

HOUSE BILL 429

D3

5lr1359

By: **Delegates Lierman and Barron**

Introduced and read first time: February 9, 2015

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Civil Action by a Merchant – Award of Costs and Fees**

3 FOR the purpose of providing that the prevailing party in a certain civil action by a
4 merchant is entitled to an award of court costs and attorney's fees unless otherwise
5 ordered by the court; and generally relating to civil actions.

6 BY repealing and reenacting, with amendments,
7 Article – Courts and Judicial Proceedings
8 Section 3–1305
9 Annotated Code of Maryland
10 (2013 Replacement Volume and 2014 Supplement)

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

13 **Article – Courts and Judicial Proceedings**

14 3–1305.

15 (a) If the second demand letter is returned unclaimed to the merchant or if full
16 payment is not otherwise received by the merchant on or before the date specified in the
17 second demand letter, the merchant may file a civil action to recover the damages and the
18 civil penalty provided for in § 3–1302 of this subtitle, together with court costs and
19 reasonable attorney's fees.

20 (b) [If the merchant prevails in a civil action brought under this subtitle, the
21 merchant shall also be] **THE PREVAILING PARTY IS** entitled to an award of court costs
22 and reasonable attorney's fees[, to be assessed without regard to the ability of the
23 responsible person to pay] **UNLESS OTHERWISE ORDERED BY THE COURT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



HOUSE BILL 429

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2015.