



HB 103 - Consumer Protection - Consumer Contracts - Prohibited Waiver

Committee: House Economic Matters Committee

Date: February 10, 2026

Position: Unfavorable

The Maryland Bankers Association (MBA) **OPPOSES** HB 103. This legislation prohibits consumer contracts from containing a provision that waives, limits, impairs, or disclaims a right conferred or created or a manner of enforcement established by federal or state law. Violations would be considered an unfair, abusive, or deceptive trade practice under the Maryland Consumer Protection Act. HB 103 creates significant operational, legal, and economic challenges for Maryland banks and the consumers they serve.

Maryland banks are already subject to an extensive and comprehensive consumer protection framework. Federal laws such as the Truth in Lending Act (TILA), Truth in Savings Act (TISA), Equal Credit Opportunity Act (ECOA), Electronic Fund Transfer Act (EFTA), and Gramm-Leach-Bliley Act (GLBA) establish uniform national rules for disclosures, contract terms, consumer rights, privacy, and enforcement. Applying the provisions in HB 103 to banks creates potentially duplicative or conflicting regulatory obligations, particularly where federal law already prohibits the precise conduct the bill seeks to address and provides robust enforcement mechanisms.

Additionally, designating a violation of HB 103 as a violation of the Maryland Consumer Protection Act would expose financial institutions to increased litigation risk, even in circumstances where a bank unintentionally includes noncompliant terms in a contract.

Maryland banks consistently go above and beyond in serving their customers and communities, and legislation such as HB 103 risks increasing the cost of credit and reducing its availability. Accordingly, MBA urges the issuance of an **UNFAVORABLE** report on HB 103.

The Maryland Bankers Association (MBA) represents FDIC-insured community, regional, and national banks, employing thousands of Marylanders and holding \$194.8 billion in deposits in over 1,100 branches across our State. The Maryland banking industry serves customers across the State and provides an array of financial services including residential mortgage lending, business banking, estates and trust services, consumer banking, and more.