

HOUSE BILL 431

D3, I3

5lr0854
CF 5lr0855

By: **Delegate Stewart**

Introduced and read first time: January 16, 2025

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Consumer Contracts – Limitations Periods**

3 FOR the purpose of establishing that any provision of a consumer contract that sets a
4 shorter period of time to bring an action on or under the contract than otherwise
5 required under State law at the time the contract is issued or delivered is void;
6 providing that a violation of this Act is considered a violation of the Consumer
7 Protection Act; and generally relating to consumer contracts.

8 BY repealing and reenacting, with amendments,
9 Article – Commercial Law
10 Section 13–301(14)(xlv)
11 Annotated Code of Maryland
12 (2013 Replacement Volume and 2024 Supplement)
13 (As enacted by Chapters 262, 454, 455, 460, 461, 463, and 962 of the Acts of the
14 General Assembly of 2024)

15 BY repealing and reenacting, without amendments,
16 Article – Commercial Law
17 Section 13–301(14)(xlv)
18 Annotated Code of Maryland
19 (2013 Replacement Volume and 2024 Supplement)
20 (As enacted by Chapters 262, 454, 455, 460, 461, 463, and 962 of the Acts of the
21 General Assembly of 2024)

22 BY adding to
23 Article – Commercial Law
24 Section 13–301(14)(xlvi)
25 Annotated Code of Maryland
26 (2013 Replacement Volume and 2024 Supplement)
27 (As enacted by Chapters 262, 454, 455, 460, 461, 463, and 962 of the Acts of the
28 General Assembly of 2024)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY adding to
Article – Courts and Judicial Proceedings
Section 5–428
Annotated Code of Maryland
(2020 Replacement Volume and 2024 Supplement)

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

Article – Commercial Law

13–301.

Unfair, abusive, or deceptive trade practices include any:

(14) Violation of a provision of:

(xiv) Title 14, Subtitle 49 of this article; [or]

(xlv) Section 12–6C–09.1 of the Health Occupations Article; or

(XLVI) SECTION 5–428 OF THE COURTS ARTICLE; OR

Article – Courts and Judicial Proceedings

5–428.

(A) IN THIS SECTION, “CONSUMER CONTRACT” MEANS A CONTRACT INVOLVING THE SALE, LEASE, OR PROVISION OF GOODS OR SERVICES THAT ARE FOR PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES.

(B) ANY PROVISION IN A CONSUMER CONTRACT THAT SETS A SHORTER PERIOD OF TIME TO BRING AN ACTION UNDER OR ON THE CONSUMER CONTRACT THAN REQUIRED UNDER THE LAW OF THE STATE AT THE TIME THE CONSUMER CONTRACT IS ISSUED OR DELIVERED IS AGAINST PUBLIC POLICY AND VOID.

(C) IF A CONSUMER CONTRACT CONTAINS A PROVISION THAT IS ILLEGAL UNDER THIS SECTION:

(1) A COURT 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.

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

2 **(1) AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE WITHIN**
3 **THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND**

4 **(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS**
5 **CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
7 apply only prospectively and may not be applied or interpreted to have any effect on or
8 application to any contract entered into before the effective date of this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2025.