

(I) THE COMMISSION IS SUBROGATED TO ALL RIGHTS OF THE CLAIMANT IN THE CLAIM UP TO THE AMOUNT PAID;

(II) THE CLAIMANT SHALL ASSIGN TO THE COMMISSION ALL RIGHTS OF THE CLAIMANT IN THE CLAIM UP TO THE AMOUNT PAID; AND

(III) THE COMMISSION HAS A RIGHT TO REIMBURSEMENT OF THE FUND BY THE CONTRACTOR WHO THE COMMISSION FINDS RESPONSIBLE FOR THE ACT OR OMISSION GIVING RISE TO THE CLAIM FOR:

1. THE AMOUNT PAID FROM THE FUND; AND

2. INTEREST ON THAT AMOUNT AT AN ANNUAL RATE OF AT LEAST 10%, AS SET BY THE COMMISSION.

(2) ALL MONEY THAT THE COMMISSION RECOVERS ON A CLAIM SHALL BE DEPOSITED IN THE FUND.

(B) SUIT FOR NONPAYMENT.

IF, WITHIN 30 DAYS AFTER THE COMMISSION GIVES NOTICE, A CONTRACTOR ON WHOSE ACCOUNT A CLAIM WAS PAID DOES NOT REIMBURSE THE FUND IN FULL, THE COMMISSION MAY SUE THE CONTRACTOR IN A COURT OF COMPETENT JURISDICTION FOR THE UNREIMBURSED AMOUNT.

(C) JUDGMENT.

THE COMMISSION IS ENTITLED TO A JUDGMENT FOR THE UNREIMBURSED AMOUNT IF THE COMMISSION PROVES THAT:

(1) A CLAIM WAS PAID FROM THE FUND ON ACCOUNT OF THE CONTRACTOR;

(2) THE CONTRACTOR HAS NOT REIMBURSED THE FUND IN FULL;

(3) THE CONTRACTOR WAS GIVEN NOTICE AND AN OPPORTUNITY TO PARTICIPATE IN A HEARING ON THE CLAIM BEFORE THE COMMISSION; AND

(4) (I) THE COMMISSION DIRECTED PAYMENT BASED ON A FINAL JUDGMENT OF A COURT OF COMPETENT JURISDICTION OR A FINAL AWARD IN ARBITRATION; OR

(II) THE DECISION OR ORDER OF THE COMMISSION IS FINAL IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE AND THERE IS NO PENDING APPEAL.

(D) WITHHOLDING OF TAX REFUND.