

CF 7r1728

By: Delegates Barve, Frank, and ~~Krysiak~~ Krysiak, Exum, and Snodgrass

Introduced and read first time: February 12, 1997

Assigned to: Judiciary

Reassigned: Economic Matters, February 17, 1997

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 1997

CHAPTER ____

1 AN ACT concerning

2 **Maryland Home Improvement Law - ~~Standards of Proof~~ - Criminal Penalties**

3 FOR the purpose of altering the ~~standards of proof and~~ circumstances under which a
4 person may be held criminally liable for certain violations of the Maryland Home
5 Improvement Law; altering the penalties for certain criminal violations of the
6 Maryland Home Improvement Law; and generally relating to home improvements.

7 BY repealing and reenacting, with amendments,
8 Article - Business Regulation
9 Section 8-601 and 8-623
10 Annotated Code of Maryland
11 (1992 Volume and 1996 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Business Regulation**

15 8-601.

16 (a) Except as otherwise provided in this title, a person may not act or offer to act
17 as a contractor in the State unless the person has a contractor license.

18 (b) Except as otherwise provided in this title, a person may not act or offer to act
19 as a subcontractor in the State unless the person has a contractor license or subcontractor
20 license.

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1 (c) Except as otherwise provided in this title, a person may not sell or offer to sell
2 a home improvement in the State unless the person has a contractor license or
3 salesperson license.

4 (d) A person who [knowingly and willfully] violates this section is guilty of a
5 misdemeanor and, on FIRST conviction, is subject to a fine not exceeding [\$5,000] \$1,000
6 or imprisonment not exceeding [2 years] 30 DAYS or both AND, ON A SECOND OR
7 SUBSEQUENT CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR
8 IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

9 8-623.

10 (a) This section only applies if there is no greater criminal penalty provided under
11 this title or other applicable law.

12 (b) A person who [knowingly and willfully] violates this title is guilty of a
13 misdemeanor and, on conviction, is subject to a fine not exceeding \$1,000 or
14 imprisonment not exceeding 6 months or both.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 1997.