

482D.

(A) EACH INSURER THAT PROVIDES WORKERS' COMPENSATION INSURANCE IN THE STATE SHALL HAVE IN THE STATE AN OFFICE RUN BY A COMPETENT INDIVIDUAL WHO HANDLES ALL OF THE WORKERS' COMPENSATION WORK IN THE STATE FOR THE INSURER.

(B) (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

(2) WHENEVER A PERSON IS CONVICTED UNDER THIS SECTION, THE COMMISSIONER MAY REVOKE THE CERTIFICATE OF AUTHORITY FOR THE PERSON TO ENGAGE IN THE INSURANCE BUSINESS IN THE STATE.

REVISOR'S NOTE: Chapter ___, Acts of 1991, which enacted the Labor and Employment Article, also enacted this section, which is derived without substantive change from the third and fifth sentences of former Art. 101, § 18, except as those sentences related to self insurers.

In subsection (a) of this section, the defined term "insurer" is substituted for the former term "insurance company", to conform to terminology used in this article.

In subsection (b) of this section, the former words "firm, corporation, insurance company, association" are deleted in light of the definition of "person". As to the definition of "person", see § 4 of this article.

In subsection (b)(1) of this section, the reference to being "guilty of a misdemeanor" is added to state expressly that which only was implied by the reference, in former Art. 101, § 18, to a "conviction". Since violation of former § 18 was not a felony at common law and has not been declared a felony by statute, it is considered to be a misdemeanor. See State v. Canova, 278 Md. 483, 490 (1976), and Dutton v. State, 123 Md. 373, 378 (1914).

Also in subsection (b)(1) of this section, the former minimum penalty of \$500 is deleted to conform to the statement of legislative policy in Art. 27, § 643 of the Code, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character. The District Court has exclusive jurisdiction over criminal offenses for which the penalty is \$2,500 or less. In 1972, the power conferred under Art. 27, § 643 was extended to the District Court with respect to crimes that existed at that time, including former Art. 101, § 18, which was last amended by Ch. 584, Acts of 1957.

In subsection (b)(2) of this section, the reference to a "certificate" of authority is substituted for the former reference to a "license" of authority to conform to terminology used in this article.