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2002 Regular Session 2lr1983 CF 2lr2212

By: Senator Kelley

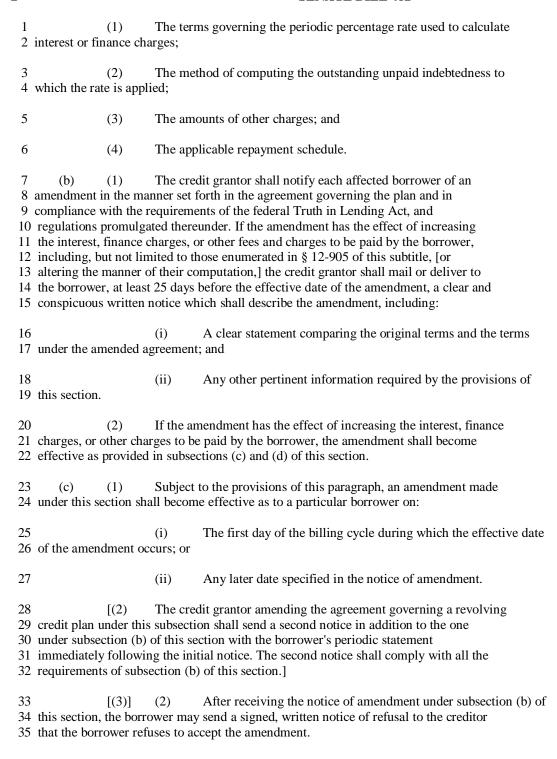
Introduced and read first time: February 1, 2002

Assigned to: Finance

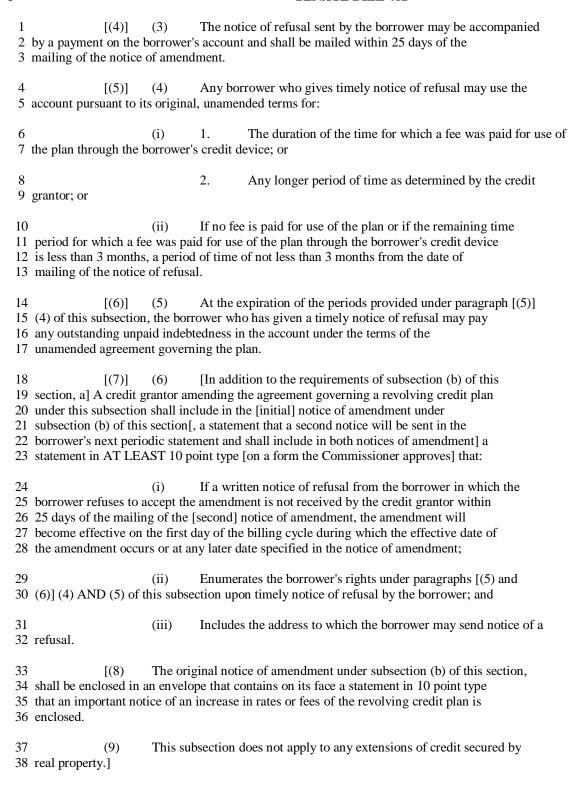
## A BILL ENTITLED

1	AN ACI	concerning	

- 2 Credit Regulation Credit Grantor Revolving Credit Provisions 3 Amendment of Plan Agreement
- 4 FOR the purpose of repealing a requirement that a credit grantor give a certain notice
- 5 to a borrower when the credit grantor amends an agreement governing a
- 6 revolving credit plan if the amendment has the effect of altering the manner of
- 7 computing certain fees and charges; repealing a requirement that the credit
- 8 grantor send a second notice of an amendment of a plan agreement to the
- borrower; repealing a requirement that a certain notice be sent in a certain
- manner; altering a requirement that a certain statement in a certain notice be
- in a certain point type; repealing a requirement that the Commissioner of
- Financial Regulation approve the form of a notice; repealing the limitation that
- 13 certain procedures for amending a plan agreement do not apply to extensions of
- credit secured by real property; providing for the application of this Act; and
- generally relating to amendments by credit grantors of agreements governing
- 16 revolving credit plans.
- 17 BY repealing and reenacting, with amendments,
- 18 Article Commercial Law
- 19 Section 12-912
- 20 Annotated Code of Maryland
- 21 (2000 Replacement Volume and 2001 Supplement)
- 22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 23 MARYLAND, That the Laws of Maryland read as follows:
- 24 Article Commercial Law
- 25 12-912.
- 26 (a) A credit grantor may, if the agreement governing a revolving credit plan
- 27 permits, at any time amend the terms of the agreement in accordance with the
- 28 provisions of this section including:



## **SENATE BILL 482**



## SENATE BILL 482

	(d) (1) Notwithstanding subsection (c) of this section, at the election of the credit grantor, an amendment made under this section may become effective as to a particular borrower on the first day of the billing cycle in which the borrower:		
	(i) Makes a purchase or obtains a loan under the plan, after the date specified in the notice of amendment which is not less than 25 days after the date the notice of amendment was mailed; or		
7 8	(ii) Sends a notice of agreement to the credit grantor in which the borrower expressly agrees to the amendment.		
11 12	(2) In addition to the requirements of subsection (b) of this section, a credit grantor electing to amend the agreement governing a revolving credit plan under this subsection shall include in the notice of amendment a statement that the amendment will become effective on the first date of the billing cycle during which the borrower:		
	(i) Makes a purchase or obtains a loan under the plan, so long as the purchase is made or the loan is obtained after a specific date which is at least 25 days after the mailing of the notice of amendment; or		
17 18	(ii) Sends a notice of agreement to the credit grantor in which the borrower expressly agrees to the amendment.		
	(3) A borrower who receives a notice of amendment under this subsection may pay any outstanding unpaid indebtedness in the account under the terms of the unamended agreement governing the plan if the borrower does not:		
22 23	(i) Make any purchase or obtain any loan under the plan after the date specified in the notice of amendment; or		
24 25	(ii) Send a notice of agreement to the credit grantor in which the borrower expressly agrees to the amendment.		
28 29 30	(e) If the terms of the agreement governing the plan, as originally drawn or as amended provide, any amendment may, on and after the date on which it becomes effective as to a particular borrower, apply to all then outstanding unpaid indebtedness in the borrower's account under the plan, including any indebtedness which shall have arisen out of purchases made or loans obtained prior to the effective date of the amendment.		
	(f) For purposes of this section, a decrease in the required amount of scheduled payments shall not be deemed an amendment which has the effect of increasing the interest or finance charges to be paid by the borrower.		
	(g) The procedures for amendment by a credit grantor of the terms of a plan to which a nonconsumer borrower is a party may, notwithstanding the provisions of this section, be as the agreement governing the plan may otherwise provide.		

- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to amendments made on or after the effective date of this Act to agreements governing
- 3 revolving credit plans in existence on or established after the effective date of this Act.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 5 October 1, 2002.