

Defined terms: "Commission" § 8-101

"Consumer member" § 1-101

"Hearing board" § 8-101

"Home improvement" § 8-101

"Person" § 1-101

"Secretary" § 1-101

8-314. JUDICIAL REVIEW.

A PARTY TO A PROCEEDING BEFORE THE COMMISSION WHO IS AGGRIEVED BY A FINAL DECISION OF THE COMMISSION IN A CONTESTED CASE, AS DEFINED IN § 10-201 OF THE STATE GOVERNMENT ARTICLE, MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-215 AND 10-216 OF THE STATE GOVERNMENT ARTICLE.

REVISOR'S NOTE: This section is standard language substituted for former Art. 56, § 260(f), as it related to judicial review and appeals.

The introductory phrase of this section conforms to SG § 10-215, which provides a right of judicial review of any "final decision" of a unit in a "contested case". A matter is a contested case if a party has a right to a hearing (see the definition of "contested case" in SG § 10-201(c)).

The former phrase "except where specific subject matter is provided by this subtitle" is deleted as surplusage.

Defined term: "Commission" § 8-101

8-315. PAYMENT OF COMPENSATION; EFFECT OF LOSS OF LICENSE.

(A) PAYMENT OF COMPENSATION.

EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION, A CONTRACTOR OR SUBCONTRACTOR MAY NOT PAY OR OTHERWISE COMPENSATE ANOTHER CONTRACTOR OR SUBCONTRACTOR OR A SALESPERSON FOR PERFORMING OR SELLING A HOME IMPROVEMENT UNLESS:

(1) THE PERSON TO BE PAID OR COMPENSATED IS LICENSED;

(2) THE PERSON TO BE PAID OR COMPENSATED IS NOT SUBJECT TO THE LICENSING REQUIREMENTS OF THIS TITLE; OR

(3) THE TRANSACTION FOR WHICH THE CONSIDERATION IS TO BE PAID IS NOT SUBJECT TO THIS TITLE.

(B) EFFECT OF LOSS OF LICENSE.

AFTER THE EXPIRATION, SUSPENSION, OR REVOCATION OF A LICENSE, A PERSON:

(1) IS NOT RELIEVED OF OUTSTANDING OBLIGATIONS; AND