

SENATE BILL 75

I3

11r1197
CF HB 128

By: ~~Senator Astle~~ **Senators Astle and Muse**
Introduced and read first time: January 20, 2011
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 24, 2011

CHAPTER _____

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 and the definition of “merchant” to include a person who directly or
7 indirectly purchases or offers to purchase any consumer goods or consumer
8 realty and whose business includes paying off consumer debt in connection with
9 the purchase of consumer goods or consumer realty; prohibiting a person from
10 engaging in a certain unfair or deceptive trade practice in the purchase or offer
11 for purchase by a certain merchant of consumer goods, ~~consumer services~~, or
12 consumer realty; and generally relating to the Maryland Consumer Protection
13 Act.

14 BY repealing and reenacting, without amendments,
15 Article – Commercial Law
16 Section 13–101(a)
17 Annotated Code of Maryland
18 (2005 Replacement Volume and 2010 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Commercial Law
21 Section 13–101(c) and (g) and 13–303
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2010 Supplement)

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

3 **Article – Commercial Law**

4 13–101.

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

6 (c) (1) “Consumer” means an actual or prospective purchaser, lessee, or
7 recipient of consumer goods, consumer services, consumer realty, or consumer credit.

8 (2) “Consumer” includes:

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

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

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

16 (g) (1) “Merchant” means a person who directly or indirectly either offers
17 or makes available to consumers any consumer goods, consumer services, consumer
18 realty, or consumer credit.

19 (2) **“MERCHANT” INCLUDES A PERSON:**

20 (i) **WHO DIRECTLY OR INDIRECTLY PURCHASES OR OFFERS**
21 **TO PURCHASE ANY CONSUMER GOODS OR CONSUMER REALTY FROM A**
22 **CONSUMER; AND**

23 (ii) **WHOSE BUSINESS INCLUDES PAYING OFF CONSUMER**
24 **DEBT IN CONNECTION WITH THE PURCHASE OF ANY CONSUMER GOODS OR**
25 **CONSUMER REALTY FROM A CONSUMER.**

26 13–303.

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

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

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

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

4 (4) The collection of consumer debts; OR

5 (5) THE PURCHASE OR OFFER FOR PURCHASE ~~BY A MERCHANT~~
6 OF CONSUMER ~~GOODS, GOODS OR CONSUMER REALTY, OR CONSUMER SERVICES~~
7 FROM A CONSUMER BY A MERCHANT WHOSE BUSINESS INCLUDES PAYING OFF
8 CONSUMER DEBT IN CONNECTION WITH THE PURCHASE OF ANY CONSUMER
9 GOODS OR CONSUMER REALTY FROM A CONSUMER.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.