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§12–901.

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

(b) "Annual gross revenue" means income or revenue from all sources, before any expenses or taxes, computed according to generally accepted accounting principles for the preceding fiscal year.

(c) "Consultation fee" means a fee paid by a consumer to a debt management services provider in connection with the processing of any application that the consumer makes for debt management services.

(d) "Consumer" means an individual who:

(1) Resides in the State; and

(2) Is seeking debt management services or has entered into a debt management services agreement.

(e) "Consumer education program" means a program or plan that:

(1) Seeks to improve the financial literacy of consumers regarding personal finance, budgeting, and credit and debt management; and

(2) Provides counseling tailored to the needs and circumstances of the consumer with regard to options and strategies for addressing the consumer's debt problems, including:

(i) Creating and maintaining a budget;

(ii) Establishing debt management payment plans with creditors;

(iii) Negotiating directly with creditors on payment or interest rate relief; and

(iv) Filing for bankruptcy.

(f) (1) "Control person" means a person who has the power, directly or indirectly, to direct the management or policies of a licensee or license applicant, whether through ownership of securities, by contract, or otherwise.

(2) "Control person" includes a person who:

(i) Is a general partner, an officer, or a director of a licensee or license applicant, or a member that occupies a similar position or performs a similar function;

(ii) Directly or indirectly has the right to vote 10% or more of a class of voting securities, or has the power to sell or direct the sale of 10% or more of a class of voting securities, of a licensee or license applicant; or

(iii) In the case of a partnership, a limited partnership, a limited liability partnership, a limited liability company, or any other business entity:

1. Has the right to receive on liquidation or dissolution of a licensee or license applicant 10% or more of the capital of the licensee or license applicant; or

2. Has contributed 10% or more of the capital of a licensee or license applicant.

(g) "Debt management counselor" means a permanent, temporary, or contractual employee of a debt management services provider or its agent who provides counseling to consumers on behalf of the debt management services provider.

(h) "Debt management services" means receiving funds periodically from a consumer under an agreement with the consumer for the purpose of distributing the funds among the consumer's creditors in full or partial payment of the consumer's debts.

(i) "Debt management services agreement" means a written contract, plan, or agreement between a debt management services provider and a consumer for the performance of debt management services.

(j) "Debt management services provider" means a person that provides or offers to provide debt management services to a consumer.

(k) "License" means a license issued in any form by the Commissioner under this subtitle to provide debt management services, including as provided for through NMLS.

(l) "Licensed location" means any location listed by the licensee in NMLS in accordance with this subtitle.

(m) "Licensed name" means:

(1) The licensee's legal name; and

(2) Any trade name used by the licensee in accordance with § 2–121 of this article.

(n) "Licensee" means a person licensed under this subtitle to provide debt management services.

(o) "Maintenance fee" means a fee paid by a consumer to a debt management services provider for the maintenance or servicing of the consumer's accounts with the consumer's creditors in accordance with a debt management services agreement.

(p) "Relative" means any of the following who are related to an individual by blood, marriage, or adoption:

(1) A spouse;

(2) A child;

(3) A sibling;

(4) A parent;

(5) A grandparent;

(6) A grandchild;

(7) A stepparent;

(8) A stepchild;

(9) A stepsibling;

(10) An aunt; or

(11) An uncle.

(q) "Resident agent" means an individual residing in the State or a Maryland corporation whose name, address, and designation as a resident agent are filed or recorded with the State Department of Assessments and Taxation in accordance with the Corporations and Associations Article.

(r) "Trust account" means an account that is:

(1) Established in a financial institution that is federally insured;

(2) Separate from the debt management services provider's operating account;

(3) Designated as a "trust account" or by another appropriate designation indicating that the funds in the account are not the funds of the licensee or its officers, employees, or agents;

(4) Unavailable to creditors of the debt management services provider; and

(5) Used to hold funds paid by consumers to a debt management services provider for disbursement to creditors of the consumers.

(s) "Unique identifier" means a number or another identifier assigned by NMLS.

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