

(3) Where a certificate of authority is required, operate an insurer or conduct an insurance business without obtaining a certificate of authority issued by the Commissioner;

(4) Make a false sworn statement that the person does not believe to be true as to matter material to an examination, investigation, or hearing conducted by the Commissioner; or

(5) With intent to deceive, knowingly exhibit a false account, document, or advertisement, relative to the affairs of an insurer.

[(e) A person who violates this section is guilty of a misdemeanor and is subject to a fine of up to \$10,000 or imprisonment for up to 3 years or both.]

(F) (1) (I) A PERSON CONVICTED OF VIOLATING ANY PROVISION OF THIS SECTION WHERE THE CLAIM OR ACT THAT IS THE SUBJECT OF THE FRAUD HAS A VALUE OF \$300 OR GREATER IS GUILTY OF A FELONY AND FOR EACH SUCH VIOLATION SHALL RESTORE TO THE VICTIM THE PROPERTY TAKEN OR THE VALUE OF THE PROPERTY TAKEN AND SHALL BE FINED AS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION OR BE IMPRISONED FOR NOT MORE THAN 15 YEARS OR BOTH.

(II) A PERSON CONVICTED OF ANY OF THE PROVISIONS OF THIS SECTION WHERE THE CLAIM OR ACT THAT IS THE SUBJECT OF THE FRAUD HAS A VALUE OF UNDER \$300 IS GUILTY OF A MISDEMEANOR AND SHALL RESTORE TO THE VICTIM THE PROPERTY TAKEN OR THE VALUE OF THE PROPERTY TAKEN AND SHALL BE FINED AS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION OR BE IMPRISONED FOR NOT MORE THAN 18 MONTHS OR BOTH.

(2) IN ADDITION TO THE PENALTIES PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION:

(I) A PERSON CONVICTED OF VIOLATING ANY PROVISION OF SUBSECTION (B) OF THIS SECTION SHALL FOR EACH SUCH VIOLATION BE SUBJECT TO A FINE, THE MAXIMUM OF WHICH SHALL NOT EXCEED THREE TIMES THE VALUE OF THE CLAIM OR ACT THAT IS THE SUBJECT OF THE FRAUD OR \$10,000, WHICHEVER IS GREATER, AND THE MINIMUM OF WHICH SHALL BE \$500.

(II) A PERSON CONVICTED OF VIOLATING ANY PROVISION OF SUBSECTION (C), (D), OR (E) OF THIS SECTION IS FOR EACH SUCH VIOLATION SUBJECT TO A FINE NOT TO EXCEED \$10,000.

(3) THE PENALTIES IMPOSED UNDER THIS SECTION MAY BE IMPOSED SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY OTHER OFFENSE BASED UPON THE ACT OR ACTS ESTABLISHING A VIOLATION OF THIS SECTION.

(G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PENALTY IMPOSED FOR A VIOLATION PURSUANT TO SUBSECTION (F)(2) OF THIS SECTION SHALL BE MANDATORY AND NOT SUBJECT TO SUSPENSION.