

Section 13-410

Annotated Code of Maryland

(1990 Replacement Volume and 1992 Supplement)

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

Article - Commercial Law

13-410.

(a) A merchant who engages in a violation of this title is subject to a fine of not more than \$1,000 for each violation.

(b) A merchant who has been found to have engaged in a violation of this title and who subsequently repeats the same violation is subject to a fine of not more than \$5,000 for each subsequent violation.

(c) The fines provided for in subsections (a) and (b) of this section are civil penalties and are recoverable by the State in ~~fa~~ ~~AN ADMINISTRATIVE CEASE AND DESIST ACTION OR~~ civil action OR AN ADMINISTRATIVE CEASE AND DESIST ACTION UNDER § 13-403(A) AND (B) OF THIS SUBTITLE OR AFTER AN ADMINISTRATIVE HEARING HAS BEEN HELD UNDER § 13-403(D)(3) AND (4) OF THIS SUBTITLE.

(D) THE CONSUMER PROTECTION DIVISION SHALL CONSIDER THE FOLLOWING IN SETTING THE AMOUNT OF THE PENALTY IMPOSED IN AN ADMINISTRATIVE PROCEEDING:

(1) THE SEVERITY OF THE VIOLATION FOR WHICH THE PENALTY IS ASSESSED;

(2) THE GOOD FAITH OF THE VIOLATOR;

(3) ANY HISTORY OF PRIOR VIOLATIONS;

(4) WHETHER THE AMOUNT OF THE PENALTY WILL ACHIEVE THE DESIRED DETERRENT PURPOSE; AND

(5) WHETHER THE ISSUANCE OF A CEASE AND DESIST ORDER, INCLUDING RESTITUTION, IS INSUFFICIENT FOR THE PROTECTION OF CONSUMERS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1993.

Approved May 11, 1993.