A CONTINUING, NONLAPSING FUND AND IS NOT
21 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

22 (3) ANY UNSPENT PORTIONS OF THE FUND SHALL REMAIN IN THE FUND
23 AND MAY NOT REVERT OR BE TRANSFERRED TO THE GENERAL FUND OF THE STATE.

24 (B) THE CHIEF SHALL PAY ALL FEES COLLECTED UNDER THIS SUBTITLE TO
25 THE COMPTROLLER OF THE STATE, WHO SHALL DISTRIBUTE THE FEES TO THE
26 FUND.

27 (C) THE CHIEF SHALL ADMINISTER THE FUND.

28 (D) THE CHIEF MAY ONLY WITHDRAW AND USE MONEY FROM THE FUND FOR
29 THE PURPOSES OF COMPLYING WITH AND ENFORCING THIS SUBTITLE, INCLUDING
30 THE HIRING OF STAFF NECESSARY FOR THE ADMINISTRATION OF THIS SUBTITLE.

31 (E) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND
32 TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT
33 ARTICLE.

1 14-2907.

2 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A HOME BUILDER SHALL
3 POST PROMINENTLY THE BUILDER REGISTRATION NUMBER OF THE HOME BUILDER
4 AT EACH PROPERTY WHERE THE HOME BUILDER IS DOING ANY WORK FOR WHICH
5 REGISTRATION IS REQUIRED UNDER THIS SUBTITLE.

6 (B) IF A HOME BUILDER IS DOING WORK ON MULTIPLE NEW HOMES WITHIN
7 ONE PROJECT OR SUBDIVISION, THE HOME BUILDER IS ONLY REQUIRED TO POST
8 THE HOME BUILDER'S BUILDER REGISTRATION NUMBER AT ONE CENTRAL
9 LOCATION IN THE PROJECT OR SUBDIVISION AND NOT AT EACH INDIVIDUAL HOME
10 SITE.

11 14-2908.

12 (A) NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO RELIEVE A HOME
13 BUILDER FROM THE OBLIGATION TO OBTAIN ALL OTHER PERMITS, LICENSES, AND
14 OTHER AUTHORIZATIONS FOR THE CONSTRUCTION OF A NEW HOME.

15 (B) EXCEPT AS PROVIDED IN ~~SUBSECTION (C)~~ SUBSECTIONS (C) AND (D) OF
16 THIS SECTION, A COUNTY OR MUNICIPAL CORPORATION MAY NOT ISSUE A BUILDING
17 PERMIT FOR THE CONSTRUCTION OF A NEW HOME UNLESS THE PERMIT INCLUDES
18 THE BUILDER REGISTRATION NUMBER OF A REGISTERED HOME BUILDER.

19 (C) A COUNTY OR MUNICIPAL CORPORATION MAY ISSUE A BUILDING PERMIT
20 WITHOUT A BUILDER REGISTRATION NUMBER FOR THE CONSTRUCTION OF A NEW
21 HOME IF:

22 (1) THE PERMIT IS FOR THE CONSTRUCTION OF A NEW HOME THAT
23 WILL BE PERFORMED DIRECTLY BY THE OWNER OF THE PROPERTY;

24 (2) THE NEW HOME IS SOLELY FOR THE USE OF THE OWNER OF THE
25 PROPERTY; AND

26 (3) BEFORE ISSUING THE PERMIT, THE COUNTY OR MUNICIPAL
27 CORPORATION OBTAINS THE SIGNATURE OF THE PROPERTY OWNER CONFIRMING
28 THAT THE PERMIT IS BEING ISSUED SOLELY FOR THE PURPOSE OF THE OWNER OF
29 THE PROPERTY TO PERFORM WORK ON THE PROPERTY.

30 (D) A COUNTY OR MUNICIPAL CORPORATION MAY ISSUE A BUILDING PERMIT
31 REQUESTED BY AN EXEMPT LENDER WITHOUT A BUILDER REGISTRATION NUMBER.

32 14-2909.

33 A PERSON MAY NOT ADVERTISE IN ANY WAY THAT THE PERSON IS REGISTERED
34 UNDER THIS SUBTITLE AS A HOME BUILDER UNLESS THE ADVERTISEMENT STATES
35 THE BUILDER REGISTRATION NUMBER OF THE PERSON IN ONE OF THE FOLLOWING
36 FORMS:

37 "MARYLAND HOME BUILDER REGISTRATION NO. _____"; OR

1 "MHBR NO. _____"

2 14-2910.

3 (A) IN CONSULTATION WITH THE HOME BUILDING INDUSTRY, THE
4 INDUSTRIALIZED BUILDING INDUSTRY, AND THE MOBILE HOME INDUSTRY, THE
5 CHIEF SHALL DEVELOP A CONSUMER INFORMATION PAMPHLET WRITTEN IN PLAIN
6 ENGLISH THAT DESCRIBES:

7 (1) THE RIGHTS AND REMEDIES OF CONSUMERS IN THE PURCHASE OF A
8 NEW HOME; AND

9 (2) ANY OTHER INFORMATION THAT THE CHIEF CONSIDERS
10 REASONABLY NECESSARY TO ASSIST CONSUMERS IN CONNECTION WITH THE
11 PURCHASE OF A NEW HOME.

12 (B) THE CHIEF SHALL PROVIDE EACH REGISTERED HOME BUILDER WITH A
13 SUFFICIENT NUMBER OF COPIES OF THE CONSUMER INFORMATION PAMPHLETS AS
14 NEEDED BY THE HOME BUILDER.

15 (C) A HOME BUILDER SHALL PROVIDE EACH CONTRACT PURCHASER WITH
16 THE CONSUMER INFORMATION PAMPHLET BEFORE ENTERING INTO A CONTRACT
17 FOR THE INITIAL SALE OF A NEW HOME.

18 (D) THE CONTRACT PURCHASER SHALL ACKNOWLEDGE IN WRITING THE
19 RECEIPT OF THE CONSUMER INFORMATION PAMPHLET.

20 (E) THE FAILURE OF A HOME BUILDER TO PROVIDE A COPY OF THE
21 CONSUMER PROTECTION PAMPHLET TO A CONTRACT PURCHASER MAY NOT BE USED
22 AS A BASIS FOR INVALIDATION OF THE CONTRACT FOR THE INITIAL SALE OF A NEW
23 HOME.

24 14-2911.

25 (A) A HOME BUILDER SHALL INCLUDE IN ANY CONTRACT FOR THE INITIAL
26 SALE OF A NEW HOME THE INFORMATION REQUIRED UNDER § 14-117(J) OF THE REAL
27 PROPERTY ARTICLE.

28 (B) THE FAILURE OF A HOME BUILDER TO INCLUDE THE INFORMATION
29 REQUIRED UNDER § 14-117(J) OF THE REAL PROPERTY ARTICLE MAY NOT BE USED AS
30 A BASIS FOR INVALIDATION OF THE CONTRACT FOR THE INITIAL SALE OF A NEW
31 HOME.

32 14-2912.

33 A PERSON MAY NOT ~~KNOWINGLY AND INTENTIONALLY~~:

34 (1) KNOWINGLY AND INTENTIONALLY PRESENT OR ATTEMPT TO
35 PRESENT THE BUILDER REGISTRATION NUMBER OF ANOTHER AS THE PERSON'S
36 OWN;

1 (2) GIVE FALSE INFORMATION OF A MATERIAL NATURE TO THE CHIEF
2 FOR THE PURPOSE OF OBTAINING A BUILDER REGISTRATION NUMBER;

3 (3) FALSELY REPRESENT THAT THE PERSON IS A REGISTERED HOME
4 BUILDER;

5 (4) KNOWINGLY AND INTENTIONALLY USE OR ATTEMPT TO USE A
6 BUILDER REGISTRATION NUMBER THAT HAS EXPIRED, BEEN SUSPENDED, OR BEEN
7 REVOKED; OR

8 (5) KNOWINGLY AND INTENTIONALLY ENGAGE IN THE BUSINESS OF A
9 HOME BUILDER WITHOUT HAVING A CURRENT BUILDER REGISTRATION NUMBER
10 UNLESS THE SELLER IS AN EXEMPT LENDER.

11 14-2913.

12 A COUNTY OR MUNICIPAL CORPORATION SHALL NOTIFY THE CHIEF OF EACH
13 HOME BUILDER AGAINST WHOM A FINAL DETERMINATION AND ORDER HAS BEEN
14 ISSUED FOR FAILURE TO CORRECT A VIOLATION OF THE APPLICABLE ~~LOCAL~~
15 MUNICIPAL, COUNTY, OR STATE BUILDING CODE WITHIN THE TIME ALLOWED BY
16 THE COUNTY OR MUNICIPAL CORPORATION AFTER THE ~~HOME BUILDER~~ HOME
17 BUILDER RECEIVED NOTICE OF THE VIOLATION AND AT LEAST 90 DAYS HAVE
18 PASSED WITHOUT THE HOME BUILDER DILIGENTLY ATTEMPTING TO RESOLVE THE
19 BUILDING CODE VIOLATION.

20 14-2914.

21 (A) THE CHIEF MAY DENY AN APPLICATION OR RENEWAL FOR A BUILDER
22 REGISTRATION NUMBER OR REVOKE OR SUSPEND A BUILDER REGISTRATION
23 NUMBER, IF THE CHIEF CONDUCTS AN INVESTIGATION AND CONCLUDES IN A FINAL
24 ORDER THAT THE APPLICANT OR REGISTERED HOME BUILDER HAS KNOWINGLY AND
25 INTENTIONALLY:

26 (1) ENGAGED IN A PATTERN OF POOR WORKMANSHIP AS EVIDENCED BY
27 ONE OR MORE OF THE FOLLOWING:

28 (I) REPEATED UNRESOLVED BUILDING CODE VIOLATIONS OF
29 WHICH THE CHIEF HAS BEEN NOTIFIED UNDER § 14-2913 OF THIS SUBTITLE;

30 (II) REPEATED UNSATISFIED ARBITRATION AWARDS AGAINST THE
31 APPLICANT OR REGISTERED HOME BUILDER BASED ON INCOMPLETE OR
32 SUBSTANDARD WORK THAT RESULTS IN THE CONSUMERS, IN WHOSE NAMES THE
33 ARBITRATION AWARDS ARE ENTERED, FILING COMPLAINTS WITH THE CHIEF UNDER
34 THIS SUBTITLE; OR

35 (III) AN UNSATISFIED FINAL JUDGMENT THAT RESULTS IN A
36 CONSUMER, IN WHOSE NAME THE JUDGMENT IS ENTERED, FILING A COMPLAINT
37 WITH THE CHIEF UNDER TITLE 13 OF THIS ARTICLE;

38 (2) VIOLATED ANY PROVISION OF § 14-2912 OF THIS SUBTITLE; OR

1 (3) VIOLATED ANY PROVISION OF § 14-117(J) OF THE REAL PROPERTY
2 ARTICLE.

3 (B) THE CHIEF MAY DENY AN APPLICATION OR RENEWAL FOR A BUILDER
4 REGISTRATION NUMBER IF:

5 (1) THE INDIVIDUAL APPLICANT OR A PRINCIPAL OF THE APPLICANT OR
6 REGISTERED HOME BUILDER HAS HELD A SIMILAR POSITION WITH A HOME BUILDER
7 WHO HAS HAD A SIMILAR REGISTRATION OR LICENSE DENIED OR REVOKED BY THE
8 CHIEF OR ANOTHER STATE OR JURISDICTION, FOR ANY CAUSE OTHER THAN
9 FAILURE TO PAY A RENEWAL FEE;

10 (2) THE CHIEF CONDUCTS AN INVESTIGATION INTO THE DENIAL OR
11 REVOCATION OF THE PRIOR REGISTRATION OR LICENSE; AND

12 (3) AFTER THE INVESTIGATION, THE CHIEF CONCLUDES IN A FINAL
13 ORDER THAT THE DENIAL OR REVOCATION OF THE PRIOR REGISTRATION OR
14 LICENSE RESULTED SOLELY OR PRIMARILY FROM THE ACTS OF:

15 (I) THE INDIVIDUAL APPLICANT OR REGISTERED HOME BUILDER;
16 OR

17 (II) A PRINCIPAL OF THE INDIVIDUAL APPLICANT OR REGISTERED
18 HOME BUILDER WHOSE APPLICATION OR RENEWAL IS THEN UNDER
19 CONSIDERATION BY THE CHIEF.

20 (C) AN APPLICANT OR REGISTERED HOME BUILDER WHOSE APPLICATION OR
21 RENEWAL IS DENIED MAY APPEAL THE DECISION OF THE CHIEF AS PROVIDED IN
22 THE ADMINISTRATIVE PROCEDURE ACT.

23 14-2915.

24 A PERSON WHO VIOLATES ANY PROVISION OF § 14-2912 OF THIS SUBTITLE IS
25 GUILTY OF AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF
26 TITLE 13 OF THIS ARTICLE.

27 14-2916.

28 (A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A CONSUMER
29 SHALL COMPLY WITH SUBSECTION (B) OF THIS SECTION BEFORE THE CONSUMER
30 MAY FILE A COMPLAINT WITH THE DIVISION UNDER TITLE 13 OF THIS ARTICLE FOR:

31 (1) AN ALLEGED VIOLATION OF ANY PROVISION OF THIS SUBTITLE;

32 (2) AN ALLEGED FAILURE OF A HOME BUILDER TO COMPLY WITH THE
33 TERMS OF A CONTRACT FOR THE INITIAL SALE OF A NEW HOME; OR

34 (3) AN ALLEGED FAILURE OF A HOME BUILDER TO CONSTRUCT A NEW
35 HOME TO THE PROPER PERFORMANCE STANDARDS OF A NEW HOME AS SET FORTH
36 IN THE CONTRACT.

1 (B) BEFORE FILING A COMPLAINT UNDER SUBSECTION (A) OF THIS SECTION,
2 A CONSUMER SHALL:

3 (1) SUBMIT THE MATTER TO ARBITRATION UNDER TITLE 3, SUBTITLE 2
4 OF THE COURTS ARTICLE AND OBTAIN A FINAL DISPOSITION; AND

5 (2) EXHAUST ANY REMEDIES AVAILABLE UNDER A NEW HOME
6 WARRANTY ISSUED BY A THIRD PARTY INSURED WARRANTY COMPANY, PURSUANT
7 TO TITLE 10, SUBTITLE 6 OF THE REAL PROPERTY ARTICLE.

8 (C) (1) THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION DO NOT
9 APPLY TO THIS SUBSECTION.

10 (2) (I) A CONSUMER MAY FILE A COMPLAINT WITH THE DIVISION
11 UNDER TITLE 13 OF THIS ARTICLE UPON PROVIDING PROOF TO THE DIVISION THAT A
12 CONDITION OR DEFECT TO A NEW HOME THAT SUBJECTS THE PERSON'S LIFE,
13 SAFETY, OR WELL-BEING TO IMMINENT DANGER.

14 (II) THE DIVISION'S INVESTIGATION OF A COMPLAINT FILED
15 UNDER THIS PARAGRAPH SHALL BE LIMITED SOLELY TO THE CONDITION OR DEFECT
16 THAT SUBJECTS THE PERSON'S LIFE, SAFETY, OR WELL-BEING TO IMMINENT
17 DANGER.

18 (3) A CONSUMER MAY FILE A COMPLAINT WITH THE DIVISION UNDER
19 TITLE 13 OF THIS ARTICLE IF THE CONSUMER HAS OBTAINED A FINAL JUDGMENT
20 AGAINST A HOME BUILDER AND THE HOME BUILDER HAS FAILED TO SATISFY THAT
21 JUDGMENT.

22 (D) WHEN A CONSUMER SUBMITS A CLAIM TO ARBITRATION UNDER
23 SUBSECTION (B) OF THIS SECTION, ANY PERFORMANCE STANDARDS OR GUIDELINES
24 REFERENCED IN THE CONTRACT OF SALE FOR THE NEW HOME PURSUANT TO §
25 14-117(J)(2)(III) OF THE REAL PROPERTY ARTICLE SHALL ~~PREVAIL~~ APPLY IN THE
26 ARBITRATION.

27 ~~(E) UPON FILING A COMPLAINT TO SUBSECTION (A) ABOVE, A CONSUMER~~
28 ~~SHALL HAVE THE RIGHT TO REQUEST THAT THE DIVISION INVOKE THE~~
29 ~~CONCILIATION PROCESS SET FORTH IN 13-402 OF THIS ARTICLE.~~

30 (E) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO
31 THE CONTRARY, AT ANY TIME BEFORE FILING A COMPLAINT UNDER SUBSECTION (A)
32 OF THIS SECTION, A CONSUMER MAY REQUEST THAT AN ALLEGED DISPUTE
33 BETWEEN THE CONSUMER AND A HOME BUILDER THAT MEETS THE REQUIREMENTS
34 OF SUBSECTION (A)(1) THROUGH (3) OF THIS SECTION OR § 13-301 OF THIS ARTICLE,
35 BE SUBMITTED TO THE CONCILIATION PROCESS AVAILABLE THROUGH THE
36 DIVISION SET FORTH IN § 13-402 OF THIS ARTICLE.

37 (2) THE FILING OF A COMPLAINT BY THE CONSUMER UNDER § 13-401 OF
38 THIS ARTICLE IS NOT A PREREQUISITE TO A CONSUMER INVOKING THE
39 CONCILIATION PROCESS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

1 (3) THE RESULT OF A CONCILIATION PROCESS:

2 (I) MAY NOT BE DEEMED AS A COMPLAINT FILED WITH THE
3 DIVISION AGAINST THE HOME BUILDER; AND

4 (II) DOES NOT WAIVE THE REQUIREMENTS OF THIS SECTION
5 REGARDING FILING A COMPLAINT WITH THE DIVISION.

6 14-2917.

7 (A) THIS SUBTITLE DOES NOT AUTHORIZE THE CHIEF TO ADOPT RULES,
8 REGULATIONS, OR STANDARDS APPLICABLE TO HOME BUILDERS OR OTHER SUBJECT
9 MATTER OF THIS SUBTITLE.

10 (B) ANY ADDITIONAL REQUIREMENTS TO BE PLACED ON HOME BUILDERS
11 SHALL BE MADE ~~THROUGH CHANGES TO~~ ONLY BY AMENDMENT OF THIS SUBTITLE.

12 14-2918.

13 SUBJECT TO THE MARYLAND PROGRAM EVALUATION ACT, THIS SUBTITLE
14 SHALL TERMINATE AND BE OF NO EFFECT AFTER OCTOBER 1, 2004.

15 14-2919.

16 THIS SUBTITLE MAY BE CITED AS THE "MARYLAND HOME BUILDERS ACT".

17 **Article - Real Property**

18 10-302.

19 (a) The bond shall be payable to the State for the use and benefit of every
20 person protected by the provisions of this subtitle. The vendor or purchaser shall
21 deposit the bond with the Department of Labor, Licensing, and Regulation.

22 (b) The corporate surety bond obtained pursuant to the provisions of §
23 10-301(a) shall be in a form approved by the Department of Labor, Licensing, and
24 Regulation. The bond may be either in the form of an individual bond for each deposit
25 accepted by a vendor or builder or if the total amount of money and deposits accepted
26 by the builder or vendor exceeds \$10,000, it may be in the form of a blanket bond
27 assuring the return of the deposits received by the vendor or builder.

28 (c) If the bond is a blanket bond, the penalty of the bond shall be in accordance
29 with the following schedule:

30 Total Amount of Deposits Held	Penalty of Bond
31 (1) \$10,000 to [\$75,000] \$100,000	Full amount of deposit held
32 (2) [\$75,000] \$100,000 to \$200,000	[\$75,000] \$100,000
33 (3) \$200,000 to \$500,000	\$200,000

1 (4) Over \$500,000 \$500,000

2 (d) For the purpose of determining the penalty of any blanket bond which the
 3 vendor or builder maintains in any calendar year, the total amount of deposits
 4 considered held by a vendor or builder shall be determined as of May 31 of any given
 5 calendar year and the penalty of the bond shall be in accordance with the amount of
 6 deposits held as of May 31.

7 10-303.

8 (a) An irrevocable letter of credit obtained under § 10-301 of this subtitle shall
 9 be:

10 (1) Payable to the Department of Labor, Licensing, and Regulation for
 11 the use and benefit of every person protected by the provisions of this subtitle; and

12 (2) In a form approved by the Department.

13 (b) An irrevocable letter of credit may be either in the form of an individual
 14 letter of credit for each deposit accepted by a vendor or builder or if the total amount
 15 of money and deposits accepted by the builder exceeds \$10,000, the letter of credit
 16 may be in the form of a blanket letter of credit assuring the return of the deposits
 17 received by the vendor or builder.

18 (c) If the letter of credit is a blanket letter of credit, the amount of the letter of
 19 credit shall be in accordance with the following schedule:

20 Total Amount of Deposits Held	Amount of Letter of Credit
21 (1) \$10,000 to [\$75,000] \$100,000	Full amount of deposit held
22 (2) [\$75,000] \$100,000 to \$200,000	[\$75,000] \$100,000
23 (3) \$200,000 to \$500,000	\$200,000
24 (4) Over \$500,000	\$500,000

25 (d) For the purpose of determining the amount of any blanket letter of credit
 26 which the vendor or builder maintains in any calendar year, the total amount of
 27 deposits considered held by a vendor or builder shall be determined as of May 31 of
 28 any given calendar year and the amount of the letter of credit shall be in accordance
 29 with the amount of deposits held as of May 31.

30 14-117.

31 (J) (1) THIS SUBSECTION APPLIES TO BALTIMORE CITY AND ALL OTHER
 32 COUNTIES EXCEPT MONTGOMERY COUNTY ~~AND WASHINGTON COUNTY.~~

33 (2) A CONTRACT FOR THE INITIAL SALE OF A NEW HOME, AS DEFINED IN
 34 § 14-2901 OF THE COMMERCIAL LAW ARTICLE, SHALL INCLUDE THE FOLLOWING:

1 (I) THE BUILDER REGISTRATION NUMBER OF THE SELLER OF THE
2 NEW HOME UNLESS THE SELLER IS AN EXEMPT LENDER AS DEFINED IN § 14-901 OF
3 THE COMMERCIAL LAW ARTICLE;

4 (II) A PROVISION STATING THAT THE NEW HOME SHALL BE
5 CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE BUILDING CODES IN EFFECT
6 AT THE TIME OF THE CONSTRUCTION OF THE NEW HOME;

7 (III) A PROVISION REFERENCING ALL PERFORMANCE STANDARDS
8 OR GUIDELINES:

9 1. THAT THE SELLER SHALL COMPLY WITH IN THE
10 CONSTRUCTION OF THE NEW HOME; AND

11 2. THAT SHALL ~~PREVAIL~~ APPLY IN THE PERFORMANCE OF
12 THE CONTRACT AND ANY ARBITRATION OR ADJUDICATION OF A CLAIM ARISING
13 FROM THE CONTRACT;

14 (IV) A PROVISION DETAILING THE PURCHASER'S RIGHT TO RECEIVE
15 A CONSUMER INFORMATION PAMPHLET AS PROVIDED UNDER § 14-2911 OF THE
16 COMMERCIAL LAW ARTICLE; AND

17 (V) A PROVISION THAT SUMMARIZES THE ARBITRATION
18 REQUIREMENTS AND THE EXCEPTIONS TO THOSE REQUIREMENTS UNDER § 14-2916
19 OF THE COMMERCIAL LAW ARTICLE.

20 (3) THE PERFORMANCE STANDARDS OR GUIDELINES DESCRIBED IN
21 PARAGRAPH (J)(2) OF THIS SUBSECTION SHALL BE:

22 (I) THE PERFORMANCE STANDARDS OR GUIDELINES ADOPTED AT
23 THE TIME OF THE CONTRACT BY THE NATIONAL ASSOCIATION OF HOME BUILDERS;

24 (II) ANY PERFORMANCE STANDARDS OR GUIDELINES ADOPTED BY
25 THE HOME BUILDER AND INCORPORATED INTO THE CONTRACT THAT ARE EQUAL TO
26 OR MORE STRINGENT THAN THE PERFORMANCE STANDARDS ADOPTED AT THE TIME
27 OF THE CONTRACT BY THE NATIONAL ASSOCIATION OF HOME BUILDERS; OR

28 (III) ANY PERFORMANCE STANDARDS OR GUIDELINES ADOPTED AT
29 THE TIME OF THE CONTRACT BY A COUNTY OR MUNICIPAL CORPORATION THAT ARE
30 EQUAL TO OR MORE STRINGENT THAN THE PERFORMANCE STANDARDS OR
31 GUIDELINES ADOPTED AT THE TIME OF THE CONTRACT BY THE NATIONAL
32 ASSOCIATION OF HOME BUILDERS.

33 (4) THE INFORMATION REQUIRED BY PARAGRAPH (2) OF THIS
34 SUBSECTION SHALL BE PRINTED IN CONSPICUOUS TYPE.

35 (5) SUBJECT TO THE MARYLAND PROGRAM EVALUATION ACT, THIS
36 SUBSECTION SHALL TERMINATE AND BE OF NO EFFECT AFTER OCTOBER 1, 2004.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
2 construed only prospectively and may not be applied or interpreted to have any effect
3 on or application to any act or omission of a home builder arising before the effective
4 date of this Act.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall supersede
6 any existing laws of any county or municipal corporation in the State of Maryland or
7 the City of Baltimore regarding registration of home builders with the exception of
8 Montgomery County ~~and Washington County~~ where the provisions of this Act do not
9 apply.

10 SECTION 4. AND BE IT FURTHER ENACTED, That the Consumer Protection
11 Division of the Office of the Attorney General shall convene a study panel during the
12 2004 Interim, to be staffed by the Office of Attorney General, which includes members
13 of the Senate of Maryland, appointed by the President of the Senate, members of the
14 House of Delegates, appointed by the Speaker of the House, representatives of the
15 Department of Labor, Licensing, and Regulation, appointed by the Governor, and
16 representatives of the home builder industry appointed by the Governor. The study
17 panel shall review the feasibility of a new home builder guaranty fund. The Office of
18 the Attorney General shall report to the Senate Finance Committee and the House
19 Economic Matters Committee, in accordance with § 2-1246 of the State Government
20 Article, on the study panel's recommendations on or before December 1, 2004.

21 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 January 1, 2001.