

New Maryland Laws and Developments, Part II

By [Don Walsh](#)

WC&S's carefully reviewed the new legislation from the 2018 Maryland General Assembly session which may be of relevance to its clients. Below is a listing of some of the more relevant laws to Maryland residents. For a more detailed analysis, feel free to reach out to any of our attorneys.

Term Limits

Senate Bill 294/House Bill 347 (both failed) would have proposed a constitutional amendment to impose term limits on members of the General Assembly. A person elected to two consecutive terms as either a senator or a delegate would have been ineligible to be elected to serve a third consecutive term in the same office.

Sextortion and Revenge Porn

Senate Bill 769 prohibits a person from causing another person to engage in sexual activity or causing another to engage as a subject in a visual representation or performance with the other person's intimate parts exposed or engaging in or simulating an act of sexual activity by making certain threats. A violation is a misdemeanor punishable by imprisonment for up to 10 years and/or a fine of up to \$10,000. The bill also repeals the existing statutory provisions relating to revenge pornography and instead prohibits a person from knowingly distributing a visual representation of another identifiable person that displays the other person with his or her intimate parts exposed or engaging in an act of sexual activity (1) with the intent to harm, harass, intimidate, threaten, or coerce the other person; (2) under circumstances in which the person knew that the other person did not consent to the distribution or with reckless disregard as to whether the person consented to the distribution; and (3) under circumstances in which the other person had a reasonable expectation that the image would remain private. A violation is a misdemeanor punishable by imprisonment for up to 2 years and/or a fine of up to \$5,000.

Baltimore City – False Representation and Unlawful Eviction

The Senate Bill 826/House Bill 1553 clarifies and expands provisions of landlord tenant law applicable only in Baltimore City concerning the offenses of false representation and unlawful eviction that are subject to misdemeanor penalties. The bills do not impact civil procedures for breach of lease actions under State or local law. The bills also specify that an agent, a landlord, or an operator may not intentionally (1) interrupt, terminate, or diminish any utility service provided to the tenant; (2) remove furnishings, cooking facilities, appliances, or similar items to which, under the express or implied terms of the tenancy, the tenant may be entitled; (3) prevent the tenant from gaining access to the property by changing the locks and failing to provide the tenant with new keys; (4) remove outside doors or windows; or (5) remove the tenant's personal property, furnishings, or any other items.

Rest Areas and Welcome Centers

The State Highway Administration is responsible for more than 5,200 miles or approximately 16,800 lane miles of road, 2,500 bridges, 3,500 small stream crossing structures, and 80 miles of sound barriers. SHA also operates and maintains a number of rest areas and welcome centers along State highways. Senate Bill 24/House Bill 54 authorize SHA to sell or lease the naming rights for rest areas or welcome centers within State highway rights-of-way to a private entity, if doing so is consistent with federal regulations governing the distribution of federal highway funds to the State. The bills also establish conditions and requirements related to the naming of the facilities.



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Learner's Permits

Senate Bill 424/House Bill 394 reduces the period of time, from nine months to three months, during which specified adults younger than age 25 who hold a learner's instructional permit must wait before taking a driver skills examination or driver road examination for a provisional license. This waiting period is not reduced for learner's instructional permit holders who have been convicted of, or granted probation before judgment for, a moving violation.

Airbnb

There is no statewide law regulating limited residential lodging offered to the public through hosting platforms like Airbnb and VRBO. At the local level, a limited number of jurisdictions regulate similar types of short-term residential transactions, primarily through licensing. Senate Bill 1081 (failed) and House Bill 1604 (failed) would have incorporated "limited residential lodging" into the existing regulatory framework for other lodging establishments by requiring these entities to follow laws on licensure, taxation, building codes, and antidiscrimination.

Sale of Powdered Alcohol

The Alcohol and Tobacco Tax and Trade Bureau of the U.S. Department of the Treasury approved labels for Palcohol, a brand of powdered alcohol, on March 10, 2015, making it legal for Palcohol to be sold in the United States. Palcohol is a prepackaged powder that can be dissolved in a liquid to produce an alcoholic beverage. Additionally, the U.S. Food and Drug Administration has determined that the nonalcohol ingredients in Palcohol comply with agency regulations. Senate Bill 253/House Bill 213 make permanent this prohibition of sales in Maryland.

Military Service Members

Most consumer protections for military service members are provided at the federal level; however, certain federal protections do not apply to members of the National Guard. Instead, State law extends these federal protections to National Guard members, including the protections of the federal Service Members Civil Relief Act. House Bill 1614 authorizes a military service member, including a member of the National Guard, to terminate or suspend certain consumer-related contracts when called into military service. Under the bill, a military service member who terminates, suspends, or reinstates a consumer contract for certain services (1) may not be charged a penalty, fee, loss of deposit, or any other additional cost; and (2) is not liable for payment for any services after the effective date of the termination or suspension, until the effective date of any reinstatement of services. A service member who terminates or suspends a service may reinstate the service on the same terms and conditions as originally agreed to before the termination or suspension.

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