

# SENATE BILL 726

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By: **Senator Muse**

Introduced and read first time: February 3, 2012

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Maryland Consumer Protection Act – Scope and**  
3 **Penalties**

4 FOR the purpose of altering the definition of “consumer” under the Maryland  
5 Consumer Protection Act to include a nonprofit organization that contracts to  
6 rent or lease a thing or good of value that will provide consumer goods or  
7 consumer services for the benefit of the members of the nonprofit organization;  
8 establishing that an unfair or deceptive trade practice includes an act or  
9 omission relating to a certain contract with a nonprofit organization; altering  
10 certain criminal penalties for a violation of the Maryland Consumer Protection  
11 Act; and generally relating to the scope of the Maryland Consumer Protection  
12 Act and penalties for violations of that Act.

13 BY repealing and reenacting, without amendments,  
14 Article – Commercial Law  
15 Section 13–101(a)  
16 Annotated Code of Maryland  
17 (2005 Replacement Volume and 2011 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – Commercial Law  
20 Section 13–101(c), 13–301(14)(xxviii) and (15), and 13–411  
21 Annotated Code of Maryland  
22 (2005 Replacement Volume and 2011 Supplement)

23 BY adding to  
24 Article – Commercial Law  
25 Section 13–301(16)  
26 Annotated Code of Maryland  
27 (2005 Replacement Volume and 2011 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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;

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 merchant  
13 consumer goods or consumer realty that the individual acquired primarily for  
14 personal, household, family, or agricultural purposes; **OR**

15 **(IV) A NONPROFIT ORGANIZATION THAT CONTRACTS TO**  
16 **RENT OR LEASE A THING OR GOOD OF VALUE THAT WILL PROVIDE CONSUMER**  
17 **GOODS OR CONSUMER SERVICES FOR THE BENEFIT OF THE MEMBERS OF THE**  
18 **NONPROFIT ORGANIZATION.**

19 13–301.

20 Unfair or deceptive trade practices include any:

21 (14) Violation of a provision of:

22 (xxviii) Title 12, Subtitle 10 of the Financial Institutions  
23 Article; [or]

24 (15) Act or omission that relates to a residential building and that is  
25 chargeable as a misdemeanor under or otherwise violates a provision of the Energy  
26 Conservation Building Standards Act, Title 7, Subtitle 4 of the Public Utilities Article;  
27 **OR**

28 **(16) ACT OR OMISSION THAT RELATES TO A CONTRACT WITH A**  
29 **NONPROFIT ORGANIZATION TO PROVIDE A LEASED OR RENTED THING OR GOOD**  
30 **OF VALUE THAT WILL PROVIDE CONSUMER GOODS OR CONSUMER SERVICES**  
31 **FOR THE BENEFIT OF THE MEMBERS OF THE NONPROFIT ORGANIZATION.**

1 13-411.

2 (a) Except as provided in subsection (b) of this section, any person who  
3 violates any provision of this title is guilty of a misdemeanor and, unless another  
4 criminal penalty is specifically provided elsewhere, on conviction is subject to a fine  
5 not exceeding [~~\$1,000~~] **\$3,000** or imprisonment not exceeding [~~one year~~] **3 YEARS** or  
6 both, in addition to any civil penalties.

7 (b) A person may not be imprisoned for violation of any provision of an order  
8 of the Attorney General or an agreement of a party relating to unit pricing under Title  
9 14, Subtitle 1 of this article.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2012.