

~~(VIII) A NOTICE REQUIRED UNDER SECTION 258A, IF APPROPRIATE.~~

~~(3) THE WRITTEN AGREEMENT MAY CONTAIN MATTERS OTHER THAN THOSE SET FORTH IN PARAGRAPH (2) OF THIS SUBSECTION UPON WHICH THE PARTIES LAWFULLY AGREE.~~

~~(b) The [writing] WRITTEN AGREEMENT shall be legible and shall be in such form as to clearly describe any other document which is to be incorporated. Before any work begins the owner shall be furnished a copy of the written agreement, signed by the contractor.~~

267.

[Any persons who shall knowingly and wilfully engage in the home-improvement business as a salesman, subcontractor, or contractor without obtaining a license as required by this subtitle and who is not otherwise exempted from the licensing requirement and any person who continues in business as a salesman, subcontractor, or contractor, after revocation or during suspension shall be punished by a fine not exceeding \$5,000 or imprisonment for not exceeding 2 years, or both.]

(A) IN ADDITION TO ANY OTHER PENALTY IMPOSED UNDER THIS SUBTITLE, THE COMMISSION MAY IMPOSE ON ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBTITLE A CIVIL PENALTY OF UP TO \$5,000 PER VIOLATION.

(B) THIS SECTION APPLIES REGARDLESS OF WHETHER THE VIOLATOR IS LICENSED UNDER THIS SUBTITLE.

(C) IN DETERMINING THE AMOUNT OF FINANCIAL PENALTY TO BE IMPOSED UNDER THIS SECTION, THE COMMISSION SHALL CONSIDER THE FOLLOWING:

- (1) THE SERIOUSNESS OF THE VIOLATION;
- (2) THE GOOD FAITH OF THE VIOLATOR;
- (3) THE VIOLATOR'S HISTORY OF PREVIOUS VIOLATIONS;
- (4) THE DELETERIOUS EFFECT OF THE VIOLATION ON THE COMPLAINANT, THE PUBLIC, AND THE HOME IMPROVEMENT INDUSTRY;
- (5) THE ASSETS OF THE VIOLATOR; AND
- (6) ANY OTHER FACTORS RELEVANT TO THE DETERMINATION OF THE FINANCIAL PENALTY.

268.

[Any person who knowingly and wilfully violates any provision of this subtitle, with respect to which a greater penalty is not otherwise provided by the provisions of this subtitle or by any other law, in addition to any administrative penalty otherwise