

(2) WHENEVER A PERSON IS CONVICTED UNDER SUBSECTION (A) OF 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 former Art. 101, § 19(b), (c), and, except as it related to the effect of payment, (a) and the second sentence and, except as it related to self insurers, the fifth sentence of § 18.

In subsection (a) of this section, the defined term "insurer" is substituted for the former references to a "company or association", in light of the reference to issuing an insurance policy.

Also in subsection (a) of this section, the former requirement that an insurer "shall first obtain from the Insurance Commissioner of Maryland a license of authority for the purpose" is deleted as unnecessary in light of §§ 42 and 203 of this article and the penalties for violation of § 203 or § 210 of this article.

In the introductory language of subsection (b)(1) of this section, the phrase "in whole or in part", which formerly modified "the liability of the insurance carrier", is deleted as surplusage.

In subsection (b)(3) of this section, the references to an "accidental injury, occupational disease, hernia, or hearing loss" are substituted for the former reference to an "injury". When former Art. 101, § 19 was enacted in 1914, the workers' compensation law only covered accidental injuries. Subsequent enactments expanded the law to cover hernias, hearing loss, and occupational diseases. The new language reflects the expansion of coverage.

In subsection (b)(4) and (5) of this section, the reference to "Titles 9 and 10 of the Labor and Employment Article" is substituted for the former reference to "this article", to reflect the current location of the provisions of former Art. 101 of the Code.

In subsection (c) 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 (c)(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 (c)(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