(ii) an independent contractor hired by the drawer or representative drawer;

(2) the drawer or representative drawer:

(i) intends or believes when issuing the check that payment will be refused by the drawee on presentment; or

(ii) knows that the drawer or, in the case of a representative drawer, the principal of the representative drawer has insufficient funds with the drawee to cover the check and other outstanding checks;

(3) the employee of the drawer or representative drawer or an independent contractor hired by the drawer or representative drawer passes the check to a third person; and

(4) payment is refused by the drawee on presentment.

(d) A person may not obtain property or services by passing a check if:

(1) the person knows that the drawer of the check has insufficient funds with the drawee to cover the check and other outstanding checks;

(2) the person intends or believes when passing the check that payment will be refused by the drawee on presentment; and

(3) payment of the check is refused by the drawee on presentment.

(e) A person may not obtain property or services by passing a check if:

(1) the person knows that:

(i) payment of the check has been stopped or countermanded; or

(ii) the drawee of the check will disregard, dishonor, or refuse to recognize the check; and

(2) payment is refused by the drawee on presentment.

8–105.

(a) A person who obtains property or services by issuing or passing a check in violation of § 8–103 of this subtitle may not be prosecuted under this article, if:

(1) other than falsely representing that there are sufficient funds with the drawee to cover the check, the issuing or passing of the check is not accompanied by a false representation; and

(2) the person who obtains the property or services makes the check good within 10 days after the drawee dishonors the check.

(b) (1) A prosecution may not be commenced against a person described in subsection (a) of this section earlier than 10 days after the drawee dishonors the check.