

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Economic Matters Committee
FROM: Legislative Committee
Sara Elalamy
410-260-1561
RE: House Bill 585
Commercial Law – Consumer Protection – Financial Capabilities
and Legal Assistance Fund
DATE: January 25, 2021
(2/3)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 585. This bill prohibits a collection agency from passing to a consumer any costs associated with certain filing fees. It also establishes the Financial Capabilities and Legal Assistance Fund as a special, non-lapsing fund to receive and distribute funds to qualified nonprofit entities that provide counselling services and legal assistance to consumers related to consumer credit and debt collections.

First, ordinarily the clerks, not the State Court Administrator or the Chief Judge of the District Court, collect filing fees.

In addition, this legislation would be difficult to implement by the Judiciary. It would be impossible for clerks to identify qualifying cases in order to assess the \$30 fee where appropriate, and separately account for the revenue generated. The Judiciary would need to implement controls to ensure the filing fee is not included in any judgment amounts, as a collection agency cannot pass the fee onto the consumer.

cc. Hon. Debra Davis
Judicial Council
Legislative Committee
Kelley O'Connor