

WILLIAM DONALD SCHAEFER, Governor

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 applicable thereto, is guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction of this State shall be punished by a fine not exceeding \$1,000 or imprisonment not to exceed 6 months or both.]

(A) (1) ANY PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

(2) THIS PENALTY ONLY APPLIES WHERE THERE IS NO GREATER CRIMINAL PENALTY PROVIDED UNDER THIS SUBTITLE OR UNDER OTHER APPLICABLE LAW.

(B) (1) A PERSON MAY NOT KNOWINGLY AND WILLFULLY ENGAGE IN OR CONTINUE IN THE BUSINESS OF HOME IMPROVEMENT AS A SALESMAN, SUBCONTRACTOR, OR CONTRACTOR:

(I) WITHOUT BEING DULY LICENSED BY THE COMMISSION;

(II) WITHOUT BEING EXEMPT FROM LICENSING UNDER THIS SUBTITLE;

(III) AFTER LAPSE OR REVOCATION OF THE LICENSE; AND

(IV) DURING SUSPENSION OF THE LICENSE.

(2) A PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

(C) THE PENALTIES IMPOSED UNDER THIS SECTION ARE IN ADDITION TO ANY ADMINISTRATIVE PENALTY OR CIVIL FINE IMPOSED UNDER THIS SUBTITLE.