

Md. Commercial Law Code Ann. § 13-301

Current through all legislation from the 2023 Regular Session of the General Assembly.

Michie's™ Annotated Code of Maryland > Commercial Law (Titles 1 — 24) > Title 13. Consumer Protection Act. (Subts. 1 — 5) > Subtitle 3. Unfair, Abusive, or Deceptive Trade Practices. (§§ 13-301 — 13-320)

§ 13-301. Unfair, abusive, or deceptive trade practices defined.

Unfair, abusive, or deceptive trade practices include any:

- (1) False, falsely disparaging, or misleading oral or written statement, visual description, or other representation of any kind which has the capacity, tendency, or effect of deceiving or misleading consumers;
- (2) Representation that:
 - (i) Consumer goods, consumer realty, or consumer services have a sponsorship, approval, accessory, characteristic, ingredient, use, benefit, or quantity which they do not have;
 - (ii) A merchant has a sponsorship, approval, status, affiliation, or connection which he does not have;
 - (iii) Deteriorated, altered, reconditioned, reclaimed, or secondhand consumer goods are original or new; or
 - (iv) Consumer goods, consumer realty, or consumer services are of a particular standard, quality, grade, style, or model which they are not;
- (3) Failure to state a material fact if the failure deceives or tends to deceive;
- (4) Disparagement of the goods, realty, services, or business of another by a false or misleading representation of a material fact;
- (5) Advertisement or offer of consumer goods, consumer realty, or consumer services:
 - (i) Without intent to sell, lease, or rent them as advertised or offered; or
 - (ii) With intent not to supply reasonably expected public demand, unless the advertisement or offer discloses a limitation of quantity or other qualifying condition;
- (6) False or misleading representation of fact which concerns:
 - (i) The reason for or the existence or amount of a price reduction; or
 - (ii) A price in comparison to a price of a competitor or to one's own price at a past or future time;
- (7) Knowingly false statement that a service, replacement, or repair is needed;
- (8) False statement which concerns the reason for offering or supplying consumer goods, consumer realty, or consumer services at sale or discount prices;

(9) Deception, fraud, false pretense, false premise, misrepresentation, or knowing concealment, suppression, or omission of any material fact with the intent that a consumer rely on the same in connection with:

- (i)** The promotion or sale of any consumer goods, consumer realty, or consumer service;
- (ii)** A contract or other agreement for the evaluation, perfection, marketing, brokering or promotion of an invention; or
- (iii)** The subsequent performance of a merchant with respect to an agreement of sale, lease, or rental;

(10) Solicitations of sales or services over the telephone without first clearly, affirmatively, and expressly stating:

- (i)** The solicitor's name and the trade name of a person represented by the solicitor;
- (ii)** The purpose of the telephone conversation; and
- (iii)** The kind of merchandise, real property, intangibles, or service solicited;

(11) Use of any plan or scheme in soliciting sales or services over the telephone that misrepresents the solicitor's true status or mission;

(12) Use of a contract related to a consumer transaction which contains a confessed judgment clause that waives the consumer's right to assert a legal defense to an action;

(13) Use by a seller, who is in the business of selling consumer realty, of a contract related to the sale of single family residential consumer realty, including condominiums and town houses, that contains a clause limiting or precluding the buyer's right to obtain consequential damages as a result of the seller's breach or cancellation of the contract;

(14) Violation of a provision of:

- (i)** This title;
- (ii)** An order of the Attorney General or agreement of a party relating to unit pricing under Title 14, Subtitle 1 of this article;
- (iii)** Title 14, Subtitle 2 of this article, the Maryland Consumer Debt Collection Act;
- (iv)** Title 14, Subtitle 3 of this article, the Maryland Door-to-Door Sales Act;
- (v)** Title 14, Subtitle 9 of this article, Kosher Products;
- (vi)** Title 14, Subtitle 10 of this article, Automotive Repair Facilities;
- (vii)** Section 14-1302 of this article;
- (viii)** Title 14, Subtitle 11 of this article, Maryland Layaway Sales Act;
- (ix)** Section 22-415 of the Transportation Article;
- (x)** Title 14, Subtitle 20 of this article;
- (xi)** Title 14, Subtitle 15 of this article, the Automotive Warranty Enforcement Act;
- (xii)** Title 14, Subtitle 21 of this article;
- (xiii)** Section 18-107 of the Transportation Article;

- (xiv)** Title 14, Subtitle 22 of this article, the Maryland Telephone Solicitations Act;
- (xv)** Title 14, Subtitle 23 of this article, the Automotive Crash Parts Act;
- (xvi)** Title 10, Subtitle 6 of the Real Property Article;
- (xvii)** Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;
- (xviii)** Title 14, Subtitle 26 of this article, the Maryland Door-to-Door Solicitations Act;
- (xix)** Title 14, Subtitle 31 of this article, the Maryland Household Goods Movers Act;
- (xx)** Title 14, Subtitle 32 of this article, the Maryland Telephone Consumer Protection Act;
- (xxi)** Title 14, Subtitle 34 of this article, the Social Security Number Privacy Act;
- (xxii)** Title 14, Subtitle 37 of this article, the Online Child Safety Act;
- (xxiii)** Section 14-1319, § 14-1320, or § 14-1322 of this article;
- (xxiv)** Section 7-304 or § 8-801 of the Criminal Law Article;
- (xxv)** Title 7, Subtitle 3 of the Real Property Article, the Protection of Homeowners in Foreclosure Act;
- (xxvi)** Title 6, Subtitle 13 of the Environment Article;
- (xxvii)** Section 7-405(e)(2)(ii) of the Health Occupations Article;
- (xxviii)** Title 12, Subtitle 10 of the Financial Institutions Article;
- (xxix)** Title 19, Subtitle 7 of the Business Regulation Article;
- (xxx)** Section 15-311.3 of the Transportation Article;
- (xxxi)** Section 14-1324 of this article;
- (xxxii)** Section 14-1326 of this article;
- (xxxiii)** The federal Military Lending Act;
- (xxxiv)** The federal Servicemembers Civil Relief Act;
- (xxxv)** Section 11-210 of the Education Article;
- (xxxvi)** Title 14, Subtitle 44 of this article;
- (xxxvii)** Section 19-214.4 of the Health - General Article by a hospital;
- (xxxviii)** Section 14-905 of the Real Property Article;
- (xxxix)** Section 14-1327 of this article;
- (xl)** Title 14, Subtitle 13 of the Public Safety Article;
- (xli)** Title 14, Subtitle 45 of this article; or
- (15)** Act or omission that relates to a residential building and that is chargeable as a misdemeanor under or otherwise violates a provision of the Energy Conservation Building Standards Act, Title 7, Subtitle 4 of the Public Utilities Article.

History

An. Code 1957, art. 83, § 20D; 1975, ch. 49, § 3; ch. 431, § 1; 1976, chs. 507, 907; 1977, ch. 362; ch. 376, § 2; 1978, ch. 673, § 1; 1979, chs. 65, 536; 1981, chs. 388, 502; 1985, ch. 710; 1986, ch. 506; 1987, chs. 577, 650; 1988, ch. 6, § 1; chs. 268, 269, 588, 589, 775; 1990, ch. 223; 1992, chs. 342, 537, 642; 1998, ch. 653; 1999, ch. 34, § 1; 2002, ch. 19, § 9; ch. 543, § 1; 2003, ch. 21, § 1; 2004, chs. 25, 437; 2005, ch. 25, § 1; chs. 456, 521; 2006, ch. 491; 2008, chs. 5, 6, 36, 483; ch. 532, § 2; 2009, chs. 60, 557; 2010, chs. 52, 89, 90; 2011, chs. 280, 281; 2012, chs. 214, 215; 2015, chs. 156, 157; 2018, chs. 515, 731; ch. 732, § 3; 2020, ch. 160, § 1; ch. 554, § 2; ch. 628, § 1; 2022, ch. 501, § 1; 2023, ch. 310, § 1; ch. 311, § 1; ch. 525, § 1; ch. 561, § 1; ch. 630, § 1; ch. 631, § 1.

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