

CHAPTER 631

(Senate Bill 777)

AN ACT concerning

Maryland Home Improvement Law – ~~Standards of Proof~~ – Criminal Penalties

FOR the purpose of altering the ~~standards of proof and~~ *circumstances under which a person may be held criminally liable for certain violations of the Maryland Home Improvement Law; altering the* penalties for certain criminal violations of the Maryland Home Improvement Law; and generally relating to home improvements.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 8-601 and 8-623

Annotated Code of Maryland

(1992 Volume and 1996 Supplement)

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

Article – Business Regulation

8-601.

(a) Except as otherwise provided in this title, a person may not act or offer to act as a contractor in the State unless the person has a contractor license.

(b) Except as otherwise provided in this title, a person may not act or offer to act as a subcontractor in the State unless the person has a contractor license or subcontractor license.

(c) Except as otherwise provided in this title, a person may not sell or offer to sell a home improvement in the State unless the person has a contractor license or salesperson license.

(d) A person who [knowingly and willfully] violates this section is guilty of a misdemeanor and, on FIRST conviction, is subject to a fine not exceeding [\$5,000] \$1,000 or imprisonment not exceeding [2 years] 30 DAYS or both AND, ON A SECOND OR SUBSEQUENT CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

8-623.

(a) This section only applies if there is no greater criminal penalty provided under this title or other applicable law.

(b) A person who [knowingly and willfully] violates this title is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 6 months or both.