

(H) (1) FOR PURPOSES OF THIS SUBSECTION, "POLITICAL SUBDIVISION" MEANS A COUNTY, BALTIMORE CITY, OR ANY INCORPORATED MUNICIPALITY.

(2) EXCEPT AS PROVIDED IN SUBPARAGRAPH (3) (1) OF THIS SUBSECTION, THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY BUILDING CONSTRUCTED WITHIN THE BOUNDARIES OF ANY POLITICAL SUBDIVISION IF:

(I) THE POLITICAL SUBDIVISION HAS ADOPTED THE BOCA ENERGY CODE; AND

(II) THE BOCA ENERGY CODE ADOPTED BY THE POLITICAL SUBDIVISION APPLIES TO THE BUILDING BEING CONSTRUCTED.

(3) (I) IN ANY POLITICAL SUBDIVISION WHICH HAS ADOPTED THE BOCA ENERGY CODE, IF A BUILDER OF A BUILDING WHICH IS COMPLETED AFTER JULY 1, 1982 AND PRIOR TO JULY 1, 1987 WILLFULLY DEVIATES FROM THE APPROVED PLANS FOR THE BUILDING, THE BUILDER IS LIABLE TO THE FIRST PURCHASER WHO EITHER OCCUPIES OR RENTS THE BUILDING FOR AN AMOUNT NOT TO EXCEED \$2,000 AND FOR THE COST OF BRINGING THE BUILDING INTO COMPLIANCE WITH THE BOCA ENERGY CODE. THE BUILDER IS ALSO LIABLE FOR THE REASONABLE ATTORNEY'S FEES AND COURT COSTS OF THE PURCHASER, AND FOR ANY REASONABLE COSTS INCURRED BY THE PURCHASER IN DETERMINING THAT THE BUILDER DID NOT COMPLY WITH THE BOCA ENERGY CODE. AN ACTION BY A FIRST PURCHASER AGAINST A BUILDER UNDER THIS SUBSECTION MAY BE BROUGHT WITHIN 3 YEARS OF THE DATE ON WHICH A USE AND OCCUPANCY PERMIT IS ISSUED FOR THE BUILDING BY THE POLITICAL SUBDIVISION IN WHICH THE BUILDING IS LOCATED.

(II) IF THE BUILDER IS A CORPORATION, THE PURCHASER MAY BRING ANY ACTION AUTHORIZED UNDER THIS SUBSECTION AGAINST ANY PERSON WHO WAS AN OFFICER OF THE CORPORATION AT THE TIME THAT THE ALLEGED VIOLATION OCCURRED.

(III) THE PROVISIONS OF PARAGRAPH (3)(I) OF THIS SUBSECTION ARE IN ADDITION TO ANY OTHER REMEDIES AT LAW OR EQUITY ESTABLISHED UNDER STATE OR LOCAL LAW.

(I) THIS SECTION MAY BE CITED AS THE ENERGY CONSERVATION BUILDING STANDARDS ACT.

Article - Commercial Law

13-301.

Unfair or deceptive trade practices include any:

(11) Use of any plan or scheme in soliciting sales or services over the telephone that misrepresents the solicitor's true status or mission; [or]

(12) Violation of a provision of: