

CHAPTER 90

(House Bill 436)

AN ACT concerning

Maryland Home Improvement Commission - Prosecution of Unlicensed Contractors, Subcontractors, and Salespersons - Procedures

FOR the purpose of clarifying that an administrative hearing and adjudication by the Maryland Home Improvement Commission is not a prerequisite to criminal prosecution of certain unlicensed home improvement contractors, subcontractors, or salespersons under certain circumstances; and generally relating to home improvement contractors.

BY repealing and reenacting, with amendments,

Article - Business Regulation

Section 8-208

Annotated Code of Maryland

(2004 Replacement Volume and 2005 Supplement)

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

Article - Business Regulation

8-208.

(a) The Commission shall administer and enforce this title.

(b) (1) If the Commission concludes that continuing conduct of a person alleged to be in violation of this title will result in irreparable or substantial harm to any other person, the Commission may sue for:

(i) injunctive relief against the conduct;

(ii) an order for satisfactory completion of a home improvement contract; or

(iii) restitution.

(2) If the Commission sues for injunctive relief under this subsection against a person who is not licensed under this title, the Commission need not:

(i) post bond; or

(ii) show that no adequate remedy at law exists.

(3) A suit under this section shall be brought in the circuit court for the county where:

(i) the alleged violation occurs; or