

[(5)](3) Except for the prepayment of periodic payments or excess contributions permitted under the terms of the policy, willfully collect as premium for insurance a sum in excess of the premium applicable to the insurance under approved classifications and rates or, in cases where classifications and rates are not subject to approval, the premiums and charges applicable to the insurance as specified in the policy and fixed by the insurer; [and]

[(6)](4) Misappropriate or unreasonably withhold funds received or held where the funds represent premiums, ~~BENEFITS UNDER AN INSURANCE POLICY~~, or return premiums; AND

(5) MISAPPROPRIATE BENEFITS UNDER AN INSURANCE POLICY.

~~(5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PENALTY IMPOSED FOR A VIOLATION PURSUANT TO SUBSECTION (F) OF THIS SECTION SHALL BE MANDATORY AND NOT SUBJECT TO SUSPENSION.~~

[(b)](C) It shall be a fraudulent insurance act for an insurer doing business in this State to knowingly write or place any policy or contract of insurance in this State through, or pay a commission or other consideration to, a person who:

- (1) Is required to have a certificate of qualification under this article; and
- (2) Has not received a certificate of qualification under this article.

[(c)](D) (1) It shall be a fraudulent insurance act for a person to act as or hold themselves out to be an insurance agent, broker, or adjuster in this State if the person has not received the appropriate certificate of qualification under or otherwise complied with § 167 of this article.

(2) It shall be a fraudulent insurance act for an agent or broker to:

- (i) Solicit or take application for, procure, or place for others any insurance for which the agent or broker has not received a certificate of qualification;
- (ii) Knowingly violate the provisions of § 167(d) of this article; or
- (iii) Intentionally fail to report to an insurer the exact amount of consideration charged as premium for an insurance contract, if different from the policy premium, and to fail to maintain records showing that information.

[(d)](E) It shall be a fraudulent insurance act for a person to:

- (1) Knowingly or willfully make any false or fraudulent statement or representation in or with reference to any application for insurance;
- (2) Place insurance with an unauthorized insurer not regulated by the Commissioner and refuse to obey an order by the Commissioner to produce for examination all policies and other documents evidencing the insurance and the amount of premiums paid or agreed to be paid for the insurance;