

SENATE BILL 792

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C2
SB 237/99 - FIN

2000 Regular Session
0lr2189

By: **Senator Kasemeyer**

Introduced and read first time: February 10, 2000

Assigned to: Rules

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; providing for a certain civil penalty for
12 a violation of this Act; requiring a home inspector to perform certain tests;
13 requiring a home inspector to provide certain notice under certain
14 circumstances; defining certain terms; and generally relating to notifications
15 about automatic garage door opening systems and the testing of automatic
16 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 1999 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 1999 Supplement)

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

1 (1996 Replacement Volume and 1999 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) THIS SECTION ONLY APPLIES TO A PERSON WHO INSTALLS, SERVICES, OR
8 REPAIRS AUTOMATIC GARAGE DOOR OPENING SYSTEMS FOR COMPENSATION.

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

12 (2) AN ON-SITE REVERSAL TEST SHALL CONSIST OF PLACING A FULL
13 ROLL OF PAPER TOWELS ON THE SURFACE BENEATH THE GARAGE DOOR AND
14 CLOSING THE GARAGE DOOR WITH THE ROLL OF PAPER TOWELS UNDERNEATH.

15 (3) IN ORDER TO PASS THE ON-SITE REVERSAL TEST, THE AUTOMATIC
16 GARAGE DOOR OPENING SYSTEM, WITHIN 2 SECONDS, MUST REVERSE THE DOOR
17 UPON CONTACT WITH THE ROLL OF PAPER TOWELS.

18 (C) 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 (B) OF THIS SECTION,
21 UNLESS AFTER THE SERVICE OR REPAIR, THE AUTOMATIC GARAGE DOOR OPENING
22 SYSTEM WOULD PASS THE ON-SITE REVERSAL TEST REQUIRED BY SUBSECTION (B)
23 OF THIS SECTION.

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

29 "WARNING

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

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

5 (E) A PERSON WHO ATTACHES A LABEL UNDER SUBSECTION (D) OF THIS
6 SECTION SHALL NOTIFY IN WRITING THE OCCUPANT OF THE RESIDENTIAL
7 DWELLING UNIT WITHIN 10 WORKING DAYS THAT THE RESIDENCE'S AUTOMATIC
8 GARAGE DOOR OPENING SYSTEM DOES NOT COMPLY WITH CURRENT SAFETY
9 STANDARDS RELATING TO AUTOMATIC REVERSAL.

10 (F) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY
11 OF \$500 FOR EACH VIOLATION.

12 **Article - Real Property**

13 10-801.

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

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

19 (1) A list of the credentials of:

20 (i) The home inspector; and

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

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

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

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

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

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

4 10-802.

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

7 (2) AN ON-SITE REVERSAL TEST SHALL CONSIST OF PLACING A FULL
8 ROLL OF PAPER TOWELS ON THE SURFACE BENEATH THE GARAGE DOOR AND
9 CLOSING THE GARAGE DOOR WITH THE BLOCK UNDERNEATH.

10 (3) IN ORDER TO PASS THE ON-SITE REVERSAL TEST, THE AUTOMATIC
11 GARAGE DOOR OPENING SYSTEM, WITHIN 2 SECONDS, MUST REVERSE THE DOOR
12 UPON CONTACT WITH THE ROLL OF PAPER TOWELS.

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2000.