

HOUSE BILL 128

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11r1198
CF SB 75

By: **Delegates Jameson, Anderson, Arora, Bobo, Bohanan, Braveboy, Cardin, Carr, Eckardt, Frush, Gaines, Gutierrez, Howard, James, Kach, Kaiser, K. Kelly, Krebs, Luedtke, McConkey, Minnick, Murphy, Pena–Melnik, B. Robinson, Sophocleus, Valderrama, Vaughn, Waldstreicher, Washington, Wilson, and Wood**

Introduced and read first time: January 24, 2011

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law – Maryland Consumer Protection Act – Scope**

3 FOR the purpose of expanding the scope of the Maryland Consumer Protection Act by
4 altering the definition of “consumer” to include an individual who sells or offers
5 for sale to a merchant certain consumer goods, consumer services, or consumer
6 realty; prohibiting a person from engaging in a certain unfair or deceptive trade
7 practice in the purchase or offer for purchase by a merchant of consumer goods,
8 consumer services, or consumer realty; and generally relating to the Maryland
9 Consumer Protection Act.

10 BY repealing and reenacting, without amendments,
11 Article – Commercial Law
12 Section 13–101(a)
13 Annotated Code of Maryland
14 (2005 Replacement Volume and 2010 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Commercial Law
17 Section 13–101(c) and 13–303
18 Annotated Code of Maryland
19 (2005 Replacement Volume and 2010 Supplement)

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

22 **Article – Commercial Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 13-101.

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

3 (c) (1) "Consumer" means an actual or prospective purchaser, lessee, or
4 recipient of consumer goods, consumer services, consumer realty, or consumer credit.

5 (2) "Consumer" includes:

6 (i) A co-obligor or surety for a consumer; [or]

7 (ii) A licensee or recipient of computer information or computer
8 programs under a consumer contract as defined in § 22-102 of this article; OR

9 (iii) **AN INDIVIDUAL WHO SELLS OR OFFERS FOR SALE TO A**
10 **MERCHANT CONSUMER GOODS, CONSUMER SERVICES, OR CONSUMER REALTY**
11 **THAT THE INDIVIDUAL ACQUIRED PRIMARILY FOR PERSONAL, HOUSEHOLD,**
12 **FAMILY, OR AGRICULTURAL PURPOSES.**

13 13-303.

14 A person may not engage in any unfair or deceptive trade practice, as defined in
15 this subtitle or as further defined by the Division, in:

16 (1) The sale, lease, rental, loan, or bailment of any consumer goods,
17 consumer realty, or consumer services;

18 (2) The offer for sale, lease, rental, loan, or bailment of consumer
19 goods, consumer realty, or consumer services;

20 (3) The extension of consumer credit; [or]

21 (4) The collection of consumer debts; OR

22 (5) **THE PURCHASE OR OFFER FOR PURCHASE BY A MERCHANT**
23 **OF CONSUMER GOODS, CONSUMER REALTY, OR CONSUMER SERVICES FROM A**
24 **CONSUMER.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2011.