

(D) PENALTIES.

(1) A PERSON THAT VIOLATES SUBSECTION (A) OF THIS SECTION OR KNOWINGLY RECEIVES COMPENSATION OR A COMMISSION AS A RESULT OF A VIOLATION OF SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.

(2) (I) IN ADDITION TO THE PENALTIES PROVIDED BY PARAGRAPH (1) OF THIS SUBSECTION, A PERSON THAT VIOLATES SUBSECTION (A) OF THIS SECTION IS LIABLE FOR A CIVIL PENALTY OF THREE TIMES THE SUM RECEIVED BY THE VIOLATOR AS COMPENSATION OR COMMISSION FROM THE VIOLATION.

(II) A PERSON OR SOCIETY AGGRIEVED BY THE VIOLATION MAY FILE A CIVIL ACTION FOR THE PERSON'S OR SOCIETY'S OWN USE AND BENEFIT TO RECOVER A CIVIL PENALTY UNDER THIS PARAGRAPH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 345.

In subsection (d)(1) of this section, the reference to being "guilty of a misdemeanor" is added to state expressly that which was only implied by the reference, in former Art. 48A, § 345(d), to a "conviction". Since a violation of former Art. 48A, § 345(d) was not a felony at common law and has not been declared a felony by statute, it is considered to be a misdemeanor. See State v. Canova, 278 Md. 483, 490 (1976), and Dutton v. State, 123 Md. 373, 378 (1914).

Also in subsection (d)(1) of this section, the former minimum penalties of \$100 and 30 days are deleted to conform to the statement of legislative policy in Art. 27, § 643 of the Code, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Also in subsection (d)(1) of this section, the former reference to imprisonment "in the county jail" is deleted as unnecessary in light of Art. 27, § 690 of the Code.

Defined terms: "Insurance contract" § 1-101

"Insurer" § 1-101

"Person" § 1-101

"Policy" § 1-101

"Society" § 8-401

SUBTITLE 5. REINSURANCE INTERMEDIARIES.

8-501. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.