

HOUSE BILL 842

N1

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By: **Delegates Conway, Bobo, Frush, Glenn, Lafferty, Mathias, Niemann, Stein, and ~~Stull~~ Braveboy**

Introduced and read first time: February 9, 2010

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 24, 2010

CHAPTER _____

1 AN ACT concerning

2 **Condominiums and Homeowners Associations – Security Deposits and**
3 **Priority of Liens – “The Residential Association Sustainability Act of 2010”**

4 FOR the purpose of providing that a certain portion of a certain lien on a condominium
5 ~~unit, including certain late fees, interest, and any attorney’s fees and costs for~~
6 ~~establishing the lien,~~ has priority over a first mortgage or deed of trust under
7 certain circumstances; providing that the priority given to a condominium’s lien
8 consists of a certain portion of unpaid assessments and includes up to a certain
9 amount of late fees, interest, and attorney’s fees and costs associated with
10 establishing the lien; providing that certain lot owners in a homeowners
11 association are liable for certain assessments and charges; allowing a
12 homeowners association to enforce the payment of certain assessments and
13 charges by imposition of a contract lien under certain circumstances; providing
14 that a certain portion of a homeowners association lien, ~~including certain late~~
15 ~~fees, interest, and any attorney’s fees and costs for establishing the lien,~~ has
16 priority over a first mortgage or deed of trust under certain circumstances and
17 with certain limitations; providing that the priority given to a homeowners
18 association’s lien consists of a certain portion of unpaid assessments and
19 includes up to a certain amount of late fees, interest, and attorney’s fees and
20 costs associated with establishing the lien; requiring a certain board of directors
21 of a condominium to impose a certain security deposit on the unit owners of the
22 condominium; setting a limit on the amount of the security deposit; authorizing
23 a unit owner to recover a certain amount plus attorney’s fees under certain
24 circumstances; setting on limit on the time for bringing an action under certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 provisions of this Act; requiring a certain board of directors to give a receipt for
 2 the security deposit; providing for the procedures for depositing a certain
 3 security deposit using a certain type of financial institution and certain
 4 financial instruments for the security deposits; making a successor in interest
 5 liable for returning the security deposit to certain persons if a condominium is
 6 sold or ownership is transferred; providing that a security deposit may not be
 7 attached by certain creditors of certain parties; authorizing a certain board of
 8 directors to withhold part or all of the security deposit under certain
 9 circumstances; providing for the accrual of a certain amount of interest on a
 10 security deposit; establishing a certain interest rate on the security deposit;
 11 requiring a certain board of directors to notify a former unit owner of the
 12 condominium of certain information under certain circumstances; requiring the
 13 disclosure of certain information on a receipt for a security deposit; requiring a
 14 certain board of directors to retain a copy of a receipt for a certain period of
 15 time; defining certain terms; altering certain definitions; providing that certain
 16 provisions of this Act do not affect or limit the priority of certain liens,
 17 mortgages, or deeds of trust; providing for the abrogation of certain provisions of
 18 this Act on the occurrence of certain contingencies; providing for the application
 19 of certain provisions of this Act; making stylistic changes; and generally relating
 20 to liens on condominium units and lots in developments with homeowners
 21 associations and security deposits in condominiums.

22 BY renumbering
 23 Article – Real Property
 24 Section 11B–117
 25 to be Section 11B–118
 26 Annotated Code of Maryland
 27 (2003 Replacement Volume and 2009 Supplement)

28 BY repealing and reenacting, with amendments,
 29 Article – Real Property
 30 Section 11–110(d)
 31 Annotated Code of Maryland
 32 (2003 Replacement Volume and 2009 Supplement)

33 BY adding to
 34 Article – Real Property
 35 Section ~~11B–117~~ 11–110.1 and 11B–117
 36 Annotated Code of Maryland
 37 (2003 Replacement Volume and 2009 Supplement)

38 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 39 MARYLAND, That Section(s) 11B–117 of Article – Real Property of the Annotated
 40 Code of Maryland be renumbered to be Section(s) 11B–118.

41 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 42 read as follows:

1 **Article – Real Property**

2 11–110.

3 (d) (1) Payment of assessments, together with interest, late charges, if
 4 any, costs of collection and reasonable attorney’s fees may be enforced by the
 5 imposition of a lien on a unit in accordance with the provisions of the Maryland
 6 Contract Lien Act.

7 (2) Suit for any deficiency following foreclosure may be maintained in
 8 the same proceeding, and suit to recover any money judgment for unpaid assessments
 9 may also be maintained in the same proceeding, without waiving the right to seek to
 10 impose a lien under the Maryland Contract Lien Act.

11 (3) (I) **THIS PARAGRAPH DOES NOT LIMIT OR AFFECT THE**
 12 **PRIORITY OF A MORTGAGE OR DEED OF TRUST HELD BY OR FOR THE BENEFIT**
 13 **OF, PURCHASED BY, ASSIGNED TO, OR SECURING AN INDEBTEDNESS TO:**

- 14 1. **THE STATE;**
 15 2. **A UNIT OF STATE GOVERNMENT; OR**
 16 3. **AN INSTRUMENTALITY OF THE STATE.**

17 (II) ~~IN SUBJECT TO SUBPARAGRAPH (I) SUBPARAGRAPHS~~
 18 ~~(I) AND (III) OF THIS PARAGRAPH, IN THE CASE OF A FORECLOSURE OF A DEED~~
 19 ~~OF TRUST, A MORTGAGE INSTRUMENT, OR AN ENCUMBRANCE RECORDED~~
 20 ~~BEFORE A CONDOMINIUM’S LIEN CREATED UNDER THE MARYLAND CONTRACT~~
 21 ~~LIEN ACT, ~~THE~~ A PORTION OF THE CONDOMINIUM’S LIEN ON A UNIT~~
 22 ~~CONSISTING OF NOT MORE THAN 6 4 MONTHS OF UNPAID ASSESSMENTS, LATE~~
 23 ~~FEES, INTEREST, AND ANY ATTORNEY’S FEES AND COSTS ASSOCIATED WITH~~
 24 ~~ESTABLISHING THE LIEN, LEVIED IN ACCORDANCE WITH THE REQUIREMENTS~~
 25 ~~OF THE DECLARATION OR BYLAWS OF THE CONDOMINIUM, SHALL HAVE~~
 26 ~~PRIORITY OVER A CLAIM OF THE HOLDER OF A FIRST MORTGAGE OR DEED OF~~
 27 ~~TRUST RECORDED AGAINST THE UNIT ON OR AFTER OCTOBER 1, 2010.~~

28 (III) THE PRIORITY GIVEN TO A CONDOMINIUM’S LIEN
 29 UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL:

30 1. CONSIST OF THAT PORTION OF THE LIEN THAT
 31 REPRESENTS UP TO 4 MONTHS OF UNPAID ASSESSMENTS REGULARLY
 32 PROVIDED AND LEVIED IN ACCORDANCE WITH THE REQUIREMENTS OF THE
 33 DECLARATION OR BYLAWS OF THE CONDOMINIUM; AND

1 **2. INCLUDE UP TO \$500 TOTAL IN LATE FEES,**
 2 **INTEREST, AND ATTORNEY'S FEES AND COSTS ASSOCIATED WITH ESTABLISHING**
 3 **THE LIEN.**

4 **11B-117.**

5 **(A) AS PROVIDED IN THE DECLARATION, A LOT OWNER SHALL BE**
 6 **LIABLE FOR ALL HOMEOWNERS ASSOCIATION ASSESSMENTS AND CHARGES**
 7 **THAT COME DUE DURING THE TIME THAT THE LOT OWNER OWNS THE LOT.**

8 **(B) IN ADDITION TO ANY OTHER REMEDIES AVAILABLE AT LAW, A**
 9 **HOMEOWNERS ASSOCIATION MAY ENFORCE THE PAYMENT OF THE**
 10 **ASSESSMENTS AND CHARGES PROVIDED IN THE DECLARATION BY THE**
 11 **IMPOSITION OF A LIEN ON A LOT IN ACCORDANCE WITH THE MARYLAND**
 12 **CONTRACT LIEN ACT.**

13 **(C) SUBJECT TO ~~SUBSECTION (D)~~ SUBSECTIONS (D) AND (E) OF THIS**
 14 **SECTION, IN THE CASE OF A FORECLOSURE OF A DEED OF TRUST, A MORTGAGE**
 15 **INSTRUMENT, OR AN ENCUMBRANCE RECORDED BEFORE A HOMEOWNERS**
 16 **ASSOCIATION'S LIEN CREATED UNDER THE MARYLAND CONTRACT LIEN ACT,**
 17 **~~THAT PORTION OF A~~ A PORTION OF THE HOMEOWNERS ASSOCIATION'S LIEN ON**
 18 **~~A LOT CONSISTING OF NOT MORE THAN 6 1 MONTHS OF UNPAID ASSESSMENTS,~~**
 19 **~~LATE FEES, INTEREST, AND ANY ATTORNEY'S FEES AND COSTS ASSOCIATED~~**
 20 **~~WITH ESTABLISHING THE LIEN, LEVIED IN ACCORDANCE WITH THE~~**
 21 **~~REQUIREMENTS OF THE DECLARATION OR BYLAWS OF THE HOMEOWNERS~~**
 22 **~~ASSOCIATION,~~ SHALL HAVE PRIORITY OVER A CLAIM OF THE HOLDER OF A**
 23 **FIRST MORTGAGE OR DEED OF TRUST RECORDED AGAINST THE LOT ON OR**
 24 **AFTER OCTOBER 1, 2010.**

25 **(D) THE PRIORITY GIVEN TO A HOMEOWNERS ASSOCIATION'S LIEN**
 26 **UNDER SUBSECTION (C) OF THIS SECTION SHALL:**

27 **(1) CONSIST OF THAT PORTION OF THE LIEN THAT REPRESENTS**
 28 **UP TO 4 MONTHS OF UNPAID ASSESSMENTS REGULARLY PROVIDED AND LEVIED**
 29 **IN ACCORDANCE WITH THE REQUIREMENTS OF THE DECLARATION OR BYLAWS**
 30 **OF THE HOMEOWNERS ASSOCIATION; AND**

31 **(2) INCLUDE UP TO \$500 TOTAL IN LATE FEES, INTEREST, AND**
 32 **ATTORNEY'S FEES AND COSTS ASSOCIATED WITH ESTABLISHING THE LIEN.**

33 **~~(D)~~ (E) THIS SECTION DOES NOT LIMIT OR AFFECT THE PRIORITY OF:**

1 (1) A HOMEOWNERS ASSOCIATION'S LIEN PROVIDED FIRST
2 PRIORITY OVER A DEED OF TRUST OR MORTGAGE BY THE HOMEOWNERS
3 ASSOCIATION'S DECLARATION OR BYLAWS; OR

4 (2) A MORTGAGE OR DEED OF TRUST HELD BY OR FOR THE
5 BENEFIT OF, PURCHASED BY, ASSIGNED TO, OR SECURING AN INDEBTEDNESS
6 TO:

7 (I) THE STATE;

8 (II) A UNIT OF STATE GOVERNMENT; OR

9 (III) AN INSTRUMENTALITY OF THE STATE.

10 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
11 read as follows:

12 Article – Real Property

13 11-110.1.

14 (A) (1) IN THIS SECTION, "SECURITY DEPOSIT" MEANS ANY PAYMENT
15 OF MONEY GIVEN TO A BOARD OF DIRECTORS BY A UNIT OWNER IN ORDER TO
16 PROTECT THE CONDOMINIUM AND BOARD OF DIRECTORS AGAINST
17 NONPAYMENT OF THE COMMON ASSESSMENTS, CHARGES, AND FEES IMPOSED
18 BY THE CONDOMINIUM TO MAINTAIN THE AREAS OF THE CONDOMINIUM
19 POSSESSED IN COMMON BY THE UNIT OWNERS.

20 (2) "SECURITY DEPOSIT" INCLUDES AN AMOUNT OF MONEY THAT
21 IS THE EQUIVALENT OF A PRO RATA SHARE FOR EACH UNIT OF THE CHARGES
22 FOR THE COMMON UTILITIES.

23 (B) (1) A BOARD OF DIRECTORS SHALL IMPOSE A SECURITY DEPOSIT
24 ON EACH UNIT OWNER THAT IS EQUIVALENT TO COMMON ASSESSMENTS,
25 CHARGES, FEES, AND PRO RATA COMMON UTILITIES CHARGES PER UNIT FOR 2
26 MONTHS.

27 (2) THE BOARD OF DIRECTORS MAY NOT IMPOSE A SECURITY
28 DEPOSIT IN EXCESS OF THE AMOUNT ESTABLISHED IN ACCORDANCE WITH
29 PARAGRAPH (1) OF THIS SUBSECTION.

30 (3) IF A BOARD OF DIRECTORS IMPOSES A SECURITY DEPOSIT IN
31 EXCESS OF THE AMOUNT ESTABLISHED IN ACCORDANCE WITH PARAGRAPH (1)
32 OF THIS SUBSECTION, THE UNIT OWNER MAY RECOVER UP TO THREE TIMES THE
33 EXTRA AMOUNT CHARGED, PLUS REASONABLE ATTORNEY'S FEES.

1 **(4) AN ACTION UNDER THIS SECTION MAY BE BROUGHT AT ANY**
2 **TIME DURING THE TIME IN WHICH THE UNIT OWNER HOLDS TITLE TO THE UNIT**
3 **OR WITHIN 2 YEARS AFTER THE UNIT OWNER'S LEGAL TITLE TERMINATES.**

4 **(C) THE BOARD OF DIRECTORS SHALL GIVE THE UNIT OWNER A**
5 **RECEIPT FOR THE SECURITY DEPOSIT AS SPECIFIED IN SUBSECTION (H) OF**
6 **THIS SECTION.**

7 **(D) (1) (I) THE BOARD OF DIRECTORS SHALL MAINTAIN ALL**
8 **SECURITY DEPOSITS IN FEDERALLY INSURED FINANCIAL INSTITUTIONS, AS**
9 **DEFINED IN § 1-101 OF THE FINANCIAL INSTITUTIONS ARTICLE, THAT DO**
10 **BUSINESS IN THE STATE.**

11 **(II) SECURITY DEPOSIT ACCOUNTS SHALL BE MAINTAINED**
12 **IN BRANCHES OF THE FINANCIAL INSTITUTIONS THAT ARE LOCATED IN THE**
13 **STATE AND THE ACCOUNTS SHALL BE DEVOTED EXCLUSIVELY TO SECURITY**
14 **DEPOSITS AND BEAR INTEREST.**

15 **(III) A SECURITY DEPOSIT SHALL BE DEPOSITED IN AN**
16 **ACCOUNT WITHIN 30 DAYS AFTER THE BOARD OF DIRECTORS RECEIVES THE**
17 **SECURITY DEPOSIT.**

18 **(IV) THE AGGREGATE AMOUNT OF THE ACCOUNTS SHALL BE**
19 **SUFFICIENT IN AMOUNT TO EQUAL ALL SECURITY DEPOSITS FOR WHICH THE**
20 **BOARD OF DIRECTORS IS LIABLE.**

21 **(2) (I) IN LIEU OF THE ACCOUNTS DESCRIBED IN PARAGRAPH**
22 **(1) OF THIS SUBSECTION, THE BOARD OF DIRECTORS MAY HOLD THE SECURITY**
23 **DEPOSITS IN INSURED CERTIFICATES OF DEPOSIT AT BRANCHES OF FEDERALLY**
24 **INSURED FINANCIAL INSTITUTIONS, AS DEFINED IN § 1-101 OF THE FINANCIAL**
25 **INSTITUTIONS ARTICLE, LOCATED IN THE STATE OR IN SECURITIES ISSUED BY**
26 **THE FEDERAL GOVERNMENT OR THE STATE OF MARYLAND.**

27 **(II) IN THE AGGREGATE CERTIFICATES OF DEPOSIT OR**
28 **SECURITIES SHALL BE SUFFICIENT IN AMOUNT TO EQUAL ALL SECURITY**
29 **DEPOSITS FOR WHICH THE BOARD OF DIRECTORS IS LIABLE.**

30 **(3) (I) IN THE EVENT OF SALE OR TRANSFER OF THE**
31 **OWNERSHIP OF THE CONDOMINIUM, INCLUDING RECEIVERSHIP OR**
32 **BANKRUPTCY, ANY SUCCESSOR IN INTEREST IS LIABLE TO THE UNIT OWNER**
33 **FOR FAILURE TO RETURN THE SECURITY DEPOSIT, TOGETHER WITH INTEREST,**
34 **AS PROVIDED IN THIS SECTION.**

1 **(II) A SECURITY DEPOSIT UNDER THIS SECTION MAY NOT BE**
2 **ATTACHED BY CREDITORS OF THE CONDOMINIUM, THE BOARD OF DIRECTORS,**
3 **OR THE UNIT OWNER.**

4 **(E) THE SECURITY DEPOSIT, OR ANY PORTION OF THE SECURITY**
5 **DEPOSIT, MAY BE WITHHELD FOR COMMON ASSESSMENTS, CHARGES, FEES, AND**
6 **THE PRO RATA COMMON UTILITIES CHARGES IMPOSED BY THE CONDOMINIUM**
7 **THAT REMAIN UNPAID WHEN THE UNIT OWNER SELLS LEGAL TITLE TO THE UNIT**
8 **OR IN ANY WAY THE UNIT OWNER'S LEGAL TITLE TO THE UNIT TERMINATES.**

9 **(F) (1) WITHIN 45 DAYS AFTER THE TERMINATION OF THE UNIT**
10 **OWNER'S LEGAL TITLE TO THE UNIT, THE BOARD OF DIRECTORS SHALL RETURN**
11 **THE SECURITY DEPOSIT TO THE UNIT OWNER TOGETHER WITH SIMPLE**
12 **INTEREST THAT HAS ACCRUED IN THE AMOUNT OF 3% PER YEAR, LESS ANY**
13 **AMOUNT FOR UNPAID COMMON ASSESSMENTS, CHARGES, FEES, AND THE PRO**
14 **RATA COMMON UTILITIES CHARGES RIGHTFULLY WITHHELD.**

15 **(2) (I) INTEREST SHALL ACCRUE AT 6-MONTH INTERVALS**
16 **FROM THE DAY THE UNIT OWNER GIVES THE BOARD OF DIRECTORS THE**
17 **SECURITY DEPOSIT.**

18 **(II) INTEREST UNDER THIS PARAGRAPH IS NOT**
19 **COMPOUNDED.**

20 **(3) IF THE BOARD OF DIRECTORS, WITHOUT A REASONABLE**
21 **BASIS, FAILS TO RETURN ANY PART OF THE SECURITY DEPOSIT, PLUS ACCRUED**
22 **INTEREST, WITHIN 45 DAYS AFTER THE TERMINATION OF THE UNIT OWNER'S**
23 **LEGAL TITLE TO THE UNIT, THE UNIT OWNER HAS AN ACTION OF UP TO**
24 **THREEFOLD OF THE WITHHELD AMOUNT, PLUS REASONABLE ATTORNEY'S FEES.**

25 **(G) (1) IF ANY PORTION OF THE SECURITY DEPOSIT IS WITHHELD,**
26 **THE BOARD OF DIRECTORS SHALL PRESENT BY FIRST-CLASS MAIL DIRECTED**
27 **TO THE LAST KNOWN ADDRESS OF THE UNIT OWNER, WITHIN 45 DAYS AFTER**
28 **THE TERMINATION OF THE UNIT OWNER'S LEGAL TITLE TO THE UNIT, A**
29 **WRITTEN LIST OF THE COMMON ASSESSMENTS, CHARGES, AND FEES CLAIMED**
30 **UNDER SUBSECTION (E) OF THIS SECTION.**

31 **(2) IF THE BOARD OF DIRECTORS FAILS TO COMPLY WITH THIS**
32 **REQUIREMENT, THE BOARD OF DIRECTORS FORFEITS THE RIGHT TO WITHHOLD**
33 **ANY PART OF THE SECURITY DEPOSIT.**

34 **(H) A RECEIPT FOR A SECURITY DEPOSIT SHALL NOTIFY THE UNIT**
35 **OWNER OF THE FOLLOWING:**

1 **(1) THE UNIT OWNER'S DUTY TO PAY COMMON ASSESSMENTS,**
2 **CHARGES, AND FEES IMPOSED BY THE CONDOMINIUM TO MAINTAIN THE AREAS**
3 **OF THE CONDOMINIUM POSSESSED IN COMMON BY THE UNIT OWNERS;**

4 **(2) THE RIGHT OF THE BOARD OF DIRECTORS TO WITHHOLD THE**
5 **SECURITY DEPOSIT FOR UNPAID COMMON ASSESSMENTS, CHARGES, AND FEES**
6 **AT THE TERMINATION OF THE UNIT OWNER'S LEGAL TITLE TO THE UNIT;**

7 **(3) THE UNIT OWNER'S RIGHT TO RECEIVE, BY FIRST-CLASS**
8 **MAIL, DELIVERED TO THE LAST KNOWN ADDRESS OF THE UNIT OWNER, A**
9 **WRITTEN LIST OF THE COMMON ASSESSMENTS, CHARGES, AND FEES AGAINST**
10 **THE SECURITY DEPOSIT CLAIMED BY THE BOARD OF DIRECTORS, WITHIN 45**
11 **DAYS AFTER THE TERMINATION OF THE UNIT OWNER'S LEGAL TITLE TO THE**
12 **UNIT;**

13 **(4) THE OBLIGATION OF THE BOARD OF DIRECTORS TO RETURN**
14 **ANY UNUSED PORTION OF THE SECURITY DEPOSIT, BY FIRST-CLASS MAIL,**
15 **ADDRESSED TO THE UNIT OWNER'S LAST KNOWN ADDRESS WITHIN 45 DAYS**
16 **AFTER THE TERMINATION OF THE UNIT OWNER'S LEGAL TITLE TO THE UNIT;**
17 **AND**

18 **(5) A STATEMENT THAT FAILURE OF THE BOARD OF DIRECTORS**
19 **TO COMPLY WITH THE SECURITY DEPOSIT LAW MAY RESULT IN THE BOARD OF**
20 **DIRECTORS BEING LIABLE TO THE UNIT OWNER FOR A PENALTY OF UP TO**
21 **THREE TIMES THE SECURITY DEPOSIT WITHHELD, PLUS REASONABLE**
22 **ATTORNEY'S FEES.**

23 **(i) THE BOARD OF DIRECTORS SHALL RETAIN A COPY OF THE RECEIPT**
24 **FOR A PERIOD OF 2 YEARS AFTER THE TERMINATION OF THE UNIT OWNER'S**
25 **LEGAL TITLE TO THE UNIT.**

26 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That the changes to §
27 11–110 of the Real Property Article, as enacted by Section 2 of this Act, shall be
28 abrogated and of no force or effect if the Federal Home Loan Mortgage Corporation or
29 the Federal National Mortgage Association by rule, regulation, or policy ceases to
30 purchase first mortgages on condominium units in this State. The Secretary of State,
31 within 5 days of determining that the contingency provided in this section has been
32 met, shall notify in writing the Department of Legislative Services, Legislative
33 Services Building, 90 State Circle, Annapolis, Maryland 21401.

34 SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That the addition of
35 § 11B–117 to the Real Property Article, as enacted by Section 2 of this Act, shall be
36 abrogated and of no force or effect if the Federal Home Loan Mortgage Corporation or
37 the Federal National Mortgage Association by rule, regulation, or policy ceases to
38 purchase first mortgages on lots in developments with homeowners associations in

1 this State. The Secretary of State, within 5 days of determining that the contingency
2 provided in this section has been met, shall notify in writing the Department of
3 Legislative Services, Legislative Services Building, 90 State Circle, Annapolis,
4 Maryland 21401.

5 SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
6 be construed to apply only prospectively and may only be applied or interpreted to
7 have any effect on or application to the imposition of a security deposit by a
8 condominium on unit owners who purchase condominiums after the effective date of
9 this Act.

10 SECTION ~~5~~ 7. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.