

HOUSE BILL 103

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6lr0878

(PRE-FILED)

By: Delegate Stewart

Requested: September 17, 2025

Introduced and read first time: January 14, 2026

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Consumer Contracts – Prohibited Waiver**

3 FOR the purpose of repealing certain exemptions relating to a prohibition on a consumer
4 contract that sets a shorter time to bring an action under or on the consumer contract
5 under certain circumstances; prohibiting a consumer contract from waiving,
6 limiting, impairing, or disclaiming any right conferred or created or a manner of
7 enforcement established by federal or State law; establishing that a violation of this
8 Act is an unfair, abusive, or deceptive trade practice subject to enforcement and
9 certain civil penalties; prohibiting a waiver by agreement of certain provisions of this
10 Act, except under certain circumstances; and generally relating to consumer
11 contracts.

12 BY repealing and reenacting, with amendments,
13 Article – Commercial Law
14 Section 13–301(14)(xlvii)
15 Annotated Code of Maryland
16 (2025 Replacement Volume)

17 BY repealing and reenacting, without amendments,
18 Article – Commercial Law
19 Section 13–301(14)(xlviii)
20 Annotated Code of Maryland
21 (2025 Replacement Volume)

22 BY adding to
23 Article – Commercial Law
24 Section 13–301(14)(xlix)
25 Annotated Code of Maryland
26 (2025 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Commercial Law
3 Section 14–1328
4 Annotated Code of Maryland
5 (2025 Replacement Volume)
6 (As enacted by Chapter 194 of the Acts of the General Assembly of 2025)

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

Article – Commercial Law

10 13-301.

11 Unfair, abusive, or deceptive trade practices include any:

12 (14) Violation of a provision of:

¹³ (xlvii) Title 14, Subtitle 50 of this article; [or]

14 (xlviii) Section 13–411.1(c)(2) of the Transportation Article; or

(XLIX) SECTION 14–1328 OF THIS ARTICLE; OR

16 14-1328.

17 (a) (1) In this section[, "consumer] THE FOLLOWING WORDS HAVE THE
18 MEANINGS INDICATED.

(3) "CONSUMER contract" means a contract involving the sale, lease, or provision of goods or services that are for personal, family, or household purposes

23 (b) [This section does not apply to:

28 (2) A service regulated by:

(i) The Maryland Public Service Commission;

- (ii) The Federal Communications Commission; or
 - (iii) The Federal Energy Regulatory Commission; or

A person or business licensed to provide security system services under
Business Occupations and Professions Article.

5 (c)] A provision in a consumer contract that [sets a shorter time to bring an action
6 under or on the consumer contract than required by the law of the State when the consumer
7 contract is issued or delivered] WAIVES, LIMITS, IMPAIRS, OR DISCLAIMS A RIGHT
8 CONFERRED OR CREATED OR A MANNER OF ENFORCEMENT ESTABLISHED BY
9 FEDERAL OR STATE LAW is against State public policy, illegal, and void, INCLUDING A
10 PROVISION THAT SETS A SHORTER TIME TO BRING AN ACTION UNDER OR ON THE
11 CONSUMER CONTRACT THAN REQUIRED BY STATE LAW WHEN THE CONSUMER
12 CONTRACT WAS ISSUED OR DELIVERED.

13 [d] (c) If a consumer contract contains a provision that is illegal under this
14 section:

15 (1) A court [may]:

(I) MAY not give effect to the provision; and

(2) A defense to liability under the consumer contract may not be based on the [shorter limitation period] PROVISION.

21 (D) (1) A VIOLATION OF THIS SECTION IS:

22 (I) AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE
23 WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE; AND

27 **(2) IN ADDITION TO AN ACTION FOR DAMAGES UNDER § 13-408 OF**
28 **THIS ARTICLE, A PERSON MAY BRING AN ACTION FOR DECLARATORY RELIEF OR AN**
29 **INJUNCTION TO PROHIBIT A PERSON WHO HAS ENGAGED OR IS ENGAGING IN A**
30 **VIOLATION OF THIS SECTION FROM ENGAGING IN OR CONTINUING TO ENGAGE IN**
31 **THE VIOLATION.**

HOUSE BILL 103

1 **(E) (1)** THIS SECTION SHALL BE CONSTRUED TO APPLY EQUALLY AND
2 WITHOUT FAVORABLE TREATMENT TO A CONSUMER CONTRACT WITH OR WITHOUT
3 AN ARBITRATION PROVISION.

4 **(2)** THIS SECTION MAY NOT BE CONSTRUED TO:

5 **(I)** INVALIDATE AN ARBITRATION PROVISION THAT IS
6 ENFORCEABLE UNDER THE FEDERAL ARBITRATION ACT; OR

7 **(II)** PROHIBIT A PROVISION IN A CONSUMER CONTRACT THAT
8 GRANTS A CONSUMER A RIGHT OR A MANNER OF ENFORCEMENT MORE EXPANSIVE
9 OR EXTENSIVE THAN A RIGHT CONFERRED OR CREATED OR A MEANS OR MANNER OF
10 ENFORCEMENT ESTABLISHED BY FEDERAL OR STATE LAW.

11 **(3) (I)** A PROVISION OF THIS SECTION MAY NOT BE WAIVED BY
12 AGREEMENT.

13 **(II)** A CONSUMER MAY WAIVE A RIGHT CONFERRED OR
14 CREATED OR A MANNER OF ENFORCEMENT ESTABLISHED BY FEDERAL OR STATE
15 LAW AS PART OF A SETTLEMENT OF A DISPUTE OR AN ACTION, UNLESS OTHERWISE
16 PROHIBITED BY FEDERAL LAW.

17 SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
18 the application of any provision of this Act to any person or circumstance is held invalid for
19 any reason in a court of competent jurisdiction, the invalidity does not affect other
20 provisions or any other application of this Act that can be given effect without the invalid
21 provision or application, and for this purpose the provisions of this Act are declared
22 severable.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to
24 apply only prospectively and may not be applied or interpreted to have any effect on or
25 application to any contract entered into before the effective date of this Act.

26 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect on
27 the later of October 1, 2026, or the taking effect of Chapter 194 of the Acts of the General
28 Assembly of 2025, if the effective date of Chapter 194 is amended.