

In subsection (d)(2) of this section, the reference to the period that the plaintiff or defendant "ceased to be" a person in emergency management service or person suffering injury or damage is substituted for the former reference to "thereafter" for clarity.

In subsection (d)(3) of this section, the phrase "the court finds" is substituted for the former phrase "in the opinion of the court" for clarity and consistency throughout this subtitle.

Defined terms: "Court" § 14-201

"Person" § 1-101

"Person in emergency management service" § 14-201

"Person suffering injury or damage" § 14-201.

#### 14-209. FINES OR PENALTIES FOR NONPERFORMANCE OF CONTRACTS.

##### (A) NO ACCRUAL DURING STAY.

IF AN ACTION FOR COMPLIANCE WITH THE TERMS OF A CONTRACT IS STAYED UNDER THIS SUBTITLE, A FINE OR PENALTY DOES NOT ACCRUE BECAUSE OF FAILURE TO COMPLY WITH THE TERMS OF THE CONTRACT DURING THE PERIOD OF THE STAY.

##### (B) RELIEF AGAINST ENFORCEMENT.

A COURT MAY PROVIDE RELIEF AGAINST THE ENFORCEMENT OF A FINE OR PENALTY FOR NONPERFORMANCE OF A CONTRACT IF THE COURT FINDS THAT:

(1) A PERSON FAILED TO PERFORM AN OBLIGATION AND A FINE OR PENALTY FOR NONPERFORMANCE WAS INCURRED;

(2) THE FINE OR PENALTY WAS INCURRED DURING THE PERIOD THAT THE PERSON WAS A PERSON IN EMERGENCY MANAGEMENT SERVICE OR PERSON SUFFERING INJURY OR DAMAGE; AND

(3) THE ABILITY OF THE PERSON TO PAY THE FINE OR PENALTY OR PERFORM THE OBLIGATION WAS MATERIALLY IMPAIRED BECAUSE THE PERSON WAS A PERSON IN EMERGENCY MANAGEMENT SERVICE OR PERSON SUFFERING INJURY OR DAMAGE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 16A, §§ 18 and 14(d).

In the introductory language of subsection (b) of this section, the former phrase "on such terms as may be just" is deleted as implicit in the power of a court to provide relief.

In subsection (b)(3) of this section, the reference to the person being "a person in emergency management service or person suffering injury or damage" is substituted for the former reference to impairment "by reason of being in such category" for clarity and to use the defined terms.