

(i) A private satellite video communication that is not scrambled or encrypted and the conduct in violation of this subtitle is the private viewing of that communication, and is not for a tortious or illegal purpose, or for purposes of direct or indirect commercial advantage, or private commercial gain; or

(ii) A radio communication that is transmitted on frequencies allocated under Subpart D of Part 74 of the Rules of the Federal Communications Commission that is not scrambled or encrypted and the conduct in violation of this subtitle is not for a tortious or illegal purpose or for purpose of direct or indirect commercial advantage or private commercial gain.

(2) (i) The State is entitled to appropriate injunctive relief in an action under this subsection if the violation is the person's first offense under subsection (e)(1) of this section and the person has not been found liable in a prior civil action under § 10-410 of this subtitle.

(ii) In an action under this subsection, if the violation is a second or subsequent offense under subsection (e)(1) of this section or if the person has been found liable in a prior civil action under § 10-410 of this subtitle, the person is subject to a mandatory civil fine of not less than \$500.

(3) The court may use any means within its authority to enforce an injunction issued under paragraph (2)(i) of this subsection, and shall impose a civil fine of not less than \$500 for each violation of an injunction issued under paragraph (2)(i) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.

Approved May 26, 2005.

CHAPTER 492

(Senate Bill 576)

AN ACT concerning

Consumer Protection - Hearing Aids - Cancellation

FOR the purpose of ~~altering the amounts that may be deducted from a refund paid to a purchaser after cancellation of a hearing aid purchase; requiring that certain charges may be deducted from a refund only if the charges are identified in a certain manner as being nonrefundable; altering the contents of certain notices that must be provided in connection with the sale and delivery of a hearing aid requiring a seller of a hearing aid to bill fees for diagnostic tests separately from certain other charges; authorizing a seller of a hearing aid to deduct payments made for diagnostic tests from a refund paid to a purchaser after cancellation of a hearing aid purchase; requiring the disclosure of certain information in a notice of cancellation; making a certain conforming change; and generally relating to hearing aid sales and cancellations.~~