
By: Delegate Schade

Introduced and read first time: February 18, 1997

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation - Home Improvement Commission - Distribution of Civil Penalties**
3 **Collected**

4 FOR the purpose of altering the distribution of certain civil penalties collected by the
5 Maryland Home Improvement Commission; requiring the Commission to distribute
6 up to 50% of all moneys collected on a violation to the complainant under certain
7 circumstances; requiring the Commission to reimburse itself for certain expenses;
8 requiring the Commission to distribute any moneys remaining after distribution to
9 the complainant and to the Commission to the General Fund of the State; and
10 generally relating to the distribution of civil penalties collected by the Home
11 Improvement Commission.

12 BY repealing and reenacting, with amendments,
13 Article - Business Regulation
14 Section 8-620
15 Annotated Code of Maryland
16 (1992 Volume and 1996 Supplement)

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

19 **Article - Business Regulation**

20 8-620.

21 (a) The Commission may impose on a person who violates this title, including §
22 8-607(4) of this subtitle, a civil penalty not exceeding \$5,000 for each violation, whether
23 or not the person is licensed under this title.

24 (b) In setting the amount of a civil penalty, the Commission shall consider:

25 (1) the seriousness of the violation;

26 (2) the good faith of the violator;

27 (3) any previous violations;

28 (4) the harmful effect of the violation on the complainant, the public, and
29 the business of home improvement;

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1 (5) the assets of the violator; and

2 (6) any other relevant factors.

3 (C) ALL MONEYS COLLECTED UNDER THIS SECTION SHALL BE DISTRIBUTED
4 FOR EACH VIOLATION TO:

5 (1) THE COMPLAINANT FOR THE FULL AMOUNT OF ANY ACTUAL
6 DAMAGES PROVED BY THE COMPLAINANT TO THE COMMISSION NOT EXCEEDING
7 50% OF THE MONEYS COLLECTED;

8 (2) THE COMMISSION, AFTER THE COMPLAINANT IS REIMBURSED
9 UNDER PARAGRAPH (1) OF THIS SUBSECTION, FOR THE FULL AMOUNT OF ANY
10 ADMINISTRATIVE COSTS INCURRED BY THE COMMISSION IN DEALING WITH THE
11 RELEVANT VIOLATION; AND

12 (3) THE GENERAL FUND OF THE STATE, IF MONEYS REMAIN AFTER THE
13 COMMISSION IS REIMBURSED COMPLETELY UNDER PARAGRAPH (2) OF THIS
14 SUBSECTION.

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