

## CHAPTER 761

(House Bill 282)

AN ACT to repeal and re-enact, with amendments, Section 22 of Article 83 of the Annotated Code of Maryland (1969 Replacement Volume), title "Sales and Notices," subtitle "Consumer Protection," to provide stronger enforcement powers for the Attorney General in the consumer protection law, including the power to subpoena witnesses, administer oaths, examine individuals under oath, and compel production of records, books, papers, contracts, and other documents, and to provide an exception, and to generally revise and clarify the language.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 22 of Article 83 of the Annotated Code of Maryland (1969 Replacement Volume), title "Sales and Notices," subtitle "Consumer Protection," is hereby repealed and re-enacted, with amendments, to read as follows:

22.

(a) If a person has engaged in or is engaging in any practice declared [to be] unlawful by this subtitle, the Attorney General may [seek and] obtain [in an action in a circuit court] an injunction [prohibiting such] **TO PROHIBIT THE person from continuing [such practices or engaging therein] THE PRACTICE or [doing] any acts in furtherance OF THE PRACTICE.** [thereof after appropriate notice to such person.] [Such notice shall state generally the relief sought and be served at least seven days prior to the institution of such action.] **NOTICE OF THE GENERAL RELIEF SOUGHT SHALL BE SERVED AT LEAST SEVEN DAYS PRIOR TO THE INSTITUTION OF THE ACTION FOR AN INJUNCTION.** The court may [make such orders or judgments as may be] **PASS ANY ORDER OR JUDGEMENT** necessary to: (1) prevent the use or employment by a person of any prohibited [practices,] **PRACTICE;** (2) [or which may be necessary to] restore to [any] A person in interest any moneys or property, real or personal [which may have been] acquired by means of any practice [in this subtitle] declared [to be] unlawful **IN THIS SUBTITLE; OR** (3) [including the appointment of] **APPOINT** a receiver in cases of willful violation [of the provisions] of this subtitle.

**(B) IN THE COURSE OF ANY EXAMINATION, INVESTIGATION, OR HEARING CONDUCTED BY HIM, THE ATTORNEY GENERAL, OR AN AUTHORIZED ASSISTANT ATTORNEY GENERAL MAY SUBPOENA WITNESSES, ADMINISTER OATHS OR AFFIRMATIONS, EXAMINE AN INDIVIDUAL UNDER OATH, AND COMPEL PRODUCTION OF RECORDS, BOOKS, PAPERS, CONTRACTS, AND OTHER DOCUMENTS. INFORMATION OBTAINED UNDER THIS SECTION SHALL NOT BE ADMISSIBLE IN A LATER CRIMINAL PROCEEDING AGAINST THE PERSON PROVIDING THE EVIDENCE.**

[b) In addition to the actions enumerated in subsection (a) of this section, any person violating the provisions of] **(C) IN ADDITION TO ANY CIVIL PENALTIES A VIOLATION OF this subtitle [shall be guilty of] IS a misdemeanor [and upon conviction shall be subject to] PUNISHABLE BY a fine of not more than one thousand (\$1,000) dollars or imprisonment of not more than one year or both, at the discretion of the court.**