

Chapter 38A. Radio, Television and Electrical Appliance Installation and Repairs. [Note]

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Sec. 38A-1. Definitions.

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

Director: The Director of the Office of Consumer Protection.

Electrical appliances: The following equipment used or intended for use in the home: Air conditioners, dishwashers, dryers, freezers, furnaces, garbage, disposals, ranges, refrigerators, vacuum cleaners and washing machines.

Office: The Office of Consumer Protection.

Radio and television equipment: Any device or instrument used or intended for personal use by the consumer for the transmission, reception or amplification of sounds, pictures or images by means of electrical impulses, including radios, televisions, amplifiers, pre-amplifiers, phonographs, tape recorders and tape players and any component part thereof. (1975 L.M.C., ch. 5, § 1; 1980 L.M.C., ch. 35, § 1; 1996 L.M.C., ch. 13, § 1.)

Editor's note-[2005 L.M.C., ch. 26](#), §§ 2 and 3, state:

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a function transferred to the Office of Consumer Protection by this Act continues in effect until otherwise amended or repealed, but any reference to any predecessor department or office must be treated as referring to the Office of Consumer Protection.

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

Sec. 38A-2. Certificate of registration-Required.

(a) It shall be unlawful for any person, firm or corporation to engage in the business, occupation, profession or trade of installing, repairing or maintaining radio and television equipment and electrical appliances unless such person, firm or corporation shall have first

registered with the county.

This provision shall not be construed to apply to any person employed by a registrant who installs, repairs or maintains radio and television equipment and electrical appliances under the supervision of a registrant; nor shall it be construed to apply to employees of any government entity or of any public utility or other corporation subject to regulation by the state public service commission or the Federal Communications Commission who are engaged in the repair and servicing of radio and television equipment and electrical appliances owned or operated by such public utility or other corporation.

(b) Any person, firm or corporation who violates the provisions of this section shall be subject to punishment for a class A violation as set forth in section 1-19 of chapter 1 of the County Code. Each day a violation continues to exist shall constitute a separate offense.

(c) Nothing herein contained is intended to affect, nor shall it be construed in any way to affect any of the licensing requirements of chapter 17 of this Code. (1975 L.M.C., ch. 5, § 1; 1983 L.M.C., ch. 22, § 45.)

Sec. 38A-3. Same-Filing; fee; requirements for certain applicants; maintenance of register.

(a) Any person, firm or corporation desiring to be engaged in business to install, repair and maintain radio and television equipment and electrical appliances shall register on a form provided by the county. Each registration filed with the county shall be accompanied by a registration fee in an amount established by the county executive by written regulation. Registration fees shall be adjustable and shall be uniformly based on the size of the individual registrant's business establishment.

(b) No person, firm or corporation whose license or certificate of registration to engage in the business of installing, repairing or maintaining radio and television equipment and electrical appliances has been revoked in any other jurisdiction may be registered hereunder until satisfactory proof has been presented to the director that the circumstances which caused such revocation no longer exist or have no substantial bearing on the issuance of a certificate of registration in the county.

(c) The director shall maintain a register of all registrants. (1975 L.M.C., ch. 5, § 1; 1980 L.M.C., ch. 35, § 1.)

Sec. 38A-4. Same-Issuance.

The director must issue a certificate of registration to each applicant qualified under section 38A-3 if the applicant pays the registration fee established by executive regulation under method (3). (1975 L.M.C., ch. 5, § 1; 1980 L.M.C., ch. 35, § 1; 1984 L.M.C., ch. 24, § 41; 1984 L.M.C., ch. 27, § 25; 1989 L.M.C., ch. 16, § 1.)

Sec. 38A-5. Same-Term; renewal.

Certificates of registration issued under this chapter shall be valid for one (1) year from the date of issuance and may be renewed upon application to the director. Applicants for renewal shall pay to the county at the time of filing such application a fee established by the county executive by written regulation. (1975 L.M.C., ch. 5, § 1.)

Sec. 38A-6. Same-Display; duplicates.

Holders of certificates of registration issued under this chapter shall display the same in a prominent place at their places of business and, upon demand, shall give the number of the certificate of registration to any person who shall demand the same. If any certificate of registration is lost, defaced or destroyed, the registrant may obtain a duplicate upon application to the director and payment of a fee of three dollars (\$3.00). (1975 L.M.C., ch. 5, § 1.)

Sec. 38A-7. Renewal refusal; revocation or suspension of license; civil fines.

In accordance with the procedure provided in section 38A-10 of this chapter, the county shall have the power to revoke, suspend or refuse to renew the certificate of registration of any registrant who shall be found to have violated any of the provisions of the consumer protection act, chapter 11 of this Code, or who shall be found to have engaged in any deceptive or unconscionable trade practice as defined in chapter 11 of this Code, or who shall be found to have violated this chapter by committing any one or more of the following acts or omissions:

- (a) Fraud or deceit in obtaining a certificate of registration.
- (b) Willful and deliberate violations of any provision of this Code, rules or regulations or laws of the county or of the State of Maryland relating to the installation, maintenance and repair of radio and television equipment and electrical appliances.
- (c) Willful failure to perform, without justification, any contract for repair, installation or maintenance; or willful deviation from or disregard of any written estimate in any material respect without consent of the consumer.
- (d) Any conduct constituting gross negligence.
- (e) Making or authorizing any statement or advertisement which is false or misleading and which reasonably is or should have been known to be false or misleading.

In addition to seeking the revocation or suspension of a registration, the county may also proceed to enforce or correct any violations of this chapter as a class A violation in the manner prescribed in chapter 1, sections 1-18 and 1-19 of the County Code. (1975 L.M.C., ch. 5, § 1; 1983 L.M.C., ch. 22, § 45; 1989 L.M.C., ch. 16, § 1.)

Sec. 38A-8. Records; estimates; returned parts; posting of notices.

- (a) *Records.* All work done by a registrant or any employee thereof shall be recorded on an invoice in such detail as is required by rule or regulation of the county executive and shall describe all service work done and all parts supplied. If any used parts are supplied, the invoice shall clearly state that fact. One (1) copy shall be given to the consumer and one (1) copy shall be retained by the registrant for a period of at least one (1) year.
- (b) *Estimates.* All consumers shall have the right to request a written estimate for labor and parts necessary for a specific job. If a written estimate is requested, a registrant shall make such an estimate, specifying the nature of the repair or maintenance required, the charges for specific parts and the charges for labor. Final charges may not exceed estimates by more than ten (10) percent without the consent of the consumer. Registrants may make a reasonable charge for giving an estimate. However, such charge shall be disclosed, in writing, to the consumer prior to acceptance by the registrant of the request for an estimate.
- (c) *Returned parts.* Upon request, registrants shall return to a requesting consumer any part which such registrant has replaced, unless such parts are required by warranty to be returned to the manufacturer.
- (d) *Posting of notices.* All business establishments which engage in the installation, maintenance and repair of radio and television equipment and electrical appliances shall post in a conspicuous place at the place of business a sign to be furnished by the county stating: "Under the provisions of the Montgomery County Code, all customers are entitled upon request to receive a written estimate, for which a fee may be charged, before repair work is begun. Customers are also entitled upon request to the return of replaced parts except those under warrant." (1975 L.M.C., ch. 5, § 1.)

Sec. 38A-9. Complaints; investigations.

- (a) Any person subjected to any unlawful practice as defined in this Chapter may file a complaint in writing with the Office as provided in Chapter 11.
- (b) After receiving a complaint under this Chapter the Office must conduct investigations and hearings as necessary under the authority delegated by Chapter 11. (1975 L.M.C., ch. 5, § 1; 1980 L.M.C., ch. 35, § 1; 1983 L.M.C., ch. 43, § 1; 1996 L.M.C., ch. 13, § 1; [2005 L.M.C., ch. 26](#), § 1.)

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

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

Sec. 38A-10. Procedure for revocation; hearing; appeals.

(a) If the Office finds a violation of this Chapter or Chapter 11, or of any other applicable law or regulation relating to the installation, maintenance and repair of radio and television equipment and electrical appliances, the Office may, in addition to the procedures in Chapter 11, issue a written complaint against the registrant, seeking that the registrant's radio, television and electrical appliance installation and repair registration be revoked, suspended, or refused. All complaints issued by the Office must be in writing and specify the allegations on which the complaint is based and the law or regulation which the registrant allegedly violated. All complaints must be served on the registrant against whom the complaint is made either by personal service or by certified mail, delivery restricted to addressee, mailed to the last address recorded in the official County registry.

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

(c) The hearing officer, upon finding a violation of this Chapter, or the violation of any of the provisions of Chapter 11 of this Code, or the violation of any other applicable provision of law or regulation relating to the installation, maintenance and repair of radio and television equipment and electrical appliances, shall have the power to revoke, suspend, or refuse to renew the registration of any registrant. Any decision to revoke, suspend or refuse to renew registration shall be in writing and shall include a statement of the facts upon which it is based. Decisions shall be served upon a registrant by personal service or by certified mail. Any registrant aggrieved by any decision to revoke, suspend or refuse registration may appeal to the circuit court for the County in accordance with the procedure prescribed for administrative appeals by the Maryland Rules of Procedure. (1975 L.M.C., ch. 5, § 1; 1980 L.M.C., ch. 35, § 1; 1983 L.M.C., ch. 43, § 2; 1996 L.M.C., ch. 13, § 1; [2005 L.M.C., ch. 26](#), § 1.)

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Sec. 38A-11. Adoption of regulations.

The county executive is hereby authorized to adopt, under method (2) of section 2A-15 of this Code, written regulations necessary for the implementation of the provisions of this chapter, following public hearing on reasonable notice. (1975 L.M.C., ch. 5, § 1; 1984 L.M.C., ch. 24, § 41.)

Sec. 38A-12. Reserved.

Editor's note-Section 38A-12, relating to the applicability of this chapter in incorporated municipalities, derived from 1975 L.M.C., ch. 5, § 1, was repealed by § 24 of 1985 L.M.C., ch. 31. See § 2-96.

Notes

[Note] *Cross references-Consumer protection, ch. 11; electricity, ch. 17.