



Legislation Text

File #: 23-0424, Version: 0

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

**City of Baltimore
Council Bill**

Introduced by: Councilmember Schleifer

A Bill Entitled

An Ordinance concerning

Unfair, Abusive, or Deceptive Trade Practices - Penalties

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

By repealing

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

By adding

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

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 2. Consumer Protections

[Subtitle 4. False Advertising]

[§ 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
- (12) “unfair, abusive, or deceptive trade practices”.

§ 4-2. Practices generally prohibited.

In Baltimore City, a person may not engage in any unfair, abusive, or deceptive trade practice in:

- (1) the sale, lease, rental, loan, or bailment of any:
 - (i) consumer good;
 - (ii) consumer realty; or
 - (iii) consumer service;
- (2) the offer for sale, lease, rental, loan, or bailment of any:
 - (i) consumer good;
 - (ii) consumer realty; or
 - (iii) consumer service;
- (3) the offer for sale of course credit or other educational services;
- (4) the extension of consumer credit;
- (5) the collection of a consumer debt; or
- (6) the purchase or offer for purchase of a consumer good or consumer realty from a consumer, by a merchant whose business includes paying off consumer debt in connection with the purchase of any consumer good or consumer realty from a consumer.

§ 4-3. Civil penalties.

(a) *In general.*

A person who violates this subtitle is subject to a civil penalty of not more than \$1,000.

(b) *Each violation a separate offense.*

Each violation of this subtitle shall be considered a separate offense.

(c) *Each day a separate violation.*

Each day upon which a violation continues shall be considered a separate offense.

§ 4-4. Criminal penalties.

(a) *In general.*

A person who violates this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000.

(b) *Each violation a separate offense.*

Each violation of this subtitle shall be considered a separate offense.

(c) *Each day a separate violation.*

Each day upon which a violation continues shall be considered a separate offense.

§ 4-5. Action by City Solicitor.

(a) *Investigation.*

The City Solicitor, on behalf of the Mayor and City Council, may conduct an investigation of a merchant when there is reason to believe a person is engaging in or has engaged in a violation of this subtitle.

(b) *Issuance of a subpoena.*

In the course of an investigation under this subtitle and pursuant to the Maryland Rules, the City Solicitor may issue in writing, and caused to be served, a subpoena to require any person to:

- (1) appear under oath to provide testimonial information related to the alleged violation under investigation; or
- (2) produce any of the following related to the alleged violation:
 - (i) information;
 - (ii) documents;
 - (iii) reports;
 - (iv) records;
 - (v) accounts; or
 - (vi) any other relevant material.

(c) *Enforcement of a subpoena.*

Subject to the Maryland Rules, the City Solicitor may enforce any subpoena issued pursuant to the section in a court of competent jurisdiction.

(d) *Initiation of legal proceeding.*

In addition to any other enforcement action authorized by law, the City Solicitor, on behalf of the Mayor and City Council, may initiate a legal proceeding for injunctive relief and for the imposition and collection of civil penalties in a court of competent jurisdiction for a violation of this subtitle.

§ 4-6. Rules and regulations.

Subject to Title 4 {“Administrative Procedure Act - Regulations”} of the City General Provisions Article, the City Solicitor may adopt rules and regulations to carry out this subtitle.

Section 2. And be it further ordained, That this Ordinance takes effect on the 30th day after the date it is enacted.