

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 383
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Stopping Fraud in” and substitute “Maryland”; strike line 3 in its entirety; in line 4, strike “requiring certain mortgage assistance relief service providers to” and substitute “establishing that a mortgage assistance relief service provider providing mortgage assistance relief service in connection with a dwelling in the State that does not”; in line 5, after “law” insert “is in violation of this Act”; strike beginning with “making” in line 7 down through “provisions” in line 9 and substitute “authorizing the Commissioner to enforce the provisions of this Act by exercising certain powers and requiring a violator to take certain affirmative action under certain circumstances”; in line 11, strike “mortgage assistance relief services”; in lines 11 and 12, 13, and 14 and 15, in each instance, strike “certain provisions of”; in line 14, strike “actions” and substitute “violations of this Act”; in line 15, after “circumstances;” insert “making a violation of this Act an unfair or deceptive trade practice under the Maryland Consumer Protection Act and subject to certain enforcement and penalty provisions;”; in the same line, after the second “certain” insert “attorney”; in line 16, after “exception” insert “in federal law”; in line 16, after “individuals;” insert “altering the definition of “credit services business” for purposes of certain provisions of law regulating credit services businesses to exclude, beginning on a certain date, certain mortgage assistance relief service providers;”; strike beginning with “establishing” in line 17 down through “circumstances” in line 18 and substitute “declaring the intent of the General Assembly”; after line 18, insert:

“BY repealing and reenacting, without amendments,

Article – Commercial Law

Section 14-1901(a) and (e)(1)

Annotated Code of Maryland

(2005 Replacement Volume and 2012 Supplement)

(Over)

BY repealing and reenacting, with amendments,

Article – Commercial Law
Section 14-1901(e)(3)(viii) and (ix)
Annotated Code of Maryland
(2005 Replacement Volume and 2012 Supplement)

BY adding to

Article – Commercial Law
Section 14-1901(e)(3)(x)
Annotated Code of Maryland
(2005 Replacement Volume and 2012 Supplement)”;

in line 22, before “Mortgage” insert “Maryland”; and in the same line, after “Services” insert “Act”.

AMENDMENT NO. 2

On page 2, after line 4, insert:

“Article – Commercial Law

14-1901.

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

(e) (1) “Credit services business” means any person who, with respect to the extension of credit by others, sells, provides, or performs, or represents that such person can or will sell, provide, or perform, any of the following services in return for the payment of money or other valuable consideration:

(i) Improving a consumer’s credit record, history, or rating or establishing a new credit file or record;

(ii) Obtaining an extension of credit for a consumer; or

(iii) Providing advice or assistance to a consumer with regard to either subparagraph (i) or (ii) of this paragraph.

(3) “Credit services business” does not include:

(viii) Any consumer reporting agency as defined in the federal Fair Credit Reporting Act (15 U.S.C. §§ 1681 – 1681t) or in § 14–1201(e) of this title; [or]

(ix) An individual licensed by the Maryland Board of Public Accountancy when the individual renders services within the course and scope of practice by the individual as a certified public accountant and does not engage in the credit services business on a regular and continuing basis; OR

(X) BEGINNING JULY 1, 2013, A MORTGAGE ASSISTANCE RELIEF SERVICE PROVIDER REGULATED UNDER TITLE 7, SUBTITLE 5 OF THE REAL PROPERTY ARTICLE.”

AMENDMENT NO. 3

On page 2, in line 6, before “**MORTGAGE**” insert “MARYLAND”; in the same line, after “**SERVICES**” insert “ACT”; strike in their entirety lines 24 and 25; in line 27, strike “**(A)**”; in the same line, strike “**WHO OFFERS**” and substitute “PROVIDING”; in line 29, strike “**SHALL**” and substitute “THAT DOES NOT”; and in line 30, strike the period.

On page 3, strike beginning with “**(B)**” in line 1 down through “**SECTION**” in line 2.

On page 5, in line 2, strike the first “**THE**” and substitute “**:**”

(Over)

(1) THE”;

and in line 4, strike “, OR WITH THE” and substitute “IN THE STATE; OR

(2) THE”.

On page 6, in line 22, after “RELIEF” insert “SERVICES”.

AMENDMENT NO. 4

On page 6, strike beginning with the first “the” in line 23 down through the second “Act” in line 26 and substitute “it is the intent of the General Assembly, in enacting Title 7, Subtitle 5 of the Real Property Article in Section 1 of this Act, to implement in State law the consumer protections available under federal regulations governing mortgage assistance relief service providers. This Act is not intended, and may not be construed, to have any effect on the authority of the Commissioner of Financial Regulation to regulate mortgage assistance relief service providers under Title 14, Subtitle 19 of the Commercial Law Article, or on any enforcement actions, including litigation, taken under that authority as it existed and based on actions that occurred before the effective date of this Act”.