

In subsection (b) of this section, the former reference to a fine or sentence of imprisonment being imposed "in the discretion of the court" is deleted as surplusage.

In subsection (c) of this section, the reference to a violation being "subject to § 5-106(b) of the Courts Article" is substituted for the former reference to the violation subjecting the defendant to imprisonment "in the penitentiary", for clarity and consistency within this article. See General Revisor's Note to article.

Defined term: "Person" § 1-101

7-116. FAILURE TO DELIVER DOCUMENTS FOR MERCHANDISE.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO A PERSON WHO IS ENTRUSTED WITH MONEY AS AN ADVANCE AGAINST GRAIN OR OTHER MERCHANDISE:

(1) THAT IS PURCHASED AND STORED IN AN ELEVATOR; AND

(2) FOR WHICH A CERTIFICATE OR RECEIPT HAS BEEN DELIVERED TO AN OFFICIAL OF THE ELEVATOR STORAGE FACILITY OR TO THE PARTY WITH WHOM THE GRAIN OR OTHER MERCHANDISE IS STORED FOR SHIPMENT AND TRANSPORT FROM BALTIMORE CITY TO THE PURCHASER.

(B) PROHIBITED.

A PERSON MAY NOT, FOR THE PERSON'S OWN BENEFIT AND IN BAD FAITH, FAIL TO DELIVER TO THE PARTY WHO ENTRUSTED THE PERSON WITH MONEY UNDER THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (A) OF THIS SECTION AS SOON AS THE SHIPMENT OF GRAIN OR OTHER MERCHANDISE IS COMPLETED AND THE BILL OF LADING IS DELIVERED TO THE PURCHASER:

(1) THE DRAFT OR BILL OF EXCHANGE AND OTHER DOCUMENT REQUIRED FOR SHIPMENT OF THE CARGO OF GRAIN OR OTHER MERCHANDISE; AND

(2) ANY POLICY OF INSURANCE ON THE GRAIN OR OTHER MERCHANDISE.

(C) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT OF AT LEAST 1 YEAR AND NOT EXCEEDING 10 YEARS OR A FINE OF AT LEAST \$500 AND NOT EXCEEDING \$5,000 OR BOTH.

(D) STATUTE OF LIMITATIONS AND IN BANC REVIEW.

A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO § 5-106(B) OF THE COURTS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 229.