

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1431

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “Home Builders - Miscellaneous Provisions”; in line 5, after “home;” insert “altering the circumstances under which the Home Builder Registration Unit may deny a registration to an applicant, reprimand a registrant, suspend or revoke a registration, or impose a civil penalty on a registrant;”; in the same line, strike the second “a certain”; in the same line, strike “correction” and substitute “corrections”; and after line 12, insert:

“BY repealing and reenacting, without amendments,

Article - Business Regulation

Section 4.5-101(a)

Annotated Code of Maryland

(1998 Replacement Volume and 2000 Supplement)

BY repealing and reenacting, with amendments,

Article - Business Regulation

Section 4.5-101(g), 4.5-305(b), 4.5-308(a)(9), and 4.5-502

Annotated Code of Maryland

(1998 Replacement Volume and 2000 Supplement)”.

AMENDMENT NO. 2

On page 1, strike beginning with “IN” in line 17 down through “(2)” in line 18; in line 20, strike the brackets; in the same line, strike “(3)”; and in lines 20 and 21, strike “this subtitle” and substitute “THE MARYLAND HOME BUILDER REGISTRATION ACT”.

On page 2, in line 8, strike the brackets; in the same line, strike “(4)”; in line 9, strike the brackets; in the same line, strike “(3)”; in line 28, in each instance, strike the brackets; in the same line, strike “(5)”; and in the same line, strike “(3)”.

(Over)

AMENDMENT NO. 3

On page 2, after line 29, insert:

“Article - Business Regulation

4.5-101.

(a) In this title the following words have the meanings indicated.

(g) “Home builder registration number” means a registration number issued by the [Director] UNIT to a registrant under this title.

4.5-305.

(b) At least 60 days before a registration expires, the [Director] UNIT shall mail the registrant, at the last known address of the registrant:

(1) a renewal application form; and

(2) a notice that states:

(i) the date on which the current registration expires; and

(ii) the date by which the [Director] UNIT must receive the renewal application for a renewal to be issued and mailed before the registration expires.

4.5-308.

(a) The Unit may deny registration to an applicant, reprimand a registrant, suspend or revoke a registration, or impose a civil penalty on a registrant if the Unit determines that the applicant or registrant:

(9) engaged in a pattern of poor workmanship as evidenced by one or more of the following:

(i) repeated unresolved building code violations;

(ii) repeated unsatisfied arbitration awards IN FAVOR OF CONSUMERS against the applicant or registered home builder based on incomplete or substandard work [that results in a consumer, in whose names the arbitration awards are entered, filing complaints with the Division under this subtitle]; or

(iii) an unsatisfied final judgment IN FAVOR OF A CONSUMER [that results in a consumer, in whose name the judgment is entered, filing a complaint with the Division under Title 13 of the Commercial Law Article];

4.5-502.

(a) Subject to the notice and hearing provisions of Title 10, Subtitle 2 of the State Government Article, the Division may bring a civil administrative action against a person that violates § 4.5-501(a) of this subtitle.

(b) After a hearing, if the [Director] DIVISION finds that a person has violated § 4.5-501(a) of this subtitle, the [Director] DIVISION may:

(1) order the person to cease and desist from unlawful practice; and

(2) impose a civil penalty of not more than \$1,000 for each day of unlawful practice.

(c) Any party aggrieved by a decision and order of the [Director] DIVISION under this section may make an appeal as provided under §§ 10-222 and 10-223 of the State Government Article.”