

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 578

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2, 11, and 21, in each instance, strike “Home” and substitute “Household Goods”; strike beginning with “requiring” in line 3 down through “goods” in line 8 and substitute “prohibiting a household goods mover from enforcing a carrier’s lien or refusing to deliver certain household goods”; in line 10, after “provisions;” insert “providing that a household goods mover who violates this subtitle is subject to certain civil and criminal penalties under certain circumstances; 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;”; strike beginning with “providing” in line 10 down through “Act” in line 11 and substitute “establishing a certain short title”; after line 12, insert:

“BY repealing and reenacting, with amendments,

Article - Commercial Law

Section 7-308(1)

Annotated Code of Maryland

(1997 Replacement Volume and 2001 Supplement)”;

and in line 20, strike “14-2905” and substitute “14-2904”.

On page 2, after line 1, 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

(Over)

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 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 lines 3, 5, 13, 15, and 20, in each instance, strike “HOME” and substitute “HOUSEHOLD GOODS”; in lines 11 and 17, in each instance, strike “CONSUMER GOODS” and substitute “HOUSEHOLD GOODS”; in lines 9, 11, 13, and 15, strike “(B)”, “(C)”, “(D)”, and “(E)”, respectively, and substitute “(C)”, “(D)”, “(E)”, and “(F)”, respectively; in line 9, strike “SAME”; in the same line, strike “AS PROVIDED IN TITLE 13” and substitute “STATED IN § 13-101”; strike beginning with “HAS” in line 11 down through “ARTICLE” in line 12 and substitute “MEANS GOODS USED PRIMARILY FOR PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES”; in line 16, after “STORING” insert “WHILE IN TRANSIT”; and in line 20, strike “CONSUMER” and substitute “HOUSEHOLD”.

On page 5, in line 3, strike “14-2904.” and substitute “14-2903.”; in line 8, strike “14-2905.” and substitute “14-2904.”; and in line 9, strike “HOME” and substitute “HOUSEHOLD GOODS”.

#### AMENDMENT NO. 2

On page 3, after line 8, insert:

“(B) “CARRIER’S LIEN” MEANS A LIEN ESTABLISHED UNDER § 7-307 OF THIS ARTICLE.”;

in line 19, strike “TOTAL CHARGE OF \$250 OR MORE” and substitute “FEE”; and strike in their entirety lines 22 and 23.

On pages 3 through 5, strike in their entirety the lines beginning with line 25 on page 3 through line 2 on page 5, inclusive, and substitute:

“A HOUSEHOLD GOODS MOVER MAY NOT ENFORCE OR THREATEN TO ENFORCE A CARRIER’S LIEN AGAINST, OR REFUSE TO DELIVER, A CONSUMER’S HOUSEHOLD GOODS WHEN PROVIDING HOUSEHOLD GOODS MOVING SERVICES FOR AN INTRASTATE MOVE.”.

AMENDMENT NO. 3

On page 5, in line 4, before “A” insert “(A)”; in line 4, strike “ANY PROVISION OF”; after line 7, insert:

“(B) IN ADDITION TO BEING SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THIS ARTICLE, A HOUSEHOLD GOODS MOVER THAT VIOLATES THIS SUBTITLE IS SUBJECT TO ANY OTHER CIVIL OR CRIMINAL ACTION PROVIDED BY LAW.”;

after line 9, 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 10 strike “2.” and substitute “3.”.