

(2) ANY LIABILITY UNDER THIS SECTION SHALL BE LIMITED TO THE MARKET VALUE OF THE SUBSTANCE AS OF THE TIME THE ACTION WAS TAKEN AGAINST THE SUBSTANCE.

(E) EXCLUSION FROM PERSONAL LIABILITY.

THE RIGHT OF ACTION CREATED BY THIS SECTION LIES ONLY AGAINST THE SECRETARY IN THE SECRETARY'S OFFICIAL CAPACITY, AND THE SECRETARY SHALL HAVE NO PERSONAL LIABILITY FOR THE PAYMENT OF ANY JUDGMENT THAT IS ENTERED IN ANY ACTION BROUGHT UNDER THIS SECTION.

(F) LIMITED WAIVER OF SOVEREIGN IMMUNITY.

UNDER THIS SECTION, THIS STATE WAIVES ITS SOVEREIGN IMMUNITY TO THE EXTENT OF THE RIGHT OF ACTION THAT IS EXPRESSLY CREATED, BUT IN NO FURTHER OR OTHER RESPECT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 187E(d).

4-255. REPORTING OF CRIMINAL VIOLATIONS.

(A) IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE SECRETARY SHALL REPORT TO THE STATE'S ATTORNEY ANY ALLEGED CRIMINAL VIOLATION OF THIS SUBTITLE.

(B) OPPORTUNITY FOR ALLEGED VIOLATOR TO PRESENT VIEWS.

BEFORE THE SECRETARY REPORTS ANY ALLEGED VIOLATION OF THIS SUBTITLE TO A STATE'S ATTORNEY FOR THE INSTITUTION OF A CRIMINAL PROCEEDING, THE SECRETARY SHALL GIVE THE ALLEGED VIOLATOR NOTICE AND AN OPPORTUNITY TO PRESENT THAT PERSON'S VIEWS TO THE SECRETARY EITHER ORALLY OR IN WRITING. THE VIEWS OF THE ALLEGED VIOLATOR MAY BE PRESENTED BY COUNSEL.

(C) MINOR VIOLATIONS.

IF THE SECRETARY BELIEVES THAT THERE HAS BEEN A VIOLATION OF THIS SUBTITLE, BUT THAT THE VIOLATION WAS MINOR AND THE PUBLIC INTEREST WOULD BE SERVED ADEQUATELY IN THE CIRCUMSTANCES BY A WRITTEN NOTICE OR WARNING, THE SECRETARY MAY ISSUE A WRITTEN NOTICE OR WARNING INSTEAD OF REPORTING THE VIOLATION TO THE STATE'S ATTORNEY.

REVISOR'S NOTE: This section formerly appeared as Article 43, § 187G and the second sentence of § 187F.

The first sentence of former Article 43, § 187F, which required the State's attorney to institute proceedings and prosecute any case that is