

*ment contract is complete or satisfactorily concluded, with knowledge that the document is false and that the performance is not substantially completed, shall be guilty of a misdemeanor and shall be sentenced to a fine not exceeding \$5,000, and to imprisonment for a term not exceeding three years, or both.*

ANY PERSON WHO SHALL ACCEPT OR RECEIVE A COMPLETION CERTIFICATE OR OTHER EVIDENCE THAT PERFORMANCE OF A HOME IMPROVEMENT CONTRACT IS COMPLETE OR SATISFACTORILY CONCLUDED, WITH KNOWLEDGE THAT SUCH DOCUMENT IS FALSE AND THAT THE PERFORMANCE IS NOT SUBSTANTIALLY COMPLETED, AND WHO SHALL UTTER, OFFER OR USE SUCH DOCUMENT IN CONNECTION WITH THE MAKING OR ACCEPTING OF ANY ASSIGNMENT OR NEGOTIATION OF THE RIGHT TO RECEIVE ANY PAYMENT FROM THE OWNER, UNDER OR IN CONNECTION WITH A HOME IMPROVEMENT CONTRACT, OR FOR THE PURPOSE OF OBTAINING OR GRANTING ANY CREDIT OR LOAN ON THE SECURITY OF THE RIGHT TO RECEIVE ANY PAYMENT, AS AFORESAID, SHALL BE GUILTY OF A MISDEMEANOR AND SUBJECT TO A FINE NOT EXCEEDING \$5,000.00 OR TO IMPRISONMENT FOR A TERM NOT EXCEEDING THREE YEARS, OR BOTH.

*268. 266. Violation of Agent Imputed to Principal; Payment to man.*

*(a) Any violation of any of the provisions of this subtitle upon the part of any director, manager, partner, officer, salesman, agent, or employee of a contractor shall be cause for suspension or revocation of the license of the contractor, unless it shall appear to the satisfaction of the Commission that the individuals engaged in the management of the contractor (1) had no knowledge of the wrongful conduct, or (2) were unable to prevent the violation.*

*(b) Payment by or on behalf of the owner of the contract price, or part thereof, or of any down payment, to a salesman, or to the contractor with whom the home improvement contract was made, shall relieve the owner of liability to any person claiming a right to the payment for or on account of the home improvement transaction, except as to any third party who has given notice to the owner in advance of the payment.*

*269 267. Penalty for Doing Business Without a License*

*Any person who shall knowingly and wilfully engage in the home improvement business as a salesman or contractor without obtaining a license as required by Section 11 THIS SUB-TITLE and who is not otherwise exempted from said licensing requirement and any person who continues in business as a salesman, or contractor, after revocation or during suspension shall be punished by a fine not exceeding \$5,000 or imprisonment for not exceeding 2 years, or both.*

*270 268. Severability*

*If any section, sub-section, sentence, clause, provision, or word of this subtitle shall be determined to be unconstitutional or inoperative by a court of competent jurisdiction, such determination shall not affect the remaining portion of the sub-title.*