

(ii) If he no longer owns the security, for damages.

(2) A seller may sue either at law or in equity:

(i) On tender of the consideration paid for the security, to recover the security, together with the amount of any income received on the security, costs, and reasonable attorneys' fees; or

(ii) If the buyer no longer owns the security, for damages.

(3) For the purposes of subsection (b)(1)(ii) of this section, damages are the amount that would be recoverable on a tender less the value of the security when the buyer disposed of it and interest at [6 percent per year] THE RATE PROVIDED FOR IN § 11-107(A) OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE, AS AMENDED, from the date of disposition.

(4) (I) IN ANY ACTION BROUGHT UNDER SUBSECTION (A)(3) OF THIS SECTION A PERSON MAY SUE EITHER AT LAW OR IN EQUITY ~~TO RECOVER THE CONSIDERATION PAID FOR THE ADVICE AND ANY LOSS DUE TO THE--ADVICE FOR THE RESCISSION OF THE ADVISORY CONTRACT AND ANY DAMAGES RESULTING FROM THE VIOLATION, TOGETHER WITH INTEREST AT THE RATE PROVIDED FOR IN § 11-107(A) OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE, AS AMENDED, FROM THE DATE OF PAYMENT OF THE CONSIDERATION, COSTS, AND REASONABLE ATTORNEYS' FEES, LESS THE AMOUNT OF ANY INCOME RECEIVED FROM SUCH ADVICE.~~

(II) AN ACTION BASED ON A VIOLATION OF § 11-302(C) OF THIS TITLE MAY NOT PREVAIL WHERE THE PERSON ACCUSED OF THE VIOLATION SUSTAINS THE BURDEN OF PROOF THAT HE DID NOT KNOW, AND IN THE EXERCISE OF REASONABLE CARE COULD NOT HAVE KNOWN, OF THE EXISTENCE OF THE FACTS BY REASON OF WHICH THE LIABILITY IS ALLEGED TO EXIST.

(c) (1) Every person who directly or indirectly controls a person liable under subsection (a) of this section, every partner, officer, or director of the person liable, every person occupying a similar status or performing similar functions, every employee of the person liable who materially aids in the [sale or purchase] CONDUCT GIVING RISE TO THE LIABILITY, and every broker-dealer or agent who materially aids in [the sale or purchase] SUCH CONDUCT are also liable jointly and severally with and to the same extent as the person liable, unless [the nonseller or nonbuyer who is so liable sustains] ABLE TO SUSTAIN the burden of proof that he did not know, and in exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist.

(2) There is contribution as in cases of contract among the several persons so liable.