

hearing within a certain time after a request for hearing is made; providing that certain cease and desist orders are final after a certain period of time under certain circumstances; requiring the Division to follow certain procedures before issuing an order against certain persons operating out of fixed retail locations in the State; and generally relating to cease and desist orders issued by the Division of Consumer Protection for violations of the Consumer Protection Act.

BY adding to

Article - Commercial Law

Section 13-403(d)

Annotated Code of Maryland

(1990 Replacement Volume and 1991 Supplement)

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

Article - Commercial Law

13-403.

(D) (1) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION, THE DIVISION MAY ISSUE A CEASE AND DESIST ORDER WITHOUT FIRST CONDUCTING A HEARING IF THE DIVISION HAS REASONABLE GROUNDS TO BELIEVE THAT:

(I) A PERSON HAS VIOLATED THIS TITLE;

(II) THE PERSON WILL CONTINUE TO VIOLATE THIS TITLE CAUSING HARM TO ADDITIONAL CONSUMERS; AND

(III) CONSUMERS HARMED BY THE VIOLATIONS WILL BE UNABLE TO OBTAIN RESTITUTION AFTER A CEASE AND DESIST HEARING.

(2) (1) IF THE DIVISION INTENDS TO ISSUE A CEASE AND DESIST ORDER UNDER THIS SUBSECTION AGAINST A PERSON WHO IS IN COMPLIANCE WITH ALL APPLICABLE STATE AND LOCAL REGISTRATION, LICENSING, AND BONDING LAWS, AND IS OPERATING OUT OF A FIXED RETAIL LOCATION IN THE STATE, THE DIVISION SHALL SERVE AN UNSIGNED COPY OF THE ORDER ON THE PERSON AT LEAST 3 BUSINESS DAYS BEFORE IT IS TO BE ISSUED.

(II) THE UNSIGNED COPY SHALL BE SERVED BY DELIVERING IT TO AN EMPLOYEE OR AGENT OF THE PERSON AT THE FIXED RETAIL LOCATION OR, IF THE PERSON OPERATES MORE THAN ONE RETAIL LOCATION IN THE STATE, AT THE LOCATION THAT SERVES AS THE PERSON'S PRINCIPAL OFFICE.

(III) IF THE PERSON PRESENTS EVIDENCE OR SECURITY ESTABLISHING THAT THE PERSON WILL BE ABLE TO PAY RESTITUTION AFTER A CEASE AND DESIST HEARING, THE ORDER MAY NOT BE ISSUED.