
By: **Delegates Bozman, Conway, McClenahan, and Bobo**
Introduced and read first time: January 16, 2002
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Home Improvement - Condominiums - Commonly Owned Areas**

3 FOR the purpose of altering the definition of "home improvement" as it applies to
4 provisions of law relating to the Maryland Home Improvement Commission to
5 include work done on the commonly owned areas of a condominium; and
6 generally relating to condominiums.

7 BY repealing and reenacting, with amendments,
8 Article - Business Regulation
9 Section 8-101
10 Annotated Code of Maryland
11 (1998 Replacement Volume and 2001 Supplement)

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

14 **Article - Business Regulation**

15 8-101.

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

17 (b) "Commission" means the Maryland Home Improvement Commission.

18 (c) "Contractor" means a person, other than an employee of an owner, who
19 performs or offers or agrees to perform a home improvement for an owner.

20 (d) "Contractor license" means a license issued by the Commission to act as a
21 contractor.

22 (e) "Fund" means the Home Improvement Guaranty Fund.

23 (f) "Hearing board" means a home improvement hearing board appointed by
24 the Commission under § 8-313 of this title.

25 (g) (1) "Home improvement" means:

1 (i) the addition to or alteration, conversion, improvement,
2 modernization, remodeling, repair, or replacement of a building or part of a building
3 that is used or designed to be used as a residence or dwelling place or a structure
4 adjacent to that building; or

5 (ii) an improvement to land adjacent to the building.

6 (2) "Home improvement" includes:

7 (i) construction, improvement, or replacement, on land adjacent to
8 the building, of a driveway, fall-out shelter, fence, garage, landscaping, porch, or
9 swimming pool;

10 (ii) connection, installation, or replacement, in the building or
11 structure, of a dishwasher, disposal, or refrigerator with an icemaker to existing
12 exposed household plumbing lines;

13 (iii) installation, in the building or structure, of an awning, fire
14 alarm, or storm window; [and]

15 (iv) work done on individual condominium units; AND

16 (V) WORK DONE ON THE COMMONLY OWNED AREAS OF
17 CONDOMINIUMS.

18 (3) "Home improvement" does not include:

19 (i) construction of a new home;

20 (ii) work done to comply with a guarantee of completion for a new
21 building project;

22 (iii) connection, installation, or replacement of an appliance to
23 existing exposed plumbing lines that requires alteration of the plumbing lines;

24 (iv) sale of materials, if the seller does not arrange to perform or
25 does not perform directly or indirectly any work in connection with the installation or
26 application of the materials;

27 (v) work done on apartment buildings that contain four or more
28 single-family units; OR

29 (vi) [work done on the commonly owned areas of condominiums; or

30 (vii)] a shore erosion control project, as defined in § 8-1001 of the
31 Natural Resources Article, for a residential property.

32 (h) "Home improvement contract" means an oral or written agreement
33 between a contractor and owner for the contractor to perform a home improvement.

1 (i) (1) "License" means, except where it refers to a license other than one
2 issued under this title, a license issued by the Commission.

3 (2) "License" includes:

4 (i) a contractor license;

5 (ii) a subcontractor license; and

6 (iii) a salesperson license.

7 (j) "Licensed contractor" means a person who is licensed by the Commission
8 to act as a contractor.

9 (k) "Owner" includes a homeowner, tenant, or other person who buys,
10 contracts for, orders, or is entitled to a home improvement.

11 (l) "Salesperson" means a person who sells a home improvement.

12 (m) "Salesperson license" means a license issued by the Commission to sell a
13 home improvement.

14 (n) "Sell a home improvement" means:

15 (1) to negotiate or offer to negotiate a home improvement contract with
16 an owner; or

17 (2) to seek to get a home improvement contract from an owner.

18 (o) "Subcontractor" means a person, other than a laborer or supplier of
19 materials, who makes an oral or written agreement with:

20 (1) a contractor to perform all or part of a home improvement contract; or

21 (2) another subcontractor to perform all or part of a subcontract to a
22 home improvement contract.

23 (p) "Subcontractor license" means a license issued by the Commission to act as
24 a subcontractor.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2002.