

BY: Finance Committee

AMENDMENTS TO HOUSE BILL NO. 794
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “lien” insert “or refusing to deliver certain household goods”; in line 13, after “circumstances;” insert “making a certain conforming change; requiring the Division of Consumer Protection of the Office of the Attorney General to report to certain committees of the General Assembly on or before a certain date;”; and after line 15, insert:

“BY repealing and reenacting, with amendments,

Article - Commercial Law

Section 7-308(1)

Annotated Code of Maryland

(1997 Replacement Volume and 2001 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 5, insert:

“7-308.

(1) [A] EXCEPT AS PROVIDED IN § 14-2902 OF THIS ARTICLE, A carrier’s lien may be enforced by public or private sale of the goods, in bloc or in parcels, at any time or place and on any terms which are commercially reasonable, after notifying all persons known to claim an interest in the goods. Such notification must include a statement of the amount due, the nature of the proposed sale and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the carrier is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the carrier either sells the goods in the usual manner in any recognized market therefor or if he sells at the price current in such market at the time of his sale or if he has otherwise sold in conformity with commercially reasonable practices among dealers in the type of goods sold he has sold in a

(Over)

commercially reasonable manner. A sale of more goods than apparently necessary to be offered to ensure satisfaction of the obligation is not commercially reasonable except in cases covered by the preceding sentence.”.

On page 3, in line 23, after “STORING” insert “WHILE IN TRANSIT”.

On page 5, in line 10, after “AGAINST” insert “, OR REFUSE TO DELIVER,”; after line 23, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1, 2003, the Division of Consumer Protection of the Office of the Attorney General shall report, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee on:

- (a) the need for a registration process for household goods movers, including the persons subject to registration;
- (b) the number of complaints received under this Act; and
- (c) any enforcement action taken under this Act.”;

and in line 24, strike “2.” and substitute “3.”.