

hold a hearing on the complaint within 30 days after receipt of the complaint and shall give written notice of the time and place of the hearing to all parties at least 10 days prior to the scheduled date of the hearing. At any hearing to determine whether there has been a violation of this section, the burden of persuasion shall be upon the surety to demonstrate that the cancellation or refusal to underwrite or renew is not based in whole or in part upon race, color, creed, sex, or physical handicap or disability of an applicant or principal or for any unfairly discriminatory reason. If, after the hearing, the Commissioner finds that the surety has violated any provision of this section, he may issue an appropriate order specifying the manner in which the surety has violated this section. The order may also provide relief under subsections [(f)] (G) or [(g)] (H) of this section, if appropriate; and the order shall state when, within a reasonable period thereafter and in no event less than 10 days, it shall be effective.

(2) All hearings and proceedings conducted under this section, as well as any decision of the Commissioner, shall be subject to appeal by any party involved. Such hearings, proceedings and appeal shall be in accordance with the provisions of § 40 of this article.

(h) In lieu of the penalty provided in subsection [(f)] (G) of this section the Commissioner may, if appropriate, order the surety to write the bond if, at the hearing provided in subsection [(d)] (E), he finds the following facts to be proven by a preponderance of the evidence:

(1) That the violation of subsections (a) or (b) of this section was knowing and willfull and,

(2) That the violation of subsection (a) or (b) was the basis for the surety's action.

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(b) The provisions of this section do not apply to policies issued, sold or delivered in this State to insure vehicles as defined in [§ 11-165 and 11-105] §§ 11-105 AND 11-165 of the Transportation Article of the Annotated Code of Maryland.

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(c) A contractor or salesman may give tangible items to prospective customers for advertising or sales promotion purposes if the gift is not conditioned upon obtaining a contract for home-improvement work. However[,]: