

**HB0509/760317/1**

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 509  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “powers;” insert “authorizing the Commissioner to seek an injunction to prohibit a person who has engaged or is engaging in a violation of certain laws from engaging or continuing to engage in the violation; authorizing a court to enter certain orders or judgments; authorizing the Commissioner to recover certain cost in certain actions;”; in line 12, after “laws;” insert “clarifying that a homeowner or other person may bring an action for damages under certain laws without having to exhaust administrative remedies under certain laws and regardless of the status of an administrative action or a criminal prosecution under certain laws;”; and in line 22, strike “and 7-404” and substitute “, 7-320, 7-404, and 7-406”.

AMENDMENT NO. 2

On page 7, after line 5, insert:

“7-320.

(a) (1) In addition to any action by the Attorney General or the Commissioner authorized under this subtitle and any other action otherwise authorized by law, a homeowner may bring an action for damages incurred as the result of a practice prohibited by this subtitle.

(2) A HOMEOWNER MAY BRING AN ACTION FOR DAMAGES UNDER THIS SECTION:

(i) WITHOUT HAVING TO EXHAUST ADMINISTRATIVE REMEDIES UNDER THIS SUBTITLE; AND

(Over)

**(II) REGARDLESS OF THE STATUS OF AN ADMINISTRATIVE ACTION OR A CRIMINAL PROSECUTION, IF ANY, UNDER THIS SUBTITLE.**

(b) A homeowner who brings an action under this section and who is awarded damages may also seek, and the court may award, reasonable attorney's fees.

(c) If the court finds that the defendant willfully or knowingly violated this subtitle, the court may award damages equal to three times the amount of actual damages."

On page 8, after line 23, insert:

"7-406.

(a) (1) In addition to any action authorized under this subtitle and any other action otherwise authorized by law, a person may bring an action for damages incurred as the result of a violation of this subtitle.

**(2) A PERSON MAY BRING AN ACTION FOR DAMAGES UNDER THIS SECTION:**

**(I) WITHOUT HAVING TO EXHAUST ADMINISTRATIVE REMEDIES UNDER THIS SUBTITLE; AND**

**(II) REGARDLESS OF THE STATUS OF AN ADMINISTRATIVE ACTION OR A CRIMINAL PROSECUTION, IF ANY, UNDER THIS SUBTITLE.**

(b) A person who brings an action under this section and who is awarded damages may also seek, and the court may award, reasonable attorney's fees.

(c) If the court finds that the defendant violated this subtitle, the court may award damages equal to three times the amount of actual damages.

AMENDMENT NO. 3

On page 6, in line 9, after “(B)” insert “(1)”; in line 12, strike “(C)” and substitute “(2)”; in lines 13, 15, and 18, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; after line 19, insert:

“(3) IN ANY ACTION BROUGHT BY THE COMMISSIONER UNDER THIS SUBSECTION, THE COMMISSIONER IS ENTITLED TO RECOVER THE COSTS OF THE ACTION FOR THE USE OF THE STATE.”;

and in lines 20, 24, and 29, strike “(D)”, “(E)”, and “(F)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively.

On page 7, strike in their entirety lines 3 through 5, inclusive; strike beginning with the colon in line 23 down through “BY” in line 24 and substitute “BY”; and strike beginning with the semicolon in line 25 down through “VIOLATION” in line 28.

On page 8, in line 1, after “(B)” insert “(1)”; after line 3, insert:

“(2) THE COURT MAY ENTER ANY ORDER OR JUDGMENT NECESSARY TO:

(I) PREVENT THE USE BY A PERSON OF ANY PROHIBITED PRACTICE;

(II) RESTORE TO A PERSON ANY MONEY OR REAL OR PERSONAL PROPERTY ACQUIRED FROM THE PERSON BY MEANS OF ANY PROHIBITED PRACTICE; OR

(III) APPOINT A RECEIVER IN CASE OF WILLFUL VIOLATION OF THIS SUBTITLE.

(3) IN ANY ACTION BROUGHT BY THE COMMISSIONER UNDER THIS SUBSECTION, THE COMMISSIONER IS ENTITLED TO RECOVER THE COSTS OF THE ACTION FOR THE USE OF THE STATE.

(C) THE COMMISSIONER MAY ENFORCE THE PROVISIONS OF THIS SUBTITLE BY REQUIRING A VIOLATOR TO TAKE AFFIRMATIVE ACTION TO CORRECT THE VIOLATION INCLUDING THE RESTITUTION OF MONEY OR PROPERTY TO ANY PERSON AGGRIEVED BY THE VIOLATION.”;

in lines 4 and 9, strike “(C)” and “(D)”, respectively, and substitute “(D)” and “(E)”, respectively; and strike in their entirety lines 13 through 23, inclusive.