

PAY ANY FEE OR OTHER CONSIDERATION THAT IS CONTINGENT ON THE MAKING OF A CONTRACT FOR ARCHITECTURAL OR ENGINEERING SERVICES.

(D) EMPLOYEE OF TRANSPORTATION AGENCY PROHIBITED FROM SOLICITING CONTRACT ON CONTINGENT FEE BASIS.

AN EMPLOYEE OF A TRANSPORTATION AGENCY MAY NOT SOLICIT OR SECURE OR OFFER TO SOLICIT OR SECURE A CONTRACT FOR ARCHITECTURAL OR ENGINEERING SERVICES FOR WHICH THE EMPLOYEE IS PAID OR IS TO BE PAID ANY FEE OR OTHER CONSIDERATION CONTINGENT ON THE MAKING OF THE CONTRACT BETWEEN THE TRANSPORTATION AGENCY AND ANY OTHER PERSON.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 41, §231V.

In subsections (a) and (c) of this section, the term "engineer" is substituted for "professional engineer" to conform to the usage otherwise employed throughout this subtitle.

In subsection (b) of this section, the present reference to a "partnership or corporation" is deleted as unnecessary in light of the word "person", as defined in §1-101 of this title. Also, for consistency, the term "architectural or engineering services" is substituted for "professional services".

In subsection (d) of this section, the word "employee" is substituted for "official" to clarify the existing law.

The second sentence of present Art. 41, §231V(a), which provides for termination of a contract and deduction of the cost for the illegal fee, is incorporated into the substance of §2-316 of this subtitle.

The present references to persons who violate the provisions of this section as being "guilty of a felony" and subject to the penalties of §2-317 of this subtitle are deleted as unnecessary; see, §2-317.

The term "transportation agency" is defined in §2-301 of this subtitle.

As to the uncertain scope of this section, see the discussion in the revisor's note to §2-312 of this subtitle.

Certain additional problems noted by the Commission are worthy of mention: