

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 256.

In subsection (a)(2) of this section, the former reference "to review or to further review" is deleted as implicit in the statement that this section does not apply to a final judgment.

In subsection (b) of this section, the phrase "may appeal" is substituted for the former phrase "may secure a review ... by appeal", for brevity.

Also in subsection (b) of this section, the former reference to "from law courts" is deleted as unnecessary since any distinction in the manner of appeal from courts of law and equity no longer exists.

10-217. LITIGATION EXPENSES FOR SMALL BUSINESSES.

(A) "BUSINESS" DEFINED.

IN THIS SECTION, "BUSINESS" MEANS A TRADE, PROFESSIONAL ACTIVITY, OR OTHER BUSINESS THAT IS CONDUCTED FOR PROFIT.

(B) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO:

(1) AN AGENCY OPERATING STATEWIDE; AND

(2) A BUSINESS THAT, ON THE DATE WHEN THE CONTESTED CASE OR CIVIL ACTION IS INITIATED:

(I) IS INDEPENDENTLY OWNED AND OPERATED; AND

(II) HAS LESS THAN 50 EMPLOYEES, INCLUDING, IF A CORPORATION OWNS 50% OR MORE OF THE STOCK OF THE BUSINESS, EACH EMPLOYEE OF THE CORPORATION.

(C) REIMBURSEMENT AUTHORIZED.

SUBJECT TO THE LIMITATIONS IN THIS SECTION, AN AGENCY OR COURT MAY AWARD TO A BUSINESS REIMBURSEMENT FOR EXPENSES THAT THE BUSINESS REASONABLY INCURS IN CONNECTION WITH A CONTESTED CASE OR CIVIL ACTION THAT:

(1) IS INITIATED AGAINST THE BUSINESS BY AN AGENCY AS PART OF AN ADMINISTRATIVE OR REGULATORY FUNCTION;

(2) IS INITIATED WITHOUT SUBSTANTIAL JUSTIFICATION OR IN BAD FAITH; AND

(3) DOES NOT RESULT IN: