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By: **Delegate Schade**

Introduced and read first time: February 13, 1998

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Business Regulation - Home Improvement Commission - Distribution of**  
3                                   **Civil Penalties 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  
6 distribute up to 50% of all moneys collected on a violation to the complainant  
7 under certain circumstances; requiring the Commission to reimburse itself for  
8 certain expenses; requiring the Commission to distribute any moneys remaining  
9 after distribution to the complainant and to the Commission to the General  
10 Fund of the State; and generally relating to the distribution of civil penalties  
11 collected by the Home 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 1997 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,  
23 whether 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;

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

3           (5)     the assets of the violator; and

4           (6)     any other relevant factors.

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

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

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

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

17     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 1998.