
By: **Chairman, Economic Matters Committee (By Request - Departmental -
Labor, Licensing and Regulation)**

Introduced and read first time: January 27, 2006

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 28, 2006

CHAPTER _____

1 AN ACT concerning

2 **Maryland Home Improvement Commission - Prosecution of Unlicensed**
3 **Contractors, Subcontractors, and Salespersons - Procedures**

4 FOR the purpose of clarifying that an administrative hearing and adjudication by the
5 Maryland Home Improvement Commission is not a prerequisite to criminal
6 prosecution of certain unlicensed home improvement contractors,
7 subcontractors, or salespersons under certain circumstances; and generally
8 relating to home improvement contractors.

9 BY repealing and reenacting, with amendments,
10 Article - Business Regulation
11 Section 8-208
12 Annotated Code of Maryland
13 (2004 Replacement Volume and 2005 Supplement)

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

16 **Article - Business Regulation**

17 8-208.

18 (a) The Commission shall administer and enforce this title.

19 (b) (1) If the Commission concludes that continuing conduct of a person
20 alleged to be in violation of this title will result in irreparable or substantial harm to
21 any other person, the Commission may sue for:

- 1 (i) injunctive relief against the conduct;
- 2 (ii) an order for satisfactory completion of a home improvement
- 3 contract; or
- 4 (iii) restitution.

5 (2) If the Commission sues for injunctive relief under this subsection
 6 against a person who is not licensed under this title, the Commission need not:

- 7 (i) post bond; or
- 8 (ii) show that no adequate remedy at law exists.

9 (3) A suit under this section shall be brought in the circuit court for the
 10 county where:

- 11 (i) the alleged violation occurs; or
- 12 (ii) the principal place of business of the alleged violator is located.

13 (C) AN ADMINISTRATIVE HEARING AND ADJUDICATION BY THE COMMISSION
 14 IS NOT A PREREQUISITE TO PROSECUTION OF A PERSON UNDER § 8-601 OF THIS
 15 TITLE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
 17 effect October 1, 2006.