

HOUSE BILL 797

I3, D3

9lr2773

By: **Delegates Hecht, Bronrott, Carr, Howard, Riley, and Robinson**

Introduced and read first time: February 11, 2009

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Damages for Violations of the Maryland Consumer**
3 **Protection Act**

4 FOR the purpose of authorizing a court to award certain statutory damages and treble
5 damages under certain circumstances to a person who is injured by a violation
6 of the Maryland Consumer Protection Act; making a stylistic change; and
7 generally relating to damages for violations of the Maryland Consumer
8 Protection Act.

9 BY repealing and reenacting, with amendments,
10 Article – Commercial Law
11 Section 13–408
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2008 Supplement)

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

16 **Article – Commercial Law**

17 13–408.

18 (a) In addition to any action by the Division or Attorney General authorized
19 by this title and any other action otherwise authorized by law, any person may bring
20 an action to recover for injury or loss sustained by [him] **THE PERSON** as the result of
21 a practice prohibited by this title.

22 **(B) IN ADDITION TO ACTUAL DAMAGES AWARDED TO A PERSON**
23 **INJURED BY A VIOLATION OF THIS TITLE, THE COURT MAY AWARD TO THE**
24 **PERSON:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) STATUTORY DAMAGES IN AN AMOUNT NOT LESS THAN \$500**
2 **OR MORE THAN \$5,000; AND**

3 **(2) IF THE COURT FINDS THAT THE DEFENDANT WILLFULLY OR**
4 **KNOWINGLY VIOLATED A PROVISION OF THIS TITLE, DAMAGES IN AN AMOUNT**
5 **EQUAL TO THREE TIMES THE AMOUNT OF ACTUAL DAMAGES AWARDED.**

6 **[(b)] (C)** Any person who brings an action to recover for injury or loss under
7 this section and who is awarded damages may also seek, and the court may award,
8 reasonable attorney's fees.

9 **[(c)] (D)** If it appears to the satisfaction of the court, at any time, that an
10 action is brought in bad faith or is of a frivolous nature, the court may order the
11 offending party to pay to the other party reasonable attorney's fees.

12 **[(d)] (E)** Notwithstanding any other provision of this section, a person may
13 not bring an action under this section to recover for injuries sustained as a result of
14 the professional services provided by a health care provider, as defined in § 3-2A-01 of
15 the Courts Article.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2009.