

18-1909.

(a) The Board shall establish [a program of] prepaid contracts UNDER THE TRUST to provide for the advance payment of tuition ~~and mandatory fees~~ at:

- (1) A community college;
- (2) A 4-year college;
- (3) A university; or
- (4) Any combination of a community college, college, or university.

(b) (1) For the purpose of entering into a prepaid contract, either the [purchaser] ACCOUNT HOLDER or the qualified beneficiary must be a resident of Maryland or of the District of Columbia at the time that the [purchaser] ACCOUNT HOLDER enters into the prepaid contract.

(2) For the purposes of determining residency for the purchase of a prepaid contract:

(i) For residency in Maryland, "resident" has the meaning stated in § 10-101(h) of the Tax - General Article; and

(ii) For residency in the District of Columbia, "resident" has the meaning stated in § 47-1801.04 of the District of Columbia Code Annotated.

(c) The cost of a prepaid contract shall be based on:

(1) The average current in-State tuition costs at the time the prepaid contract is purchased at public institutions of higher education in the State;

(2) The number of years expected to elapse between the purchase of a prepaid contract and the use of the benefits of the prepaid contract; and

(3) The projected tuition costs at the time that the benefits will be exercised.

(d) Each prepaid contract made under the provisions of this subtitle shall include the following provisions:

(1) The amount of each payment and the number of payments required from [a purchaser] AN ACCOUNT HOLDER;

(2) The terms and conditions under which [purchasers] ACCOUNT HOLDERS shall remit payments, including the dates of the payments;

(3) Provisions for late payment charges and defaults;

(4) Penalties for early withdrawal from the [Program] TRUST;

(5) The amount and terms of any administrative fees that must be paid by the [purchaser] ACCOUNT HOLDER or the beneficiary;