

SENATE BILL 578

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2002 Regular Session
2lr2201
CF 2lr2200

By: **Senators Bromwell and Della**

Introduced and read first time: February 1, 2002

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Home 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 under certain circumstances; providing
9 that a violation of this subtitle is an unfair and deceptive trade practice subject
10 to certain enforcement and penalty provisions; providing for the application of
11 this Act; defining certain terms; and generally relating to the Maryland Home
12 Movers Act.

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

18 BY adding to
19 Article - Commercial Law
20 Section 14-2901 through 14-2905, inclusive, to be under the new subtitle
21 "Subtitle 29. Maryland Home Movers Act"
22 Annotated Code of Maryland
23 (2000 Replacement Volume and 2001 Supplement)

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

1

Article - Commercial Law

2 13-301.

3 Unfair or deceptive trade practices include any:

4 (14) Violation of a provision of:

5 (i) This title;

6 (ii) An order of the Attorney General or agreement of a party
7 relating to unit pricing under Title 14, Subtitle 1 of this article;8 (iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt
9 Collection Act;10 (iv) Title 14, Subtitle 3 of this article, the Maryland Door-to-Door
11 Sales Act;

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

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

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

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

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

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

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

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

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

23 (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone
24 Solicitations Act;25 (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts
26 Act;

27 (xvi) Title 10, Subtitle 6 of the Real Property Article;

28 (xvii) Title 10, Subtitle 8 of the Real Property Article;

29 (xviii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;

30 or

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

3 (XX) TITLE 14, SUBTITLE 29 OF THIS ARTICLE, THE MARYLAND HOME
4 MOVERS ACT; OR

5 SUBTITLE 29. MARYLAND HOME MOVERS ACT.

6 14-2901.

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) "CONSUMER" HAS THE SAME MEANING AS PROVIDED IN TITLE 13 OF THIS
10 ARTICLE.

11 (C) "CONSUMER GOODS" HAS THE SAME MEANING AS PROVIDED IN TITLE 13
12 OF THIS ARTICLE.

13 (D) "HOME MOVER" MEANS A PERSON WHO PROVIDES HOME MOVING
14 SERVICES.

15 (E) (1) "HOME MOVING SERVICES" MEANS THE LOADING, PACKING,
16 MOVING, TRANSPORTING, STORING, UNLOADING, OR OTHERWISE TAKING
17 POSSESSION OR CONTROL FROM A CONSUMER OF CONSUMER GOODS FOR THE
18 PURPOSE OF MOVING THEM TO ANOTHER LOCATION AT THE DIRECTION OF THE
19 CONSUMER FOR A TOTAL CHARGE OF \$250 OR MORE.

20 (2) "HOME MOVING SERVICES" DOES NOT INCLUDE MOVING CONSUMER
21 GOODS FOR DISPOSAL OR DESTRUCTION.

22 (F) "WAREHOUSEMAN'S LIEN" HAS THE SAME MEANING AS PROVIDED IN §
23 7-209 OF THIS ARTICLE.

24 14-2902.

25 (A) A HOME MOVER SHALL PROVIDE AN ESTIMATE TO A CONSUMER IN
26 ACCORDANCE WITH THIS SECTION.

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

29 (C) IF A HOME MOVER AGREES TO PROVIDE HOME MOVING SERVICES TO A
30 CONSUMER, THE HOME MOVER SHALL PROVIDE THE CONSUMER WITH A WRITTEN
31 ESTIMATE PRIOR TO THE SCHEDULING OF THE MOVE.

32 (D) A WRITTEN ESTIMATE SHALL:

1 (1) SEPARATELY IDENTIFY EACH MOVING SERVICE THAT THE HOME
2 MOVER IS OFFERING TO THE CONSUMER, THE PRICE OF THE SERVICE, AND THE
3 METHOD OF CALCULATING THE PRICE OF THE SERVICE;

4 (2) SEPARATELY IDENTIFY ANY FEE THAT THE CONSUMER WILL OR MAY
5 BE REQUIRED TO PAY;

6 (3) STATE THE ESTIMATED TOTAL PRICE;

7 (4) CONTAIN, IN CLOSE PROXIMITY TO THE ESTIMATED TOTAL PRICE, A
8 CONSPICUOUS NOTICE STATING:

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

11 (I) THE OUTSTANDING BALANCE OF THE FINAL TOTAL PRICE
12 DEMANDED BY THE HOME MOVER; OR

13 (II) THE OUTSTANDING BALANCE OF 110 PERCENT OF THE
14 ESTIMATED TOTAL PRICE STATED IN THE WRITTEN ESTIMATE.";

15 (5) STATE THE TIME AND METHOD OF PAYMENT REQUIRED OR
16 ALLOWED;

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

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

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

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

26 14-2903.

27 A HOME MOVER MAY NOT EXERCISE OR THREATEN TO EXERCISE A
28 WAREHOUSEMAN'S LIEN OR OTHERWISE REFUSE TO DELIVER A CONSUMER'S
29 GOODS, UNLESS:

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

32 (2) THE CONSUMER FAILS TO TENDER TO THE HOME MOVER THE
33 LESSER OF:

34 (I) THE OUTSTANDING BALANCE OF THE FINAL TOTAL PRICE
35 DEMANDED BY THE HOME MOVER; OR

1 (II) THE OUTSTANDING BALANCE OF 110 PERCENT OF THE
2 ESTIMATED TOTAL PRICE STATED IN THE WRITTEN ESTIMATE.

3 14-2904.

4 A VIOLATION OF ANY PROVISION OF THIS SUBTITLE IS AN UNFAIR OR
5 DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE
6 AND IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN
7 TITLE 13 OF THIS ARTICLE.

8 14-2905.

9 THIS SUBTITLE MAY BE CITED AS THE MARYLAND HOME MOVERS ACT.

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