The Business Regulation Article Review Committee notes, for consideration by the General Assembly, that subsection (c)(11)(i)2 of this section is limited to actions brought by a public agency. However, there seems to be no policy reason for excluding orders that result from actions brought by private individuals.

Defined terms: "Business opportunity" § 14-101
"Buyer" § 14-101
"Commissioner" § 14-101
"Seller" § 14-101

14-115. BOND OR TRUST ACCOUNT.

(A) WHEN REQUIRED.

IF A SELLER GUARANTEES THAT A BUYER WILL DERIVE FROM A BUSINESS OPPORTUNITY INCOME THAT WILL EXCEED THE PRICE PAID FOR THE BUSINESS OPPORTUNITY OR REPRESENTS THAT THE SELLER WILL REFUND ALL OR PART OF THE PRICE PAID OR REPURCHASE THE PRODUCTS, EQUIPMENT, OR SUPPLIES SOLD OR LEASED BY THE SELLER IF THE BUYER IS NOT SATISFIED WITH THE BUSINESS OPPORTUNITY, THE SELLER SHALL:

(1) GET A SURETY BOND IN FAVOR OF THE STATE FROM A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE; OR

(2) ESTABLISH A TRUST ACCOUNT IN FAVOR OF THE STATE WITH AN INSURED BANK OR SAVINGS INSTITUTION IN THE STATE.

(B) AMOUNT OF BOND OR TRUST ACCOUNT.

THE AMOUNT OF THE BOND OR TRUST ACCOUNT SHALL BE AT LEAST $50,000.

(C) ACTIONS TO RECOVER DAMAGES ON BOND OR TRUST ACCOUNT.

(1) A PERSON MAY BRING AN ACTION AGAINST THE BOND OR TRUST ACCOUNT TO RECOVER DAMAGES RESULTING FROM:

(I) A VIOLATION OF THIS SUBTITLE; OR

(II) THE SELLER'S BREACH OF THE CONTRACT TO BUY A BUSINESS OPPORTUNITY.

(2) THE SURETY OR TRUSTEE IS LIABLE ONLY FOR ACTUAL DAMAGES UP TO THE AMOUNT OF THE BOND OR TRUST ACCOUNT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 56, § 409.