

~~(D)~~ (C) IN DETERMINING THE AMOUNT OF FINANCIAL PENALTY TO BE IMPOSED UNDER SUBSECTION (A) OF THIS SECTION, THE COMMISSIONER SHALL CONSIDER THE FOLLOWING:

- (1) THE SERIOUSNESS OF THE VIOLATION;
- (2) THE GOOD FAITH OF THE VIOLATOR;
- (3) THE VIOLATOR'S HISTORY OF PREVIOUS VIOLATIONS;
- (4) THE DELETERIOUS EFFECT OF THE VIOLATION ON THE PUBLIC;
- (5) THE ASSETS OF THE VIOLATOR; AND
- (6) ANY OTHER FACTORS RELEVANT TO THE DETERMINATION OF THE FINANCIAL PENALTY.

12-929.

A PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 FOR THE FIRST VIOLATION AND NOT EXCEEDING \$5,000 FOR EACH SUBSEQUENT VIOLATION OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

12-930.

IN ADDITION TO ANY OTHER REMEDIES PROVIDED IN THIS SUBTITLE, A CONSUMER MAY BRING A CIVIL ACTION TO RECOVER FOR ANY DAMAGES CAUSED BY A VIOLATION OF THIS SUBTITLE, INCLUDING COURT COSTS AND REASONABLE ATTORNEYS FEES.

~~12-930.~~ 12-931.

THIS SUBTITLE MAY BE CITED AS THE MARYLAND DEBT MANAGEMENT SERVICES ACT.

SECTION 2. AND BE IT FURTHER ENACTED, That, in the absence of an order by the Commissioner of Financial Regulation to the contrary, an organization providing debt management services ~~in the State to Maryland consumers~~ on the effective date of this Act may continue to provide debt management services ~~in the State to Maryland consumers~~ without being licensed, as required under Section 1 of this Act, until the Commissioner approves or disapproves the organization's application for a license if:

- (a) the organization applies for a license no later than 60 days after the date the Commissioner makes license applications available; and
- (b) the organization complies with all other provisions of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding § 12-912(a) of the Financial Institutions Article, as enacted by Section 1 of this Act, a license issued on or after October 1, 2003, and on or before December 31, 2003,