

## SUBTITLE 7. PROHIBITED ACTS; PENALTIES.

## 20-701. FILING FALSE NOTICE OR DOCUMENT.

## (A) PROHIBITED.

A PERSON MAY NOT KNOWINGLY FILE WITH THE FUND A NOTICE OR DOCUMENT REQUIRED UNDER THIS TITLE THAT IS FALSE OR THAT CONTAINS A MATERIAL MISSTATEMENT OF FACT.

## (B) PENALTY.

A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 243K.

In subsection (a) of this section, the former reference to "any servant of any person" is deleted as included in the defined term "person".

Also in subsection (a) of this section, the former reference to a notice or document that is "untrue" is deleted as contained in the reference to a notice or document that is "false".

In subsection (b) of this section, the reference to being "guilty of a misdemeanor" is added to state expressly that which only was implied by the former reference to a "conviction". Since violation of former § 243K 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).

Defined terms: "Fund" § 20-101

"Person" §§ 1-101 and 20-101

GENERAL REVISOR'S NOTE TO TITLE:

Former Art. 48A, § 243(e) stated that if an insured, previously covered in the Maryland automobile insurance plan, is transferred to a private company, the agent or broker who originally placed the insured with the same company and is the producer of record is required to receive a certain commission. Former § 243(e) also stated that the commission was to be received only for the first transfer or first renewal of policies and that further commissions would be prohibited on future renewals.

Former § 243(e) is deleted as obsolete. The Maryland automobile insurance plan was repealed and replaced by the Maryland Automobile Insurance Fund on January 1, 1973. See Ch. 73, Acts of 1972. First transfers and first renewals of policies that were covered by the plan are events that have long since occurred.