

**CITY OF BALTIMORE
COUNCIL BILL 23-0424
(First Reader)**

Introduced by: Councilmember Schleifer

Introduced and read first time: August 21, 2023

Assigned to: Rules and Legislative Oversight Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Office of Equity and Civil Rights

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Unfair, Abusive, or Deceptive Trade Practices – Penalties**

3 FOR the purpose of prohibiting unfair, abusive, or deceptive trade practices; establishing certain
4 penalties; authorizing the City Solicitor to take certain action if there is reason to believe a
5 person is engaging in certain practices; defining certain terms; and generally relating to
6 penalties for unfair, abusive, or deceptive trade practices.

7 BY repealing

8 Article 2 - Consumer Protections
9 Sections 4-1 and 4-2 and the subtitle designation
10 “Subtitle 4. False Advertising”
11 Baltimore City Code
12 (Edition 2000)

13 BY adding

14 Article 2 - Consumer Protections
15 Sections 4-1 and 4-2 to be under the new subtitle designation
16 “Subtitle 4. Unfair, Abusive, or Deceptive Trade Practices”
17 Baltimore City Code
18 (Edition 2000)

19 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
20 Laws of Baltimore City read as follows:

21 **Baltimore City Code**

22 **Article 2. Consumer Protections**

23 **[Subtitle 4. False Advertising]**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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[§ 4-1. Prohibited conduct.]

[It is unlawful for any person, firm, or corporation that offers for sale merchandise, commodities, or service to make, publish, disseminate, circulate, or place before the general public within this City, in a newspaper or other publication, in a public notice or announcement broadcast on radio or television, or in the form of a book, notice, handbill poster, bill, circular, pamphlet, or letter, or in any other way, an advertisement describing such merchandise, commodities, or service, as part of a plan or scheme:]

[(1) with the intent not to sell such merchandise, commodities, or service so advertised at the price stated therein; or]

[(2) with the intent not to sell such merchandise, commodities, or service so advertised.]

[§ 4-2. Penalties.]

[Any person who violates any provision of this subtitle shall be deemed guilty of a misdemeanor and, upon conviction thereof, may be imprisoned for not exceeding 12 months; and such person or the firm or corporation under whose direction he was acting may, in the discretion of the Court, be subject to a fine of not exceeding \$500.]

SUBTITLE 4. UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICES

§ 4-1. DEFINITIONS.

THE FOLLOWING TERMS HAVE THE MEANINGS STATED IN TITLE 13 OF THE STATE COMMERCIAL LAW ARTICLE:

(1) “ADVERTISEMENT”;

(2) “CONSUMER”;

(3) “CONSUMER CREDIT”;

(4) “CONSUMER DEBTS”;

(5) “CONSUMER GOODS”;

(6) “CONSUMER REALTY”;

(7) “CONSUMER SERVICES”;

(8) “MERCHANDISE”;

(9) “MERCHANT”;

(10) “SALE”;

(11) “SERVICE”; AND

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1 (12) “UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICES”.

2 **§ 4-2. PRACTICES GENERALLY PROHIBITED.**

3 IN BALTIMORE CITY, A PERSON MAY NOT ENGAGE IN ANY UNFAIR, ABUSIVE, OR DECEPTIVE
4 TRADE PRACTICE IN:

5 (1) THE SALE, LEASE, RENTAL, LOAN, OR BAILMENT OF ANY:

6 (I) CONSUMER GOOD;

7 (II) CONSUMER REALTY; OR

8 (III) CONSUMER SERVICE;

9 (2) THE OFFER FOR SALE, LEASE, RENTAL, LOAN, OR BAILMENT OF ANY:

10 (I) CONSUMER GOOD;

11 (II) CONSUMER REALTY; OR

12 (III) CONSUMER SERVICE;

13 (3) THE OFFER FOR SALE OF COURSE CREDIT OR OTHER EDUCATIONAL SERVICES;

14 (4) THE EXTENSION OF CONSUMER CREDIT;

15 (5) THE COLLECTION OF A CONSUMER DEBT; OR

16 (6) THE PURCHASE OR OFFER FOR PURCHASE OF A CONSUMER GOOD OR CONSUMER
17 REALTY FROM A CONSUMER, BY A MERCHANT WHOSE BUSINESS INCLUDES PAYING OFF
18 CONSUMER DEBT IN CONNECTION WITH THE PURCHASE OF ANY CONSUMER GOOD OR
19 CONSUMER REALTY FROM A CONSUMER.

20 **§ 4-3. CIVIL PENALTIES.**

21 (A) *IN GENERAL.*

22 A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO A CIVIL PENALTY OF NOT MORE
23 THAN \$1,000.

24 (B) *EACH VIOLATION A SEPARATE OFFENSE.*

25 EACH VIOLATION OF THIS SUBTITLE SHALL BE CONSIDERED A SEPARATE OFFENSE.

26 (C) *EACH DAY A SEPARATE VIOLATION.*

27 EACH DAY UPON WHICH A VIOLATION CONTINUES SHALL BE CONSIDERED A SEPARATE
28 OFFENSE.

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1 **§ 4-4. CRIMINAL PENALTIES.**

2 (A) *IN GENERAL.*

3 A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON
4 CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000.

5 (B) *EACH VIOLATION A SEPARATE OFFENSE.*

6 EACH VIOLATION OF THIS SUBTITLE SHALL BE CONSIDERED A SEPARATE OFFENSE.

7 (C) *EACH DAY A SEPARATE VIOLATION.*

8 EACH DAY UPON WHICH A VIOLATION CONTINUES SHALL BE CONSIDERED A SEPARATE
9 OFFENSE.

10 **§ 4-5. ACTION BY CITY SOLICITOR.**

11 (A) *INVESTIGATION.*

12 THE CITY SOLICITOR, ON BEHALF OF THE MAYOR AND CITY COUNCIL, MAY CONDUCT AN
13 INVESTIGATION OF A MERCHANT WHEN THERE IS REASON TO BELIEVE A PERSON IS
14 ENGAGING IN OR HAS ENGAGED IN A VIOLATION OF THIS SUBTITLE.

15 (B) *ISSUANCE OF A SUBPOENA.*

16 IN THE COURSE OF AN INVESTIGATION UNDER THIS SUBTITLE AND PURSUANT TO THE
17 MARYLAND RULES, THE CITY SOLICITOR MAY ISSUE IN WRITING, AND CAUSED TO BE
18 SERVED, A SUBPOENA TO REQUIRE ANY PERSON TO:

19 (1) APPEAR UNDER OATH TO PROVIDE TESTIMONIAL INFORMATION RELATED TO THE
20 ALLEGED VIOLATION UNDER INVESTIGATION; OR

21 (2) PRODUCE ANY OF THE FOLLOWING RELATED TO THE ALLEGED VIOLATION:

22 (I) INFORMATION;

23 (II) DOCUMENTS;

24 (III) REPORTS;

25 (IV) RECORDS;

26 (V) ACCOUNTS; OR

27 (VI) ANY OTHER RELEVANT MATERIAL.

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1 (C) *ENFORCEMENT OF A SUBPOENA.*

2 SUBJECT TO THE MARYLAND RULES, THE CITY SOLICITOR MAY ENFORCE ANY SUBPOENA
3 ISSUED PURSUANT TO THE SECTION IN A COURT OF COMPETENT JURISDICTION.

4 (D) *INITIATION OF LEGAL PROCEEDING.*

5 IN ADDITION TO ANY OTHER ENFORCEMENT ACTION AUTHORIZED BY LAW, THE CITY
6 SOLICITOR, ON BEHALF OF THE MAYOR AND CITY COUNCIL, MAY INITIATE A LEGAL
7 PROCEEDING FOR INJUNCTIVE RELIEF AND FOR THE IMPOSITION AND COLLECTION OF CIVIL
8 PENALTIES IN A COURT OF COMPETENT JURISDICTION FOR A VIOLATION OF THIS SUBTITLE.

9 **§ 4-6. RULES AND REGULATIONS.**

10 SUBJECT TO TITLE 4 {“ADMINISTRATIVE PROCEDURE ACT – REGULATIONS”} OF THE CITY
11 GENERAL PROVISIONS ARTICLE, THE CITY SOLICITOR MAY ADOPT RULES AND REGULATIONS
12 TO CARRY OUT THIS SUBTITLE.

13 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
14 after the date it is enacted.