

any and all purchases made with, through, by or with the aid of the credit card or card of identification 21A THEREOF, TO PROVIDE THAT A PERSON ISSUING A CREDIT CARD OR CARD OF IDENTIFICATION FOR CREDIT IN THE ABSENCE OF A PRIOR REQUEST OR APPLICATION FOR SUCH CARD BY THE PERSON TO WHOM THE CARD IS ISSUED SHALL BEAR THE ENTIRE RISK OF LOSS, THEFT OR UNAUTHORIZED USE OF SUCH CARD UNTIL THE CARD IS ACCEPTED IN A CERTAIN MANNER.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That new Section 21A B be and it is hereby added to Article 83 of the Annotated Code of Maryland (1965 Replacement Volume and 1968 Supplement), title "Sales and Notices," subtitle "Consumer Protection," to follow immediately after Section 21A thereof and to read as follows:

*21A.*

*In any action in any court of Maryland to recover payment for purchases made with, through, by, or with the aid of any credit card or card of identification for credit, which card has been sent voluntarily or without solicitation or application by the sendee, recovery against the sendee shall be denied unless the sender can show to the court's satisfaction that the sendee has accepted the card by an acceptance in writing signed by the sendee. "Sendee" is intended to mean and include all persons whose name or names appear on the card or such persons for whose use the card is intended.*

21B.

WHEN A CREDIT CARD OR CARD OF IDENTIFICATION FOR CREDIT IS ISSUED TO A PERSON IN THE ABSENCE OF A PRIOR REQUEST OR APPLICATION FOR SUCH CARD BY THAT PERSON OR AN AUTHORIZED AGENT OF THAT PERSON, SUCH CARD SHALL NOT BE DEEMED TO HAVE BEEN ACCEPTED UNTIL SUCH PERSON SIGNIFIES ACCEPTANCE IN WRITING OR USES SUCH CARD TO OBTAIN CREDIT. UNTIL SUCH ACCEPTANCE TAKES PLACE, THE PERSON ISSUING THE CARD SHALL BE PRESUMED TO HAVE ASSUMED THE RISK OF THE LOSS, THEFT, OR UNAUTHORIZED USE OF SUCH CARD AND SHALL BE BARRED FROM ANY RECOVERY FOR DAMAGES OCCASIONED BY SUCH LOSS, THEFT OR UNAUTHORIZED USE IN ANY ACTION AGAINST THE PERSON TO WHOM THE CARD WAS ISSUED. THE PROVISIONS OF THIS SECTION SHALL NOT BE APPLICABLE TO CARDS ISSUED TO RENEW OR REPLACE EXISTING CARDS ORIGINALLY APPLIED FOR OR ACCEPTED BY THE CARDHOLDER.

SEC. 2. *And be it further enacted,* That nothing in this Act applies to any event or occurrence prior to July 1, 1969.

SEC. 3. *And be it further enacted,* That this Act shall take effect July 1, 1969.

Approved April 23, 1969.