

BY: Finance Committee

AMENDMENTS TO SENATE BILL 210

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “action” and substitute “actions”; in the same line, strike “a”; in line 7, strike “licensee” and substitute “licensees”; in the same line, after the semicolon, insert “repealing a certain definition; making a clarifying change;”; and after line 13, insert:

“BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section 16-701(a)(1)(xii) and (xiii), 16-701.1(a)(7) and (8), and 17-322(b)(34) and (35)

Annotated Code of Maryland

(2010 Replacement Volume)

BY adding to

Article – Business Occupations and Professions

Section 16-701(a)(1)(xiv), 16-701.1(a)(9), and 17-322(b)(36)

Annotated Code of Maryland

(2010 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Financial Institutions

Section 11-517(a)(4) and (5) and 11-615(a)(4) and (5)

Annotated Code of Maryland

(2003 Replacement Volume and 2010 Supplement)

BY adding to

Article – Financial Institutions

Section 11-517(a)(6) and 11-615(a)(6)

(Over)

Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 10-126(a)(22) and (23) and (b)(1)

Annotated Code of Maryland

(2003 Replacement Volume and 2010 Supplement)

BY adding to

Article – Insurance

Section 10-126(a)(24)

Annotated Code of Maryland

(2003 Replacement Volume and 2010 Supplement)”.

AMENDMENT NO. 2

On page 2, strike lines 7 and 8 in their entirety; in lines 9 and 11, strike “(4)” and “(5)”, respectively, and substitute “(3)” and “(4)”, respectively; and in line 15, after “license” insert “, **AS DEFINED IN § 10-101 OF THE INSURANCE ARTICLE**”.

On page 3, in line 1, strike “**(1)**”; strike beginning with “**LICENSED**” in line 2 down through “**ARTICLE**” in line 5; in line 6, after “**ACTION**” insert “, **INCLUDING CIVIL AND ADMINISTRATIVE PENALTIES,**”; in the same line, strike “**THE APPROPRIATE**” and substitute “**THE PERSON’S**”; and strike in their entirety lines 7 through 12, inclusive.

AMENDMENT NO. 3

On page 3, after line 13, insert:

“Article – Business Occupations and Professions

(a) (1) Subject to the hearing provisions of § 16–602 of this title, the Commission may deny a real estate appraisal license to any applicant, deny a certificate to any applicant, reprimand any real estate appraiser licensee, reprimand any certificate holder, or suspend or revoke a real estate appraisal license or certificate if the real estate appraisal applicant, license holder, or certificate holder:

(xii) violates any other provision of this title; [or]

(xiii) violates any regulation adopted under this title; OR

(XIV) VIOLATES § 14-127 OF THE REAL PROPERTY ARTICLE.

16–701.1.

(a) Subject to the hearing provisions of § 16–602 of this title, the Commission may deny a home inspector license to any applicant, reprimand any home inspector licensee, or suspend or revoke a home inspector license if the applicant or licensee:

(7) violates any regulation adopted under this title; [or]

(8) aids, abets, or assists any person in violating any provision of this title or any regulation adopted under this title; OR

(9) VIOLATES § 14-127 OF THE REAL PROPERTY ARTICLE.

17–322.

(b) Subject to the hearing provisions of § 17–324 of this subtitle, the Commission may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if the applicant or licensee:

(34) violates § 17–320(d) of this subtitle by failing as a branch office manager to exercise reasonable and adequate supervision over the provision of real estate brokerage services by any salesperson or associate broker registered with that office; [or]

(35) has been disciplined under a real estate licensing law of another jurisdiction; OR

(36) VIOLATES § 14-127 OF THE REAL PROPERTY ARTICLE.

Article – Financial Institutions

11–517.

(a) Subject to the hearing provisions of § 11–518 of this subtitle, the Commissioner may suspend or revoke the license of any licensee if the licensee or any owner, director, officer, member, partner, stockholder, employee, or agent of the licensee:

(4) Violates any provision of this subtitle or any rule or regulation adopted under it or any other law regulating mortgage loan lending in the State; [or]

(5) Otherwise demonstrates unworthiness, bad faith, dishonesty, or any other quality that indicates that the business of the licensee has not been or will not be conducted honestly, fairly, equitably, and efficiently; OR

(6) VIOLATES § 14-127 OF THE REAL PROPERTY ARTICLE.

11-615.

(a) Subject to the hearing provisions of § 11-616 of this subtitle, and except as provided in subsection (f) of this section, the Commissioner may suspend or revoke the license of any licensee if the licensee:

(4) Violates any provision of this subtitle, any regulation adopted under this subtitle, or any other law regulating mortgage lending or mortgage origination in the State; [or]

(5) Otherwise demonstrates unworthiness, bad faith, dishonesty, or any other quality that indicates that the business of the licensee has not been or will not be conducted honestly; OR

(6) VIOLATES § 14-127 OF THE REAL PROPERTY ARTICLE.

Article – Insurance

10-126.

(a) The Commissioner may deny a license to an applicant under §§ 2-210 through 2-214 of this article, or suspend, revoke, or refuse to renew or reinstate a license after notice and opportunity for hearing under §§ 2-210 through 2-214 of this article if the applicant or holder of the license:

(22) has failed to pay income tax or related interest or penalty under:

(i) an assessment under the Tax – General Article that is final and no longer subject to review by the tax court; or

(Over)

(ii) an order of the tax court that is final and no longer subject to judicial review; [or]

(23) in providing information under § 10–118 of this subtitle regarding the termination of an appointment with an insurer, has made an inaccurate statement with actual malice; OR

(24) VIOLATED § 14-127 OF THE REAL PROPERTY ARTICLE.

(b) (1) The Commissioner may deny a license to an applicant business entity under §§ 2–210 through 2–214 of this article, or suspend, revoke, or refuse to renew or reinstate a license of a business entity after notice and opportunity for hearing under §§ 2–210 through 2–214 of this article, if an individual listed in paragraph (2) of this subsection has:

(i) violated any provision of this subtitle;

(ii) been convicted of a felony, a crime of moral turpitude, or any criminal offense involving dishonesty or breach of trust; [or]

(iii) had any professional license suspended or revoked for a fraudulent or dishonest practice; OR

(IV) VIOLATED § 14-127 OF THE REAL PROPERTY ARTICLE.”.