

**SB0327/288976/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 327  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Waldstreicher” and substitute “Senators Waldstreicher, Hettleman, Jackson, Lee, and West”; in line 2, strike “**Vulnerable**” and substitute “**Susceptible Adults and Older**”; in line 4, after the first “of” insert “authorizing the Division of Consumer Protection in the Office of the Attorney General to bring certain actions on behalf of certain susceptible adults and older adults; authorizing the Securities Commissioner of the Division of Securities of the Office of the Attorney General to bring a civil action on behalf of certain susceptible adults and older adults;”; in line 5, strike “vulnerable adults; authorizing a vulnerable adult” and substitute “susceptible adults and vulnerable adults; specifying that this Act does not apply to certain financial institutions; authorizing a susceptible adult, older adult,”; in line 9, strike “vulnerable” and substitute “susceptible adult or older”; in lines 17 and 26, in each instance, strike “vulnerable” and substitute “susceptible adults and older”; after line 17, insert:

“BY repealing and reenacting, with amendments,

Article - Commercial Law

Section 13–204(a)(14) and (15)

Annotated Code of Maryland

(2013 Replacement Volume and 2020 Supplement)

BY adding to

Article - Commercial Law

Section 13–204(a)(16)

Annotated Code of Maryland

(2013 Replacement Volume and 2020 Supplement)

(Over)

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BY repealing and reenacting, with amendments,

Article - Corporations and Associations

Section 11-209

Annotated Code of Maryland

(2014 Replacement Volume and 2020 Supplement)”;

in line 20, strike “13-608” and substitute “13-609”; in line 21, strike “Vulnerable” and substitute “Susceptible Adults and Older”; in line 22, strike “and Vulnerable” and substitute “Susceptible Adults, and Older”; and in line 26, strike “65” and substitute “67”.

On page 2, in lines 5 and 26, in each instance, strike “vulnerable” and substitute “susceptible adults and older”; in line 11, strike “vulnerable”; and in line 12, strike “65” and substitute “67”.

AMENDMENT NO. 2

On page 2, after line 28, insert:

**“Article – Commercial Law**

13-204.

(a) In addition to any other of its powers and duties, the Division has the powers and duties to:

(14) Maintain a list of nonprofit organizations that:

(i) Solely offer counseling or advice to homeowners in foreclosure or loan default; and

(ii) Are not directly or indirectly related to and do not contract for services with for-profit lenders or foreclosure purchasers, as defined in § 7-301 of the Real Property Article; [and]

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(15) (i) Bring a civil action for damages or an action under this title against a person who violates § 8–801 of the Criminal Law Article on behalf of a victim of the offense or, if the victim is deceased, the victim’s estate;

(ii) Recover damages under this item for property loss or damage;  
and

(iii) If the Division prevails in an action brought under this item, recover the costs of the action for the use of the Office of the Attorney General; AND

**(16) (I) BRING A CIVIL ACTION FOR DAMAGES OR AN ACTION UNDER THIS TITLE ON BEHALF OF A SUSCEPTIBLE ADULT OR OLDER ADULT WHO IS AUTHORIZED TO BRING A CAUSE OF ACTION UNDER § 13–603 OF THE ESTATES AND TRUST ARTICLE; AND**

**(II) IF THE DIVISION PREVAILS IN AN ACTION BROUGHT UNDER THIS ITEM, RECOVER THE COSTS OF THE ACTION FOR THE USE OF THE OFFICE OF THE ATTORNEY GENERAL.**

**Article – Corporations and Associations**

11–209.

(a) The Commissioner may:

(1) (I) Bring a civil action for damages against a person that violates § 8–801 of the Criminal Law Article on behalf of a victim of the violation or, if the victim is deceased, the victim’s estate;

[(2)] (II) Recover damages under this subsection for property loss or damage; and

[(3)] (III) If the Commissioner prevails in an action brought under this [subsection] PARAGRAPH, recover the costs of the action for the use of the Office of the Attorney General; AND

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**(2) (I) BRING A CIVIL ACTION FOR DAMAGES ON BEHALF OF A SUSCEPTIBLE ADULT OR OLDER ADULT WHO IS AUTHORIZED TO BRING A CAUSE OF ACTION UNDER § 13-603 OF THE ESTATES AND TRUSTS ARTICLE; AND**

**(II) IF THE COMMISSIONER PREVAILS IN AN ACTION BROUGHT UNDER THIS PARAGRAPH, RECOVER THE COSTS OF THE ACTION FOR THE USE OF THE OFFICE OF THE ATTORNEY GENERAL.**

**(b) A conviction for a violation of § 8-801 of the Criminal Law Article is not a prerequisite for maintenance of an action under subsection (a) of this section.**”;

in line 30, strike “**AND VULNERABLE**” and substitute “**SUSCEPTIBLE ADULTS, AND OLDER**”; and in line 31, strike “**VULNERABLE**” and substitute “**SUSCEPTIBLE ADULTS AND OLDER**”.

On page 3 in lines 15, 19, 21, 23, and 30, on page 4 in lines 2, 3, 6, 8, and 14, on page 5 in lines 5, 14, and 21, on page 6 in lines 16, 20, 23, 25, and 27, on page 7 in lines 1, 3, 12, 18, and 19, and on page 8 in line 8, in each instance, strike “**VULNERABLE**” and substitute “**SUSCEPTIBLE ADULT OR OLDER**”.

On page 3 in lines 20 and 28, on page 4 in lines 5, 16, 17, and 19, on page 6 in line 18, and on page 7 in lines 5 and 8, in each instance, strike “**VULNERABLE**” and substitute “**SUSCEPTIBLE ADULT’S OR OLDER**”.

On page 5, after line 11, insert:

**“(I) “OLDER ADULT” MEANS AN INDIVIDUAL WHO IS AT LEAST 68 YEARS OLD.**”;

in lines 12 and 22, strike “**(I)**” and “**(J)**”, respectively, and substitute “**(J)**” and “**(K)**”, respectively; in line 17, strike “**VULNERABLE ADULT OR THE VULNERABLE**” and substitute “**SUSCEPTIBLE ADULT OR OLDER ADULT, OR THE SUSCEPTIBLE ADULT’S OR OLDER**”; in line 19, after “**CONFIDENCE**” insert “**OR TRUST**”; and in line 22, strike “**VULNERABLE**” and substitute “**SUSCEPTIBLE**”.

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On page 6, in line 14, strike “VULNERABLE” and substitute “SUSCEPTIBLE ADULTS OR OLDER”; after line 14, insert:

“13-603.

THIS SUBTITLE DOES NOT APPLY TO AN ACT TAKEN BY:

(1) ANY STATE OR FEDERAL BANK, TRUST COMPANY, CREDIT UNION, OR SAVINGS AND LOAN ASSOCIATION; OR

(2) A SUBSIDIARY OR AFFILIATE OF AN INSTITUTION DESCRIBED IN ITEM (1) OF THIS SECTION.”;

in lines 15 and 22, strike “13-603.” and “13-604.”, respectively, and substitute “13-604.” and “13-605.”, respectively; and in line 17, strike “13-604” and substitute “13-605”.

On page 7, in line 14, after “JURISDICTION” insert “, INCLUDING:

(I) THE DIVISION OF CONSUMER PROTECTION IN THE OFFICE OF THE ATTORNEY GENERAL; AND

(II) THE SECURITIES COMMISSIONER OF THE DIVISION OF SECURITIES IN THE OFFICE OF THE ATTORNEY GENERAL”;

in line 18, after “ADULT” insert “, INCLUDING AN ACTION UNDER § 13-204 OF THE COMMERCIAL LAW ARTICLE AND § 11-209 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE”; in line 20, strike “13-605.” and substitute “13-606.”;

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strike beginning with the first “AND” in line 22 down through “DAMAGES” in line 23; and strike in their entirety lines 27 through 30, inclusive.

On page 8, in lines 1, 13, and 16, strike “(C)”, “(D)”, and “(E)”, respectively, and substitute “(B)”, “(C)”, and “(D)”, respectively; in line 20, strike “13-606.” and substitute “13-607.”; and in line 23, strike “VULNERABLE ADULT OR THE VULNERABLE” and substitute “SUSCEPTIBLE ADULT OR OLDER ADULT, OR THE SUSCEPTIBLE ADULT’S OR OLDER”.

On page 9, in lines 3 and 9, strike “13-607.” and “13-608.”, respectively, and substitute “13-608.” and “13-609.”, respectively; and in line 6, strike “VULNERABLE” and substitute “SUSCEPTIBLE ADULTS AND OLDER”.