

SENATE BILL 362

Unofficial Copy  
C2

2000 Regular Session  
(01r2439)

**ENROLLED BILL**

-- Economic and Environmental Affairs/Economic Matters --

Introduced by **Chairman, Economic and Environmental Affairs Committee**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

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 Commission; ~~phasing in an increase~~  
8 ~~on increasing~~ the limitation on recovery from the Home Improvement Guaranty  
9 Fund for certain persons; requiring that an evaluation of the Commission and  
10 the statutes and regulations that relate to the Commission be performed on or  
11 before a certain date; requiring the Department of Labor, Licensing, and  
12 Regulation to submit a certain report by a certain date; and generally relating to  
13 the Maryland Home Improvement Commission.

14 BY repealing and reenacting, with amendments,  
15 Article - Business Regulation  
16 Section 8-405(e) and 8-702

1 Annotated Code of Maryland  
2 (1998 Replacement Volume and 1999 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article - State Government  
5 Section 8-403(a)  
6 Annotated Code of Maryland  
7 (1999 Replacement Volume)

8 BY repealing and reenacting, without amendments,  
9 Article - State Government  
10 Section 8-403(e)  
11 Annotated Code of Maryland  
12 (1999 Replacement Volume)

13 BY adding to  
14 Article - State Government  
15 Section 8-403(m)  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume)

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

20 **Article - Business Regulation**

21 8-405.

22 (e) ~~(1)~~ ~~{The} UNTIL OCTOBER 1, 2001, THE~~ Commission may not award from  
23 the Fund:

24 ~~{(1)}~~ ~~(1)~~ more than [\$10,000] ~~\$12,500~~ \$15,000 to 1 claimant for acts or  
25 omissions of 1 contractor;

26 ~~{(2)}~~ ~~(2)~~ more than \$100,000 to all claimants for acts or omissions of 1  
27 contractor unless, after the Commission has paid out \$100,000 on account of acts or  
28 omissions of the contractor, the contractor reimburses \$100,000 to the Fund;

29 ~~{(3)}~~ ~~(3)~~ an amount for attorney fees, consequential damages, court  
30 costs, interest, personal injury damages, or punitive damages; or

31 ~~{(4)}~~ ~~(4)~~ an amount as a result of a default judgment in court.

32 ~~(2)~~ ~~ON OR AFTER OCTOBER 1, 2001, THE COMMISSION MAY NOT AWARD~~  
33 ~~FROM THE FUND:~~



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

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

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

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

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

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

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Labor,  
18 Licensing, and Regulation shall submit a report to the Senate Economic and  
19 Environmental Affairs Committee and the House Economic Matters Committee by  
20 October 1, 2002 that evaluates: (1) the number of complaints and claims processed by  
21 the commission and the need for additional support staff or investigators; (2) the  
22 impact of the seventh ~~commission~~ Commission member on the ability of the  
23 ~~commission~~ Commission to timely process complaints and claims and the need for  
24 additional commissioners; (3) obstacles to timely pay-outs and methods to streamline  
25 the claims procedure in order to ensure timely pay-outs for aggrieved consumers; and  
26 (4) the status of the Home Improvement Guaranty Fund and the impact of the  
27 increase in the maximum amount against a single contractor.

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