

Bill No. 25-05
Concerning: Consumer Protection -
Office – Powers and Duties
Revised: 10-4-05 Draft No. 4
Introduced: July 26, 2005
Enacted: October 11, 2005
Executive: October 23, 2005
Effective: January 22, 2006
Sunset Date: None
Ch. 26, Laws of Mont. Co. 2005

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Perez and Councilmembers Praisner and Andrews

AN ACT to:

- (1) create the Office of Consumer Protection as a principal office in the Executive branch of County government;
- (2) transfer certain duties and change certain references from the Department of Housing and Community Affairs to the Office of Consumer Protection.
- (3) make technical, conforming, and stylistic changes in provisions of law involving the Office of Consumer Protection and predecessor agencies; and
- (4) generally amend County law relating to the administration of housing, consumer protection, and related programs.

By amending

Montgomery County Code
Chapter 1A, Structure of County Government
Section 1A-201

Chapter 2, Administration
Section 2-27

Chapter 2A, Administrative Procedures Act
Sections 2A-2, 2A-4

Chapter 10B, Common Ownership Communities
Sections 10B-2, 10B-3, 10B-4, 10B-5, 10B-11, 10B-13, 10B-14

Chapter 11, Consumer Protection
Sections 11-1, 11-2, 11-3, 11-6, 11-7, 11-7A, 11-8

Chapter 11A, Condominiums

Section 11A-12

Chapter 17, Electricity

Section 17-20

Chapter 30, Licensing and Regulations Generally

Section 30-10

Chapter 30C, Motor Vehicle Towing From Private Property

Sections 30C-1, 30C-3, 30C-4, 30C-5, 30C-8

Chapter 31A, Motor Vehicle Repair and Towing Registration

Sections 31A-1, 31A-6, 31A-7

Chapter 31C, New Home Warranty and Builder Licensing

Sections 31C-1, 31C-2, 31C-7, 31C-8

Chapter 38A, Radio, Television and Electrical Appliance Installation and Repairs

Sections 38A-1, 38A-9, 38A-10

Chapter 40, Real Property

Section 40-20

Chapter 44A, Secondhand Personal Property

Sections 44A-2, 44A-8, 44A-10, 44A-12, 44A-13, 44A-14

Chapter 53, Taxicabs and Limousines

Section 53-103

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland, approves the following Act:

1 Sec 1. Sections 1A-201; 2-27; 2A-2; 2A-4; 10B-2, 10B-3, 10B-4, 10B-5,
2 10B-11, 10B-13, 10B-14, 11-1; 11-2; 11-3; 11-6; 11-7; 11A-12, 17-20; 30-10;
3 30C-1; 30C-3; 30C-4; 30C-5; 30C-8; 31A-1; 31A-6; 31A-7; 31C-1; 31C-2;
4 31C-7; 31C-8; 38A-1; 38A-9; 38A-10; 40-20; 44A-2; 44A-8; 44A-10; 44A-12;
5 44A-13; 44A-14; and 53-103 are amended as follows:

6 **1A-201. Establishing departments and principal offices.**

7 **(a) Executive Branch.**

8 (1) These are the departments and principal offices of the
9 Executive Branch.

10 * * *

11 Consumer Protection (Section 11-2)

12 * * *

13 **2-27. Functions and organization.**

14 The Department of Housing and Community Affairs has the following
15 functions:

16 * * *

17 [(6) Consumer affairs.]

18 [(7)] (6) Technical assistance to the Department of Economic
19 Development and the Department of Environmental Protection in the
20 area of human resources, budget, technology, and procurement.

21 [(8)] (7) Other functions designated by law.

22 **2A-2. Applicability**

23 * * *

24 (e) Complaints and actions filed with or by the [Department of Housing
25 and Community Affairs] Office of Consumer Protection under

26 Section 11-4 when a hearing is required or provided before a cease
27 and desist order is issued.

28 * * *

29 **2A-4. Definitions.**

30 The following words and phrases have the following meanings, except
31 when otherwise indicated in this Article.

32 *Hearing authority*: The Commission on Human [Relations] Rights or a
33 [designated panel thereof] Commission case review board; the Merit System
34 Protection Board; the County Board of Appeals; the Landlord-Tenant
35 Commission[.]; the Executive Director of the Office of Consumer Protection; the
36 Director of the Department of Housing and Community Affairs; the Animal
37 Matters Hearing Board; or a hearing examiner or [official] officer designated or
38 appointed to conduct those hearings listed in Section 2A-2.

39 * * *

40 **10B-2. Definitions.**

41 In this Chapter, the following words have the following meanings:

42 * * *

43 (c) [[Department means the Department of Housing and Community
44 Affairs]] Office means the Office of Consumer Protection.

45 **10B-3. Commission on Common Ownership Communities.**

46 * * *

47 (b) Designees of the County Council, Planning Board, Department of
48 Environmental Protection, Department of Permitting Services,
49 Department of Public Works and Transportation, Office of Consumer
50 Protection, and Department of Housing and Community Affairs are
51 ex-officio nonvoting members of the Commission.

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(i) The [[Department]] Office must provide the Commission with staff, offices and supplies as are appropriated for it.

10B-4. Administrative support.

In selecting staff to carry out the [[Department's]] Office's responsibilities under this Chapter, the Director must consider the recommendations of the Commission.

10B-5. Duties of the [[Department of Housing and Community Affairs]] Office of Consumer Protection.

The [[Department]] Office, in consultation with the Commission, must:

* * *

10B-11. Mediation; dismissal before hearing.

(a) The [[Department]] Office may investigate facts and assemble documents relevant to a dispute filed with the Commission, and may summarize the issues in the dispute. The [[Department]] Office may notify a party if, in its opinion, a dispute was not properly filed with the Commission, and may inform each party of the possible sanctions under Section 10B-13(d).

(b) If the [[Department]] Office, after reviewing a dispute, finds that, assuming all facts alleged by the party which filed the dispute are true, there are no reasonable grounds to conclude that a violation of applicable law or any association document has occurred, it may so inform the Commission. The Commission, in its discretion, may dismiss a dispute if it finds that there are no reasonable grounds to conclude that a violation of applicable law or any association document has occurred, or it may order the [[Department]] Office to

78 investigate further. The Commission may reconsider the dismissal of
79 a dispute under this subsection if any party, in a motion to reconsider
80 filed within 30 days after the dispute is dismissed, shows that:

81 * * *

82 **10B-13. Administrative hearing.**

83 * * *

84 (i) The Commission, acting through the [[Department]] Office and the
85 County Attorney, may enforce a decision of the hearing panel by
86 taking any appropriate legal action.

87 * * *

88 **10B-14. Settlement of disputes; assistance to parties.**

89 * * *

90 (b) The [[Department]] Office may inform any party who has settled a
91 dispute by mediation, or any party who prevails in a hearing held
92 under Section 10B-13, about how the agreement or decision can be
93 enforced.

94 **11-1. Definitions.**

95 In this Chapter, the following words and phrases have the following
96 meanings:

97 * * *

98 *[Department: The Department of Housing and Community Affairs.]*

99 *Director or Executive Director: The Director of the [Department of Housing
100 and Community Affairs] Office of Consumer Protection, or the Director's
101 designee.*

102 * * *

103 *Office: The Office of Consumer Protection.*

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11-2. Office of Consumer [affairs] Protection.

The Office of Consumer Protection is a department of County government. Notwithstanding Section 1A-104(a) and (c), the Office is headed by a merit system employee, who is entitled the Executive Director. The [Department] Office has the following duties, powers and authority:

- (a) To receive and investigate complaints and initiate its own investigation of deceptive or unfair trade practices against consumers; to hold hearings, compel the attendance of witnesses, administer oaths, take the testimony of any person under oath and, in connection therewith, require the production of any evidence relating to any matter under investigation or in question by the [Department] Office. At any hearing, a witness has the right to be advised by counsel present during the hearing.

* * *

- (j) To annually report on the number, nature, and disposition of complaints filed and the other relevant activities of the [Department] Office during the previous year. The annual report must include recommendations, if any, made by the Advisory Committee.
- (k) To adopt regulations under method (3) for the conduct of the activities of the [Department] Office.

* * *

11-3. Advisory Committee on Consumer affairs.

* * *

- (d) *Powers and duties.* The Committee advises the [Department] Office in carrying out its duties and functions under this Chapter, and holds

130 public hearings as necessary, including hearings on including or
131 excluding persons or organizations from the application of this
132 Chapter.

133 * * *

134 **11-6. Filing [of] complaints.**

135 Any consumer subjected to an unlawful trade practice as [set forth] defined
136 in Section 11-4 or 11-4A, or the Director, may file a complaint in writing. The
137 complaint must state the name and address of the person alleged to have
138 committed the violation, the details of the violation, and any other information as
139 the [Department] Office requires.

140 **11-7. Procedures and enforcement.**

141 (a) After receiving a complaint under Section 11-6, the Director may
142 investigate the facts and issues. In that investigation the Director may
143 use the authority granted in Section 11-2. Whenever appropriate, the
144 Director may refer a complaint to the state Real Estate Commission,
145 the Consumer Protection Division of the state Attorney General's
146 office, or the Federal Trade Commission. If the Director finds
147 reasonable grounds to believe a violation has occurred, the Director
148 must attempt to conciliate the matter by methods of initial conference
149 and persuasion with all interested parties and any representatives the
150 parties may choose to assist them. In attempting a conciliation to
151 assist a complaining consumer in resolving the consumer's individual
152 dispute, the Director may utilize the good offices of the Advisory
153 Committee on Consumer Affairs. Conciliation conferences are
154 informal, and nothing said or done in a conciliation conference may

155 be made public by the [Department] Office, the Committee, or its
156 members unless the parties agree in writing to make the matter public.

157 (b) The terms of conciliation agreed to by the parties may be reduced to
158 writing and incorporated into a written assurance of discontinuance or
159 settlement agreement to be signed by the parties. A written assurance
160 or agreement is for conciliation purposes only and does not constitute
161 an admission by any party that any law has been violated. A written
162 assurance of discontinuance or settlement agreement must be signed
163 on behalf of the [Department] Office by the Director.

164 (c) A person must not violate or fail to adhere to any written assurance or
165 agreement of discontinuance or settlement agreement. Any failure by
166 the [Department] Office to pursue a violation of any written assurance
167 does not waive any right of the [Department] Office or provision of
168 the agreement.

169 (d) The [Department] Office may seek the cooperation of licensing
170 authorities and contracting departments of County government in
171 connection with any investigation under this Chapter of any person
172 licensed to do business in the County or having a contractual
173 relationship with County government.

174 * * *

175 (h) Any written assurance of discontinuance or settlement agreement or
176 any cease and desist order under this Chapter may require the violator
177 to pay the costs of investigation by the [Department] Office, and may
178 also include stipulations or conditions for restitution by the violator to
179 the consumer of money, property or other things received from the
30 consumer in connection with a violation of this Chapter. The

181 stipulations and conditions must not preclude the [Department] Office
182 from utilizing any other stipulation, condition, or remedy necessary to
183 correct a violation of this Chapter.

184 **11-7A. Enforcement of summonses and subpoenas.**

- 185 (a) If any person does not comply with any summons or subpoena issued
186 under this Chapter the County, on behalf of the [Department] Office,
187 may enforce the summons or subpoena by appropriate legal action.
188 (b) Any court with jurisdiction may, upon request of the County, grant
189 injunctive or other appropriate relief:

190 * * *

191 (2) Requiring the attendance of the named defendant before the
192 [Department] Office at a time and place specified by the court;

193 * * *

194 (5) Prohibiting the destruction of any records, documents,
195 correspondence, papers, books or other evidence pending
196 conclusion of any lawful investigation by the [Department]
197 Office.

198 **11-8. Costs.**

199 In any action brought under this Chapter, the [Department] Office is entitled
200 to recover its investigation and hearing costs from a violator if an unlawful trade
201 practice is found to exist.

202 **11A-12. Complaints, penalties, enforcement.**

- 203 (a) Any person subjected to any unlawful practice under this Chapter
204 may file a complaint in writing with the Department under the
205 provisions for filing complaints in Chapter ~~[[11]]~~ 29.

206 (b) After receiving a complaint under this Chapter, the Department must
207 conduct investigations and hearings authorized by Chapter ~~[[11]]~~ 29
208 as necessary to resolve the complaint.

209 * * *

210 **17-20. [Electricians'] Electricians' licenses.**

211 * * *

212 (c) If the Board requests, the Director must investigate the character,
213 experience, training and education of an electrician's license
214 applicant and provide the results of the investigation to the Board.
215 Before a license is issued, the Director must ~~[ascertain]~~ obtain from
216 reliable sources the applicant's record of compliance with state and
217 County laws and record of complaint actions with the ~~[Department of~~
218 ~~Housing and Community Affairs]~~ Office of Consumer Protection and
19 the State Attorney General's Consumer Protection Division.

220 **30-10. Closing-out sales [~~--Generally~~].**

221 * * *

222 (b) License required.

223 (1) A person must not advertise or offer for sale in the County
224 merchandise under the description of "closing-out sale" or
225 merchandise damaged by fire, smoke, water or otherwise,
226 unless the owner of the business obtains a license to conduct
227 the sale from the Director of the ~~[Department of Housing and~~
228 ~~Community Affairs]~~ Office of Consumer Protection.

229 * * *

230 **30C-1. Definitions; scope; purpose.**

231 (a) Definitions. As used in this Chapter, unless the context indicates
232 otherwise:

233 (1) Office means the Office of Consumer Protection.

234 [(1)] (2) Immobilize means to use any method, object, or device,
235 including a clamp or lock, to prevent or inhibit the movement
236 of a motor vehicle.

237 [(2)] (3) Owner includes any person in lawful possession or
238 control of a property or a motor vehicle. The "owner" of
239 general common elements of a condominium is the council of
240 unit owners, or the council's agent for parking management.
241 The "owner" of limited common elements of a condominium is
242 the unit owner or owners who have the exclusive right to use
243 the common elements, or the agent of that unit owner or
244 owners.

245 [(3)] (4) Redemption area means any area or building where a
246 vehicle owner may pay any charges necessary to redeem a
247 vehicle.

248 [(4)] (5) Storage site means any land or building used by a towing
249 service to store towed vehicles.

250 [(5)] (6) Towing means the removal, or preparation to remove,
251 any motor vehicle by another motor vehicle for compensation.

252 [(6)] (7) Trespass towing service or towing service means any
253 person who tows any motor vehicle from private property for
254 compensation without the consent of the vehicle owner.

255 [(7)] (8) Tow truck includes any motor vehicle used to tow, or
256 attempt to tow, a motor vehicle from private property.

283 [Department] Office, the Police Department, and the owner of any
284 vehicle towed by the service may inspect and copy any contract
285 during normal business hours. The [Department] Office may issue
286 model contracts that meet the requirements of this Chapter.

287 * * *

288 **30C-4. Public notice; tow procedures.**

289 (c) Tow procedures.

290 * * *

291 (3) The [Department] Office may issue a model tow slip.

292 * * *

293 **30C-5. Notice to police.**

294 * * *

295 (c) The property owner or the owner's agent must retain each tow slip
296 and, for those vehicles towed without a tow slip, a record of the
297 information furnished to the police, for one year after the tow. For
298 each vehicle towed without a tow slip, the property owner or agent
299 must record and retain the name of the owner of the property and, if
300 the tow was authorized by an agent, the name of the agent. The
301 Police Department, the [Department] Office, and the owner of any
302 vehicle towed by the service may inspect and copy this information at
303 any time during normal business hours.

304 **30C-8. Redemption and storage procedures.**

305 * * *

306 (b) Payment and promise to pay.

307 * * *

308 (2) Options.

* * *

b. Each trespass towing service must notify the [Department] Office on the rate schedule filed under Section 30C-3 whether it opts to accept credit cards or personal checks or both. The towing service must notify the [Department] Office if it changes that option.

* * *

(3) Credit card option.

a. Each trespass towing service must accept the 2 most widely used major credit cards. The [Department] Office must define, in regulations under method (2), which major credit cards are the 2 most widely used.

* * *

(c) Rates displayed. Every trespass towing service must display prominently, at each redemption area, a copy of its current rates and a statement that these rates do not exceed the rates filed with the [Department] Office. Every trespass towing service must also display prominently a sign, furnished at a reasonable fee by the [Department's] Office, listing the [Department's] Office's telephone number and summarizing the vehicle owner's rights under this Chapter.

* * *

(e) Receipt. Upon receiving payment, a towing service must furnish the vehicle owner a receipt on a form approved by the [Department] Office. The receipt must:

* * *

335 (3) Briefly inform the vehicle owner that the [Department] Office
336 can explain the vehicle owner's rights and how to enforce them
337 in small claims court or another appropriate forum if the
338 vehicle owner believes that any provision of County law has
339 been violated, and that the owner may obtain a copy of the law
340 from the [Department] Office.

341 * * *

342 **31A-1. Definitions.**

343 In this Chapter, the following words and phrases have the following
344 meanings:

345 [Department: The Department of Housing and Community Affairs.]

346 Director or Executive Director: The Director of the [Department of
347 Housing and Community Affairs] Office of Consumer Protection.

348 * * *

349 Office: The Office of Consumer Protection.

350 * * *

351 **31A-6. Complaints.**

352 (a) Any person subjected to any unlawful practice, as defined in this
353 Chapter, may file a complaint in writing with the [Department] Office
354 as provided in Chapter 11.

355 (b) After receiving a complaint under this Chapter, the [Department]
356 Office must conduct such investigations and hearings as necessary
357 under the authority delegated by Chapter 11

358 * * *

359 **31A-7. Procedure for revocation; hearing; appeals.**

360 (a) If the [Department] Office finds a violation of this Chapter or Chapter
 361 11, or a violation of any other applicable law or regulation relating to
 362 the repair or maintenance of motor vehicles, or if the [Department]
 363 Office finds a violation of Article III of this Chapter relating to the
 364 towing of motor vehicles, the [Department] Office may, in addition to
 365 the procedures established in Chapter 11, issue a written complaint
 366 against the registrant, [asking] seeking that the registrant's motor
 367 vehicle repair and towing registration be revoked, suspended, or
 368 refused. All complaints issued by the [Department] Office must be in
 369 writing and specify the allegations on which the complaint is based
 370 and the law or regulation which the registrant allegedly violated. All
 371 complaints must be served on the registrant against whom the
 372 complaint is made either by personal service or by certified mail,
 373 delivery restricted to addressee, mailed to the last address recorded in
 374 the official County registry.

375 (b) Before revoking, suspending or refusing to renew any registration, the
 376 [Department] Office must offer the registrant an opportunity for a
 377 hearing to show why the registration should not be revoked,
 378 suspended, or refused. The Director may serve as hearing officer at
 379 any hearing, or the Director may appoint a hearing officer. The
 380 registrant must receive at least 15 days written notice of the hearing
 381 by personal service or certified mail delivered to the last address
 382 recorded in the official County registry. The notice must specify the
 383 time, date and place of the hearing and contain sufficient information
 384 to inform the registrant of the nature of the complaint. The notice
 385 must specify that the registrant has a right to representation by

386 counsel and that the registration may be suspended, revoked or
387 refused by the County.

388 * * *

389 **Sec. 31C-1. Definitions.**

390 In this Chapter, the following words have the meanings indicated:

391 * * *

392 [(3) Department. "Department" means the Department of Housing and
393 Community Affairs.]

394 (4) Director. "Director" means the Director of the [Department of
395 Housing and Community Affairs] Office of Consumer Protection.

396 [(5)] (4) Dispute settler. "Dispute settler" means an independent
397 contractor with building construction expertise hired by the
398 [Department] Office.

399 [(6)] (5) The fund. "The fund" means the new home warranty security
400 fund, which is moneys contributed by participating builders in the
401 warranty program administered by the County.

402 [(7)] (6) Load-bearing portions of the home. "Load-bearing portions of
403 the home" means:

404 * * *

405 [(8)] (7) Major structural defect. "Major structural defect:"

406 * * *

407 [(9)] (8) New home. "New home" means every newly constructed
408 private dwelling unit and the fixtures and structure that are made a
409 part of a newly constructed private dwelling unit at the time of
410 construction.

411 (9) Office. "Office" means the Office of Consumer Protection.

412 * * *

413 **31C-2. Licensing.**

414 (a) Requirement.

415 (1) A builder must not engage in the business of constructing new
416 homes or act in the capacity of a building contractor in the
417 County unless the builder is licensed by the [Department]
418 Office.

419 (2) The [Department] Office must provide application forms for
420 licensing and prescribe the information to be included.

421 * * *

422 (e) Denial of license. The [Department] Office must not issue a license
423 to a builder who has or had any legal interest in a previously licensed
424 firm who has or had a license revoked or suspended for any reason
425 listed in Section 31C-8.

426 * * *

427 **31C-7. Warranty claims.**

428 * * *

429 (b) Conciliation.

430 (1) The [Department] Office must administer a dispute settlement
431 procedure between the owner and the builder.

432 (2) Any claim submitted by an owner to the [Department] Office
433 must first be reviewed through a conciliation procedure.

434 * * *

435 **31C-8. Investigation and hearings.**

436 (a) Investigation.

37 * * *

438 (2) The [Department] Office may:

439 * * *

440 **38A-1. Definitions.**

441 In this Chapter, the following words and phrases have the following
442 meanings:

443 [Department: The Department of Housing and Community Affairs.]

444 Director: The Director of the [Department of Housing and Community
445 Affairs] Office of Consumer Protection.

446 * * *

447 Office: The Office of Consumer Protection.

448 * * *

449 **38A-9. Complaints; investigations.**

450 (a) Any person subjected to any unlawful practice as defined in this
451 Chapter may file a complaint in writing with the [Department] Office
452 as provided in Chapter 11.

453 (b) After receiving a complaint under this Chapter the [Department]
454 Office must conduct investigations and hearings as necessary under
455 the authority delegated by Chapter 11.

456 **38A-10. Procedure for revocation; hearing; appeals.**

457 (a) If the [Department] Office finds a violation of this Chapter or Chapter
458 11, or of any other applicable law or regulation relating to the
459 installation, maintenance and repair of radio and television equipment
460 and electrical appliances, the [Department] Office may, in addition to
461 the procedures in Chapter 11, issue a written complaint against the
462 registrant, [asking] seeking that the registrant's radio, television and
463 electrical appliance installation and repair registration be revoked,

164 suspended, or refused. All complaints issued by the [Department]
465 Office must be in writing and specify the allegations [upon] on which
466 the complaint is based and the law or regulation which the registrant
467 allegedly violated. All complaints must be served [upon] on the
468 registrant against whom the complaint is made either by personal
469 service or by certified mail, delivery restricted to addressee, mailed to
470 the last address recorded in the official County registry.

471 (b) Before revoking, suspending or refusing to renew any registration, the
472 [Department] Office must offer the registrant an opportunity for a
473 hearing to show why a registration should not be revoked, suspended,
474 or refused. The Director may serve as hearing officer at any hearing,
475 or the Director may appoint a hearing officer. The registrant must
476 receive at least 15 days written notice of the hearing by personal
477 service or certified mail delivered to the last address recorded in the
478 official County registry. The notice must specify the time, date and
479 place of the hearing and contain sufficient information to inform the
480 registrant of the nature of the complaint. The notice must specify that
481 the registrant has a right to representation by counsel and that the
482 registration may be suspended, revoked, or refused by the County.

483 * * *

484 **40-20. Administration and penalties; regulations.**

485 (a) This Article is enforced by the [Department of Housing and
486 Community Affairs] Office of Consumer Protection. Any violation of
487 the Article is a class A violation.

488 * * *

39 **44A-2. License required.**

490 A person must not conduct the business of a dealer unless the person
491 possesses a dealer's license issued by the [Department of Housing and Community
492 Affairs] Office of Consumer Protection, which must be displayed to the public
493 wherever the person conducts the business of a dealer. An individual must not act
494 as officer, employee or agent, and in that capacity engage in transactions involving
495 secondhand personal property, for a person required to be licensed by this Chapter
496 unless the person possesses a valid and current dealer's license.

497 **44A-8. Application for license; license fee.**

498 (a) Each application for a license must be made on the form that the
499 [Department of Housing and Community Affairs] Office of Consumer
500 Protection requires. The applicant must certify that the information
501 given is correct under the penalties of perjury.

502 * * *

503 **44A-10. Reporting changed information.**

504 If, during any license year, there is a change in the information that a person
505 gave in obtaining or renewing a license under this Chapter, the person must report
506 the change to the [Department of Housing and Community Affairs] Office of
507 Consumer Protection within 30 days after the change occurs and certify that the
508 information given is correct under the penalties of perjury.

509 **44A-12. Grounds for refusal, suspension or revocation of license.**

510 The [Department of Housing and Community Affairs] Office of Consumer
511 Protection may refuse to grant a license under this Chapter to any individual and
512 may suspend, revoke or refuse to renew the license of any person if it finds:

513 * * *

514 **44A-13. Hearing; appeals.**

515 (a) Before revoking, suspending or refusing to renew any license, the
 516 [Department of Housing and Community Affairs] Office of Consumer
 517 Protection must offer the dealer an opportunity for a hearing to show
 518 cause why a license should not be revoked, suspended or refused.
 519 The Director of [Housing and Community Affairs] the Office of
 520 Consumer Protection may serve as hearing officer at the hearing, or
 521 the Director may appoint a hearing officer. The licensee must receive
 522 at least 15 days written notice of the hearing by personal service or
 523 certified mail delivered to the last address recorded in the official
 524 County registry. The notice must specify the time, date and place of
 525 the hearing and contain sufficient information to inform the licensee
 526 of the reason for revoking, suspending or refusing to renew the
 527 license. The notice must specify that the licensee has a right to
 28 representation by counsel and that the license may be suspended,
 529 revoked or refused by the County.

530 * * *

531 **44A-14. Return of licenses on suspension or revocation.**

532 (a) If the license of any employee or dealer is suspended, revoked or not
 533 renewed, the employee or dealer must immediately return the license
 534 to the [Department of Housing and Community Affairs] Office of
 535 Consumer Protection.

536 * * *

537 **53-103. Taxicab Services Advisory Committee.**

538 * * *

539 (d) The Director or the Director's representative must serve as an ex-
 10 officio non-voting member. The [Chief of the Division] Director of

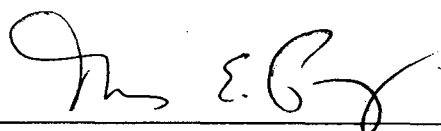
541 the Office of Consumer [Affairs in the Department of Housing and
542 Community Affairs] Protection, or the [Chief's] Director's
543 representative, must also serve as an ex-officio non-voting member.

544 * * *

545 **Sec. 2. Regulations.** A regulation which implements a function transferred
546 to the Office of Consumer Protection by this Act continues in effect until
547 otherwise amended or repealed, but any reference to any predecessor department
548 or office must be treated as referring to the Office of Consumer Protection.


549 **Sec. 3. Transition.** This act does not invalidate or affect any action taken
550 by the Department of Housing and Community Affairs before this Act took effect.
551 Any responsibility or right granted by law, regulation, contract, or other document,
552 and which is associated with a function transferred by this Act from the
553 Department of Housing and Community Affairs, is transferred to the Office of
554 Consumer Protection.

555 *Approved:*

556 


Thomas E. Perez, President, County Council 10/11/05
Date

557 *Approved:*

558 

Douglas M. Duncan, County Executive 10/03/05
Date

559 *This is a correct copy of Council action.*

560 

Linda M. Lauer, Clerk of the Council 10/24/05
Date