

(C) INSTEAD OF OR IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE OF A PUBLIC ADJUSTER, THE COMMISSIONER MAY IMPOSE ON THE LICENSEE A PENALTY OF NOT LESS THAN \$100 BUT NOT EXCEEDING \$500 FOR EACH VIOLATION OF THIS ARTICLE.

(D) INSTEAD OF OR IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE, THE COMMISSIONER MAY REQUIRE THAT RESTITUTION BE MADE TO ANY CITIZEN WHO HAS SUFFERED FINANCIAL INJURY BECAUSE OF THE VIOLATION OF THIS ARTICLE.

(E) IF THE LICENSE IS SUSPENDED UNDER THIS SECTION, THE COMMISSIONER MAY REQUIRE THE INDIVIDUAL TO PASS AN EXAMINATION AND FILE A NEW APPLICATION BEFORE THE SUSPENSION IS LIFTED.

SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act shall apply to a person that is a business entity on January 1, 2005.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2004.

Approved May 11, 2004.

CHAPTER 292

(Senate Bill 603)

AN ACT concerning

Commercial Law - Hotels and Retirement Communities - Operating Agreements

FOR the purpose of providing that if a conflict exists between the express terms and conditions of an operating agreement and the terms and conditions implied by the law governing the relationship between a principal and agent, the express terms and conditions of the operating agreement shall govern; authorizing a court to order a certain remedy notwithstanding the existence of an agency relationship between the parties to an operating agreement; providing that express covenants or other provisions of an operating agreement that establish a party's duties and obligations under the operating agreement create the only duties and obligations enforceable against the party under the operating agreement; providing that an operating agreement that states that it shall continue for a period of time or until the happening of an event shall be enforceable between the parties until the expiration of the period of time or the happening of the event unless the operating agreement contains a right of early termination; requiring that the covenant of good faith and fair dealing be implied in an operating agreement except under certain circumstances; prohibiting duties from being implied into an operating agreement unless the operating agreement contains a covenant or other provision that specifically incorporates the duty into the operating agreement; prohibiting this Act from