

The Business Regulation Article Review Committee notes, for consideration by the General Assembly, that the reference to "perjury" is added to subsection (b)(2) of this section to correct an apparently inadvertent omission and to conform to Subtitle 1 of this title.

As to the privilege against self-incrimination generally, see Art. 22 of the Maryland Declaration of Rights and Amendment V of the United States Constitution.

Defined terms: "Commissioner" § 14-201

"Person" § 1-101

14-214. REGISTRATION REQUIRED; EXEMPTIONS.

(A) REGISTRATION REQUIRED.

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MUST REGISTER THE OFFER OF A FRANCHISE WITH THE COMMISSIONER BEFORE THE PERSON OFFERS TO SELL, THROUGH ADVERTISEMENT OR OTHERWISE, OR SELLS THE FRANCHISE IN THE STATE.

(B) EXEMPTIONS.

THE REGISTRATION REQUIREMENT OF THIS SECTION DOES NOT APPLY TO:

(1) THE OFFER TO SELL OR SALE OF A FRANCHISE BY A FRANCHISEE FOR THE FRANCHISEE'S ACCOUNT, OR THE OFFER TO SELL OR SALE OF THE ENTIRE AREA FRANCHISE OWNED BY A SUBFRANCHISOR FOR THE SUBFRANCHISOR'S ACCOUNT, EVEN IF THE PROPOSED TRANSFEREE IS SUBJECT TO THE FRANCHISOR'S APPROVAL;

(2) A TRANSACTION BY AN EXECUTOR, ADMINISTRATOR, SHERIFF, RECEIVER, TRUSTEE IN BANKRUPTCY, GUARDIAN, OR CONSERVATOR;

(3) AN OFFER TO SELL OR SALE OF A FRANCHISE THAT IS SUBSTANTIALLY SIMILAR TO A FRANCHISE ALREADY OWNED BY THE OFFEREE OR BUYER; AND

(4) ANY OTHER TRANSACTION THAT THE COMMISSIONER EXEMPTS BY REGULATION BECAUSE THE TRANSACTION:

(I) IS NOT WITHIN THE PURPOSE OF THIS SUBTITLE; AND

(II) NEED NOT BE REGISTERED TO PROTECT THE PUBLIC.

(C) CLAIMS OF EXEMPTION.