



## 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 30<sup>th</sup> day after the date it is enacted.