

~~OBTAINED UNDER THIS SUBSECTION SHALL BE:~~

~~(I) PAYABLE TO THE OWNER FOR DAMAGE RESULTING FROM THE BREACH OF THE HOME IMPROVEMENT CONTRACT; AND~~

~~(II) IN AN AMOUNT OF AT LEAST THE FACE VALUE OF THE CONTRACT.~~

260.

(c) (1) If the Commission determines that any licensee is guilty of any violation of any of the provisions of this subtitle, the Commission may:

(i) Suspend the licensee's license for such period of time as shall be determined by the Commission;

(ii) Revoke the licensee's license; [or]

(iii) Reprimand the licensee; OR

(IV) IMPOSE A CIVIL PENALTY UNDER § 267 OF THIS SUBTITLE.

(2) The Commission may impose any combination of the sanctions described in this subsection.

[(3) In determining whether to impose a fine, the Commission shall consider the seriousness of the violation, the deleterious effect of the violation on the complainant, any good faith on the part of the licensee, and the licensee's history of previous violations.

(4) The Commission may assess a civil penalty not to exceed \$2,000 for each violation of any provision of this subtitle committed by a person other than a licensee.]

261.

(a) The following acts are prohibited:

(1) Abandonment or failure to perform, without justification, any home-improvement contract or project engaged in or undertaken by a contractor; or deviation from or disregard of plans or specifications in any material respect without the consent of the owner;

(2) Failure of a salesman to account for or to remit to his contractor any payment received in connection with a home-improvement transaction;

(3) Making any substantial misrepresentation in the procurement of a home-improvement contract, or making any false promise of character likely to influence, persuade or induce;

(4) Any fraud in the execution of, or in the material alteration of any