

HOUSE BILL 1471

I3, D3

6lr2295

By: **Delegate Embry**

Introduced and read first time: February 13, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Identity Theft Debt**

3 FOR the purpose of authorizing a consumer to send a certain notice relating to alleged
4 identity theft debt to a creditor; requiring a creditor to conduct a certain
5 investigation following receipt of notice and to provide certain notice or take certain
6 actions under certain circumstances; authorizing a consumer to file a civil action
7 under certain circumstances and authorizing a consumer to demand a jury trial;
8 prohibiting collection of certain debt under certain circumstances; establishing a
9 certain affirmative defense and a certain rebuttable presumption in a civil action
10 under this Act; and generally relating to identity theft debt.

11 BY adding to

12 Article – Commercial Law

13 Section 14–2A–01 through 14–2A–09 to be under the new subtitle “Subtitle 2A.
14 Identity Theft Debt”

15 Annotated Code of Maryland

16 (2025 Replacement Volume)

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

19 **Article – Commercial Law**

20 **SUBTITLE 2A. IDENTITY THEFT DEBT.**

21 **14–2A–01.**

22 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
23 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (B) "CONSUMER" MEANS AN INDIVIDUAL SUBJECT TO A DEBT.

2 (C) (1) "CREDITOR" MEANS A PERSON, OR THE PERSON'S SUCCESSOR,
3 ASSIGNEE, OR AGENT, CLAIMING TO OWN OR HAVE THE RIGHT TO COLLECT A DEBT
4 OWED BY A CONSUMER.

5 (2) "CREDITOR" INCLUDES A COLLECTOR AS DEFINED IN § 14-201 OF
6 THIS TITLE.

7 (D) "EVIDENCE" INCLUDES:

8 (1) A POLICE REPORT;

9 (2) A REPORT MADE TO A LAW ENFORCEMENT AGENCY;

10 (3) A FEDERAL TRADE COMMISSION IDENTITY THEFT REPORT;

11 (4) A REPORT MADE TO THE OFFICE OF THE ATTORNEY GENERAL;

12 (5) A REPORT MADE TO THE CONSUMER PROTECTION OFFICE OF A
13 LOCAL GOVERNMENT;

14 (6) A RECORD OF A GUILTY PLEA, CONVICTION, OR PROBATION
15 BEFORE JUDGMENT; AND

16 (7) AN IDENTITY THEFT PASSPORT UNDER § 8-305 OF THE CRIMINAL
17 LAW ARTICLE.

18 (E) "IDENTITY THEFT DEBT" MEANS ANY PART OF A DEBT THAT IS
19 INCURRED BY SOMEONE OTHER THAN THE PERSON WHO IS AUTHORIZED TO INCUR
20 THE DEBT.

21 (F) "SUBJECT DEBT" MEANS A DEBT THAT IS THE SUBJECT OF AN
22 INVESTIGATION UNDER § 14-2A-02 OF THIS SUBTITLE OR A CIVIL ACTION UNDER §
23 14-2A-03 OF THIS SUBTITLE.

24 14-2A-02.

25 (A) (1) A CONSUMER MAY SEND WRITTEN NOTICE ALLEGING THAT DEBT
26 OWED BY THE CONSUMER TO A CREDITOR IS IDENTITY THEFT DEBT.

27 (2) WRITTEN NOTICE SENT UNDER THIS SUBSECTION SHALL:

1 **(I) 1. BE SENT BY CERTIFIED MAIL; OR**

2 **2. BE SENT BY ANY MEANS SUFFICIENT FOR SERVICE**
3 **UNDER THE MARYLAND RULES; AND**

4 **(II) INCLUDE EVIDENCE SUPPORTING THE ASSERTION THAT**
5 **THE SUBJECT DEBT IS IDENTITY THEFT DEBT.**

6 **(B) (1) ON RECEIPT OF NOTICE UNDER SUBSECTION (A) OF THIS**
7 **SECTION, A CREDITOR:**

8 **(I) SHALL CEASE ANY DEBT COLLECTION ACTIVITY RELATING**
9 **TO THE SUBJECT DEBT UNTIL NOT FEWER THAN 10 DAYS AFTER THE NOTICE**
10 **REQUIRED UNDER SUBSECTION (E) OF THIS SECTION IS SENT; AND**

11 **(II) MAY NOT SELL THE SUBJECT DEBT NOT EARLIER THAN 10**
12 **DAYS AFTER THE CREDITOR SENDS NOTICE REQUIRED UNDER SUBSECTION (F) OF**
13 **THIS SECTION.**

14 **(2) CESSATION OF DEBT COLLECTION ACTIVITY REQUIRED UNDER**
15 **THIS SUBSECTION:**

16 **(I) IS NOT AN ADMISSION OF GUILT, LIABILITY, OR VIABILITY**
17 **OR NONVIABILITY OF THE SUBJECT DEBT; AND**

18 **(II) DOES NOT WAIVE ANY RIGHT OR DEFENSE AVAILABLE TO**
19 **THE CONSUMER OR CREDITOR IN ANY PROCEEDING.**

20 **(C) (1) A CREDITOR SHALL CONDUCT AND CONCLUDE A REASONABLE**
21 **INVESTIGATION OF ALLEGATIONS CONTAINED IN THE WRITTEN NOTICE NOT LATER**
22 **THAN 30 DAYS AFTER RECEIPT OF A NOTICE UNDER SUBSECTION (A) OF THIS**
23 **SECTION.**

24 **(2) AN INVESTIGATION UNDER THIS SUBSECTION SHALL CONSIDER:**

25 **(I) ANY EVIDENCE PROVIDED BY THE CONSUMER; AND**

26 **(II) ANY RELEVANT EVIDENCE IN THE POSSESSION OF THE**
27 **CREDITOR.**

28 **(D) FOR ANY SUBJECT DEBT DETERMINED NOT TO BE IDENTITY THEFT**
29 **DEBT, THE CREDITOR SHALL:**

1 (1) NOTIFY THE CONSUMER IN WRITING OF THE RESULT OF THE
2 INVESTIGATION AND THE REASON FOR THE CREDITOR'S CONCLUSION; AND

3 (2) PROVIDE THE CONSUMER WITH A COPY OF ANY RECORD OR
4 EVIDENCE THAT FORMED THE BASIS FOR THE CREDITOR'S CONCLUSION.

5 (E) FOR ANY SUBJECT DEBT THAT IS DETERMINED TO BE IDENTITY THEFT
6 DEBT, THE CREDITOR SHALL PERMANENTLY CEASE ANY DEBT COLLECTION
7 ACTIVITIES RELATING TO THE IDENTITY THEFT DEBT, INCLUDING:

8 (1) VOLUNTARILY DISMISSING ANY PENDING LITIGATION RELATING
9 TO THE IDENTITY THEFT DEBT;

10 (2) TERMINATING ANY AGREEMENT WITH ANY DEBT COLLECTOR
11 CONTRACTED TO COLLECT THE IDENTITY THEFT DEBT; AND

12 (3) NOTIFYING ANY CONSUMER REPORTING AGENCY THAT DEBT
13 PREVIOUSLY REPORTED BY THE CREDITOR WAS IDENTITY THEFT DEBT AND THAT
14 ANY RECORDS RELATING TO THE IDENTITY THEFT DEBT SHOULD BE DELETED OR
15 MODIFIED.

16 (F) A CREDITOR SHALL NOTIFY THE CONSUMER REGARDING THE RESULT
17 OF THE INVESTIGATION IN WRITING.

18 **14-2A-03.**

19 (A) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A CONSUMER MAY FILE
20 AN ACTION IN THE CIRCUIT COURT IN THE COUNTY IN WHICH THE CONSUMER LIVES
21 OR WHERE THE SUBJECT DEBT WAS INCURRED, ALLEGING:

22 (1) THAT ALL OR PART OF THE SUBJECT DEBT IS IDENTITY THEFT
23 DEBT; OR

24 (2) THAT A CREDITOR VIOLATED A PROVISION OF § 14-2A-02 OF THIS
25 SUBTITLE.

26 (B) AN ACTION FILED UNDER THIS SECTION SHALL INCLUDE:

27 (1) A COPY OF THE NOTICE AND ANY EVIDENCE PROVIDED TO THE
28 CREDITOR UNDER § 14-2A-02 OF THIS SUBTITLE; AND

29 (2) INFORMATION IDENTIFYING THE ACCOUNTS ASSOCIATED WITH
30 THE SUBJECT DEBT.

1 **(C) A CONSUMER MAY DEMAND A JURY TRIAL IN AN ACTION BROUGHT**
2 **UNDER THIS SUBTITLE.**

3 **(D) A CONSUMER MAY NOT FILE A COMPLAINT UNDER THIS SECTION**
4 **DURING THE 30-DAY INVESTIGATORY PERIOD UNDER § 14-2A-02(C)(1) OF THIS**
5 **SUBTITLE.**

6 **(E) A CREDITOR MAY NOT COLLECT OR ATTEMPT TO COLLECT A DEBT THAT**
7 **IS SUBJECT TO A PROCEEDING UNDER THIS SECTION DURING THE PENDENCY OF**
8 **THE PROCEEDING.**

9 **14-2A-04.**

10 **(A) IN AN ACTION BROUGHT UNDER THIS SUBTITLE, A CONSUMER WHO**
11 **PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT A CREDITOR VIOLATED A**
12 **PROVISION OF THIS SUBTITLE IS ENTITLED TO:**

13 **(1) DECLARATORY JUDGMENT THAT A DEBT IS IDENTITY THEFT**
14 **DEBT, IN WHOLE OR IN PART; AND**

15 **(2) AN INJUNCTION PROHIBITING A CREDITOR FROM:**

16 **(I) HOLDING OR ATTEMPTING TO HOLD THE CONSUMER**
17 **LIABLE FOR THE IDENTITY THEFT DEBT;**

18 **(II) ENFORCING OR ATTEMPTING TO ENFORCE A JUDGMENT**
19 **RELATED TO THE IDENTITY THEFT DEBT; OR**

20 **(III) ASSIGNING THE IDENTITY THEFT DEBT TO A THIRD PARTY.**

21 **(B) IF A CONSUMER PREVAILS IN AN ACTION BROUGHT UNDER § 14-2A-03**
22 **OF THIS SUBTITLE, THE ALLEGED IDENTITY THEFT DEBTOR IS ENTITLED TO:**

23 **(1) DAMAGES;**

24 **(2) COURT COSTS; AND**

25 **(3) REASONABLE ATTORNEY'S FEES.**

26 **(C) IN AN ACTION BROUGHT UNDER THIS SUBTITLE, IF A CONSUMER**
27 **PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT A CREDITOR KNOWINGLY**
28 **FAILED TO COMPLY WITH § 14-2A-02 OF THIS SUBTITLE, THE CONSUMER IS**

1 ENTITLED TO:

2 (1) DOUBLE DAMAGES;

3 (2) COURT COSTS; AND

4 (3) REASONABLE ATTORNEY'S FEES.

5 14-2A-05.

6 IT IS AN AFFIRMATIVE DEFENSE TO A CLAIM AGAINST A CREDITOR UNDER
7 THIS SUBTITLE THAT THE CONSUMER:

8 (1) AGREED TO INCUR THE DEBT BEFORE OR AFTER IT WAS
9 INCURRED; OR

10 (2) RECEIVED THE BENEFIT OF THE DEBT WHILE KNOWING THAT IT
11 WAS INCURRED IN THE CONSUMER'S NAME.

12 14-2A-06.

13 THERE IS A REBUTTABLE PRESUMPTION THAT A DEBT IS IDENTITY THEFT
14 DEBT IF AN INDIVIDUAL IS FOUND GUILTY, PLEADS GUILTY, OR RECEIVES
15 PROBATION BEFORE JUDGMENT FOR A VIOLATION OF § 8-301 OF THE CRIMINAL
16 LAW ARTICLE THAT GAVE RISE TO THE DEBT.

17 14-2A-07.

18 ANY TIME LIMITATION ON DEBT COLLECTION SHALL BE TOLLED FOR ANY
19 PERIOD DURING WHICH A CREDITOR IS PROHIBITED FROM COLLECTING THE DEBT
20 UNDER THIS SUBTITLE.

21 14-2A-08.

22 (A) A CONSUMER MAY NOT WAIVE ANY PROTECTIONS GRANTED UNDER THIS
23 SUBTITLE.

24 (B) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO PREVENT A
25 CONSUMER FROM PURSUING ANY OTHER REMEDY PROVIDED BY LAW.

26 14-2A-09.

27 A CREDITOR MAY SEEK TO RECOVER AN IDENTITY THEFT DEBT FROM A

1 **PERSON THAT CAUSED THE DEBT TO BE INCURRED.**

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2026.