



**SUMMARY OF 2008
REAL ESTATE LEGISLATION**
Maryland Association of REALTORS®

AFFORDABLE HOUSING

SB 239/HB 1256 – Homestead Property Tax Repeal

STATUS: NOT PASSED

Although this legislation passed the Maryland State Senate, it was never voted on in the House Ways and Means Committee. The legislation would have repealed the law passed last year that required homeowners to apply for the Homestead Tax Credit. The Homestead Tax Credit was the only Tax Credit program without an application requirement, and because of abuse of the program, the Legislature imposed an application requirement.

SB 281/HB 742 – Affordable Housing – Waiver of Fees and Charges

STATUS: PASSED – Effective October 1, 2008. Sunsets September 30, 2011.

Authorizes local governments to waive or modify building permit or development impact fees used for the construction or rehabilitation of lower income housing units. The modification can only be applied toward housing units built with public funding or required by government mandates. Lower income housing units built by nonprofit organizations can also be exempt, as long as the nonprofit is a 501(c)(3) and requires the homebuyer to participate in the construction or rehabilitation of the housing unit. The Department of Housing and Community Development is required to report back to the General Assembly before October 1, 2010 regarding the effect of the legislation.

SB 302/HB 512 – Maryland Affordable Housing Investment Fund

STATUS: DEFEATED

Would have imposed a property tax increase of two cents per \$100 of assessment. The legislation would have dedicated the increased revenue toward a Housing Investment Fund which would support the creation of affordable housing throughout Maryland. While MAR supports a dedicated fund for affordable housing, MAR has not supported real estate taxes as a revenue source.

SB 465/HB 896 – Property Tax Assessment Appeals

STATUS: PASSED – Effective July 1, 2008

Shortens the time period from 120 days to 90 days during which the Maryland Tax Court must hear and decide an appeal regarding a tax assessment for *residential property*. Commercial and other nonresidential property would still be subject to the current 120 day appeal period. The legislation allows the party to request an extension if necessary.

SB 597/HB 746 – Recordation and Transfer Taxes - Exemptions - Domestic Partners

STATUS: PASSED – Effective July 1, 2008

Adds "domestic partners" to the list of family members who are exempt from paying recordation and transfer taxes.

SB 662 - Agricultural Land Transfer Tax - Surcharge and Distribution of Revenue

STATUS: PASSED – July 1, 2008

Imposes a 25% surcharge on the existing agricultural land transfer tax, with most of the new revenues collected by the State going to fund the Next Generation Farmland Acquisition Program. As introduced, this legislation would have doubled the current agricultural transfer tax.

SB 760 – Property Tax Credit - Residence of Homeowner's Family Member

STATUS: PASSED - Effective June 1, 2008, and applicable to all tax years beginning after June 30, 2008

Authorizes local governments to provide a property tax credit to a homeowner on a residence occupied by certain family members who are eligible for low income assistance, and make rental payments to the homeowner that are less than 90% of a fair rental price. The credit is not applicable to a homeowner's vacation home or primary residence. This legislation originally was based on the homestead tax credit program and was extended to assist a brother, sister, parent or another family member who might be struggling to find or secure housing.

SB 791/HB 663 – Municipal Corporations – Building Excise Tax

STATUS: DEFEATED

Would have authorized local governments to pass an excise tax or substitute an excise tax for an impact fee if the local government already had authority for an impact fee.

SB 792/HB 448 – Visitability Standards for New Construction

STATUS: DEFEATED

Would have mandated new construction to include certain visitability features for the disabled. Those features would have included wider doors, bathroom accessibility features on the first floor and a zero-grade entrance. Rather than pass the bill, the Committees agreed to summer study the issue with the Department of Housing and Community Development (DHCD).

SB 854/HB 1211 – Tax Sales - Minimum Tax Due - Redemption Payments - Reimbursement of Expenses on Redemption

STATUS: PASSED AND SIGNED BY GOVERNOR – Effective April 25, 2008

Reforms the tax sales process in Maryland. The legislation requires a specific notice to the property owner regarding the tax sale, and prevents the purchaser/holder of the certificate of sale from foreclosing the property until at least 2 months after sending the first required notice to the property owner. The legislation specifies the fees that may be charged to the property owner in the event the property owner attempts to redeem the property. The legislation increases the number of properties that can be withheld from tax sale by increasing from \$100 to \$250 the minimum amount of taxes due before a tax sale is required.

HB 54 - Property Tax – Credit – Accessibility Features

STATUS: PASSED – Effective June 1, 2008

Authorizes local governments to adopt a property tax credit for real property equipped with features that improve access to a residence for mobility impaired individuals. The features that would qualify for the tax credit include no step entrances into a residence, interior passage doors at least 32 inches wide, and power outlets, light switches and thermostats placed in wheelchair-accessible locations.

HB 309 – Disaster Relief Housing Program

STATUS: PASSED – Effective October 1, 2008

Establishes a disaster relief housing program to provide financial assistance in a State or Federally declared disaster area. The program allows DHCD to provide financial assistance in order to replace or rehabilitate a primary residence damaged by the disaster and to help fund non profit entities that assist families to replace or rehabilitate housing damaged in a disaster.

HB 337 – Property Value Assessments – Disclosure of Improvements

STATUS: WITHDRAWN

This proposal would have required a seller to disclose to a purchaser of real property the existence of any substantial improvement to the property that was not reflected in the most recent property tax assessment. The disclosure required would have been in writing and signed by the purchaser.

HB 377 – Solar and Geothermal Tax Incentive and Grant Program

STATUS: PASSED – Effective July 1, 2008

Increases the grant and tax incentive program for solar and geothermal energy improvements by individuals, businesses and local governments. Under the new law, Grants for photovoltaic solar cells can be up to \$2500 per kilowatt of electricity generation capacity but not more than \$10,000. For solar hot water heating equipment, the grant awarded can be up to \$3,000 or 30% of the total installed cost, whichever amount is lower. Grants are also available for geothermal heat pump systems. The tax incentive side of the program provides that no sales tax is due when purchasing the solar and geothermal equipment and the equipment is not subject to real property tax.

**HB 612/SB 676 – Property Tax Credit – Commercial Waterfront Property
STATUS – PASSED – Effective June 1, 2008**

Authorizes the City of Baltimore and the other counties and municipalities in Maryland to grant a property tax credit on commercial waterfront property. This legislation was introduced in an effort to protect waterfront property used for commercial seafood, marina and fishing businesses.

**HB 1159 – Homeowner’s Tax Fairness in Eminent Domain Proceedings
STATUS: PASSED – Effective July 1, 2008**

Authorizes local governments to exempt displaced homeowners (as a result of condemnation through the exercise of eminent domain) from the recordation tax when that owner purchases a replacement principal dwelling.

**HB 1424 – Municipality Transfer Tax
STATUS: DEFEATED**

Would have given local municipalities the authority to levy transfer taxes in addition to the county and state transfer taxes.

REAL ESTATE BROKERAGE AND CONTRACTS

**SB 132/HB 566 – Pre-Licensing Courses – Distance Learning
STATUS: PASSED – Effective October 1, 2008**

Permits the 60 clock hours of real estate pre-licensing education to be provided by way of the internet, remote satellite, home study or other delivery methods approved by the Maryland Real Estate Commission.

**SB 181 – Summary Suspension of Real Estate License
STATUS: PASSED – Effective April 25, 2008**

Requires a real estate licensee to notify the Real Estate Commission about a felony conviction, and gives the Commission the authority to suspend a license immediately. Prior law was limited in giving the Commission authority to suspend a license, and required a hearing to be conducted before a suspension based on a felony conviction could occur. Now, the suspension for a felony can occur immediately, and a hearing will be held quickly to determine whether the suspension should continue.

**SB 216/HB 365 – Foreclosure Process
STATUS: PASSED – Effective April 4, 2008**

Establishes a longer time frame before properties may be sold at foreclosure sale, and requires greater disclosure to consumers about their rights and options. Under the law, a foreclosure action could not be filed with court before 90 days after a seller is in default. The property could not be sold at a foreclosure sale for another 45 days after that time. The law also requires that the mortgage originator license number or affidavit be attached to the recordable instrument.

SB 217/HB 360 – Mortgage Fraud Protection**STATUS: PASSED – Effective April 4, 2008**

Generally defines mortgage fraud and sets significant criminal and civil penalties for individuals committing mortgage fraud. The legislation makes clear than any person intending to defraud another could be subject to penalties of up to \$100,000 or imprisonment up to 20 years if engaged in a pattern of mortgage fraud. The law also authorizes the seizure of any property used in connection with mortgage fraud, or gained through mortgage fraud.

SB 218/HB 361 – Prohibition on Certain Foreclosure Transactions**STATUS: PASSED – Effective April 4, 2008**

Further regulates foreclosure rescue practices by imposing new duties on foreclosure consultants, providing numerous protections to home sellers dealing with foreclosure consultants and foreclosure purchasers, and prohibits foreclosure reconveyances. The legislation makes clear that real estate licensees are not foreclosure consultants if the agents are engaged in a bona fide real estate transaction where the property is listed in the MLS and a proper settlement occurs with a third party and HUD-1. However, if a real estate agent is representing a buyer in the purchase of a For-Sale-by-Owner (FSBO), the seller will have a 5 day rescission period for the contract. This rescission period cannot be waived and begins after the parties both sign the contract. For more information on this legislation, go to mdrealtor.org.

SB 762/HB 1316 – Records Retention**STATUS: PASSED – Effective October 1, 2008**

Authorizes real estate licensees to dispose of records in connection with a transaction 5 years after the settlement of the property in question. Property managers are required to keep the records for 5 years after the termination of the management agreement. The legislation also authorizes licensees to keep and store an electronic copy of their records. MAR sought introduction of this legislation because current Maryland law requires agents and brokers to maintain copies of listing agreements, contracts, and other records but does not state how long. Many agents and brokers have decades worth of records that they would like to dispose of or transfer to electronic format.

SB 1008/HB 1557 – Home Builders – Sales Representative Registration and Guaranty Fund**STATUS: PASSED – Effective October 1, 2008**

Repealed legislation passed last year that required new home builder sales agents to obtain a real estate license. Instead, the Maryland Attorney General sought to require new home sales agents to be registered within the Consumer Protection Division of his office where the new home builder companies are already registered. Among other provisions, the new law requires: new home sales agents to register with the Attorney General's offices; requires new home sales agents to provide a disclosure advising buyers that the agent works for the builder and owes a duty of loyalty to the new home builder only; creates a separate guarantee fund within the Attorney General's office for consumers seeking financial compensation for losses suffered because of the builder or

new home sales agent; and sets up an enforcement framework so that builder or sales agent may be fined, or their registration suspended or terminated.

HB 68 – Real Estate Guaranty Fund – Fund Balance and Maximum Recovery

STATUS: WITHDRAWN

Would have increased the minimum balance of the Real Estate Commission Guaranty Fund from \$250,000 to \$500,000 by 2012, and increased the maximum amount a consumer could recover from the fund from \$25,000 to \$100,000.

HB 454 – Real Estate Commission – Investigation Staff

STATUS – NOT PASSED

Would have assisted the Commission in its hiring and retention of trained investigators. Under current law, the Commission is funded directly from real estate licensing fees but the Governor's hiring freeze constrained the Commission in filling vacant investigator positions even though its budget is not tied to the general fund budget of the state. The legislation would have made clear that any hiring freeze imposed by the Governor does not apply to Real Estate Commission investigators.

HB 626 – Maryland Real Estate Brokers Act – Violations and Penalties

STATUS – PASSED – Effective October 1, 2008

Permits the Real Estate Commission to impose progressively more severe penalties on licensees who are found to have committed repeated violations of the laws protecting consumers. Under current law, the Commission was limited to fines of up to \$5,000 or imprisonment of up to one year for each offense. This legislation will allow the Commission to impose a penalty of up to \$5,000 for a first offense or imprisonment for up to one year or both; up to \$15,000 for a second violation or imprisonment up to two years or both; \$25,000 for a third or subsequent violation or imprisonment for up to three years or both.

HB 989 – Conservation Easements – Disclosure

STATUS: NOT PASSED

Would have corrected oversights in the law past last year. Under that law, as long as a disclosure is made there is no rescission right based on the contents of the information in the disclosure. The rescission only applies if no disclosure is made at all. This denies buyers the right to rescind a contract based on information that may materially change their rights in the land.

HB 1410 – Truth in Advertising Real Estate Taxes Act

STATUS: NOT PASSED

As introduced, HB 1410 would have required all real estate advertisements to contain the estimated property tax payment of a property for sale after the property sold. MAR opposed this legislation, but agreed to amendments that would have provided a notice to the buyer in the Seller Property Condition Disclosure form as an alternative, however, neither the bill nor the amended language was passed.

**HB 1590 – Employer Misclassification of Employees as Independent Contractors
STATUS: DEFEATED**

Would have classified all real estate agents as employees of real estate companies rather than as independent contractors.

**HB 921 – Unauthorized Signs on Rights-of-Way
STATUS: NOT PASSED**

Would have imposed a civil penalty of \$1,000 for placing a sign in a state right of way and would have authorized local governments to enforce the law. Though initially opposed to the legislation, MAR offered an amendment to allow a penalty of up to \$1,000 based on a third and subsequent violation. MAR's amendments would also have required a cease and desist notice for the first violation and up to \$250 for a second violation.

OTHER SETTLEMENT SERVICE PROVIDERS

**SB 196 – Home Inspectors Licensing
STATUS: PASSED – Effective October 1, 2008**

Increases licensing requirements for home inspectors. The legislation increases the training course from 48 hours to 72 hours, and makes clear that an applicant must pass the National Home Inspector Examination to qualify for a license. In addition, the legislation increases the general liability insurance requirement from not less than \$50,000 to at least \$150,000. It makes clear that a license will not be issued or renewed without proof of the insurance.

**HB 1309 – Mold Remediation Services – Licensing
STATUS: PASSED – Effective October 1, 2008 and requires licensing before June 1, 2010**

Requires companies that provide mold remediation services to be licensed with the Home Improvement Commission before June 1, 2010. The legislation would not affect a person conducting a mold inspection, just a person paid to remove, clean, sanitize or treat mold in a residential property. The legislation requires mold remediation companies to have at least \$1,000,000 in insurance, and requires their employees to hold an active certification from an accreditation body as a microbial remediation supervisor or microbial remediation technician before their license may be renewed. Licenses must be renewed every two years, and the license number of the company must be prominently displayed at their place of business and on their service vehicles.

**HB 1353 – Omnibus Coastal Property Insurance Reform Act
STATUS: PASSED – Effective October 1, 2008, except for the provision affecting insurance premium discounts which takes effect June 1, 2009.**

Regulates more closely those insurance companies providing homeowners insurance during hurricanes or other storm events. The legislation would require insurance companies to file their underwriting standards with the Maryland Insurance Commission

(Commission) if the company plans to adopt a deductible of more than 5% of the dwelling limit in the case of a hurricane or other storm. Only after the Commission approves such a high deductible could the deductible take effect. The legislation also clarifies that the deductible only applies when the hurricane or other storm is first announced by the National Hurricane Center and terminates 24 hours after the last hurricane warning.

The legislation requires companies to give homeowners an insurance premium discount for home improvements made to mitigate losses from hurricanes and other storms. The legislation allows discounts to be given for hurricane shutters, reinforced roof coverings, secondary water barriers, reinforced roof to wall connections, and hurricane resistant trusses among other improvements. Unlike the rest of the legislation, this provision takes effect June 1, 2009.

The legislation requires insurance companies to submit certain catastrophic risk planning modeling to the Commission if the modeling is used to set rates or deny coverage to homeowners because of the geographic location of the property.

The legislation requires an insurance company to provide the Commission with a plan of orderly reduction when a company plans to reduce the total number of policies in Maryland by 3% or more in a calendar year due to the geographic location of the residences.

Finally, the legislation instructs the Maryland Department of Housing and Community Development (DHCD) to report back to the Legislature before October 1, 2010 regarding development of enhanced building codes for coastal regions of Maryland.

SETTLEMENT ISSUES

SB 61/HB 600 – Commission to Study the Title Industry

STATUS: PASSED – Effective July 1, 2008

Establishes a Commission to study the Title Insurance Industry in Maryland. The Commission will focus on areas such as: consumer education; the effect of mechanic's liens on the timeliness of settlements; affiliated business arrangements; rates; and enforcement of existing laws. The Commission is required to report its findings back to the Governor on or before December 15, 2009.

COMMON OWNERSHIP COMMUNITIES

HB 117 – Real Property – Solar Collector Systems – Restrictions on Use and Solar Easements

STATUS: PASSED – Effective October 1, 2008

Prohibits condominium and home owner associations from imposing unreasonable restrictions on the use of solar collector systems by individual property owners. Clarifies that a property owners may negotiate and record a solar easement for the use of sun light in the land records of the county where the property is located.

HB 646 – Insurance Deductible for Condominiums

STATUS: PASSED – Effective October 1, 2008

Authorizes a Council of Unit Owners under the condominium law to increase the amount of insurance deductible for which a condominium unit owner may be responsible. The \$1,000 limit under the old law has been increased to \$5,000. This change was proposed to give a Council of Unit Owners more flexibility in structuring affordable insurance for unit owners.

LAND-USE AND PROPERTY RIGHTS

SB 596/HB 1341 – Courts – Nonprofit Associations – Standing to Participate in Governmental Proceedings

STATUS: DEFEATED

Would have expanded legal standing (the right of a party to be heard in court) on issues affecting local permit approvals. The legislation would have given nonprofit associations the certain rights to participate in all kinds of proceedings dealing with permits – even an arbitration or mediation between two persons.

HB 1056 – Wetland and Waterways Program Fees

STATUS: PASSED – Effective July 1, 2008

Establishes fees for nontidal and tidal wetland permits as well as other permits. The legislation sets a statutory fee schedule for different activities. For minor projects, general permits, or minor modifications, the fee is \$500-\$750. The fee increases for bigger projects, and can be as high as \$7,500 per acre for major projects impacting over one or more acres of wetlands. This legislation is intended to improve MDE's ability to issue permits and be more responsive to permit seekers. Currently, permit seekers may wait up to a year before getting approval for projects due to backlogs that current staff levels can't meet.

HB 1253 – Critical Areas and Coastal Bay Reform

STATUS: PASSED – Effective July 1, 2008 subject to the different grandfathering dates.

Amends the Critical Areas and Coastal Bay laws to provide the Critical Areas Commission (Commission) with greater regulatory oversight for more uniform enforcement/protection of critical areas and coastal bays. The legislation was significantly scaled back by the General Assembly. As passed, it would give the Commission greater regulatory authority over the standards used to regulate activity in the Critical Areas, including management of the buffer, mapping, growth allocations, and variances. However, the local county commissions would still enforce the program as under current law. It increases the buffer to 200 feet for new subdivisions in Resource Conservation Areas (RCAs), and creates a presumption for soft shorelines for certain properties. For more detailed information regarding this bill, go to: **mdrealtor.org**

PROPERTY MANAGEMENT

SB 512/HB 1344 – Retaliatory Eviction – OPPOSE

STATUS: DEFEATED

Would have created a presumption that simple acts like increasing the rent were retaliatory actions against tenants. The legislation included broad and vague terms that made almost any change implemented by a landlord (increasing rent, changing the terms of the lease agreement, eviction) a punishable, retaliatory action against a tenant engaged in “protected activity.” The result of the bill would have been that many landlords would be unable to change lease terms or increase rent without protracted litigation.

SB 557/HB 589 - Lead Poisoning Prevention Act of 2008

STATUS: PASSED – Effective October 1, 2008

Gives the Home Improvement Commission additional enforcement power, and allows a tenant to terminate a lease when a property owner has not complied with Maryland’s Lead Poisoning Prevention Program (LPPP). The legislation requires home contractors seeking a license to provide proof of lead paint abatement accreditation if the contractors provide such services. The legislation also provides authority for the Home Improvement Commission to take action against a licensee for violating the LPPP and ensures that the Commission and the Maryland Department of Environment share information regarding contractors. Finally, the legislation sets forth a procedure for terminating the underlying lease when a landlord cannot show a tenant that the landlord has complied with risk reduction standards under the LPPP. The bill allows a tenant to recover reasonable attorney fees and \$2,500 in moving expenses.

SB 718 – Lead Paint – Innocent Purchaser

STATUS: PASSED - Effective October 1, 2008

Establishes a process for “innocent” buyers to purchase tenant-occupied rental buildings that are not in compliance with the Lead Poisoning Prevention Program. The bill limits buyers’ liability while bringing the property into compliance. By paying a \$250 per unit fee, the landlord has 30 days (in the event the unit is occupied) to register the unit and bring it into compliance with the law.

SB 985 – Property Tax Assessments – Study and Report on Rent Restrictions

STATUS: NOT PASSED

Would have required the State Department of Business and Economic Development (DBED) to conduct a study on the impact of any proposal by a county or municipal government imposing rent restrictions or affordability requirements. DBED would have been required to report on the effects that the rent restriction or affordability requirement would have had on property values, assessments, maintenance and investment in property and future construction of rental properties. Although the legislation passed the Senate, it was never considered in the House due to its late filing.

HB 231 – Rental Assistance Programs

STATUS: PASSED – Effective October 1, 2008

Authorizes the Department of Housing and Community Development to create a more flexible rental assistance program to assist households at risk of homelessness, displaced persons, or persons with disabilities. Under the provisions of this legislation, DHCD has authority to establish income limits for rental assistance not exceeding 30% of the State or area median income. Funds appropriated for use in this program may be used for rent, security deposits, utilities and other housing related expenses.

HB 452 – Landlord and Tenant – Summary Ejectment – Deceased Tenant
STATUS: PASSED – Effective October 1, 2008

Provides a court procedure for a landlord to take possession of a rental property when, to the best of the landlord's knowledge, the tenant has died without next of kin and without a will.

HB 750 – Required Parking Damage Compensation
STATUS: DEFEATED

Would have required landlords of rental property with more than four units to compensate the tenant for the tenant's automobile insurance deductible if the tenant's car was damaged. A landlord would only be responsible for the deductible if the tenant paid for parking as part of his/her rent, and the parking lot was owned and controlled by the landlord.

HB 1173 – Lead Paint Dust Test and Risk Reduction Standards
STATUS: DEFEATED

Would have required landlords to conduct both a lead dust test as well as the 10-step risk reduction standard before a rental unit could be leased. The original lead paint law permitted the landlord to conduct one or the other. For landlords large and small, this requirement would be expensive without any guarantee of increased protection for at-risk populations.

HB 1241 – Lead Poisoning Recovery Act
STATUS: DEFEATED

Would have made it easier for attorneys to sue lead paint pigment manufacturers. While this legislation gave landlords the right to participate in suits against lead paint manufacturers, it did not protect landlords from counter suits by the manufacturers. The legislation, unfortunately, would open up uncontrolled litigation that would likely force landlords to spend their resources on lawsuits rather than improving their properties as they have done under the current law for over a decade.

HB 1261 – Discrimination Based on Source of Income
STATUS: DEFEATED

Would have added "source of income" as a protected class under housing law. At least two counties in Maryland already have "source of income" included as a protected class: Montgomery and Howard. The purpose of the legislation is to force landlords to participate in the voluntary, Section 8 program run by the federal government. MAR believes that instead of patching together a mandatory program state by state, the federal government should consider whether to make Section 8 a mandatory program.

COMMERCIAL

SB 206/HB 366 – BRAC Community Enhancement Act

STATUS: PASSED – Effective October 1, 2008, except for the section regarding federal enclave property that takes effect June 1, 2008.

Creates BRAC Revitalization and Incentive zones in Maryland. Local governments may apply to the Department of Business and Economic Development to designate particular areas as a BRAC Revitalization and Incentive Zones. Such zones remain in effect for 10 years, and no more than 6 zones may be designated in a calendar year. The BRAC zones receive priority consideration for financial assistance and as well as a tax payment from the State dedicated toward local infrastructure improvements. Finally, the legislation allows the State and local governments to enter into payment in lieu of tax agreements with a business.

MISCELLANEOUS

SB 533/HB 1242 – Financial Literacy Task Force

STATUS: PASSED – Effective July 1, 2008

Creates a Task Force to study how to improve financial literacy in Maryland. The legislation outlines the Task Force's composition, and requires the Task Force to study the ability of certain consumers to understand financial concepts. The Task Force will make recommendations based on its findings to the Governor and to the General Assembly. MAR, as part of a broader coalition, is aiming to further education for youth and adults at the high-school level in areas of budgeting, banking, borrowing, maintenance of credit, spending, saving and investing -- realizing that personal financial knowledge is a life skill that will help give Marylanders financial freedom through education.

HB 53 – Commercial Law – Consumer Protection – Restricted Mailing Registry

STATUS: WITHDRAWN

Would have created a restricted mailing registry maintained by the Attorney General's Consumer Protection Division. Consumers would have been permitted to place themselves on the registry, and, thereafter, it would be unlawful to send the consumer a solicitation for consumer goods, services or realty. A fine of up to \$5,000 per violation was authorized under the legislation.

HB 357 – Unsolicited Print Publication – Delivery Prohibition

STATUS: WITHDRAWN

Would have prohibited door to door delivery of unsolicited advertisements unless the advertisement contained a statement notifying the consumer recipient of his or her right not to receive any further deliveries from that person or business along with a toll free telephone number for the consumer to use in making his or her request not to receive any additional materials. Violations would have been punishable by a civil fine of not more than \$100 for each violation.

HB 737 – Health Care Coverage – Personal Responsibility

STATUS: DEFEATED

Would have subjected individuals without health insurance to an income tax surcharge of \$1,000 to \$2,000 depending upon the individual's income and number of dependents. In order to avoid paying any income tax surcharge, the individual, the individual's spouse, and all dependent children would have to be covered under a health insurance plan.

*** All of the bills that are designated PASSED, have been signed into law by the Governor and will take effect upon the specified effective date.**