

(5) THE FAILURE OF A HOME BUILDER TO PROVIDE A COPY OF THE CONSUMER PROTECTION PAMPHLET TO A CONTRACT PURCHASER MAY NOT BE USED AS A BASIS FOR INVALIDATION OF THE CONTRACT FOR THE INITIAL SALE OF A NEW HOME.

(D) THE ~~DIRECTOR~~ UNIT SHALL COLLECT AND MAINTAIN INFORMATION ON THE RESOLUTION OF CONSUMER COMPLAINTS INVOLVING NEW HOME BUILDERS.

~~4.5-206. 4.5-203.~~

(A) (1) THERE IS A HOME BUILDER REGISTRATION FUND.

(2) THE ~~DIRECTOR~~ DIVISION SHALL ADMINISTER THE REGISTRATION FUND.

(3) THE REGISTRATION FUND SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS ~~OF FULFILLING THE DUTIES OF THE OFFICE~~ INCURRED FOR THE ADMINISTRATION AND ENFORCEMENT OF THE MARYLAND HOME BUILDERS REGISTRATION ACT.

(4) THE REGISTRATION FUND IS A CONTINUING, NONLAPSING FUND, AND IS SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(5) UNSPENT ASSETS OF THE REGISTRATION FUND SHALL REMAIN IN THE REGISTRATION FUND AND MAY NOT REVERT OR BE TRANSFERRED TO THE GENERAL FUND OF THE STATE.

(6) THE REGISTRATION FUND MAY NOT BE SUPPORTED BY APPROPRIATIONS OF STATE FUNDS.

(B) (1) BY REGULATION, THE ~~DIRECTOR~~ DIVISION SHALL ESTABLISH REASONABLE FEES THAT MAY NOT EXCEED \$600 OVER A 2-YEAR PERIOD, AND A FEE SCHEDULE FOR THE ISSUANCE AND RENEWAL OF REGISTRATIONS.

~~(2) IN ESTABLISHING THE FEES, THE DIRECTOR DIVISION SHALL CONSIDER:~~

~~(I) THE NUMBER OF UNITS CONSTRUCTED BY THE APPLICANT OR REGISTRANT IN THE PREVIOUS 2 YEARS; OR~~

~~(II) IN THE CASE OF A NEW APPLICANT, THE NUMBER OF UNITS THAT THE APPLICANT PLANS TO CONSTRUCT IN THE NEXT 2 YEARS.~~

~~(3) (2) THE FEES CHARGED SHALL APPROXIMATE THE DIRECT AND INDIRECT COSTS OF MAINTAINING THE OFFICE AND FULFILLING THE DUTIES OF THE OFFICE ADMINISTERING AND ENFORCING THE MARYLAND HOME BUILDERS REGISTRATION ACT.~~

(C) THE ~~DIRECTOR~~ DIVISION SHALL PAY ALL FUNDS COLLECTED UNDER § 4.5-303 OF THIS TITLE TO THE COMPTROLLER, WHO SHALL DISTRIBUTE THE FEES TO THE REGISTRATION FUND.