

CHAPTER 62

(House Bill 273)

AN ACT concerning

Assistive Technology Guaranteed Loan Program and Fund – Changes

FOR the purpose of changing the name of the Assistive Technology Guaranteed Loan Program to the Assistive Technology Loan Program; changing the name of the Assistive Technology Guaranteed Loan Fund to the Assistive Technology Loan Fund; authorizing the Board of Directors of the Program to elect to provide a borrower with a certain interest rate by either guaranteeing a loan or subsidizing an interest rate under certain circumstances; repealing a certain limitation on the total amount of guarantees provided from the Fund; authorizing the Board to annually set the total aggregate amount of loan guarantees to be provided from the Fund; and generally relating to the Program and the Fund.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 7–601, 7–602, 7–610, 7–611, and 7–613(a)
Annotated Code of Maryland
(2007 Volume)

BY repealing and reenacting, without amendments,
Article – Human Services
Section 7–603, 7–608, and 7–609
Annotated Code of Maryland
(2007 Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Human Services

7–601.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) “Assistive technology” means any item, equipment, or device that is designed to enable an individual with a disability to become more independent or a more productive member of the community with an improved quality of life.

(2) "Assistive technology" includes wheelchairs, motorized scooters, Braille equipment, voice simulation systems, scanners, assistive listening devices, telecommunications devices for the deaf, augmentative communication systems, environmental control systems, computers and adaptive peripherals, building modifications for accessibility, motor vehicles, and vehicle modifications.

- (c) "Board" means the Board of Directors of the Program.
- (d) "Department" means the Department of Disabilities.
- (e) "Fund" means the Assistive Technology [Guaranteed] Loan Fund.
- (f) "Program" means the Assistive Technology [Guaranteed] Loan Program.
- (g) "Secretary" means the Secretary of Disabilities.

7-602.

There is an Assistive Technology [Guaranteed] Loan Program in the Department.

7-603.

The purpose of the Program is to provide assistance for the purchase of assistive technology.

7-608.

Subject to §§ 7-609(a) and 7-610 of this subtitle, the Board may provide a guarantee of a loan or a subsidy of loan interest for a loan to an individual for the purchase of assistive technology.

7-609.

(a) To apply for a guarantee of a loan or a subsidy of loan interest, an applicant shall submit to the Board an application on the form that the Secretary provides.

(b) The Board shall review the applications for guarantees of loans and subsidies of loan interest and approve or deny them based on information provided to or obtained by the Board.

7-610.

(A) The Board may enter into an agreement with an applicant to guarantee a loan or provide a subsidy for loan interest to the applicant only if the applicant demonstrates:

- (1) that the loan to be guaranteed or the subsidy of loan interest will be used to acquire assistive technology;
- (2) the ability to repay the loan;
- (3) creditworthiness; and
- (4) the inability to qualify for a loan from a lending institution without a loan guarantee or a subsidy of loan interest.

(B) THE BOARD MAY ELECT TO PROVIDE THE BORROWER WITH AN INTEREST RATE EQUIVALENT TO THE GUARANTEED RATE BY EITHER GUARANTEEING THE LOAN OR SUBSIDIZING THE INTEREST RATE IF:

(1) A PARTICIPATING LENDING INSTITUTION APPROVES A LOAN WITHOUT THE REQUIREMENT OF A GUARANTEE; AND

(2) THE INTEREST RATE IS HIGHER THAN THE INTEREST RATE OTHERWISE AVAILABLE FOR A GUARANTEED LOAN.

7-611.

(a) Except as provided in this subtitle, the Board and lender jointly shall determine the amount and terms of the guarantee of the loan or the subsidy of loan interest.

(b) The total aggregate amount of a loan guarantee may be up to 100% of the loan.

(c) [The total aggregate amount of guarantees provided from the Fund may not at any time exceed the balance available in the Fund.] **THE TOTAL AGGREGATE AMOUNT OF THE LOAN GUARANTEES TO BE PROVIDED FROM THE FUND IN ANY GIVEN YEAR SHALL BE SET ANNUALLY BY THE BOARD IN ACCORDANCE WITH THE REQUIREMENTS OF THE BANKS UNDERWRITING THE LOANS AT ANY GIVEN TIME.**

7-613.

(a) There is an Assistive Technology [Guaranteed] Loan Fund in the Department.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.

Approved by the Governor, April 8, 2008.