

(A) ANY PERSON WHO WILLFULLY SELLS A FRANCHISE IN THIS STATE ~~WITHOUT-COMPLYING~~ KNOWINGLY FAILING TO COMPLY WITH THE PROVISIONS OF SECTION 347 OF THIS SUBTITLE, OR WHO IN A PROSPECTUS OR AN AMENDMENT THERETO, WILLFULLY MAKES ANY FALSE OR MISLEADING STATEMENT OF A MATERIAL FACT OR WILLFULLY OMITTS TO STATE ANY MATERIAL FACT REQUIRED TO BE STATED THEREIN OR NECESSARY TO MAKE THE STATEMENTS THEREIN NOT MISLEADING, COMMITS A FELONY, AND UPON CONVICTION, SHALL BE SUBJECT TO IMPRISONMENT NOT TO EXCEED 5 YEARS OR A FINE UP TO \$10,000 PER VIOLATION, OR BOTH THE FINE AND THE IMPRISONMENT.

(B) THE COMMISSIONER MAY REFER AVAILABLE EVIDENCE CONCERNING VIOLATIONS OF THIS SUBTITLE OR ANY RULE OR ORDER UNDER THIS SUBTITLE TO THE STATE'S ATTORNEY WHO, WITH OR WITHOUT THE REFERENCE, MAY INSTITUTE THE APPROPRIATE CRIMINAL PROCEEDINGS UNDER THIS SUBTITLE.

(C) A CRIMINAL PROCEEDING CONTEMPLATED BY THIS SECTION MAY NOT BE INSTITUTED MORE THAN 3 YEARS AFTER THE ALLEGED VIOLATION.

365B.

THE POWERS, REMEDIES, PROCEDURES, AND PENALTIES PROVIDED IN THIS SUBTITLE SHALL BE IN ADDITION TO, AND NOT IN LIMITATION OF, ANY OTHER POWERS, REMEDIES, PROCEDURES, AND PENALTIES OTHERWISE PROVIDED BY LAW.

365C.

~~ANY--CONDITION--STIPULATION--OR--PROVISION--PURPORTING--TO--BIND--ANY--PERSON--ACQUIRING--ANY--FRANCHISE--TO--WAIVE--COMPLIANCE--WITH--ANY--PROVISION--OF--THIS--SUBTITLE--OR--ANY--RULE--OR--ORDER--THEREUNDER--IS--VOID--~~ AS A CONDITION TO THE SALE OF A FRANCHISE TO A PROSPECTIVE FRANCHISEE, A FRANCHISOR MAY NOT REQUIRE THE PROSPECTIVE FRANCHISEE TO ASSENT TO A RELEASE, ASSIGNMENT, NOVATION, WAIVER, OR ESTOPPEL WHICH WOULD RELIEVE ANY PERSON FROM LIABILITY UNDER THIS SUBTITLE.

365D.

THE INFORMATION CONTAINED IN OR FILED WITH ANY REGISTRATION STATEMENT, AMENDMENT, APPLICATION, OR REPORT MAY BE AVAILABLE TO THE PUBLIC UNDER THE RULES WHICH THE COMMISSIONER PRESCRIBES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1980.

Approved May 20, 1980.
