

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 486B(b)(1).

Defined terms: "Commissioner" § 1-101

"Premium finance company" § 23-101

23-208. DENIALS, SUSPENSIONS, REVOCATIONS, AND REFUSALS TO RENEW; PENALTIES.

(A) GROUNDS.

THE COMMISSIONER MAY DENY A REGISTRATION TO AN APPLICANT OR SUSPEND, REVOKE, OR REFUSE TO RENEW THE REGISTRATION OF A REGISTRANT IF THE COMMISSIONER FINDS THAT THE APPLICANT OR REGISTRANT HAS:

- (1) FAILED TO COMPLY WITH A LAWFUL REQUIREMENT OF THE COMMISSIONER UNDER THIS TITLE;
- (2) VIOLATED A PROVISION OF THIS TITLE;
- (3) MADE A MATERIAL MISSTATEMENT IN THE APPLICATION FOR REGISTRATION;
- (4) ENGAGED IN FRAUDULENT OR DISHONEST PRACTICES; OR
- (5) DEMONSTRATED INCOMPETENCY OR UNTRUSTWORTHINESS TO ENGAGE IN THE BUSINESS OF A PREMIUM FINANCE COMPANY.

(B) CIVIL PENALTY; RESTITUTION.

(1) INSTEAD OF OR IN ADDITION TO SUSPENDING, REVOKING, OR REFUSING TO RENEW A REGISTRATION, THE COMMISSIONER MAY:

- (I) IMPOSE ON THE REGISTRANT, FOR A FIRST OR SECOND OFFENSE, A PENALTY OF NOT LESS THAN \$25 BUT NOT EXCEEDING \$500; OR
- (II) REQUIRE THAT RESTITUTION BE MADE BY A REGISTRANT THAT VIOLATES THIS TITLE TO A PERSON THAT HAS SUFFERED FINANCIAL INJURY AS A RESULT OF A VIOLATION OF THIS TITLE.

(2) FOR PURPOSES OF THIS SUBSECTION, RESTITUTION MEANS THE SUM OF MONEY THAT, IF PAID TO A PERSON THAT SUFFERS FINANCIAL INJURY AS A RESULT OF VIOLATION OF THIS TITLE, WILL RESTORE THE PERSON TO THE SAME FINANCIAL POSITION THE PERSON WOULD HAVE BEEN IN HAD THE VIOLATION NOT OCCURRED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 486H(a) and (b).

The Insurance Article Review Committee notes, for the consideration of the General Assembly, that in subsection (a)(2) of this section, the reference to violating any provision of this "title" is substituted for the former reference to violating any provision of this "section" to correct an error in the former law.