

(A) ANY MONIES MONEYS PAID UNDER A CONTRACT BY AN OWNER TO A CONTRACTOR, OR BY THE OWNER OR CONTRACTOR TO A SUBCONTRACTOR FOR WORK DONE OR MATERIALS FURNISHED, OR BOTH, FOR OR ABOUT A BUILDING BY ANY SUBCONTRACTOR, SHALL BE CONSIDERED-TO-BE HELD IN TRUST BY THE CONTRACTOR OR SUBCONTRACTOR, AS TRUSTEE, FOR THE BENEFIT--OF THOSE SUBCONTRACTORS WHO DID WORK OR FURNISHED MATERIALS, OR BOTH, FOR OR ABOUT THE BUILDING, FOR PURPOSES OF PAYING THOSE SUBCONTRACTORS.

(B) NOTHING IN §§ 9-115 THROUGH 9-118

(1) NOTHING CONTAINED IN THIS SUBTITLE SHALL BE CONSTRUED AS REQUIRING MONEYS CONSIDERED-TO-BE HELD IN TRUST BY A CONTRACTOR OR SUBCONTRACTOR UNDER SUBSECTION (A) OF THIS SECTION TO BE PLACED IN A SEPARATE ACCOUNT.

(2) IF A CONTRACTOR OR SUBCONTRACTOR COMMINGLES SUCH MONEYS HELD IN TRUST UNDER THIS SECTION WITH OTHER MONEYS, THE MERE COMMINGLING OF THE MONEYS DOES NOT CONSTITUTE A VIOLATION OF §§ 9-115 THROUGH 9-118 THIS SUBTITLE.

9-116: 9-202.

(A)--ANY--CONTRACTOR--OR--SUBCONTRACTOR,--AND ANY OFFICER, DIRECTOR, or employee of SUCH ANY CONTRACTOR OR SUBCONTRACTOR, WHO, WITH INTENT TO DEFRAUD, SHALL-RETAIN-OR-USE RETAINS OR USES THE MONIES MONEYS HELD IN TRUST UNDER §-9-115 § 9-201 OF THIS SUBTITLE, OR ANY PART THEREOF, FOR ANY PURPOSE OTHER THAN TO PAY THOSE SUBCONTRACTORS FOR WHOM THE MONIES MONEYS ARE HELD IN TRUST, SHALL BE GUILTY-OF-BARCENY PERSONALLY LIABLE TO ANY PERSON DAMAGED BY THE ACTION.

(B)--IF--ANY--PERSON--PROSECUTED--UNDER--§-9-116(A)--IS--CONVICTED OF-BARCENY, HE SHALL BE PUNISHED BY--A--FINE--OF--NOT--MORE--THAN \$5,000--DOLLARS--AND--BY--NOT--MORE--THAN--ONE--YEAR--IMPRISONMENT--

9-117: 9-203.

THE USE BY A CONTRACTOR OR SUBCONTRACTOR OR ANY OFFICER, DIRECTOR, or employee of SUCH A CONTRACTOR OR SUBCONTRACTOR OF ANY MONIES MONEYS OF THE TRUST AS ESTABLISHED CONSIDERED-TO-BE HELD IN TRUST UNDER §-9-115 § 9-201 OF THIS SUBTITLE, FOR ANY OTHER PURPOSE THAN TO PAY THOSE SUBCONTRACTORS WHO DID WORK OR FURNISHED MATERIALS, OR BOTH, FOR OR ABOUT THE BUILDING, SHALL BE PRIMA FACIE EVIDENCE OF INTENT TO DEFRAUD IN A CIVIL ACTION FOR BREACH-OF-CONTRACT.

9-118: 9-204.

IN--ADDITION--TO--BEING--SUBJECT--TO--A--CRIMINAL--ACTION--UNDER--§ 9-116, ANY OFFICER, DIRECTOR, OR EMPLOYEE OF--ANY--CONTRACTOR--OR SUBCONTRACTOR--WHO,--WITH--INTENT--TO--DEFRAUD,--SHALL--RETAIN--OR--USE THE MONEYS HELD IN TRUST UNDER §-9-115, OR ANY PART THEREOF,--FOR