

SUBTITLE 4. PROHIBITED ACTS; PENALTIES.

7-401. DOING BUSINESS WITHOUT LICENSE.

(A) PROHIBITED ACT.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT KNOWINGLY AND WILLFULLY DO BUSINESS AS A COLLECTION AGENCY IN THE STATE UNLESS THE PERSON HAS A LICENSE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR, AND ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 56, § 329B.

In subsection (a) of this section, the former prohibition against use "after revocation or during suspension" is deleted as unnecessary. The former prohibition apparently was intended to serve 2 purposes: first, to prohibit an attempt to do business as a collection agency by use of an invalid license; and second, to prohibit misrepresentation by use of an invalid license. These specific prohibitions are fully encompassed in the general prohibitions under this section.

The Business Regulation Article Review Committee notes, for consideration by the General Assembly, that most licensure schemes do not require the element of scienter.

As to the referenced exceptions, see §§ 7-102 and 7-301 of this title.

Defined terms: "Collection agency" § 7-101

"License" § 7-101

"Person" § 1-101

SUBTITLE 5. SHORT TITLE; TERMINATION OF TITLE.

7-501. SHORT TITLE.

THIS TITLE IS THE MARYLAND COLLECTION AGENCY LICENSING ACT.

REVISOR'S NOTE: This section is new language added to conform to similar sections in other titles of this article and to provide a convenient reference to this title.

Defined term: "Collection agency" § 7-101