

26-502. PENALTIES.

(A) CRIMINAL PENALTY.

A PERSON THAT WILLFULLY VIOLATES THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(B) CIVIL PENALTY.

IN ADDITION TO ANY OTHER PENALTY PROVIDED IN THIS TITLE, THE COMMISSIONER AFTER NOTICE AND HEARING MAY IMPOSE ON A LICENSEE OR REPRESENTATIVE FOR EACH VIOLATION OF THIS TITLE A PENALTY:

- (1) NOT EXCEEDING \$25,000 FOR A LICENSEE; OR
- (2) NOT EXCEEDING \$5,000 FOR A REPRESENTATIVE.

(C) RESTITUTION.

INSTEAD OF OR IN ADDITION TO A PENALTY IMPOSED UNDER THIS SECTION, THE COMMISSIONER MAY REQUIRE THAT RESTITUTION BE MADE TO ANY CITIZEN WHO HAS SUFFERED FINANCIAL INJURY BECAUSE OF A VIOLATION OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48B, § 11.

In subsection (b)(1) of this section, the reference to a "licensee" is substituted for the former reference to "motor clubs" for consistency.

In subsection (b)(2) of this section, the defined term "representative" is substituted for the former references to "motor club representative[s]" to use the defined term.

In subsection (c) of this section, the former reference to financial "damage" is deleted as included in the reference to financial "injury".

Defined terms: "Commissioner" § 1-101

"Licensee" § 26-101

"Person" § 1-101

"Representative" § 26-101

SECTION 2. AND BE IT FURTHER ENACTED, That motor clubs are subject to and regulated by the provisions of Title 26 of the Insurance Article. Nothing in this Act is intended to make any substantive change to the status of motor clubs.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed to affect any valid seal that a licensee or permit holder holds before October 1, 1997.

SECTION 4. AND BE IT FURTHER ENACTED, That the Revisor's Notes and catchlines contained in this Act are not law and may not be considered to have been enacted as a part of this Act.