

"Licensed contractor" § 8-101

"Owner" § 8-101

"Salesperson" § 8-101

"Subcontractor" § 8-101

8-406. PROCEDURE FOR SUBMITTING CLAIMS.

TO BEGIN A PROCEEDING TO RECOVER FROM THE FUND, A CLAIMANT SHALL SUBMIT TO THE COMMISSION A CLAIM, UNDER OATH, THAT STATES:

- (1) THE AMOUNT CLAIMED BASED ON THE ACTUAL LOSS;
- (2) THE FACTS GIVING RISE TO THE CLAIM;
- (3) ANY OTHER EVIDENCE THAT SUPPORTS THE CLAIM; AND
- (4) ANY OTHER INFORMATION THAT THE COMMISSION REQUIRES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 56, § 257D(b)(1).

In the introductory language of this section, the reference to a claim being made "under oath" is substituted for the former reference to "affirmation" and the former requirement that a claim be "verified". Art. 1, § 9 of the Code authorizes an affirmation to be made in place of an "oath". See also § 1-201 of this article.

In item (2) of this section, the former reference to "circumstances" is deleted as included in the word "facts".

Defined terms: "Actual loss" § 8-401

"Commission" § 8-101

"Fund" § 8-101

8-407. ACTION ON CLAIM BY COMMISSION.

(A) IN GENERAL.

THE PROCEDURES FOR NOTICE, HEARINGS, AND JUDICIAL REVIEW THAT APPLY TO PROCEEDINGS UNDER SUBTITLE 3 OF THIS TITLE ALSO APPLY TO PROCEEDINGS TO RECOVER FROM THE FUND.

(B) NOTICE OF CLAIM.

ON RECEIPT OF A CLAIM, THE COMMISSION SHALL:

- (1) SEND A COPY OF THE CLAIM TO THE CONTRACTOR ALLEGED TO BE RESPONSIBLE FOR THE ACTUAL LOSS; AND
- (2) REQUIRE A WRITTEN RESPONSE TO THE CLAIM WITHIN 10 DAYS.