

(I) "WATERPROOFING TECHNIQUE" MEANS ANY SINGLE PROCESS DESIGNED TO PREVENT OR CONTROL WATER LEAKAGE INTO A HOUSE OR DWELLING, BUT DOES NOT INCLUDE THE COMBINATION OF TWO OR MORE PROCESSES.

14-12A-02.

IT IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE FOR A SELLER TO:

~~(1) -- REPRESENT THAT THE -- SOIL -- INJECTION/PRESSURE PUMPING PROCEDURES IS A WATERPROOFING PROCEDURE OR TECHNIQUE OR PART OF A WATERPROOFING JOB;~~

(2) (1) SELL OR OFFER TO SELL ANY BASEMENT WATERPROOFING SERVICE THAT USES THE SOIL INJECTION/PRESSURE PUMPING TECHNIQUE EITHER ALONE OR WITH ANY OTHER WATERPROOFING TECHNIQUE UNLESS THE NEED FOR, EFFECTIVENESS OF, AND APPROPRIATENESS OF THE METHOD IS ESTABLISHED IN A WRITTEN SELLER'S ANALYSIS. THE WRITTEN SELLER ANALYSIS SHALL BE SEPARATE FROM THE SERVICE CONTRACT AND VERIFIED BY A SIGNED ~~GEOTECHNICAL~~ ENGINEER'S OR ARCHITECT'S ANALYSIS FURNISHED TO THE BUYER PRIOR TO THE SALE;

(3) (2) FAIL TO DESCRIBE SEPARATELY AND CONSPICUOUSLY ON THE SELLER'S ANALYSIS AND THE SERVICE CONTRACT THE COST OF A SOIL INJECTION/PRESSURE PUMPING PROCEDURE;

(4) (3) SUBMIT A SELLER'S ANALYSIS TO THE BUYER THAT THE SELLER KNOWS OR HAS REASON TO KNOW IS FOUNDED ON INCORRECT FACTS OR CONCLUSIONS;

(5) (4) MISREPRESENT DIRECTLY OR THROUGH AN AGENT THE NEED FOR, OR THE EFFECTIVENESS OF THE SOIL INJECTION/PRESSURE PUMPING TECHNIQUE ALONE OR IN CONJUNCTION WITH OTHER WATERPROOFING TECHNIQUES. THIS SECTION ALSO APPLIES TO MISREPRESENTATION BY AN ENGINEER IN CONNECTION WITH THE SALE OF WATERPROOFING SERVICES;

(6) (5) ADVERTISE BASEMENT WATERPROOFING SERVICES USING THE SOIL INJECTION/PRESSURE PUMPING TECHNIQUE WITHOUT DISCLOSING IN THE ADVERTISEMENT THAT AN ENGINEER'S ANALYSIS RECOMMENDING THIS PROCESS IS REQUIRED AS A CONDITION OF ITS USE AND THAT THE ANALYSIS MUST BE FURNISHED TO THE BUYER BEFORE A CONTRACT IS SIGNED. THIS DISCLOSURE SHALL BE IN 10 POINT BOLDFACE TYPE; OR

(7) (6) FAIL TO ITEMIZE ON THE SERVICE CONTRACT THE INDIVIDUAL COST OF EACH WATERPROOFING TECHNIQUE USED.

14-12A-03.

ANY PERSON WHO VIOLATES ANY PROVISIONS OF THIS SUBTITLE IS SUBJECT TO THE PENALTIES PROVIDED FOR IN TITLE 13 OF THIS ARTICLE.