

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That [Sections 22(a) and 22A] Section 22 of Article 83 of the Annotated Code of Maryland (1969 Replacement Volume), title "Sales and Notices," subtitle "Consumer Protection," be and [they are] it is hereby repealed and re-enacted, with amendments, to read as follows:

22.

(a) If a person has engaged in or is engaging in any practice declared to be unlawful by this subtitle, the Attorney General, [OR ANY PERSON HARMED BY THE UNLAWFUL PRACTICE,] may seek and obtain in an action in a circuit court an injunction prohibiting such person from continuing such practices or engaging therein or doing any acts in furtherance thereof after appropriate notice to such person. Such notice shall state generally the relief sought and be served at least seven days prior to the institution of such action. The court may make such orders or judgments as may be necessary to prevent the use or employment by a person of any prohibited practices, or which may be necessary to restore to any person in interest any moneys or property, real or personal which may have been acquired by means of any practice in this subtitle declared to be unlawful including the appointment of a receiver[.][ ] in cases of willful violation of the provisions of this subtitle.[ ] [APPOINTMENT OF A RECEIVER MAY ONLY BE MADE WHEN THE VIOLATION OF THE PROVISIONS OF THIS SUBTITLE IS WILLFUL AND THE ACTION IS BROUGHT BY THE ATTORNEY GENERAL.]

(B) IN ADDITION TO THE ACTION HEREIN AUTHORIZED TO BE BROUGHT BY THE ATTORNEY GENERAL AND ANY OTHER ACTIONS OTHERWISE AUTHORIZED BY LAW, ANY PERSON SUSTAINING INJURY OR LOSS AS THE RESULT OF AN UNLAWFUL PRACTICE AS PROVIDED IN THIS SUBHEADING MAY BRING AN ACTION TO RECOVER FOR THE INJURY OR LOSS SUSTAINED BY THAT PERSON.

(C) [IF ANY PERSON DAMAGED SHALL PREVAIL IN ANY SUIT OR PROCEEDING BROUGHT UNDER § 22(B) OF THIS SUBTITLE, THE COURT MAY AWARD AS PART OF THE JUDGMENT ATTORNEY'S FEES REASONABLY INCURRED BY SUCH PERSON IN CONNECTION WITH THE SUIT OR PROCEEDING.]

[(b)] (D) In addition to the actions enumerated in subsection (a) of this section, any person violating the provisions of this subtitle shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than one thousand (\$1,000) dollars or imprisonment of not more than one year or both, at the discretion of the court.

[(2)A.]

At any time prior to institution of a suit against a person for violation of this subtitle, the Attorney General may enter a cease and desist agreement with any person who is alleged to have engaged in or be about to engage in an activity declared by this subtitle to be unlawful providing for the immediate discontinuance of all practices set forth in the agreement and for such other action deemed necessary to correct the results of such practices. No proceeding shall be instituted thereafter [by the Attorney General] on the specific activities covered by such an agreement unless the agreement shall have been breached or violated. [ ]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.