

CITIZEN-DRAFTED BILL CB-604

Requested: September 7, 2025

Suggested assignment to: Economic Matters

AN ACT concerning

Office of the Attorney General – Enforcement of trade service practices

FOR the purpose of creating incentives to mediate, strengthening deterrents to reduce reported and unreported unethical practices, making available mechanisms for holding associations accountable for willful and wanton violation of laws when mediation has failed, and expanding the applicability of OAG enforcement powers that currently exist for regulating other trade practices, including the powers of cease and desist orders, assessment of fines, and litigation in the public interest on behalf of homeowners.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Bold indicates matters for general awareness, usually existing law that provides key context for the bill.

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

Article – Commercial Law

§13–101.

(k) “Unfair, abusive, or deceptive trade practice” has the meaning stated in Subtitle 3 of this title.

(l) “VIOLATOR” MEANS AN INDIVIDUAL OR AN ENTITY WHO HAS HARMED, DENIED THE RIGHTS OF, OR BREACHED A CONTRACT WITH A CONSUMER

§13–203.

In addition to any other of his powers and duties, the Attorney General:

(1) May recommend to the Governor and the General Assembly legislation to protect the public from fraudulent promoters and the schemes they propose;

(2) Shall appoint an assistant, whose salary shall be as provided in the budget, to perform the duties of assistant Attorney General in charge of consumer protection;

(3) Shall employ the investigators and clerical staff which he considers necessary to carry out the purpose of this subtitle; and

(4) May use the funds and employ the media which he considers necessary to:

(i) Fully acquaint the public and business community with the provisions of this title;

(ii) Educate the public as to nefarious schemes which might be foisted on the public;

(iii) Generally study consumer problems from the standpoint of value received by the consumer; and

(iv) Report periodically to the public.

(5) SHALL PUBLISH A REPORT ANNUALLY ON THE NUMBER AND STATUS OF ~~ITS~~ ALL REAL PROPERTY CASES ~~BROUGHT ON BEHALF OF A CONSUMER RECEIVED~~, TRACKING AT A MINIMUM THE CASE TYPES OF FAIR ELECTIONS, MEETING PROCEDURES, FINANCIAL MANAGEMENT, AND OTHER VIOLATIONS OR TORTS.

(6) SHALL PUBLISH A REPORT ANNUALLY ON THE NUMBER AND COLLECTION STATUS OF ITS ASSESSMENTS AGAINST VIOLATORS OF THE REAL PROPERTY ARTICLE

13-204

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

(4) In accordance with § 13-301 AND § 13-403 of this title, issue a **cease and desist order** with respect to any practice found by the Division to be an **unfair or deceptive trade practice**;

(10) **Assess against any violator** of this title the **costs** of investigation by the Division and **damages** which flow from the improper, incomplete or untimely restitution by the violator to the consumer of money, property, or other thing received from the consumer in connection with a violation of this title;

(11) Exercise and perform any other function, power, and duty appropriate to protect and promote the welfare of consumers;

(12) In accordance with § 13-205 of this subtitle, **adopt rules, regulations**, and standards which:

(i) Are necessary to assure the orderly operation of the Division; and

(ii) **Further define unfair or deceptive trade practices** for purposes of this title;

(13) Enter into reciprocal agreements with consumer protection agencies of other states, in which each state mutually agrees to receive and investigate complaints from the foreign state's consumer protection agency on behalf of their consumers against businesses in the receiving and investigating state;

(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;
- (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 Trusts 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.
- (17) BRING A CIVIL ACTION FOR DAMAGES **OR INJUNCTIVE RELIEF** ON BEHALF OF A UNIT OWNER OR LOT OWNER WHO IS AUTHORIZED TO BRING A CAUSE OF ACTION UNDER § 11-119 OR §11B–111.10 OF THE REAL PROPERTY ARTICLE

13-301

Unfair, abusive, or deceptive trade practices include any:

(14) Violation of a provision of:

...

- (xvi) Title 10, Subtitle 6 of the Real Property Article;
- (xxv) Title 7, Subtitle 3 of the Real Property Article, the Protection of Homeowners in Foreclosure Act;
- (xxvii) Section 14–905 of the Real Property Article;

...

- (i) TITLE 11 OF THE REAL PROPERTY ARTICLE GENERALLY;
- (ii) TITLE 11B OF THE REAL PROPERTY ARTICLE;
- (iii) SECTION 11-109 OF THE REAL PROPERTY ARTICLE, INCLUDING BUT NOT LIMITED TO THE VOTING RIGHTS OF A CONSUMER

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