

(2) IF THE COMMISSION SUES FOR INJUNCTIVE RELIEF UNDER THIS SUBSECTION AGAINST A PERSON WHO IS NOT LICENSED UNDER THIS TITLE, THE COMMISSION NEED NOT:

(I) POST BOND; OR

(II) SHOW THAT NO ADEQUATE REMEDY AT LAW EXISTS.

(3) A SUIT UNDER THIS SECTION SHALL BE BROUGHT IN THE CIRCUIT COURT FOR THE COUNTY WHERE:

(I) THE ALLEGED VIOLATION OCCURS; OR

(II) THE PRINCIPAL PLACE OF BUSINESS OF THE ALLEGED VIOLATOR IS LOCATED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 56, § 259, the first sentence of § 251(a), and, as it related to former § 259, § 261(b)(2).

In subsection (b)(1) of this section, the former phrase "regardless of whether the violator is a licensee" is deleted as unnecessary in light of the use of the defined term "person".

Subsection (b)(3) of this section is revised to apply regardless of the remedy sought under subsection (b)(1) of this section. Although the requirement in former Art. 56, § 259(a)(1) only applied in cases of a "permanent or temporary injunction", there appeared to be no reason why its application was limited.

The Business Regulation Article Review Committee notes, for consideration by the General Assembly, that in subsection (b)(1) of this section the broad reference to "any other person" is substituted for the former reference to "any citizen of this State" to avoid inadvertently excluding certain persons from protection.

Defined terms: "Commission" § 8-101

"County" § 1-101

"Home improvement contract" § 8-101

"Person" § 1-101

8-209. RECORDS.

(A) COMMISSION REQUIRED TO KEEP.

THE COMMISSION SHALL KEEP AVAILABLE FOR PUBLIC INSPECTION DURING OFFICE HOURS A RECORD OF:

(1) ALL LICENSES ISSUED UNDER THIS TITLE;

(2) ALL EXPIRATIONS, REVOCATIONS, AND SUSPENSIONS OF THOSE LICENSES; AND