

stylistic changes; and generally relating to the enforcement authority of the Division of Consumer Protection in the Office of the Attorney General.

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 13-402(b) and 13-403(b)

Annotated Code of Maryland

(2000 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, without amendments,

Article – Commercial Law

Section 13-403(a)

Annotated Code of Maryland

(2000 Replacement Volume and 2004 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Commercial Law**

13-402.

(b) (1) A written assurance of ~~discontinuance~~, DISCONTINUANCE OR A settlement agreement, or any cease and desist order provided for by this subtitle may include a stipulation or condition for THE VIOLATOR OR ALLEGED VIOLATOR TO:

(i) ~~【The payment by the violator or alleged violator of】~~ PAY the costs of investigation by the Division; ~~【and】~~

(ii) ~~【The】~~ MAKE restitution ~~【by the violator or alleged violator】~~ to the consumer of money, property, or any other thing received from the consumer in connection with a violation or alleged violation of this title;

(III) ~~PAY ACTUAL~~ ECONOMIC DAMAGES;

(IV) POST A PERFORMANCE BOND OR OTHER SECURITY; AND

(V) ~~TAKE ANY OTHER ACTION~~ PROVIDE INFORMATION TO THE DIVISION THAT IS APPROPRIATE TO ASSIST THE PUBLIC IN OBTAINING RELIEF OR TO PREVENT FUTURE VIOLATIONS.

(2) WHEN A VIOLATOR OR ALLEGED VIOLATOR AGREES OR IS ORDERED TO POST A PERFORMANCE BOND OR OTHER SECURITY, IN DETERMINING THE AMOUNT OF SECURITY TO BE POSTED, THE DIVISION SHALL CONSIDER:

(I) THE NATURE OF THE VIOLATION;

(II) THE AMOUNT OF MONEY, PROPERTY, OR ANY OTHER THING RECEIVED FROM THE CONSUMER IN CONNECTION WITH THE VIOLATION;

(III) WHETHER FULL RESTITUTION HAS BEEN PAID TO THE CONSUMER; AND