

**HB1051/687078/1**

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1051  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after “matters;” insert “altering the application of certain statutes to certain public corporations;”.

On page 2, in line 30, after “13-615,” insert “13-628 through 13-640,”.

On page 3, in line 31, after “(c)” insert “and 12-101(a)(2)(viii)”; and after line 33, insert:

“BY adding to

Article – State Government

Section 12-101(a)(2)(x) and (xi)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)”.

AMENDMENT NO. 2

On page 21, after line 9 insert:

“13-628.

(a) In this part the following words have the meanings indicated.

(b) “Agreement” means a written settlement agreement or assurance of discontinuance.

(c) “Board” means the Advisory Board on Consumer Affairs.

(Over)

(d) “Consumer” means a purchaser, lessee, or recipient or a prospective purchaser, lessee, or recipient of consumer goods or services or consumer credit.]

[13-629.

This part applies to a good, service, debt, or obligation of a consumer, or an extension of credit to a consumer, that is primarily for a personal, household, family, or agricultural purpose.]

[13-630.

Before this part may be implemented, the Council shall adopt a resolution specifically directing the implementation.]

[13-631.

(a) There is an Advisory Board on Consumer Affairs under the Council.

(b) The Board consists of three members appointed by the Executive Director and chosen from the staff members of the Council.

(c) A member of the Board serves at the pleasure of the Executive Director.]

[13-632.

The Executive Director is the director of the Board.]

[13-633.

(a) The Board shall meet at least once a month, at the times and places that it determines.

(b) A member of the Board is not entitled to compensation as a member of the Board.]

[13-634.

(a) The purpose of the Board is to promote and protect the interests of consumers in the region.

(b) The Board may:

(1) represent the interest of consumers before administrative, regulatory, and legislative units;

(2) assist, advise, and cooperate with the better business bureaus of the region and local, State, and federal units to protect and promote the interest of consumers;

(3) assist, develop, and conduct programs of consumer education and information through public hearings, meetings, publications, or other materials prepared for distribution to consumers in the region;

(4) encourage local business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion, and sale of consumer goods and services and in the extension of credit; and

(5) exercise and perform any other functions and duties consistent with this part that are necessary or appropriate to protect and promote the welfare of consumers in the region.]

[13-635.

(Over)

(a) A consumer who is subjected to an unlawful, unfair, or deceptive trade practice may file a written complaint with the Board.

(b) The complaint shall contain:

(1) the name and address of the person alleged to have committed the particular trade practice; and

(2) the other information that the Board requires.]

[13-636.

(a) The Board may investigate deceptive or unfair trade practices:

(1) based on a consumer complaint; or

(2) on its own initiative.

(b) The Board shall investigate each complaint to ascertain facts and issues.]

[13-637.

(a) (1) If the Board determines there are reasonable grounds to believe an unlawful, unfair, or deceptive trade practice has occurred, the Board shall attempt to conciliate the matter by initial conference and persuasion with all interested parties and any representatives of the parties.

(2) A conciliation conference is informal and is not public.

(b) (1) The terms of conciliation agreed to by the parties may be reduced to writing and incorporated into an agreement to be signed by the parties.

(2) The agreement is for conciliation purposes only and does not constitute an admission by a party that the law has been violated.

(3) The director of the Board shall sign an agreement on behalf of the Board.

(c) A person may not violate or fail to adhere to a provision contained in an agreement.

(d) (1) A person who violates this section is subject to a civil penalty payable to the appropriate county in an amount not exceeding \$500 for each violation.

(2) The county may recover the civil penalty in a civil action.

(e) The Board does not waive any right of the Board or provision of an agreement if the Board fails to enforce a violation of a provision of the agreement.]

[13-638.

(a) As appropriate, the Board may report information concerning violation of a consumer protection law to:

(1) the Consumer Protection Division of the Office of the Attorney General;

(2) the Federal Trade Commission; or

(3) any other unit that has jurisdiction over consumer protection.

(b) The Board shall forward a complaint to the appropriate county attorney for appropriate legal action if the Board:

(Over)

(1) fails to conciliate the complaint after the parties have attempted a conciliation in good faith;

(2) fails to achieve an agreement; or

(3) determines that the complaint is not suitable for conciliation.]

[13-639.

This part does not prevent a person from:

(1) exercising a right or seeking a remedy to which the person might be entitled; or

(2) filing a complaint with another unit or a court.]

[13-640.

The Board shall report each year to the Council on the number of complaints filed, the nature and disposition of the complaints, and other relevant activities of the Board during the previous year.]”.

On page 26, after line 16, insert:

“Article – State Government

12-101.

(a) In this subtitle, unless the context clearly requires otherwise, “State personnel” means:

(2) an employee or official of the:

(viii) Maryland African American Museum Corporation; [and]

(X) MARYLAND HEALTH AND HIGHER EDUCATIONAL  
FACILITIES AUTHORITY; AND

(XI) MARYLAND AGRICULTURAL AND RESOURCE-BASED  
INDUSTRY DEVELOPMENT CORPORATION;”.