

In subsection (b)(3) of this section, the words "corporate or personal", which formerly modified "indemnity bond", are deleted as surplusage.

In subsection (c) of this section, the reference to "excess" insurance is substituted for the former reference to "insurance protecting the employer against liability ... resulting from a catastrophe or disaster, other than from an act of war", for clarity and brevity.

In subsection (d)(2) 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 (d)(2) 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 (e)(2) of this section, the former phrase "to determine the financial solvency" is deleted as surplusage.

In subsection (f) of this section, the former phrase "furnish satisfactory proof" is deleted as included in item (iii) of that subsection.

In subsection (f)(1) of this section, new language is added to state expressly that which only was implied in the former law — *i.e.*, that the Commission shall revoke the approval of an employer for failure to meet a listed requirement.

In subsection (f)(3) of this section, the reference to a failure to secure compensation "as required in paragraph (2)" is substituted for the former narrower reference to insuring "voluntarily as provided in [former Art. 101,] § 16(2)", to avoid issuance of an order after an employer voluntarily insures through the Injured Workers' Insurance Fund.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that the condition in subsection (c)(2)(ii) of this section may be too narrow if a public entity is allowed to self-insure under this section, *see* the revisor's note to § 9-404 of this subtitle, and later chooses to participate in a governmental group.

Defined terms: "Authorized insurer" § 9-401

"Commission" § 9-101 "Compensation" § 9-101