

HOUSE BILL 997

I3

9lr2690

By: **Delegate Conaway**

Introduced and read first time: February 13, 2009

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Sales of Consumer Goods Conditioned on Free Trials**
3 **of Consumer Goods or Consumer Services – Prohibited**

4 FOR the purpose of prohibiting a person from requiring a consumer, as a condition to
5 purchasing consumer goods, to accept consumer services or additional consumer
6 goods for a trial period; providing that a violation of this Act is an unfair or
7 deceptive trade practice within the meaning of the Maryland Consumer
8 Protection Act and is subject to certain enforcement and penalty provisions;
9 defining certain terms; and generally relating to the sale of consumer goods.

10 BY adding to

11 Article – Commercial Law

12 Section 14–1322

13 Annotated Code of Maryland

14 (2005 Replacement Volume and 2008 Supplement)

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

17 **Article – Commercial Law**

18 **14–1322.**

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
20 MEANINGS INDICATED.

21 (2) “CONSUMER” HAS THE MEANING STATED IN § 13–101 OF THIS
22 ARTICLE.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) **“CONSUMER GOODS” HAS THE MEANING STATED IN § 13-101**
2 **OF THIS ARTICLE.**

3 (4) **“CONSUMER SERVICES” HAS THE MEANING STATED IN §**
4 **13-101 OF THIS ARTICLE.**

5 (5) **“TRIAL PERIOD” MEANS A PERIOD DURING WHICH CONSUMER**
6 **SERVICES OR CONSUMER GOODS ARE AVAILABLE TO A CONSUMER AT NO**
7 **CHARGE BUT AT THE EXPIRATION OF WHICH THE CONSUMER MUST:**

8 (I) **RETURN OR CANCEL THE CONSUMER GOODS OR**
9 **CONSUMER SERVICES; OR**

10 (II) **PAY FOR THE CONTINUED USE OF THE CONSUMER**
11 **GOODS OR CONSUMER SERVICES.**

12 (B) **A PERSON MAY NOT REQUIRE A CONSUMER, AS A CONDITION TO**
13 **PURCHASING CONSUMER GOODS, TO ACCEPT CONSUMER SERVICES OR**
14 **ADDITIONAL CONSUMER GOODS FOR A TRIAL PERIOD.**

15 (C) **A VIOLATION OF THIS SECTION IS:**

16 (1) **AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE**
17 **MEANING OF TITLE 13 OF THIS ARTICLE; AND**

18 (2) **SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS**
19 **CONTAINED IN TITLE 13 OF THIS ARTICLE.**

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