
By: Delegates Brinkley, Poole, Snodgrass, Kagan, Dypski, Clagett, and Gordon

Introduced and read first time: January 29, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration - Highway Work Permits - Bonds and Sureties**

3 FOR the purpose of requiring the State Highway Administration to require certain
4 applicants for certain permits to obtain a performance or payment bond, letter of
5 credit, or other surety under certain circumstances; requiring a person to obtain a
6 permit from the Administration before placing an improvement on a State highway;
7 and generally relating to State Highway Administration requirements.

8 BY repealing and reenacting, with amendments,
9 Article - Transportation
10 Section 8-646
11 Annotated Code of Maryland
12 (1993 Replacement Volume and 1996 Supplement)

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

15 **Article - Transportation**

16 8-646.

17 (a) Except as permitted by this section or in accordance with a permit obtained
18 from the Administration, a person may not:

- 19 (1) Make an opening in any State highway;
- 20 (2) Place any structure on any State highway;
- 21 (3) Change or renew any structure placed on any State highway;
- 22 (4) Dig up any State highway for any purpose, including the placement of
23 pipes, sewers, poles, wires, or rails;
- 24 (5) Plant or remove any tree on any State highway; or
- 25 (6) Place any obstruction OR IMPROVEMENT on any State highway.

26 (b) (1) The Administration may issue a permit for work otherwise prohibited by
27 subsection (a) of this section.

2

1 (2) Work done under the permit shall be performed to the satisfaction of
2 the Administration and under its supervision.

3 (3) The person to whom the permit is issued or by whom the work is done
4 shall pay the cost of replacing the highway in as good a condition as before the work was
5 done.

6 (4) (I) THE ADMINISTRATION SHALL REQUIRE A NONGOVERNMENT
7 APPLICANT FOR A PERMIT ISSUED UNDER THIS SUBSECTION WHO IS A DEVELOPER
8 TO SUBMIT A PERFORMANCE BOND, LETTER OF CREDIT, OR OTHER SURETY
9 ACCEPTABLE TO THE ADMINISTRATION.

10 (II) THE ADMINISTRATION SHALL REQUIRE A NONGOVERNMENT
11 APPLICANT FOR A PERMIT ISSUED UNDER THIS SUBSECTION WHO IS A PRIMARY
12 CONTRACTOR TO SUBMIT A PAYMENT BOND, LETTER OF CREDIT, OR OTHER
13 SURETY ACCEPTABLE TO THE ADMINISTRATION IF:

14 1. THE AMOUNT OF THE IMPROVEMENT IS ESTIMATED TO
15 EXCEED \$100,000;

16 2. THE PROJECT IS FINANCED, IN WHOLE OR IN PART, BY
17 PRIVATE FUNDS; AND

18 3. THE ENTIRE IMPROVEMENT IS LOCATED OUTSIDE THE
19 APPLICANT'S PROPERTY.

20 (c) The Administration may apply to the circuit court in the subdivision in which
21 the violation occurred or is threatened for appropriate injunctive relief.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 1997.