

Article – Commercial Law

Title 13. Consumer Protection Act.

Subtitle 3. Unfair or Deceptive Trade Practices.

§13–301. Unfair or deceptive trade practices defined.

Unfair or deceptive trade practices include any:

(1) False, falsely disparaging, or misleading oral or written statement, visual description, or other representation of any kind which has the capacity, tendency, or effect of deceiving or misleading consumers;

(2) Representation that:

(i) Consumer goods, consumer realty, or consumer services have a sponsorship, approval, accessory, characteristic, ingredient, use, benefit, or quantity which they do not have;

(ii) A merchant has a sponsorship, approval, status, affiliation, or connection which he does not have;

(iii) Deteriorated, altered, reconditioned, reclaimed, or secondhand consumer goods are original or new; or

(iv) Consumer goods, consumer realty, or consumer services are of a particular standard, quality, grade, style, or model which they are not;

(3) Failure to state a material fact if the failure deceives or tends to deceive;

(4) Disparagement of the goods, realty, services, or business of another by a false or misleading representation of a material fact;

(5) Advertisement or offer of consumer goods, consumer realty, or consumer services:

(i) Without intent to sell, lease, or rent them as advertised or offered; or

(ii) With intent not to supply reasonably expected public demand, unless the advertisement or offer discloses a limitation of quantity or other qualifying condition;

(6) False or misleading representation of fact which concerns:

(i) The reason for or the existence or amount of a price reduction; or

- (ii) A price in comparison to a price of a competitor or to one's own price at a past or future time;
- (7) Knowingly false statement that a service, replacement, or repair is needed;
- (8) False statement which concerns the reason for offering or supplying consumer goods, consumer realty, or consumer services at sale or discount prices;
- (9) Deception, fraud, false pretense, false premise, misrepresentation, or knowing concealment, suppression, or omission of any material fact with the intent that a consumer rely on the same in connection with:
- (i) The promotion or sale of any consumer goods, consumer realty, or consumer service;
 - (ii) A contract or other agreement for the evaluation, perfection, marketing, brokering or promotion of an invention; or
 - (iii) The subsequent performance of a merchant with respect to an agreement of sale, lease, or rental;
- (10) Solicitations of sales or services over the telephone without first clearly, affirmatively, and expressly stating:
- (i) The solicitor's name and the trade name of a person represented by the solicitor;
 - (ii) The purpose of the telephone conversation; and
 - (iii) The kind of merchandise, real property, intangibles, or service solicited;
- (11) Use of any plan or scheme in soliciting sales or services over the telephone that misrepresents the solicitor's true status or mission;
- (12) Use of a contract related to a consumer transaction which contains a confessed judgment clause that waives the consumer's right to assert a legal defense to an action;
- (13) Use by a seller, who is in the business of selling consumer realty, of a contract related to the sale of single family residential consumer realty, including condominiums and town houses, that contains a clause limiting or precluding the buyer's right to obtain consequential damages as a result of the seller's breach or cancellation of the contract;
- (14) Violation of a provision of:
- (i) This title;
 - (ii) An order of the Attorney General or agreement of a party relating to unit pricing under Title 14, Subtitle 1 of this article;

- (iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt Collection Act;
- (iv) Title 14, Subtitle 3 of this article, the Maryland Door-to-Door Sales Act;
- (v) Title 14, Subtitle 9 of this article, Kosher Products;
- (vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;
- (vii) Section 14-1302 of this article;
- (viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales Act;
- (ix) Section 22-415 of the Transportation Article;
- (x) Title 14, Subtitle 20 of this article;
- (xi) Title 14, Subtitle 15 of this article, the Automotive Warranty Enforcement Act;
- (xii) Title 14, Subtitle 21 of this article;
- (xiii) Section 18-107 of the Transportation Article;
- (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone Solicitations Act;
- (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts Act;
- (xvi) Title 10, Subtitle 6 of the Real Property Article;
- (xvii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;
- (xviii) Title 14, Subtitle 26 of this article, the Maryland Door-to-Door Solicitations Act;
- (xix) Title 14, Subtitle 31 of this article, the Maryland Household Goods Movers Act;
- (xx) Title 14, Subtitle 32 of this article, the Maryland Telephone Consumer Protection Act;
- (xxi) Title 14, Subtitle 34 of this article, the Social Security Number Privacy Act;
- (xxii) Title 14, Subtitle 37 of this article, the Online Child Safety Act;
- (xxiii) Section 14-1319 or § 14-1320 of this article;
- (xxiv) Section 7-304 of the Criminal Law Article;

(xxv) Title 7, Subtitle 3 of the Real Property Article, the Protection of Homeowners in Foreclosure Act;

(xxvi) Title 6, Subtitle 13 of the Environment Article; or

(xxvii) Section 7-405(e)(2)(ii) of the Health Occupations Article; or

(15) Act or omission that relates to a residential building and that is chargeable as a misdemeanor under or otherwise violates a provision of the Energy Conservation Building Standards Act, Title 7, Subtitle 4 of the Public Utility Companies Article.