

Defined terms: "Insurance" § 1-101

"Insurer" § 1-101

1-208. OATHS.

A REQUIREMENT IN THIS ARTICLE THAT A DOCUMENT BE UNDER OATH MEANS THAT THE DOCUMENT SHALL BE SUPPORTED BY:

(1) A WRITTEN STATEMENT SIGNED BY THE INDIVIDUAL MAKING IT IN WHICH THE INDIVIDUAL SOLEMNLY AFFIRMS UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE DOCUMENT ARE TRUE TO THE BEST OF THE INDIVIDUAL'S KNOWLEDGE, INFORMATION, AND BELIEF; OR

(2) A CERTIFICATION OF AN OFFICER AUTHORIZED TO ADMINISTER AN OATH THAT A NAMED INDIVIDUAL MADE OATH THAT THE CONTENTS OF THE DOCUMENT ARE TRUE TO THE BEST OF THE INDIVIDUAL'S KNOWLEDGE, INFORMATION, AND BELIEF.

SPECIAL REVISOR'S NOTE: As enacted by Ch. 36, Acts of 1995, this section was new language added to allow an affidavit, a signed statement made under the penalties of perjury, to have the effect of being an oath or affirmation without detracting substantively from the purpose and effect of requiring an oath or affirmation. Therefore, an individual who makes an affidavit under this article is subject to the penalties for perjury if the affidavit is false, even if the individual does not appear and make oath before an individual authorized to administer oaths.

This section is patterned after the essential elements of Md. Rule 1-202(b), which defines "affidavit", and Md. Rules 1-303 and 1-304, which prescribe the form of oaths and affidavits. This provision does away with any required notarization.

GENERAL REVISOR'S NOTE TO SUBTITLE:

Former Art. 48A, § 13, which provided for severability of provisions of former Art. 48A, was deleted by Ch. 36 as unnecessary in light of Art. 1, § 23 of the Code.

SUBTITLE 3. GENERAL CRIMINAL PENALTY.

1-301. GENERAL CRIMINAL PENALTY.

IN ADDITION TO ANY ADMINISTRATIVE PENALTY OTHERWISE APPLICABLE, A PERSON THAT WILLFULLY VIOLATES ANY PROVISION OF THIS ARTICLE, WITH RESPECT TO WHICH A GREATER PENALTY IS NOT PROVIDED BY OTHER APPLICABLE STATE LAW, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100,000.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 12.

The reference to being "guilty of a misdemeanor" is added to state expressly that which only was implied in the former law by the reference to a