

(c) Provided, however, this section shall not apply if the deposit is held by a licensed real estate broker.】

43.

(a) Whenever, in connection with the sale and purchase of a new single family residential unit located in this State, which unit shall not have been completed at the time of contracting the sale, the seller or builder shall obligate the purchaser to pay and shall receive from the purchaser any sum of money prior to completion of the residential unit and conveyance of the realty to the purchaser, the builder or seller shall either:

(1) deposit or hold such sum of money in an escrow account segregated from all other funds of said SELLER OR builder to be held to assure the return of the sum of money to the purchaser in the event the purchaser shall become entitled to a return of such sum of money; or

(2) obtain and maintain a corporate surety bond in the form and in the amounts set forth in subsection (b) hereof conditioned upon the return of such sum of money to the purchaser in the event the purchaser shall become entitled to the return of such sum of money.

The escrow account or surety bond shall be maintained by such seller or builder until the happening of the earlier of (1) the conveying of a deed to the realty upon which the residential unit is situated, to the purchaser, his heirs or assigns; or (2) the return of the sum of money to the purchaser, his heirs or assigns; or (3) the forfeiture of the sum of money by the purchaser, his heirs, or assigns, under the terms of the contract of sale relating to the purchase of the residential unit.

(b) The corporate surety bond allowed to be obtained pursuant to the provisions of subsection (a) hereof shall be in a form approved by the ~~Attorney General of Maryland~~ STATE INSURANCE DEPARTMENT and shall be payable to the State of Maryland for the use and benefit of all persons protected by the provisions of this subtitle and shall be deposited by each seller or builder ~~within the provisions hereof with the Special Assistant Attorney General in charge of consumer protection appointed under the terms of the Consumer Protection Act, Article 83, Section 24 (Annotated Code of Maryland 1968 Replacement Volume) Laws of 1967, Chapter 388~~ WITH THE STATE INSURANCE DEPARTMENT. Such corporate surety bonds may be either in the form of individual bonds for each deposit accepted by a seller or builder, or where the total amount of money and all deposits accepted by such builder or seller shall exceed the sum of \$10,000, may be in the form of a blanket bond assuring the return of the deposits received by said seller or builder. Where the bond shall be a blanket bond, the penalty of the bond shall be in accordance with the following schedule:

<i>Total Amount of Deposits Held</i>	<i>Penalty of Bond</i>
<i>1. \$10,000 to \$75,000</i>	<i>\$75,000</i>
<i>2. 75,000 to 200,000</i>	<i>200,000</i>