

(1) THE PLAN OR OPERATION LIMITS THE NUMBER OF PERSONS WHO MAY PARTICIPATE OR LIMITS THE ELIGIBILITY OF PARTICIPANTS; OR

(2) ON PAYMENT OF ANYTHING OF VALUE BY A PARTICIPANT, THE PARTICIPANT OBTAINS ANY OTHER PROPERTY IN ADDITION TO THE RIGHT TO RECEIVE COMPENSATION.

(D) PENALTY.

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

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 233D.

Defined term: "Person" § 1-101

8-405. WRONGFUL DISPOSAL OF VESSEL CARGO.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO A PERSON EMPLOYED IN ANY CAPACITY IN THE MANAGEMENT OR NAVIGATION OF A VESSEL ON A RIVER, CANAL, BAY, OR OTHER WATERS EXCLUSIVELY WITHIN THE STATE WHETHER OR NOT THE PERSON IS A CO-OWNER OF OR HAS AN INTEREST IN ANY OF THE CARGO OF THE VESSEL.

(B) PROHIBITED — DISPOSAL WITHOUT CONSENT OF OWNER.

A PERSON MAY NOT SELL, GIVE AWAY, PLEDGE, OR IN ANY MANNER DISPOSE OF THE CARGO OF A VESSEL OR AN ARTICLE OR COMMODITY ON THE VESSEL:

- (1) WITHOUT THE CONSENT OF THE OWNER; AND
- (2) WITH THE INTENT TO DEFRAUD THE OWNER.

(C) SAME — DISPOSAL WITH CONSENT OF OWNER — PROCEEDS.

A PERSON WHO SELLS THE CARGO OF A VESSEL OR AN ARTICLE OR COMMODITY ON THE VESSEL WITH THE CONSENT OF THE OWNER MAY NOT NEGLECT OR REFUSE TO PAY TO THE OWNER THE CONSIDERATION RECEIVED BY THE PERSON WITH THE INTENT TO DEFRAUD THE OWNER.

(D) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT LESS THAN 6 MONTHS AND NOT EXCEEDING 1 YEAR OR A FINE NOT LESS THAN \$500 AND NOT EXCEEDING \$1,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 135.

In subsection (b) of this section, the former reference to "vessels" is deleted