

HOUSE BILL 794

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C2

2002 Regular Session  
2lr2200  
CF 2lr2201

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By: ~~Delegates Love, McHale, and Kaeh~~ Kach, Brown, Fulton, Harrison, Hill, Kirk, Krysiak, Minnick, Moe, and Pendergrass

Introduced and read first time: February 7, 2002  
Assigned to: Economic Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 23, 2002

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland ~~Home~~ Household Goods Movers Act**

3 FOR the purpose of ~~requiring home movers to provide consumers with certain~~  
4 ~~information under certain circumstances; requiring home movers to provide~~  
5 ~~consumers with written estimates under certain circumstances; requiring a~~  
6 ~~home mover's written estimate to contain certain information; prohibiting a~~  
7 ~~home mover from exercising or threatening to exercise a warehouseman's lien or~~  
8 ~~from refusing to deliver consumer goods~~ prohibiting a household goods mover  
9 from enforcing a carrier's lien under certain circumstances; providing that a  
10 violation of this subtitle is an unfair and deceptive trade practice subject to  
11 certain enforcement and penalty provisions; providing that a household goods  
12 mover who violates this subtitle is subject to certain civil and criminal penalties  
13 under certain circumstances; providing for the application of this Act  
14 establishing a certain short title; defining certain terms; and generally relating  
15 to the Maryland ~~Home~~ Household Goods Movers Act.

16 BY repealing and reenacting, with amendments,  
17 Article - Commercial Law  
18 Section 13-301(14)  
19 Annotated Code of Maryland  
20 (2000 Replacement Volume and 2001 Supplement)

21 BY adding to  
22 Article - Commercial Law  
23 Section 14-2901 through ~~14-2905~~ 14-2904, inclusive, to be under the new  
24 subtitle "Subtitle 29. Maryland ~~Home~~ Household Goods Movers Act"

1 Annotated Code of Maryland  
2 (2000 Replacement Volume and 2001 Supplement)

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

5 **Article - Commercial Law**

6 13-301.

7 Unfair or deceptive trade practices include any:

8 (14) Violation of a provision of:

9 (i) This title;

10 (ii) An order of the Attorney General or agreement of a party  
11 relating to unit pricing under Title 14, Subtitle 1 of this article;

12 (iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt  
13 Collection Act;

14 (iv) Title 14, Subtitle 3 of this article, the Maryland Door-to-Door  
15 Sales Act;

16 (v) Title 14, Subtitle 9 of this article, Kosher Products;

17 (vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;

18 (vii) Section 14-1302 of this article;

19 (viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales  
20 Act;

21 (ix) Section 22-415 of the Transportation Article;

22 (x) Title 14, Subtitle 20 of this article;

23 (xi) Title 14, Subtitle 15 of this article, the Automotive Warranty  
24 Enforcement Act;

25 (xii) Title 14, Subtitle 21 of this article;

26 (xiii) Section 18-107 of the Transportation Article;

27 (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone  
28 Solicitations Act;

29 (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts  
30 Act;

1 (xvi) Title 10, Subtitle 6 of the Real Property Article;  
 2 (xvii) Title 10, Subtitle 8 of the Real Property Article;  
 3 (xviii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;  
 4 or

5 (xix) Title 14, Subtitle 26 of this article, the Maryland Door-to-Door  
 6 Solicitations Act; [or]

7 (XX) TITLE 14, SUBTITLE 29 OF THIS ARTICLE, THE MARYLAND ~~HOME~~  
 8 HOUSEHOLD GOODS MOVERS ACT; OR

9 SUBTITLE 29. MARYLAND ~~HOME~~ HOUSEHOLD GOODS MOVERS ACT.  
 10 14-2901.

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
 12 INDICATED.

13 (B) "CARRIER'S LIEN" MEANS A LIEN ESTABLISHED UNDER § 7-307 OF THIS  
 14 ARTICLE.

15 ~~(B)~~ (C) "CONSUMER" HAS THE SAME MEANING AS PROVIDED IN TITLE 13  
 16 STATED IN § 13-101 OF THIS ARTICLE.

17 ~~(C)~~ (D) "CONSUMER GOODS HOUSEHOLD GOODS" HAS THE SAME MEANING  
 18 AS PROVIDED IN TITLE 13 OF THIS ARTICLE MEANS GOODS USED PRIMARILY FOR  
 19 PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES.

20 ~~(D)~~ (E) "HOME HOUSEHOLD GOODS MOVER" MEANS A PERSON WHO  
 21 PROVIDES HOME HOUSEHOLD GOODS MOVING SERVICES.

22 ~~(E)~~ (F) (1) "HOME HOUSEHOLD GOODS MOVING SERVICES" MEANS THE  
 23 LOADING, PACKING, MOVING, TRANSPORTING, STORING, UNLOADING, OR  
 24 OTHERWISE TAKING POSSESSION OR CONTROL FROM A CONSUMER OF CONSUMER  
 25 GOODS HOUSEHOLD GOODS FOR THE PURPOSE OF MOVING THEM TO ANOTHER  
 26 LOCATION AT THE DIRECTION OF THE CONSUMER FOR A TOTAL CHARGE OF \$250 OR  
 27 MORE FEE.

28 (2) "HOME HOUSEHOLD GOODS MOVING SERVICES" DOES NOT INCLUDE  
 29 MOVING CONSUMER HOUSEHOLD GOODS FOR DISPOSAL OR DESTRUCTION.

30 ~~(F)~~ "WAREHOUSEMAN'S LIEN" HAS THE SAME MEANING AS PROVIDED IN §  
 31 ~~7-209~~ OF THIS ARTICLE.

32 14-2902.

33 (A) ~~A HOME MOVER SHALL PROVIDE AN ESTIMATE TO A CONSUMER IN~~  
 34 ~~ACCORDANCE WITH THIS SECTION.~~

1     ~~(B)     A HOME MOVER MAY PROVIDE PRICE INFORMATION ORALLY OR IN~~  
2 ~~WRITING PRIOR TO AGREEING TO PROVIDE HOME MOVING SERVICES.~~

3     ~~(C)     IF A HOME MOVER AGREES TO PROVIDE HOME MOVING SERVICES TO A~~  
4 ~~CONSUMER, THE HOME MOVER SHALL PROVIDE THE CONSUMER WITH A WRITTEN~~  
5 ~~ESTIMATE PRIOR TO THE SCHEDULING OF THE MOVE.~~

6     ~~(D)     A WRITTEN ESTIMATE SHALL:~~

7             ~~(1)     SEPARATELY IDENTIFY EACH MOVING SERVICE THAT THE HOME~~  
8 ~~MOVER IS OFFERING TO THE CONSUMER, THE PRICE OF THE SERVICE, AND THE~~  
9 ~~METHOD OF CALCULATING THE PRICE OF THE SERVICE;~~

10            ~~(2)     SEPARATELY IDENTIFY ANY FEE THAT THE CONSUMER WILL OR MAY~~  
11 ~~BE REQUIRED TO PAY;~~

12            ~~(3)     STATE THE ESTIMATED TOTAL PRICE;~~

13            ~~(4)     CONTAIN, IN CLOSE PROXIMITY TO THE ESTIMATED TOTAL PRICE, A~~  
14 ~~CONSPICUOUS NOTICE STATING:~~

15     ~~"A HOME MOVER MAY NOT REFUSE TO DELIVER A CONSUMER'S GOODS IF THE~~  
16 ~~CONSUMER OFFERS TO PAY THE LESSER OF:~~

17            ~~(I)     THE OUTSTANDING BALANCE OF THE FINAL TOTAL PRICE~~  
18 ~~DEMANDED BY THE HOME MOVER; OR~~

19            ~~(II)    THE OUTSTANDING BALANCE OF 110 PERCENT OF THE~~  
20 ~~ESTIMATED TOTAL PRICE STATED IN THE WRITTEN ESTIMATE.";~~

21            ~~(5)     STATE THE TIME AND METHOD OF PAYMENT REQUIRED OR~~  
22 ~~ALLOWED;~~

23            ~~(6)     STATE THE SCHEDULED DATES OF PICKUP AND DELIVERY;~~

24            ~~(7)     DESCRIBE THE COMPENSATION A CONSUMER WILL RECEIVE FOR~~  
25 ~~ANY LOSS OR DAMAGE TO THE CONSUMER'S GOODS;~~

26            ~~(8)     STATE THAT ANY CLAIM MADE BY A CONSUMER AGAINST A HOME~~  
27 ~~MOVER FOR LOSS OR DAMAGE TO THE CONSUMER'S GOODS MAY BE FILED UP TO~~  
28 ~~NINE MONTHS FROM THE DELIVERY OF THE GOODS; AND~~

29            ~~(9)     HAVE ATTACHED A COPY OF ANY CONTRACT, ORDER FOR SERVICE,~~  
30 ~~OR OTHER DOCUMENT THAT THE CONSUMER WILL BE ASKED TO SIGN OR THAT~~  
31 ~~DESCRIBES THE TERMS AND CONDITIONS OF THE MOVE.~~

32 ~~14-2903.~~

33     ~~A HOME MOVER MAY NOT EXERCISE OR THREATEN TO EXERCISE A~~  
34 ~~WAREHOUSEMAN'S LIEN OR OTHERWISE REFUSE TO DELIVER A CONSUMER'S~~  
35 ~~GOODS, UNLESS:~~

1           (1)     ~~A WRITTEN ESTIMATE WAS PROVIDED TO THE CONSUMER IN~~  
2 ~~ACCORDANCE WITH THIS SUBTITLE; AND~~

3           (2)     ~~THE CONSUMER FAILS TO TENDER TO THE HOME MOVER THE~~  
4 ~~LESSER OF:~~

5                   (1)     ~~THE OUTSTANDING BALANCE OF THE FINAL TOTAL PRICE~~  
6 ~~DEMANDED BY THE HOME MOVER; OR~~

7                   (2)     ~~THE OUTSTANDING BALANCE OF 110 PERCENT OF THE~~  
8 ~~ESTIMATED TOTAL PRICE STATED IN THE WRITTEN ESTIMATE.~~

9     A HOUSEHOLD GOODS MOVER MAY NOT ENFORCE OR THREATEN TO ENFORCE  
10 A CARRIER'S LIEN AGAINST A CONSUMER'S HOUSEHOLD GOODS WHEN PROVIDING  
11 HOUSEHOLD GOODS MOVING SERVICES FOR AN INTRASTATE MOVE.

12 ~~14-2904. 14-2903.~~

13     (A)     ~~A VIOLATION OF ANY PROVISION OF THIS SUBTITLE IS AN UNFAIR OR~~  
14 ~~DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE~~  
15 ~~AND IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN~~  
16 ~~TITLE 13 OF THIS ARTICLE.~~

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

21 ~~14-2905. 14-2904.~~

22     THIS SUBTITLE MAY BE CITED AS THE MARYLAND ~~HOME~~ HOUSEHOLD GOODS  
23 MOVERS ACT.

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