

(PRE-FILED)

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By: **Senator Brochin**  
 Requested: October 25, 2004  
 Introduced and read first time: January 12, 2005  
 Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Consumer Protection - Federal Fair Credit Billing Act - Location of Credit**  
 3                                   **Card Transaction**

4 FOR the purpose of providing that, solely for the purpose of a cardholder asserting  
 5 claims and defenses under certain provisions of the federal Fair Credit Billing  
 6 Act, a transaction in which a credit card is used as the method of payment shall  
 7 be presumed to have occurred at a certain mailing address of the cardholder,  
 8 without regard to the location where the last act necessary for the formation of  
 9 the contract between the cardholder and the person honoring the credit card  
 10 took place; providing that existing obligations or contract rights may not be  
 11 impaired by this Act; and generally relating to rights of cardholders under the  
 12 federal Fair Credit Billing Act.

13 BY adding to  
 14 Article - Commercial Law  
 15 Section 14-1319  
 16 Annotated Code of Maryland  
 17 (2000 Replacement Volume and 2004 Supplement)

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

20                                   **Article - Commercial Law**

21 14-1319.

22 SOLELY FOR THE PURPOSE OF A CARDHOLDER ASSERTING CLAIMS AND  
 23 DEFENSES UNDER 15 U.S.C. § 1666I, A TRANSACTION IN WHICH A CREDIT CARD IS  
 24 USED AS THE METHOD OF PAYMENT SHALL BE PRESUMED TO HAVE OCCURRED AT  
 25 THE MAILING ADDRESS MOST RECENTLY PROVIDED BY THE CARDHOLDER TO THE  
 26 CARD ISSUER, WITHOUT REGARD TO THE LOCATION WHERE THE LAST ACT  
 27 NECESSARY FOR THE FORMATION OF THE CONTRACT BETWEEN THE CARDHOLDER  
 28 AND THE PERSON HONORING THE CREDIT CARD TOOK PLACE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That a presently existing  
2 obligation or contract right may not be impaired in any way by this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2005.