

**SENATE BILL 159**  
**EMERGENCY BILL**

Unofficial Copy  
P5

2000 Regular Session  
0lr0671

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By: **The President (Department of Legislative Services)**

Introduced and read first time: January 20, 2000

Assigned to: Rules

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 18, 2000

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CHAPTER 61

1 AN ACT concerning

2

**Annual Corrective Bill**

3 FOR the purpose of correcting certain errors and omissions in certain articles of the  
4 Annotated Code and in certain uncodified laws; clarifying language; providing  
5 that this Act is not intended to affect any law other than to correct technical  
6 errors; repealing certain provisions of law; renumbering certain sections of the  
7 Annotated Code; reorganizing certain sections of the Annotated Code; validating  
8 and ratifying certain corrections made by the publisher of the Annotated Code;  
9 providing for the future correction of certain errors and obsolete provisions by  
10 the publisher of the Annotated Code; providing for the effect and construction of  
11 certain provisions of this Act; providing for the application of certain provisions  
12 of this Act; and making this Act an emergency measure.

13 BY repealing and reenacting, with amendments,  
14 Article 2B - Alcoholic Beverages  
15 Section 1-201(f)(7), 2-207(a), 8-202(d)(4), 9-204.1(a)(1), 10-401(c)(2),  
16 11-515.1(a)(2) and (3), 12-102(a), and 16-404(b) and (c)  
17 Annotated Code of Maryland  
18 (1998 Replacement Volume and 1999 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article 2B - Alcoholic Beverages  
21 Section 9-204.1(b)  
22 Annotated Code of Maryland  
23 (1998 Replacement Volume and 1999 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article 10 - Legal Officials  
26 Section 45B(f) and 45H(b)(2)

1 Annotated Code of Maryland  
2 (1998 Replacement Volume and 1999 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article 23A - Corporations - Municipal  
5 Section 3(b)(3)(i)  
6 Annotated Code of Maryland  
7 (1998 Replacement Volume and 1999 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article 24 - Political Subdivisions - Miscellaneous Provisions  
10 Section 4-210(a)  
11 Annotated Code of Maryland  
12 (1998 Replacement Volume and 1999 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article 25B - Home Rule for Code Counties  
15 Section 10(h)  
16 Annotated Code of Maryland  
17 (1998 Replacement Volume and 1999 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article 27 - Crimes and Punishments  
20 Section 139D(a), 151C(c), 255C(t)(2), 297(d)(2)(i), (g), and (o)(6)(ii), 470A(b)(4),  
21 582, 645A(e), and 809(e)(1)  
22 Annotated Code of Maryland  
23 (1996 Replacement Volume and 1999 Supplement)

24 BY repealing and reenacting, without amendments,  
25 Article 27 - Crimes and Punishments  
26 Section 256(e)(3) and (4) and 792  
27 Annotated Code of Maryland  
28 (1996 Replacement Volume and 1999 Supplement)

29 BY repealing and reenacting, with amendments,  
30 Article 29 - Washington Suburban Sanitary District  
31 Section 18-104(g) and 18-104.2(a)(2), (b)(1), and (c)(1) and (2)  
32 Annotated Code of Maryland  
33 (1997 Replacement Volume and 1999 Supplement)

34 BY repealing and reenacting, with amendments,  
35 Article 33 - Election Code  
36 Section 2-203, 3-302(c), 5-1001(b)(1), and 13-213(c)  
37 Annotated Code of Maryland  
38 (1997 Replacement Volume and 1999 Supplement)

39 BY repealing and reenacting, without amendments,

1 Article 33 - Election Code  
2 Section 13-213(b) and (d)  
3 Annotated Code of Maryland  
4 (1997 Replacement Volume and 1999 Supplement)

5 BY repealing and reenacting, with amendments,  
6 Article 38A - Fires and Investigations  
7 Section 7(c)(1), 45A(f), and 50(a)  
8 Annotated Code of Maryland  
9 (1997 Replacement Volume and 1999 Supplement)

10 BY repealing and reenacting, with amendments,  
11 Article 41 - Governor - Executive and Administrative Departments  
12 Section 4-201(i) and 20-109(d)(1)  
13 Annotated Code of Maryland  
14 (1997 Replacement Volume and 1999 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article 43C - Maryland Health and Higher Educational Facilities Authority  
17 Section 16A(f)(3) and (4)  
18 Annotated Code of Maryland  
19 (1998 Replacement Volume and 1999 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article 83A - Department of Business and Economic Development  
22 Section 3-702(d), 3-704, 5-402(e), 5-1302(e), 5-1303(a), 5-1404(c), 5-1405(a),  
23 and 5-1501(b)(3)(ii)3.  
24 Annotated Code of Maryland  
25 (1998 Replacement Volume and 1999 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article 83B - Department of Housing and Community Development  
28 Section 2-203(w)  
29 Annotated Code of Maryland  
30 (1998 Replacement Volume and 1999 Supplement)

31 BY repealing and reenacting, with amendments,  
32 Article 88A - Department of Human Resources  
33 Section 6(b)(2)  
34 Annotated Code of Maryland  
35 (1998 Replacement Volume and 1999 Supplement)

36 BY repealing and reenacting, without amendments,

1 Article - Agriculture  
2 Section 1-101(a) and 13-216(b)  
3 Annotated Code of Maryland  
4 (1999 Replacement Volume and 1999 Supplement)

5 BY adding to  
6 Article - Agriculture  
7 The subtitle designation "Subtitle 1. Definitions" to immediately precede  
8 Section 1-101  
9 Annotated Code of Maryland  
10 (1999 Replacement Volume and 1999 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article - Agriculture  
13 Section 2-508(a)(7), 2-509(b)(5), 4-201(b)(8) and (c), and 11-414(b)  
14 Annotated Code of Maryland  
15 (1999 Replacement Volume and 1999 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Agriculture  
18 Section 5-208.1(i)(5)(i)  
19 Annotated Code of Maryland  
20 (1999 Replacement Volume and 1999 Supplement)  
21 (As enacted by Chapter 322 of the Acts of the General Assembly of 1999)

22 BY repealing and reenacting, with amendments,  
23 Article - Business Occupations and Professions  
24 Section 3-307(b)(2), 5-207(a), and 10-605.2(g)  
25 Annotated Code of Maryland  
26 (1995 Replacement Volume and 1999 Supplement)

27 BY repealing and reenacting, without amendments,  
28 Article - Business Occupations and Professions  
29 Section 5-315(a), 5-523(a), and 5-608.1  
30 Annotated Code of Maryland  
31 (1995 Replacement Volume and 1999 Supplement)

32 BY adding to  
33 Article - Business Occupations and Professions  
34 Section 5-608.2  
35 Annotated Code of Maryland  
36 (1995 Replacement Volume and 1999 Supplement)

- 1 BY repealing and reenacting, with amendments,  
2 Article - Business Regulation  
3 Section 6-102(b)  
4 Annotated Code of Maryland  
5 (1998 Replacement Volume and 1999 Supplement)
- 6 BY repealing and reenacting, without amendments,  
7 Article - Commercial Law  
8 Section 9-305(b)(1)  
9 Annotated Code of Maryland  
10 (1997 Replacement Volume and 1999 Supplement)  
11 (As enacted by Chapter 282 of the Acts of the General Assembly of 1999)
- 12 BY repealing and reenacting, with amendments,  
13 Article - Commercial Law  
14 Section 9-322(b) and 9-519(g) and (h)  
15 Annotated Code of Maryland  
16 (1997 Replacement Volume and 1999 Supplement)  
17 (As enacted by Chapter 282 of the Acts of the General Assembly of 1999)
- 18 BY repealing and reenacting, with amendments,  
19 Article - Commercial Law  
20 Section 12-631(b) and 14-904(c)  
21 Annotated Code of Maryland  
22 (1990 Replacement Volume and 1999 Supplement)
- 23 BY repealing and reenacting, with amendments,  
24 Article - Corporations and Associations  
25 Section 2-607(a)(2), 3-104(a)(1), 3-512, 3-802(a)(1), 9A-1009(a), 9A-1106(a)  
26 and (d)(1), 9A-1111(a) and (c), 10-208(e)(1), 10-303(b)(1), 10-912(c),  
27 12-207(b)(1), and 12-403(b)  
28 Annotated Code of Maryland  
29 (1999 Replacement Volume)
- 30 BY repealing and reenacting, with amendments,  
31 Article - Corporations and Associations  
32 Section 12-803(a)  
33 Annotated Code of Maryland  
34 (1999 Replacement Volume)  
35 (As enacted by Chapter 452 of the Acts of the General Assembly of 1999)
- 36 BY repealing and reenacting, without amendments,  
37 Article - Correctional Services

1 Section 4-301(a)(2) and 9-202(b)(2)  
2 Annotated Code of Maryland  
3 (1999 Volume)

4 BY repealing and reenacting, with amendments,  
5 Article - Courts and Judicial Proceedings  
6 Section 3-801(u), 3-810(l), (m), (n), and (o), 3-820(d)(3), 3-826.1(g)(2),  
7 3-835(a)(1), 4-401(10), 5-522(a)(5), 5-606(a)(4), 10-104(b)(1), 10-205(b),  
8 and 11-108(a)  
9 Annotated Code of Maryland  
10 (1998 Replacement Volume and 1999 Supplement)

11 BY repealing and reenacting, without amendments,  
12 Article - Courts and Judicial Proceedings  
13 Section 5-527(e)  
14 Annotated Code of Maryland  
15 (1998 Replacement Volume and 1999 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Education  
18 Section 3-109(e), 3-501(a), 3-601(f)(4), 3-901(a), 3-1005(c), 4-121(a)(1),  
19 4-122(a)(1), 5-202(g), 5-301(g), 5-401(a)(2), 5-402(3), 6-303(b)(2),  
20 6-306(e), 6-407(e), 7-206(a), 13-205(a), 13-516(m)(3), 13-517(f)(3),  
21 15-101(b)(2), 16-412(d)(3), 16-507(d)(3), 18-701(i), 18-2002(a),  
22 18-2203(c), 21-305(a)(4), 23-105(b), and 24-510(e)  
23 Annotated Code of Maryland  
24 (1999 Replacement Volume)

25 BY repealing and reenacting, without amendments,  
26 Article - Education  
27 Section 5-212(e)(2) and (f), 12-106(c), 17-301(c), 18-2206, and 18-2210  
28 Annotated Code of Maryland  
29 (1999 Replacement Volume)

30 BY repealing and reenacting, with amendments,  
31 Article - Environment  
32 Section 1-607(a), 2-901(b), and 13-506(d)  
33 Annotated Code of Maryland  
34 (1996 Replacement Volume and 1999 Supplement)

35 BY repealing and reenacting, with amendments,  
36 Article - Estates and Trusts  
37 Section 3-111  
38 Annotated Code of Maryland

- 1 (1991 Replacement Volume and 1999 Supplement)  
2 (As enacted by Chapter 685 of the Acts of the General Assembly of 1999)
- 3 BY repealing and reenacting, with amendments,  
4 Article - Estates and Trusts  
5 Section 6-305(a), 7-401(a) and (i), 13-214(c)(2), 13-707(a), and 15-102(o)  
6 Annotated Code of Maryland  
7 (1991 Replacement Volume and 1999 Supplement)
- 8 BY repealing and reenacting, with amendments,  
9 Article - Family Law  
10 Section 1-201(a), 2-403(a)(2), 5-501(n), 5-551(c)(9), 5-585.1(b), 5-704(a),  
11 5-1103(a), and 10-108.2(a)  
12 Annotated Code of Maryland  
13 (1999 Replacement Volume and 1999 Supplement)
- 14 BY repealing and reenacting, without amendments,  
15 Article - Family Law  
16 Section 5-539.1(c)  
17 Annotated Code of Maryland  
18 (1999 Replacement Volume and 1999 Supplement)
- 19 BY repealing and reenacting, with amendments,  
20 Article - Financial Institutions  
21 Section 1-403(d)(2), 5-702, 5-1001(d)(3), and 13-709(b)(1)  
22 Annotated Code of Maryland  
23 (1998 Replacement Volume and 1999 Supplement)
- 24 BY repealing and reenacting, without amendments,  
25 Article - Financial Institutions  
26 Section 1-405(a); and 12-207 and the part designation "Part III. Offices"  
27 Annotated Code of Maryland  
28 (1998 Replacement Volume and 1999 Supplement)
- 29 BY repealing and reenacting, with amendments,  
30 Article - Health - General  
31 Section 2-104(b)(2), 2-106(a)(27) and (28), 7-306.1(h), 10-304(a), 10-309(d)(2),  
32 15-103(b)(21)(vi) and (e)(3), and 15-132(a)(7)  
33 Annotated Code of Maryland  
34 (1994 Replacement Volume and 1999 Supplement)
- 35 BY repealing  
36 Article - Health - General  
37 Section 8-101(m)

1 Annotated Code of Maryland  
2 (1994 Replacement Volume and 1999 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article - Health - General  
5 Section 13-603(b)(1)  
6 Annotated Code of Maryland  
7 (1994 Replacement Volume and 1999 Supplement)  
8 (As enacted by Chapters 127 and 128 of the Acts of the General Assembly of  
9 1999)

10 BY repealing and reenacting, with amendments,  
11 Article - Health - General  
12 Section 19-125.1, 19-133(k), 19-135(c)(2) and (4), (d)(2) and (4), and (e)(2),  
13 19-308.1(a), 19-712(b), 19-712.3(e), 19-712.4(e)(2), and 20-501(d)(3)  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 1999 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article - Health - General  
18 Section 19-135(e)(5), 19-346(b)(2), and 19-703(g)(1)  
19 Annotated Code of Maryland  
20 (1996 Replacement Volume and 1999 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article - Health Occupations  
23 Section 1-209(a), 3-302(d), 3-5A-11(d), 15-202(b), 15-205(a)(2), 15-302.2(a)(6),  
24 15-309(a), 15-313(a)(1) and (b), 15-314(4), 15-401(b), and 17-202(a)(2)(i)  
25 Annotated Code of Maryland  
26 (1994 Replacement Volume and 1999 Supplement)

27 BY repealing and reenacting, with amendments,  
28 Article - Insurance  
29 Section 4-113(c)(2) and (3), 17-201(b)(1), 17-209(a)(2), 27-606(c), and 27-909(c)  
30 Annotated Code of Maryland  
31 (1997 Volume and 1999 Supplement)

32 BY repealing and reenacting, without amendments,  
33 Article - Insurance  
34 Section 15-129(a), 15-827(e), and 28-105(e)  
35 Annotated Code of Maryland  
36 (1997 Volume and 1999 Supplement)

37 BY repealing

1 Article - Insurance  
2 Section 19-101(c)  
3 Annotated Code of Maryland  
4 (1997 Volume and 1999 Supplement)

5 BY repealing and reenacting, with amendments,  
6 Article - Labor and Employment  
7 Section 9-234(b), 9-662, 10-314(b)(4), and 11-407; and the subtitle designation  
8 "Subtitle 5. Board of Appeals of Department of Labor, Licensing, and  
9 Regulation" to immediately precede Section 8-501  
10 Annotated Code of Maryland  
11 (1999 Replacement Volume)

12 BY repealing and reenacting, without amendments,  
13 Article - Labor and Employment  
14 Section 8-501  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume)

17 BY repealing and reenacting, with amendments,  
18 Article - Natural Resources  
19 Section 4-210.1(c)  
20 Annotated Code of Maryland  
21 (1997 Replacement Volume and 1999 Supplement)  
22 (As enacted by Chapter 286 of the Acts of the General Assembly of 1999)

23 BY repealing and reenacting, with amendments,  
24 Article - Natural Resources  
25 Section 4-745(d)(1), 5-102.1, and 5-1607(d)(6)  
26 Annotated Code of Maryland  
27 (1997 Replacement Volume and 1999 Supplement)

28 BY repealing and reenacting, with amendments,  
29 Article - Natural Resources  
30 Section 4-1014.1(f)  
31 Annotated Code of Maryland  
32 (1997 Replacement Volume and 1999 Supplement)  
33 (As enacted by Chapter 407 of the Acts of the General Assembly of 1999)

34 BY repealing and reenacting, with amendments,  
35 Article - Public Utility Companies  
36 Section 7-501(f), 10-102(e)(3)(ii) and (6), and 10-104(b)(1), (2), (4), and (5)(i) and  
37 (c)(1)

1 Annotated Code of Maryland  
2 (1998 Volume and 1999 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article - Public Utility Companies  
5 Section 8-404  
6 Annotated Code of Maryland  
7 (1998 Volume and 1999 Supplement)  
8 (As enacted by Chapter 544 of the Acts of the General Assembly of 1999)

9 BY repealing and reenacting, with amendments,  
10 Article - Real Property  
11 Section 3-104(b)(3) and (c)(1), (2), and (3), 3-105(d)(3)(i)3., 8-111, 8-118(a) and  
12 (c)(1), 8-211.1(d), 8-401(c)(2)(i) and (ii), 8-402(b)(1)(i), 10-604(e)(1) and  
13 (2), 11-105(e)(1), and 14-123(e)(2)(ii)  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 1999 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Real Property  
18 Section 8-118.1(a)(1), 8-203(d)(3), 8-403(d); 8-601 to be under the new subtitle  
19 "Subtitle 6. Jury Demands", and 8-604(a), (d), and (f)  
20 Annotated Code of Maryland  
21 (1996 Replacement Volume and 1999 Supplement)  
22 (As enacted by Chapter 649 of the Acts of the General Assembly of 1999)

23 BY repealing and reenacting, without amendments,  
24 Article - State Finance and Procurement  
25 Section 7-327(f)(3), 11-203(e)(4) and (6), and 12-107(b)(7)  
26 Annotated Code of Maryland  
27 (1995 Replacement Volume and 1999 Supplement)

28 BY repealing and reenacting, with amendments,  
29 Article - State Finance and Procurement  
30 Section 11-203(e)(5)  
31 Annotated Code of Maryland  
32 (1995 Replacement Volume and 1999 Supplement)

33 BY repealing and reenacting, with amendments,  
34 Article - State Government  
35 Section 2-1222(b)(2), 8-502(a)(1), 15-505(a)(3), 15-607(k), and 15-704(b)(4)  
36 Annotated Code of Maryland  
37 (1999 Replacement Volume)

- 1 BY repealing and reenacting, with amendments,  
2 Article - State Personnel and Pensions  
3 Section 21-305.4(a)(4)  
4 Annotated Code of Maryland  
5 (1997 Replacement Volume and 1999 Supplement)
- 6 BY repealing and reenacting, with amendments,  
7 Article - Tax - General  
8 Section 8-417(a), 10-708(b)(1), 11-101(j)(3)(i)6., and 11-104(c)(2)(ii)  
9 Annotated Code of Maryland  
10 (1997 Replacement Volume and 1999 Supplement)
- 11 BY repealing and reenacting, with amendments,  
12 Article - Tax - Property  
13 Section 7-504.3(a)(2) and (b)(3), 9-103(a)(6), 12-103(c), and 12-105(f)(6)  
14 Annotated Code of Maryland  
15 (1994 Replacement Volume and 1999 Supplement)
- 16 BY repealing and reenacting, with amendments,  
17 Article - Transportation  
18 Section 3-516(a)  
19 Annotated Code of Maryland  
20 (1993 Replacement Volume and 1999 Supplement)
- 21 BY repealing and reenacting, with amendments,  
22 Article - Transportation  
23 Section 15-101(g)(2), 16-106(d)(3), 16-110.2(d)(2), 16-110.3(b), 16-207(a)(1),  
24 16-303(a) and (h), 23-202(d)(2), 24-104.1(m)(2), 24-104.2(b)(1), and  
25 25-111(i)(1)  
26 Annotated Code of Maryland  
27 (1999 Replacement Volume and 1999 Supplement)
- 28 BY repealing and reenacting, without amendments,  
29 Article - Transportation  
30 Section 16-206(a)(4), 16-812(a)(1), and 23-202(d)(1)  
31 Annotated Code of Maryland  
32 (1999 Replacement Volume and 1999 Supplement)
- 33 BY repealing and reenacting, with amendments,  
34 Chapter 591 of the Acts of the General Assembly of 1987, as amended by  
35 Chapter 11 of the Acts of the General Assembly of 1989, Chapter 97 of the  
36 Acts of the General Assembly of 1990, and Chapter 545 of the Acts of the  
37 General Assembly of 1992  
38 Section 8

1 BY repealing and reenacting, with amendments,  
2 Chapter 179 of the Acts of the General Assembly of 1997, as amended by  
3 Chapter 536 of the Acts of the General Assembly of 1999  
4 Section 3

5 BY repealing and reenacting, with amendments,  
6 Chapter 150 of the Acts of the General Assembly of 1999  
7 Section 1(3)

8 BY repealing and reenacting, with amendments,  
9 Chapter 186 of the Acts of the General Assembly of 1999  
10 Section 4

11 BY repealing and reenacting, with amendments,  
12 Chapter 515 of the Acts of the General Assembly of 1999  
13 Section 13

14 BY repealing and reenacting, with amendments,  
15 Chapter 641 of the Acts of the General Assembly of 1999  
16 Section 2

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

19 **Article 2B - Alcoholic Beverages**

20 1-201.

21 (f) (7) An officer confiscating any unlicensed distillery or unlawful distillery  
22 materials, equipment or devices under circumstances which render it impractical or  
23 impossible to move them to a safe place of custody and storage, or confiscating any  
24 illicit alcoholic beverages, except that seized for evidence or forfeiture, shall forthwith  
25 destroy them only insofar as is necessary to render them unfit for further unlawful  
26 use and shall report the confiscation and destruction to the [alcohol and tobacco tax  
27 unit] ALCOHOL AND TOBACCO TAX DIVISION of the Comptroller of the Treasury of  
28 Maryland.

29 DRAFTER'S NOTE:

30 Error: Capitalization error and misnomer in Article 2B, § 1-201(f)(7).

31 Occurred: As a result of administratively changed Division name in 1999.

32 2-207.

33 (a) A Class 6 pub-brewery license shall be issued:

34 (1) By the State Comptroller;

1 (2) Only to a holder of a Class B beer, wine and liquor (on-sale) license  
2 that is issued for use on the premises of a restaurant located in the jurisdictions  
3 permitted by this subsection;

4 (3) IN THE CITY OF ANNAPOLIS; AND

5 (4) Throughout the State, but not in the following subdivisions:

6 (i) Allegany County;

7 (ii) Caroline County;

8 (iii) Howard County;

9 (iv) St. Mary's County; and

10 (v) Somerset County[;

11 (4) The license may be issued also in the City of Annapolis].

12 DRAFTER'S NOTE:

13 Error: Stylistic error in Article 2B, § 2-207(a).

14 Occurred: Ch. 32, Acts of 1997.

15 8-202.

16 (d) (4) (i) The holder of a "special Sunday license" may sell alcoholic  
17 beverages on Sundays. The licenses shall be of the same kind as the ongoing license  
18 and are subject to the same limitations as to hours, restrictions, and other provisions  
19 found in licenses issued by the Board. The alcoholic beverages shall contain the same  
20 alcoholic content as [are] IS found in other alcoholic beverages.

21 (ii) A "special Sunday license" may not be issued to any person who  
22 does not hold an alcoholic beverages license of some other class issued by the Board.

23 DRAFTER'S NOTE:

24 Error: Grammatical error in Article 2B, § 8-202(d)(4)(i).

25 Occurred: Ch. 10, Acts of 1996.

26 9-204.1.

27 (a) New licenses for the sale of alcoholic beverages may not be issued in:

28 (1) The 11th through 21st precincts of the 25th ward of Baltimore City.  
29 This area includes the following communities:

30 Brooklyn

1 Cherry Hill

2 Curtis Bay

3 Fairfield

4 [Hawkin's] HAWKINS Point

5 Wagner's Point

6 DRAFTER'S NOTE:

7 Error: Grammatical error in Article 2B, § 9-204.1(a)(1).

8 Occurred: Ch. 32, Acts of 1981.

9 (b) (1) Except as provided in paragraph (2) of this subsection, licenses for  
10 the sale of alcoholic beverages of any class may not be transferred into the areas of  
11 Baltimore City covered by this section.

12 (2) A licensed drugstore may transfer the license into the 45th alcoholic  
13 beverages district of Baltimore City.

14 DRAFTER'S NOTE:

15 Error: Extraneous word in Article 2B, § 9-204.1(b).

16 Occurred: Ch. 343, Acts of 1999. Correction by the publisher of the  
17 Annotated Code in the 1999 Supplement to the 1998 Replacement Volume  
18 is validated by this Act.

19 10-401.

20 (c) (2) In this subsection "lesser" or "more restricted [license]" LICENSE  
21 means a license under which the sale of alcoholic beverages of a lower alcoholic  
22 content, or of a more limited kind, only may be sold, than were sold under the license  
23 ordered transferred, or deemed to be a license having fewer privileges, or one  
24 containing more or greater restrictions, than were permitted to be exercised under  
25 the license ordered transferred.

26 DRAFTER'S NOTE:

27 Error: Misplaced punctuation in Article 2B, § 10-401(c)(2).

28 Occurred: Ch. 5, Acts of 1993.

29 11-515.1.

30 (a) (2) This license privilege may be granted only to a holder of a Class B  
31 (on-sale) beer, wine and liquor license for use on the premises that qualify as a  
32 restaurant under [§ 11-515] § 6-201(P) of this article.

1 (3) This license privilege authorizes the holder to serve beer, wine and  
2 liquor on the restaurant premises on Sundays from 12 noon to 12 midnight without  
3 being subject to the meal and seating restrictions provided under [§ 11-515] §  
4 6-201(P) of this article.

5 DRAFTER'S NOTE:

6 Error: Incorrect cross-references in Art. 2B, § 11-515.1(a)(2) and (3).

7 Occurred: As a result of Ch. 761, Acts of 1989.

8 12-102.

9 (a) In order to eliminate the undue stimulation of the sale of alcoholic  
10 beverages and the practice of manufacturers and wholesalers in granting secret  
11 discounts, rebates, allowances, free goods or other inducement to selected licensees  
12 which contribute to a disorderly distribution of alcoholic beverages, it shall be  
13 unlawful for any person licensed hereunder as a manufacturer or wholesaler to  
14 discriminate directly or indirectly in price, discounts or the quality of merchandise  
15 sold, between one dispensary and another dispensary, between one wholesaler and  
16 another wholesaler or between one retailer and another retailer purchasing alcoholic  
17 beverages bearing the same brand and trade name and of like age and quality. It shall  
18 be unlawful for any nonresident dealer or nonresident unlicensed manufacturer to  
19 use or promote the use of any such practices for the sale or distribution of alcoholic  
20 beverages to or through the manufacturers, wholesalers or county dispensaries in this  
21 State. This section shall not restrict a manufacturer or wholesaler or nonresident  
22 dealer from limiting the quantity of alcoholic beverages to be sold to any licensee  
23 under a voluntary or compulsory plan of ration and the word "purchase" shall not  
24 imply that a manufacturer, wholesaler or nonresident dealer shall be required to sell  
25 TO all licensees from whom they receive orders. The Comptroller may promulgate  
26 such rules and regulations as are necessary to carry out the purpose of this section.

27 DRAFTER'S NOTE:

28 Error: Omitted word in Article 2B, § 12-102(a).

29 Occurred: Prior to 1957.

30 16-404.

31 (b) The Comptroller is authorized to delegate the Comptroller's authority  
32 under this article to the director of the Alcohol and Tobacco Tax [Unit] DIVISION of  
33 the Comptroller's office to issue or refuse to issue licenses and permits.

34 (c) The Comptroller is authorized to delegate the Comptroller's authority to  
35 conduct hearings of violations of this article or of any regulations issued thereunder to  
36 the director of the Alcohol and Tobacco Tax [Unit] DIVISION of the Comptroller's  
37 office or any other employee of the Comptroller's office; provided, however, the  
38 director of the Alcohol and Tobacco Tax [Unit] DIVISION of the Comptroller's office or  
39 any other employee of the Comptroller's office delegated by the Comptroller shall not

1 have the authority to invoke penalties provided for under this article, but shall report  
2 the employee's findings and recommendations to the Comptroller, for the taking of  
3 such action as the latter deems appropriate.

4 DRAFTER'S NOTE:

5 Error: Misnomers in Article 2B, § 16-404(b) and (c).

6 Occurred: As a result of administratively changed Division name in 1999.

7 **Article 10 - Legal Officials**

8 45B.

9 The General Assembly of Maryland finds and declares that:

10 (f) Attorneys providing legal assistance must have full freedom to protect the  
11 best interests of their clients in keeping with the Code of Professional  
12 [Responsibility] CONDUCT and the high standards of the legal profession.

13 45H.

14 (b) The Corporation may not itself:

15 (2) Under any provision of this subtitle, interfere with any attorney's  
16 professional responsibilities to clients established by the Code of Professional  
17 [Responsibility] CONDUCT;

18 DRAFTER'S NOTE:

19 Error: Misnomer in Article 10, § 45B(f) and § 45H(b)(2).

20 Occurred: Ch. 829, Acts of 1982.

21 **Article 23A - Corporations - Municipal**

22 3.

23 (b) (3) (i) Those officials authorized by the legislative body of the  
24 municipality to act as enforcement officers may serve a citation on any person:

25 1. [Whom] WHO they believe is committing or has  
26 committed a municipal infraction; or

27 2. On the basis of an affidavit submitted to an appropriate  
28 official of the municipality, to be named by the municipality, citing the facts of the  
29 alleged infraction.

30 DRAFTER'S NOTE:

31 Error: Grammatical error in Article 23A, § 3(b)(3)(i)1.

1 Occurred: Ch. 735, Acts of 1978.

2 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

3 4-210.

4 (a) Meetings of public agencies and meetings of the staff of public agencies  
5 may be conducted in executive session in the following situations only:

6 (1) When a public agency or members of the staff consider or discuss the  
7 assignment, promotion, resignation, salary, demotion, dismissal, reprimand, or  
8 appointment of a member of a public agency or employee, the session may be closed,  
9 unless the person requests in writing for an open session. The request is a matter of  
10 public record;

11 (2) When a school board or its staff considers the disciplining of  
12 individual students unless the parent, guardian or student requests an open session  
13 of the board of education;

14 (3) When a school board or its staff discusses specific students, families,  
15 or personnel, and the disclosure of the discussions could prove detrimental or harmful  
16 to those individuals;

17 (4) When federal regulations prohibit an open meeting;

18 (5) When State law specifically prohibits an open meeting;

19 (6) When an open meeting would conflict with a condition for anonymity  
20 of the donor contained in a gift or bequest to a public agency;

21 (7) When secrecy is necessary to prevent the premature disclosure of the  
22 format or content of examinations or the disclosure of results of examinations as they  
23 relate to individual students;

24 (8) When a public agency discusses strategy in collective bargaining or  
25 litigation, or engages in collective bargaining;

26 (9) When public agencies discuss the distribution of police forces to cope  
27 with public safety emergencies;

28 (10) [Cost] WHEN PUBLIC AGENCIES DISCUSS COST estimates for capital  
29 projects to be subsequently placed through the bidding process; and

30 (11) [Preliminary] WHEN PUBLIC AGENCIES HAVE A PRELIMINARY  
31 discussion concerning THE purchase or disposition of real property.

32 DRAFTER'S NOTE:

33 Error: Omitted words in Article 24, § 4-210(a)(10) and (11).

34 Occurred: Ch. 715, Acts of 1976.

1

**Article 25B - Home Rule for Code Counties**

2 10.

3 (h) (1) Any public local law enacted by the board of county commissioners of  
4 a code county shall take effect forty-five days after it is enacted, unless by a provision  
5 of the public local law it is to take effect at a later date. If a public local law is passed  
6 as an emergency bill or if a bill is declared by at least a four-fifths vote of the total  
7 membership of the board of county commissioners or two thirds where total board  
8 membership is three members to be an emergency bill affecting the public health,  
9 safety, or welfare of the county, the law shall take effect from the date of its passage.  
10 The term "emergency bill" shall not include one abolishing or creating any office,  
11 changing any salary, term, or duty of any officer, granting any franchise or special  
12 privilege or creating any vested right or interest.

13 [(1)] (2) The citizens of a code county, by petition, may submit to the  
14 registered voters of the county any public local law or portion thereof enacted under  
15 this subtitle. The submission shall be:

16 (i) At the next regular congressional election or, in accordance with  
17 a resolution adopted by the county commissioners, at a special election;

18 (ii) In accordance with requirements as to time, notice, and form in  
19 Article 33 of this Code; and

20 (iii) For adoption or rejection by a majority of those voting on the  
21 question.

22 [(2)] (3) The referendum petition shall be filed with the board of  
23 supervisors of elections within forty days after a bill is enacted and shall contain the  
24 signatures of at least ten per centum of the registered voters of the county. If more  
25 than one half but less than the full number of signatures required to complete any  
26 referendum petition against a public local law are filed within forty days from the  
27 date it is enacted, the time for the public local law to take effect and the time for filing  
28 the remainder of signatures to complete the petition shall be extended for an  
29 additional forty days, with like effect.

30 [(3)] (4) A petition may consist of several papers, but each paper shall  
31 contain the full text of the public local law or part of the public local law petitioned to  
32 referendum, and there shall be attached to each paper an affidavit of the person  
33 procuring the signatures thereon that, to his personal knowledge, each signature  
34 thereon is genuine and bona fide, and that to the best of his knowledge, information,  
35 and belief the signers are registered voters of the State of Maryland and of the code  
36 county, as set opposite their names. The board of supervisors of elections shall verify  
37 the registration of the petitioners.

38 [(4)] (5) If the petition is filed with the board of supervisors of elections  
39 in compliance with all provisions of law, the public local law shall not take effect until  
40 thirty days after its approval by a majority of the registered voters voting on the  
41 question. An emergency bill shall remain in force from its effective date

1 notwithstanding the filing of the petition, but it shall be repealed thirty days after  
2 having been rejected by a majority of the registered voters voting thereon.

3 DRAFTER'S NOTE:

4 Error: Erroneous tabulation in Article 25B, § 10(h).

5 Occurred: Ch. 650, Acts of 1967.

6 **Article 27 - Crimes and Punishments**

7 139D.

8 (a) A person who violates the provisions of this subheading is guilty of a felony  
9 and on conviction is subject to a fine of not more than \$250,000 or [by] imprisonment  
10 for not more than 25 years or both.

11 DRAFTER'S NOTE:

12 Error: Extraneous word in Article 27, § 139D(a).

13 Occurred: Ch. 343, Acts of 1997.

14 151C.

15 (c) A person who violates this section is guilty of a felony and on conviction[,]  
16 is subject to imprisonment for not more than 10 years or a fine of not more than  
17 \$10,000 or both.

18 DRAFTER'S NOTE:

19 Error: Extraneous comma in Article 27, § 151C(c).

20 Occurred: Ch. 344, Acts of 1984.

21 255C.

22 (t) (2) If THE LICENSE OF a holder of a tip jar license or wholesaler's license  
23 is revoked for two separate civil violations under subsection (s) of this section or a  
24 criminal violation under subsection (r) or subsection (v) of this section, the County  
25 agency may deny a tip jar license or wholesaler's license to:

26 (i) A corporate or limited liability entity applicant, if 50% or more  
27 of the capital stock is owned by the individual whose license was revoked or by the  
28 immediate family of that individual; or

29 (ii) A partnership applicant, if the individual whose license was  
30 revoked is a partner.

31 DRAFTER'S NOTE:

1 Error: Omitted words in Article 27, § 255C(t)(2).

2 Occurred: Ch. 548, Acts of 1998.

3 256.

4 (e) (3) A license issued under this section:

5 (i) May not authorize the conduct of any games on Sunday, except  
6 as provided in paragraph (2)(ii) of this subsection; and

7 (ii) Shall indicate the date or dates, place, and games authorized to  
8 be conducted.

9 (4) For purposes of this section, 50/50's sold for a period exceeding 1 day  
10 shall be licensed as a raffle.

11 DRAFTER'S NOTE:

12 Error: Stylistic tabulation error in Article 27, § 256(e)(3) and (4).

13 Occurred: Ch. 672, Acts of 1999. Correction by the publisher of the  
14 Annotated Code in the 1999 Supplement to the 1996 Replacement Volume  
15 is validated by this Act.

16 297.

17 (d) (2) (i) In the event of seizure pursuant to paragraph (1)(iii) and (iv) of  
18 this subsection, proceedings under subsection [(f)] (H) of this section shall be  
19 instituted promptly, except that all proceedings relating to money or currency shall be  
20 instituted within 90 days from the date of final disposition of criminal proceedings  
21 that arise out of §§ 276 through 302 of this article.

22 (g) (1) All substances listed in Schedule I that are possessed, transferred,  
23 sold or offered for sale in violation of the provisions of this subheading shall be  
24 deemed contraband and seized and summarily forfeited to the State. Similarly, all  
25 substances listed in Schedule I, which are seized or come into the possession of the  
26 State, the owners of which are unknown, shall be deemed contraband and summarily  
27 forfeited to the State.

28 [(1)] (2) All species of plants from which controlled substances in  
29 Schedules I and II may be derived which have been planted or cultivated in violation  
30 of this subheading, or of which the owners or cultivators are unknown, or which are  
31 wild growths, may be seized and summarily forfeited to the State.

32 [(2)] (3) The failure, upon demand by the Department, or its duly  
33 authorized agent, of the person in occupancy or in control of land or premises upon  
34 which such species of plants are growing or being stored, to produce an appropriate  
35 registration, or proof that he is the holder thereof, shall constitute authority for the  
36 seizure and forfeiture.

1 (o) (6) (ii) Payment of the amount of the bond shall be applied as provided  
2 under subsection [(k)(2)(iv)] (K)(3)(IV) of this section.

3 DRAFTER'S NOTE:

4 Error: Erroneous cross-references in Article 27, § 297(d)(2)(i) and  
5 (o)(6)(ii); stylistic error in Article 27, § 297(g).

6 Occurred: Various chapters.

7 470A.

8 (b) A person may not:

9 (4) Deface, damage, or destroy, attempt to deface, damage, or destroy, or  
10 burn or attempt to burn any object on[,] the real or personal property of:

11 (i) A person because of that person's race, color, religious beliefs, or  
12 national origin; or

13 (ii) An institution:

14 1. Because of the institution's contacts or association with a  
15 person or group of a particular race, color, religious belief, or national origin; or

16 2. Where there is evidence that exhibits animosity on the  
17 part of the person committing the act against a person or group because of that  
18 person's or group's race, color, religious beliefs, or national origin.

19 DRAFTER'S NOTE:

20 Error: Extraneous comma in Article 27, § 470A(b)(4).

21 Occurred: Ch. 555, Acts of 1994.

22 582.

23 Every person, his aiders, abettors and counsellors, who shall use or operate any  
24 boat or vessel on the navigable waters of this State while the boat's number or name,  
25 or home port designation, as assigned by the United States Coast Guard, or registered  
26 in any United States customhouse shall knowingly be concealed, covered or defaced  
27 shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined  
28 not less than \$150.00 nor more than \$500.00, or be imprisoned in the Maryland  
29 House of Correction, for not less than one month nor more than six months, or be both  
30 fined and imprisoned, in the discretion of the court; and in addition thereto any boat  
31 used in violation of the provisions of this section may be by the court hearing the case  
32 involving such violation, declared forfeited to the State of Maryland and delivered to  
33 the Department of [Tidewater Fisheries] NATURAL RESOURCES for such disposition  
34 thereof as may, in the opinion of said Department, be most advantageous to the State.  
35 The provisions of this section are not intended to supersede § 4-1013(a) and (b) of the

1 Natural Resources Article of the Code, providing for display of canvas dredge boat  
2 licenses.

3 DRAFTER'S NOTE:

4 Error: Obsolete reference in Article 27, § 582.

5 Occurred: Various chapters.

6 645A.

7 (e) The remedy herein provided is not a substitute for, nor does it affect any  
8 remedies which are incident to the proceedings in the trial court or any remedy of  
9 direct review of the sentence or conviction. Except as provided in subsection (a)(3) of  
10 this section, a petition for relief under this subtitle may be filed at any time, except  
11 that where an appeal has been taken from the judgment of conviction to the Court of  
12 Special Appeals, it shall not be necessary to appoint counsel or conduct a hearing or  
13 take any action whatsoever on the petition, until the judgment of conviction becomes  
14 final in the Court of Special Appeals. No appeals to the Court of Appeals or the Court  
15 of Special Appeals in habeas corpus or coram nobis cases, or from other common-law  
16 or statutory remedies which have heretofore been available for challenging the  
17 validity of incarceration under sentence of death or imprisonment shall be permitted  
18 or entertained, except appeals in such cases pending in the Court of Appeals on June  
19 1, 1958, shall be processed in due course. Provided, however, that nothing in this  
20 subtitle shall operate to bar an appeal to the Court of Special Appeals (1) in a habeas  
21 corpus proceeding instituted under ARTICLE 41, § 2-210 of [Article 41 of this] THE  
22 Code or (2) in any other proceeding in which a writ of habeas corpus is sought for any  
23 purpose other than to challenge the legality of a conviction of a crime or sentence of  
24 death or imprisonment therefor, including confinement as a result of a proceeding  
25 under Title 4 of the Correctional Services Article.

26 DRAFTER'S NOTE:

27 Error: Stylistic error in Article 27, § 645A(e).

28 Occurred: Ch. 442, Acts of 1965.

29 792.

30 (a) (1) In this section the following words have the meanings indicated.

31 (2) "Child sexual offender" means an individual who:

32 (i) Has been convicted of violating § 35C of this article for an  
33 offense involving sexual abuse;

34 (ii) Has been convicted of violating any of the provisions of §§ 462  
35 through 464B of this article for an offense involving an individual under the age of 15  
36 years;

1 (iii) Has been convicted of violating § 464C of this article for an  
2 offense involving an individual under the age of 15 years and has been ordered by the  
3 court to register under this section; or

4 (iv) Has been convicted in another state, or in a federal, military, or  
5 Native American tribal court, of an offense that, if committed in this State, would  
6 constitute one of the offenses listed in items (i) and (ii) of this paragraph.

7 (3) "Convicted" includes:

8 (i) A probation before judgment after a finding of guilt for an  
9 offense if the court, as a condition of probation orders compliance with the  
10 requirements of this section; and

11 (ii) A finding of not criminally responsible for an offense.

12 (4) "Department" means the Department of Public Safety and  
13 Correctional Services.

14 (5) "Local law enforcement agency" means the law enforcement agency  
15 in a county that has been designated by resolution of the county governing body as  
16 the primary law enforcement unit in the county.

17 (6) "Offender" means an individual who is ordered by the court to  
18 register under this section and who:

19 (i) Has been convicted of violating § 1, § 2, or § 338 of this article;

20 (ii) Has been convicted of violating § 337 of this article if the victim  
21 is under the age of 18 years;

22 (iii) Has been convicted of the common law crime of false  
23 imprisonment if the victim is under the age of 18 years and the offender is not the  
24 victim's parent;

25 (iv) Has been convicted of violating § 464C of this article if the  
26 victim is under the age of 18 years;

27 (v) Has been convicted of soliciting a minor to engage in sexual  
28 conduct;

29 (vi) Has been convicted of violating § 419A of this article;

30 (vii) Has been convicted of violating § 15 of this article or any of the  
31 provisions of §§ 426 through 433 of this article if the intended prostitute is under the  
32 age of 18 years;

33 (viii) Has been convicted of a crime that involves conduct that by its  
34 nature is a sexual offense against an individual under the age of 18 years;

1 (ix) Has been convicted of an attempt to commit a crime listed in  
2 items (i) through (viii) of this paragraph; or

3 (x) Has been convicted in another state, or in a federal, military, or  
4 Native American tribal court, of an offense that, if committed in this State, would  
5 constitute one of the offenses listed in items (i) through (ix) of this paragraph.

6 (7) "Registrant" means an individual who is:

7 (i) A child sexual offender;

8 (ii) An offender;

9 (iii) A sexually violent offender;

10 (iv) A sexually violent predator;

11 (v) A child sexual offender who, before moving into this State, was  
12 required to register in another state or by a federal, military, or Native American  
13 tribal court for an offense occurring before October 1, 1995;

14 (vi) An offender, a sexually violent offender, or a sexually violent  
15 predator who, before moving into this State, was required to register in another state  
16 or by a federal, military, or Native American tribal court for an offense occurring  
17 before July 1, 1997; or

18 (vii) A child sexual offender, offender, sexually violent offender, or  
19 sexually violent predator who is required to register in another state, who is not a  
20 resident of this State, and who enters this State for the purpose of:

21 1. Employment, or to carry on a vocation, that is full time or  
22 part time for a period of the time exceeding 14 days or for an aggregate period of time  
23 exceeding 30 days during any calendar year, whether financially compensated,  
24 volunteered, or for the purpose of government or educational benefit; or

25 2. Attending any public or private educational institution,  
26 including any secondary school, trade, or professional institution, or institution of  
27 higher education, as a student on a full-time or part-time basis.

28 (8) (i) "Release" means any type of release from the custody of a  
29 supervising authority.

30 (ii) "Release" includes release on parole, mandatory supervision,  
31 work release, and any type of temporary leave other than leave that is granted on an  
32 emergency basis.

33 (iii) "Release" does not include an escape.

34 (9) "Resident" means an individual who lives in this State at the time the  
35 individual:

- 1 (i) Is released;
- 2 (ii) Is granted probation before judgment;
- 3 (iii) Is granted probation after judgment;
- 4 (iv) Is granted a suspended sentence; or
- 5 (v) Receives a sentence that does not include a term of
- 6 imprisonment.

7 (10) "Sexually violent offender" means an individual who:

- 8 (i) Has been convicted of a sexually violent offense;
- 9 (ii) Has been convicted of an attempt to commit a sexually violent
- 10 offense; or
- 11 (iii) Has been convicted in another state, or in a federal, military, or
- 12 Native American tribal court, of an offense that, if committed in this State, would
- 13 constitute a sexually violent offense.

14 (11) "Sexually violent offense" means:

- 15 (i) A violation of any of the provisions of § 462, § 463, § 464, § 464A,
- 16 § 464B, or § 464F of this article; or
- 17 (ii) Assault with intent to commit rape in the first or second degree
- 18 or a sexual offense in the first or second degree as previously proscribed under former
- 19 § 12 of this article.

20 (12) "Sexually violent predator" means an individual who:

- 21 (i) Is convicted of a second or subsequent sexually violent offense;
- 22 and
- 23 (ii) Has been determined in accordance with this section to be at
- 24 risk of committing a subsequent sexually violent offense.

25 (13) "Supervising authority" means:

- 26 (i) If the registrant is in the custody of a facility operated by the
- 27 Department of Public Safety and Correctional Services, the Secretary of Public Safety
- 28 and Correctional Services;
- 29 (ii) If the registrant is in the custody of a local or regional detention
- 30 center, including a registrant who is participating in a home detention program, the
- 31 administrator of the facility;

1 (iii) Except as provided in item (xi) of this paragraph, if the  
2 registrant is granted probation before judgment, probation after judgment, or a  
3 suspended sentence, the court that granted the probation or suspended sentence;

4 (iv) If the registrant is in the custody of the Patuxent Institution,  
5 the Director of the Patuxent Institution;

6 (v) If the registrant is in the custody of a facility operated by the  
7 Department of Health and Mental Hygiene, the Secretary of Health and Mental  
8 Hygiene;

9 (vi) If the registrant's sentence does not include a term of  
10 imprisonment, the court in which the registrant was convicted;

11 (vii) If the registrant is in the State under the terms and conditions  
12 of the Uniform Act for Out-of-State Parolee Supervision, set forth in Title 6, Subtitle  
13 2 of the Correctional Services Article, or the Interstate Corrections Compact, set forth  
14 in Title 8, Subtitle 6 of the Correctional Services Article, the Secretary of Public  
15 Safety and Correctional Services;

16 (viii) If the registrant moves to this State and was convicted in  
17 another state of an offense that would require the individual to register if the offense  
18 was committed in this State, the Secretary of Public Safety and Correctional Services;

19 (ix) If the registrant moves to this State from another state where  
20 the individual was required to register, the Secretary of Public Safety and  
21 Correctional Services;

22 (x) If the registrant is not a resident of this State, the Secretary of  
23 Public Safety and Correctional Services; or

24 (xi) If the registrant is under the supervision of the Division of  
25 Parole and Probation, the Director of Parole and Probation.

26 (b) (1) Subject to paragraphs (3) and (4) of this subsection, if an individual is  
27 convicted of a second or subsequent sexually violent offense, the State's Attorney may  
28 request the court to determine before sentencing whether the individual is a sexually  
29 violent predator.

30 (2) If the State's Attorney makes a request under paragraph (1) of this  
31 subsection, the court shall determine before or at sentencing whether the individual  
32 is a sexually violent predator.

33 (3) In making a determination under paragraph (1) of this subsection,  
34 the court shall consider:

35 (i) Any evidence that the court considers appropriate to the  
36 determination of whether the individual is a sexually violent predator, including the  
37 presentencing investigation and sexually violent offender's inmate record;

1 (ii) Any evidence introduced by the individual convicted; and

2 (iii) At the request of the State's Attorney, any evidence presented  
3 by a victim of the sexually violent offense.

4 (4) The State's Attorney may not request a court to determine if an  
5 individual is a sexually violent predator under this subsection unless the State's  
6 Attorney serves written notice of intent to make the request on the defendant or the  
7 defendant's lawyer at least 30 days before trial.

8 (c) (1) A registrant shall register with the registrant's supervising  
9 authority:

10 (i) If the registrant is a resident, on or before the date that the  
11 registrant:

- 12 1. Is released;
- 13 2. Is granted probation before judgment;
- 14 3. Is granted probation after judgment;
- 15 4. Is granted a suspended sentence; or
- 16 5. Receives a sentence that does not include a term of  
17 imprisonment; or

18 (ii) If the registrant moves into this State, within 7 days after the  
19 earlier of the date that the registrant:

- 20 1. Establishes a temporary or permanent residence in this  
21 State; or
- 22 2. Applies for a driver's license in this State; or

23 (iii) If the registrant is not a resident of this State, within 14 days of  
24 the date that the registrant:

- 25 1. Begins employment in this State; or
- 26 2. Registers as a student in this State.

27 (2) (i) A child sexual offender shall also register in person with the  
28 local law enforcement agency of the county where the child sexual offender will  
29 reside:

30 1. Within 7 days of release, if the child sexual offender is a  
31 resident of this State; or

32 2. Within 7 days of registering with the supervising  
33 authority, if the registrant is moving into this State.

1 (ii) Within 7 days of registering with the supervising authority, a  
2 child sexual offender who is not a resident of this State and who works or attends  
3 school in this State shall also register in person with the local law enforcement agency  
4 of the county where the child sexual offender will work or attend school.

5 (iii) A child sexual offender may be required to provide information  
6 to the local law enforcement agency besides the information required under  
7 subsection (e) of this section.

8 (3) If a registrant changes residences, the registrant shall send written  
9 notice of the change to the Department within 7 days after the change occurs.

10 (d) (1) A term of registration described in this subsection shall be calculated  
11 from:

12 (i) The last date of release;

13 (ii) The date granted probation before judgment, probation after  
14 judgment, or a suspended sentence; or

15 (iii) The date of receiving a sentence that does not include a term of  
16 imprisonment.

17 (2) A child sexual offender shall register annually in person with a local  
18 law enforcement agency:

19 (i) For 10 years; or

20 (ii) For life, if convicted of:

21 1. A violation of any of the provisions of §§ 462 through 464B  
22 of this article; or

23 2. A second violation as a child sexual offender.

24 (3) An offender shall register annually with the Department in  
25 accordance with the procedures described in subsection (h)(3) of this section for 10  
26 years.

27 (4) A sexually violent offender shall register annually with the  
28 Department in accordance with the procedures described in subsection (h)(3) of this  
29 section:

30 (i) For 10 years; or

31 (ii) For life, if convicted of:

32 1. A violation of any of the provisions of §§ 462 through 464B  
33 of this article; or

34 2. A second violation as a sexually violent offender.

1 (5) A sexually violent predator shall register every 90 days throughout  
2 the individual's life, in accordance with the procedures described in subsection (g)(3)  
3 of this section.

4 (6) A registrant who is not a resident of this State shall register for the  
5 period of time specified in this subsection or until the registrant's employment or  
6 student enrollment in this State ceases.

7 (e) (1) Subject to paragraph (2) of this subsection, registration shall consist  
8 of a statement signed and dated by a registrant which includes:

9 (i) The registrant's name, address, and:

10 1. For an individual who qualifies as a registrant under  
11 subsection (a)(7)(vii)1 of this section, place of employment; or

12 2. For an individual who qualifies as a registrant under  
13 subsection (a)(7)(vii)2 of this section, place of educational institution or school  
14 enrollment;

15 (ii) A description of the crime for which the registrant was  
16 convicted, granted probation before judgment, or found not criminally responsible;

17 (iii) The date that the registrant was convicted, granted probation  
18 before judgment, or found not criminally responsible;

19 (iv) The jurisdiction in which the registrant was convicted, granted  
20 probation before judgment, or found not criminally responsible;

21 (v) A list of any aliases that have been used by the registrant; and

22 (vi) The registrant's Social Security number.

23 (2) If the registrant is a sexually violent predator, the registration  
24 statement shall also include:

25 (i) Identifying factors, including physical description;

26 (ii) Anticipated future residence, if known at the time of  
27 registration;

28 (iii) Offense history; and

29 (iv) Documentation of treatment received for a mental abnormality  
30 or personality disorder.

31 (f) (1) When a registrant registers, the supervising authority shall:

32 (i) Explain the requirements of this section to the registrant,  
33 including:



1 superintendent that the superintendent considers necessary to protect the students of  
2 a school from a child sexual offender.

3 (3) (i) Every 90 days, the local law enforcement agency shall mail a  
4 verification form, which may not be forwarded, to the last reported address of a  
5 sexually violent predator.

6 (ii) Within 10 days after receiving the verification form, the  
7 sexually violent predator shall sign the form and mail it to the local law enforcement  
8 agency.

9 (iii) Within 5 days after obtaining a verification form from a  
10 sexually violent predator, a local law enforcement agency shall send a copy of the  
11 verification form to the Department.

12 (4) If a registrant will reside after release in a municipal corporation  
13 that has a police department, or, in the case where a registrant escapes from a facility  
14 and the registrant resided, before the registrant was committed to the custody of a  
15 supervising authority, in a municipal corporation that has a police department, a local  
16 law enforcement agency that receives a notice from a supervising authority under  
17 this section shall send a copy of the notice to the police department of the municipal  
18 corporation.

19 (h) (1) The Department shall:

20 (i) Maintain a central registry of registrants;

21 (ii) As soon as possible and in no event later than 5 working days  
22 after receiving the conviction data and fingerprints of a registrant, transmit the data  
23 and fingerprints to the Federal Bureau of Investigation if the Bureau does not have  
24 that information; and

25 (iii) Reimburse supervising authorities for the cost of processing the  
26 registration statements of registrants, including the taking of fingerprints and  
27 photographs.

28 (2) As soon as possible and in no event later than 5 working days after  
29 receipt of a registrant's change of address notice, the Department shall give notice of  
30 the change to:

31 (i) The local law enforcement agency in whose county the new  
32 residence is located;

33 (ii) If the new residence is in a different state that has a  
34 registration requirement, the designated law enforcement agency in whose state the  
35 new residence is located; and

36 (iii) If the registration is premised on a conviction under federal,  
37 military, or Native American tribal law, the designated federal agency.

1                   (3)    (i)    The Department shall mail annually a verification form, which  
2 may not be forwarded, to the last reported address of each offender and sexually  
3 violent offender.

4                   (ii)    Within 10 days after receiving the verification form, the  
5 offender or sexually violent offender shall sign the verification form and mail it to the  
6 Department.

7    (i)    (1)    If a registrant escapes from a facility, the supervising authority of the  
8 facility shall immediately notify, by the most reasonable and expedient means  
9 available:

10                   (i)    The local law enforcement agency in the jurisdiction in which  
11 the registrant resided before the registrant was committed to the custody of the  
12 supervising authority; and

13                   (ii)   Any individual who is entitled to receive notice under  
14 subsection (j)(3) of this section.

15                   (2)    If the registrant is recaptured, the supervising authority shall send  
16 notice, as soon as possible and in no event later than 2 working days after the  
17 supervising authority learns of the recapture, to:

18                   (i)    The local law enforcement agency in the jurisdiction in which  
19 the registrant resided before the registrant was committed to the custody of the  
20 supervising authority; and

21                   (ii)   Any individual who is entitled to receive notice under  
22 subsection (j)(3) of this section.

23    (j)    (1)    A registration statement provided to a person under this section shall  
24 include a copy of the completed registration form and a copy of a photograph of the  
25 registrant, but need not include the registrant's fingerprints.

26                   (2)    Information regarding any individual who receives notice under  
27 paragraph (3) of this subsection is confidential and may not be disclosed to the  
28 registrant or any other person.

29                   (3)    (i)    The supervising authority shall send a copy of a registration  
30 statement to the following individuals if such notice has been requested in writing  
31 about a specific registrant:

32                                   1.    The victim of the crime for which the registrant was  
33 convicted or, if the victim is a minor, the parents or legal guardian of the victim;

34                                   2.    Any witness who testified against the registrant in any  
35 court proceedings involving the offense; and

36                                   3.    Any individual specified in writing by the State's Attorney.

1 (ii) The supervising authority shall send a copy of a registration  
2 statement to a victim of the crime for which the registrant was convicted, if the victim  
3 filed a notification request form under § 770 of this article.

4 (4) A supervising authority shall send any notice required under  
5 paragraph (3) of this subsection and subsection (i)(1)(ii) and (2)(ii) of this section to  
6 the last address provided to the supervising authority.

7 (5) (i) Subject to subparagraph (ii) of this paragraph, upon written  
8 request to a local law enforcement agency, the agency:

9 1. Shall send to the individual who submitted the request  
10 one copy of the registration statement of each child sexual offender and each sexually  
11 violent predator on record with the agency; and

12 2. May send to the individual who submitted the request one  
13 copy of the registration statement of any registrant not described in item 1 of this  
14 subparagraph on record with the agency.

15 (ii) A request under subparagraph (i) of this paragraph shall  
16 contain:

17 1. The name and address of the individual submitting the  
18 request; and

19 2. The reason for requesting the information.

20 (iii) A local law enforcement agency shall keep records of all written  
21 requests received under subparagraph (i) of this paragraph.

22 (6) The Department shall release registration statements or information  
23 concerning registration statements to the public and may post on the Internet a  
24 current listing of each registrant's name, offense, and other identifying information,  
25 in accordance with regulations established by the Department.

26 (7) (i) In addition to the notice required under subsection (g)(1)(ii) of  
27 this section, the Department and a local law enforcement agency shall provide notice  
28 of a registration statement to any person that the Department or local law  
29 enforcement agency determines may serve to protect the public concerning a specific  
30 registrant if the Department or the agency determines that such notice is necessary to  
31 protect the public.

32 (ii) The Department and local law enforcement agencies shall  
33 establish procedures for carrying out the notification requirements of subparagraph  
34 (i) of this paragraph, including the circumstances under and manner in which  
35 notification shall be provided.

36 (iii) The Department and a local law enforcement agency may not  
37 release the identity of a victim of an offense that requires registration under this  
38 section.

1 (8) A disclosure under this subsection may not be construed to limit or  
2 prohibit any other disclosure permitted or required under law.

3 (k) An elected public official, public employee, or public agency shall have the  
4 immunity described in §§ 5-302 and 5-522 of the Courts Article regarding civil  
5 liability for damages arising out of any action relating to the provisions of this section,  
6 unless it is shown that the official, employee, or agency acted with gross negligence or  
7 in bad faith.

8 (l) A registrant who knowingly fails to register or knowingly provides false  
9 information of a material fact as required by this section is guilty of a misdemeanor  
10 and on conviction is subject to imprisonment in the penitentiary for not more than 3  
11 years or a fine of not more than \$5,000 or both.

12 (m) The Secretary of Public Safety and Correctional Services shall adopt  
13 regulations to implement the provisions of this section with advice from the Criminal  
14 Justice Information Advisory Board established under § 744 of this article.

15 DRAFTER'S NOTE:

16 Error: Failure to merge amendments, enacted by various Chapters, to  
17 Article 27, § 792.

18 Occurred: Chs. 64, 317, and 402, Acts of 1999. Correction by the  
19 publisher of the Annotated Code in the 1999 Supplement to the 1996  
20 Replacement Volume is validated by this Act.

21 809.

22 (e) (1) Restitution may be considered delinquent if the restitution or a  
23 restitution payment is not paid:

24 (i) By the date ordered by the court; or

25 (ii) If no date was ordered, the [latter] LATER of:

26 1. The date the Division or the Department of Juvenile  
27 Justice directed the defendant or liable parent to pay restitution or make a restitution  
28 payment; or

29 2. 30 days after the court issued a judgment of restitution.

30 DRAFTER'S NOTE:

31 Error: Incorrect word usage in Article 27, § 809(e)(1)(ii).

32 Occurred: Ch. 475, Acts of 1994.

Article 29 - Washington Suburban Sanitary District

18-104.

(g) A person who violates any of the following provisions has committed a WSSC infraction and shall pay to the WSSC a civil monetary fine as provided in § 18-104.2 of this article:

(1) Rules and regulations governing sewer cleaning ..... § 3-301.

(2) Rules and regulations governing plumbing..... § 8-101, § 8-102, § 8-103, § 9-101, § 14-102, or § 15-104.

(3) Rules and regulations governing erosion and sediment control for utility construction ..... § 9-101.

(4) Rules and regulations governing [gasfitting] GAS FITTING..... § 9-102.

DRAFTER'S NOTE:

Error: Incorrect word usage in Article 29, § 18-104(g)(4).

Occurred: Ch. 505, Acts of 1987.

18-104.2.

(a) (2) "Regulations" means the regulations of the Washington Suburban Sanitary Commission governing:

(i) Erosion and sediment control for utility construction in Prince George's and Montgomery Counties; or

(ii) Plumbing, [gasfitting] GAS FITTING, and sewer cleaning in the Washington Suburban Sanitary District.

(b) (1) The WSSC is authorized to adopt the regulations as follows:

(i) Regulations governing erosion and sediment control for utility construction, under authority of § 9-101 of this article and § 4-105 of the Environment Article, and after review and approval by the soil conservation districts of Prince George's and Montgomery Counties and the Department of Natural Resources;

(ii) Regulations governing sewer cleaning, under authority of § 3-301 of this article;

(iii) Regulations governing plumbing, under authority of §§ 8-104, 9-101, 14-102, and 15-104 of this article; and

(iv) Regulations governing [gasfitting] GAS FITTING, under authority of § 9-102 of this article.

1 (c) (1) Any person who violates any provision of the regulations is guilty of a  
2 WSSC infraction, and, upon delivery of a citation by the WSSC under subsection  
3 (d)(1) of this section, shall pay to WSSC a civil monetary fine in the amount set forth  
4 in [subsection (c)(3)] PARAGRAPH (3) of this [section] SUBSECTION.

5 (2) Each day that a violation remains uncorrected is a separate WSSC  
6 infraction subject to an additional citation and fine in the amount set forth in  
7 [subsection (c)(3)] PARAGRAPH (3) of this [section] SUBSECTION.

8 DRAFTER'S NOTE:

9 Error: Incorrect word usage in Article 29, § 18-104.2(a)(2)(ii) and  
10 (b)(1)(iv); stylistic errors in Article 29, § 18-104.2(c)(1) and (2).

11 Occurred: Ch. 505, Acts of 1987.

### 12 **Article 33 - Election Code**

13 2-203.

14 Each county shall appropriate the funds essential for the operations of its local  
15 board to enable the local board to pay the necessary and reasonable expenses incurred  
16 by the local board to exercise the powers and perform the duties prescribed for it by  
17 law, including:

18 (1) Personnel expenses, such as compensation, workers' compensation,  
19 and unemployment insurance;

20 (2) Polling place operation expenses; and

21 (3) Supplies and equipment required under [subsection (b)(3) of this  
22 section] § 2-202(B)(3) OF THIS SUBTITLE.

23 DRAFTER'S NOTE:

24 Error: Erroneous cross-reference in Article 33, § 2-203(3).

25 Occurred: Ch. 585, Acts of 1998.

26 3-302.

27 (c) A voter registration application that is received by the local board after the  
28 close of registration shall be considered timely received for the next election provided:

29 (1) There is sufficient evidence, as determined by the local board  
30 pursuant to regulations adopted by the State Board, that the application was mailed  
31 on or before[

32 (i) The fifth Monday before a primary, special primary, or general  
33 election; or

1 (ii) If the fifth Monday is a legal public holiday as set out in 5  
2 U.S.C. § 6103(a), the fourth Tuesday before a primary, special primary, or general  
3 election] REGISTRATION WAS CLOSED FOR THAT ELECTION; or

4 (2) The application was submitted by the voter to the Motor Vehicle  
5 Administration, a voter registration agency, another local board, or the State Board  
6 prior to the close of registration.

7 DRAFTER'S NOTE:

8 Error: Obsolete language in Article 33, § 3-302(c)(1).

9 Occurred: Ch. 585, Acts of 1998.

10 5-1001.

11 (b) When the State Board is notified by a local board of a change in  
12 nomination under subsection (a) of this section or when a certificate of designation  
13 and a certificate of candidacy to fill a vacancy in nomination is filed directly with the  
14 State Board under this subtitle, the State Board shall:

15 (1) Certify the nomination and substitute [instead], for the name of the  
16 original nominee, the name of the individual who has been designated and  
17 determined to be qualified to have that individual's name placed on the ballot as a  
18 successor nominee; and

19 DRAFTER'S NOTE:

20 Error: Extraneous language in Article 33, § 5-1001(b)(1).

21 Occurred: Ch. 585, Acts of 1998.

22 13-213.

23 (b) Except as provided in subsection (c) of this section, during a 4-year  
24 election cycle the treasurer of a political committee or the treasurer of a candidate  
25 may not directly or indirectly transfer any money greater than \$6,000 to the treasurer  
26 or political committee of a candidate or any other political committee.

27 (c) The limitations on transfers IN SUBSECTION (B) OF THIS SECTION, and the  
28 provisions on affiliations set forth in [this subsection] SUBSECTION (D) OF THIS  
29 SECTION, may not apply to:

30 (1) Transfers between and among political committees that are State or  
31 local committees of the same political party;

32 (2) Transfers between and among a slate and its candidate members;  
33 and

34 (3) Transfers between a campaign committee authorized by a candidate  
35 and that candidate's treasurer.

1 (d) In applying the limitations of this subsection, all affiliated political  
2 committees are treated as a single transferor. Political committees are "affiliated" if  
3 they are organized and operated in coordination and cooperation with each other or  
4 otherwise conduct their operations and make their contribution decisions under the  
5 control of the same individual or entity.

6 DRAFTER'S NOTE:

7 Error: Erroneous internal references in the introductory language of  
8 Article 33, § 13-213(c).

9 Occurred: Ch. 585, Acts of 1998.

## 10 **Article 38A - Fires and Investigations**

11 7.

12 (c) (1) (I) A fire marshal or appropriate fire official legally designated by  
13 a county or municipal corporation of the State shall serve as assistant State fire  
14 marshal, without compensation, for the purpose of carrying out the provisions of this  
15 article, including issuance of orders, in that county or municipal corporation. Where  
16 there is no legally designated fire marshal in a county or municipal corporation, the  
17 State Fire Marshal shall carry out the provisions of this article therein.

18 [(i)] (II) The minimum qualifications for an assistant State fire  
19 marshal shall be the completion of National Fire Protection Association (NFPA)  
20 Standard 1031 -- Fire Inspector I or the equivalent, as determined by the State Fire  
21 Marshal. However, all legally appointed deputy State fire marshals or special deputy  
22 State fire marshals serving as of July 1, 1985, are exempt from the minimum  
23 standard provisions of this section. The State Fire Marshal may administer an  
24 examination based upon NFPA 1031 before a person is certified as an assistant State  
25 fire marshal.

26 [(ii)] (III) Upon recommendation of the State Fire Marshal, an  
27 assistant or special assistant State fire marshal may be removed after an  
28 administrative hearing for just cause by a majority decision of the State Fire  
29 Prevention Commission.

30 DRAFTER'S NOTE:

31 Error: Stylistic error in Article 38A, § 7(c)(1).

32 Occurred: Ch. 156, Acts of 1985.

33 45A.

34 (f) "Qualified municipality" means any incorporated city or town, except  
35 Baltimore City, within this State whose expenditures for fire protection from  
36 municipal sources [exceeds] EXCEED \$25,000.

1 DRAFTER'S NOTE:

2 Error: Grammatical error in Article 38A, § 45A(f).

3 Occurred: Ch. 118, Acts of 1985.

4 50.

5 (a) Every high-rise building [as provided in § 51] CONSTRUCTED AFTER  
6 JULY 1, 1974 shall be protected by a complete automatic sprinkler system installed in  
7 accordance with accepted engineering practices as approved by the authority having  
8 jurisdiction.

9 DRAFTER'S NOTE:

10 Error: Obsolete cross-reference in Article 38A, § 50(a).

11 Occurred: As a result of Ch. 80, Acts of 1999.

12 **Article 41 - Governor - Executive and Administrative Departments**

13 4-201.

14 (i) (1) If the certificate is in danger of lapsing or has lapsed because of the  
15 police officer's failure to meet the Commission's standards, the police officer may  
16 request a hearing before the Commission to present evidence:

17 (i) That the [Department] OFFICER'S DEPARTMENT unreasonably  
18 failed to provide the officer with the required training or assigned the officer to  
19 special duty which prevented the officer from completing the required training to  
20 achieve this certification; and

21 (ii) That this failure is through no fault of the police officer.

22 (2) The Commission shall hold a hearing. For purposes of this  
23 subsection, the Commission shall follow the procedures prescribed for a hearing board  
24 under the Law Enforcement Officers' Bill of Rights, and the officer shall be entitled to  
25 all of the rights provided under that act.

26 (3) If the Commission concludes that the [Department] OFFICER'S  
27 DEPARTMENT unreasonably failed to provide the police officer with the training  
28 necessary or assigned the officer to special duty which prevented the officer from  
29 completing the training necessary to achieve this certification:

30 (i) The Commission shall stay the lapse of this certificate until the  
31 officer and the [Department] OFFICER'S DEPARTMENT meet the Commission's  
32 training requirements;

33 (ii) The officer shall be retained in the [Department] OFFICER'S  
34 DEPARTMENT at full pay pending the completion of the training; and

1 (iii) The Commission shall order the [Department] OFFICER'S  
 2 DEPARTMENT to pay all reasonable hearing costs and attorney's fees incurred as a  
 3 result of the action.

4 DRAFTER'S NOTE:

5 Error: Erroneous substitutions of references to the Department [of Public  
 6 Safety and Correctional Services] for references to a police officer's  
 7 department in Article 41, § 4-201(i).

8 Occurred: Ch. 679, Acts of 1981. Amendments to the original legislation,  
 9 intended to eliminate gender-specific language, erroneously replaced  
 10 references to "his department" with references to "the Department [of  
 11 Public Safety and Correctional Services]".

12 20-109.

13 (d) (1) As soon as [practical] PRACTICABLE after the closing of the fiscal  
 14 year, an audit shall be made of the financial books, records, and accounts of the  
 15 Corporation.

16 DRAFTER'S NOTE:

17 Error: Incorrect word usage in Article 41, § 20-109(d)(1).

18 Occurred: Ch. 428, Acts of 1998.

19 **Article 43C - Maryland Health and Higher Educational Facilities Authority**

20 16A.

21 (f) (3) For a hospital that is located in a county with fewer than three  
 22 hospitals, the Maryland Health Care Commission shall provide the Authority and the  
 23 Health Services Cost Review Commission notification of [the] ITS finding [by the  
 24 Maryland Health Care Commission] on whether the proposed closing is:

25 (i) In the public interest; and

26 (ii) Not inconsistent with:

27 1. The State health plan; or

28 2. An institution-specific plan developed by the Maryland  
 29 Health Care Commission.

30 (4) For a hospital that [converts] CONVERTS, the Maryland Health Care  
 31 Commission shall provide the Authority and the Health Services Cost Review  
 32 Commission notification of [the] ITS finding [by the Maryland Health Care  
 33 Commission] on whether the conversion [is]:

34 (i) [In] IS IN the public interest;

1 (ii) Will result in the delivery of more efficient and effective health  
2 care services; and

3 (iii) [Not] IS NOT inconsistent with:

4 1. The State health plan; or

5 2. An institution-specific plan developed by the Maryland  
6 Health Care Commission.

7 DRAFTER'S NOTE:

8 Error: Stylistic error in Article 43C, § 16A(f)(3); omitted comma, stylistic  
9 error, and grammatical error in Article 43C, § 16A(f)(4).

10 Occurred: Ch. 702, Acts of 1999.

11 **Article 83A - Department of Business and Economic Development**

12 3-702.

13 (d) The Board shall be advisory to the Secretary. The duties of the Board shall  
14 be to:

15 (1) Submit recommendations to the Secretary concerning overall  
16 [Program] PROGRAM policy for the Partnership for Workforce Quality PROGRAM;

17 (2) Recommend a system for evaluating requests for assistance under  
18 the Partnership for Workforce Quality Program, including eligibility criteria and  
19 priorities for assistance;

20 (3) Develop criteria to assess and evaluate Program performance and  
21 advise the Secretary of such criteria; and

22 (4) Advise the Secretary on coordination of partnership activities at the  
23 State and local level between the Department, business, labor, and other public and  
24 private entities involved with workforce quality.

25 3-704.

26 The Secretary shall submit an annual report to the Governor, the Commission,  
27 and the Work Force Investment Board and, subject to § 2-1246 of the State  
28 Government Article, the General Assembly on the operation and performance of the  
29 Partnership for Workforce Quality PROGRAM.

30 DRAFTER'S NOTE:

31 Error: Omitted language in Article 83A, §§ 3-702(d)(1) and 3-704;  
32 incorrect capitalization in Article 83A, § 3-702(d)(1).

33 Occurred: Ch. 292, Acts of 1989.

1 5-402.

2 (e) Within 60 days following any submission date, the Secretary may  
3 designate one or more enterprise zones from among the applications submitted to the  
4 Secretary on or before that submission date, provided, however, that the Secretary  
5 may not designate more than 6 enterprise zones in any [12 month] 12-MONTH period  
6 and no county may receive more than 1 area designated as an enterprise zone in any  
7 calendar year. The determination of the Secretary as to the areas designated  
8 enterprise zones shall be final, except that, for any area not designated an enterprise  
9 zone, a political subdivision may reapply at any time to the Secretary for designation  
10 of that area as an enterprise zone.

11 DRAFTER'S NOTE:

12 Error: Omitted hyphen in Article 83A, § 5-402(e).

13 Occurred: Ch. 298, Acts of 1982.

14 5-1302.

15 (e) The Fund may consist of any of the following:

16 (1) Moneys appropriated by the State to the Fund;

17 (2) Moneys made available to the Fund through federal programs or  
18 private contributions;

19 (3) Premiums, fees, penalties, interest payments, and principal  
20 payments related to financial assistance provided from the Fund;

21 (4) Proceeds from the sale, disposition, lease, or rental of collateral  
22 related to any financial assistance provided from the Fund;

23 (5) Application or other fees paid to the [program] FUND in connection  
24 with the processing of requests for assistance; and

25 (6) Any other moneys made available to the Fund.

26 5-1303.

27 (a) The Department may use moneys in the Fund to:

28 (1) Provide financial assistance to eligible applicants; and

29 (2) Pay expenses for administrative, actuarial, legal, and technical  
30 services for the [program] FUND.

31 DRAFTER'S NOTE:

32 Error: Incorrect word usage in Article 83A, §§ 5-1302(e)(5) and  
33 5-1303(a)(2).

1 Occurred: Ch. 299, Acts of 1999.

2 5-1404.

3 (c) The Fund may consist of any of the following:

4 (1) Moneys appropriated by the State to the Fund;

5 (2) Moneys made available to the Fund through federal programs or  
6 private contributions;

7 (3) Income from investments that the State Treasurer makes from  
8 moneys in the Fund;

9 (4) Repayments of principal and interest from loans made from the  
10 Fund;

11 (5) Proceeds from the sale, disposition, lease, or rental of collateral  
12 related to any loan provided by the Department under this subtitle;

13 (6) Application or other fees paid to the [program] FUND in connection  
14 with the processing of requests for loans; and

15 (7) Any other moneys made available to the Fund.

16 5-1405.

17 (a) The Department may use moneys in the Fund to:

18 (1) Provide loans to eligible applicants; and

19 (2) Pay expenses for administrative, actuarial, legal, and technical  
20 services for the [program] FUND.

21 DRAFTER'S NOTE:

22 Error: Incorrect word usage in Article 83A, §§ 5-1404(c)(6) and  
23 5-1405(a)(2).

24 Occurred: Ch. 301, Acts of 1999.

25 5-1501.

26 (b) (3) (ii) 3. If a qualified business entity can show to the satisfaction of  
27 the Comptroller or the Department of Assessments and Taxation that the nature of  
28 the operations and activities of the qualified business entity are such that it is not  
29 practical to use the separate accounting method to determine the net income from the  
30 facility at which the eligible economic development project is located, the qualified  
31 business entity shall determine net income from the eligible economic development  
32 project using an alternative method approved by the [qualified] Comptroller or the  
33 Department of Assessments and Taxation.

1 DRAFTER'S NOTE:

2 Error: Incorrect word usage in Article 83A, § 5-1501(b)(3)(ii)3.

3 Occurred: Ch. 303, Acts of 1999.

4 **Article 83B - Department of Housing and Community Development**

5 2-203.

6 (w) "Person" has the meaning stated in Article 83A, § 6-402(m) of the  
7 ANNOTATED Code OF MARYLAND for the purpose of providing financial assistance for  
8 an energy conservation project or a solar energy project.

9 DRAFTER'S NOTE:

10 Error: Erroneous reference in Article 83B, § 2-203(w). Because "Code" is  
11 defined under subsection (c) of this section as the Internal Revenue Code of  
12 1986, the cross-reference, to avoid confusion, should have referenced the  
13 Annotated Code of Maryland, rather than just "the Code".

14 Occurred: Ch. 5, Acts of 1989.

15 **Article 88A - Department of Human Resources**

16 6.

17 (b) Except as otherwise provided in Title 5, Subtitle 7 of the Family Law  
18 Article, § 6A of this subtitle, and this section, all records and reports concerning child  
19 abuse or neglect are confidential, and their unauthorized disclosure is a criminal  
20 offense subject to the penalty set out in subsection (e) of this section. Reports or  
21 records concerning child abuse or neglect:

22 (2) May be disclosed on request:

23 (i) To personnel of local or State departments of social services, law  
24 enforcement personnel, and members of multidisciplinary case consultation teams,  
25 who are investigating a report of known or suspected child abuse or neglect or who  
26 are providing services to a child or family that is the subject of the report;

27 (ii) To local or State officials responsible for the administration of  
28 child protective services or child care, foster care, and adoption licensing, approval, or  
29 regulations as necessary to carry out their official functions;

30 (iii) To the State Council on Child Abuse and Neglect, the State  
31 Citizens Review Board for Children, or their designees, or a child fatality review team  
32 as necessary to carry out their official functions;

33 (iv) To a person who is the alleged child abuser or the person who is  
34 suspected of child neglect if that person is responsible for the child's welfare and

1 provisions are made for the protection of the identity of the reporter or any other  
2 person whose life or safety is likely to be endangered by disclosing the information;

3 (v) To a licensed practitioner who, or an agency, institution, or  
4 program [which] WHICH, is providing treatment or care to a child who is the subject  
5 of a report of child abuse or neglect for a purpose relevant to the provision of the  
6 treatment or care;

7 (vi) To a parent or other person who has permanent or temporary  
8 care and custody of a child, if provisions are made for the protection of the identity of  
9 the reporter or any other person whose life or safety is likely to be endangered by  
10 disclosing the information;

11 (vii) To the appropriate public school superintendent for the purpose  
12 of carrying out appropriate personnel actions following a report of suspected child  
13 abuse involving a student committed by a public school employee in that school  
14 system; or

15 (viii) To the director of a licensed child care facility or licensed child  
16 placement agency for the purpose of carrying out appropriate personnel actions  
17 following a report of suspected child neglect or abuse alleged to have been committed  
18 by an employee of the facility or agency and involving a child who is currently or who  
19 was previously under that [facility] FACILITY'S or agency's care.

20 DRAFTER'S NOTE:

21 Error: Omitted comma in Article 88A, § 6(b)(2)(v); incorrect word usage in  
22 Article 88A, § 6(b)(2)(viii).

23 Occurred: Ch. 234, Acts of 1986; Ch. 430, Acts of 1996.

24 **Article - Agriculture**

25 **SUBTITLE 1. DEFINITIONS.**

26 1-101.

27 (a) In this article the following words have the meanings indicated.

28 DRAFTER'S NOTE:

29 Error: Omitted subtitle designation for Subtitle 1 preceding § 1-101 of  
30 the Agriculture Article.

31 Occurred: As a result of Ch. 657, Acts of 1975.

1 2-508.

2 (a) (7) "Eligible county" means a county as defined in PARAGRAPH (6) OF  
3 THIS SUBSECTION which has secured approval from the Foundation for a local  
4 agricultural land preservation program.

5 DRAFTER'S NOTE:

6 Error: Stylistic error in § 2-508(a)(7) of the Agriculture Article.

7 Occurred: Ch. 3, Acts of 1994.

8 2-509.

9 (b) Regulations and procedures adopted by the Foundation for the  
10 establishment and monitoring of agricultural districts shall provide that:

11 (5) The Foundation may approve a petition for the establishment of an  
12 agricultural district only if:

13 (i) The land within the proposed district meets the qualifications  
14 established under SUBSECTION (c) of this section;

15 (ii) The petition has been approved by the county governing body;  
16 and

17 (iii) The establishment of the district is approved by a majority of  
18 the Foundation board of trustees at-large, by the Secretary, and by the State  
19 Treasurer.

20 DRAFTER'S NOTE:

21 Error: Stylistic error in § 2-509(b)(5)(i) of the Agriculture Article.

22 Occurred: Ch. 883, Acts of 1977.

23 4-201.

24 (b) Any poultry product is "adulterated" if:

25 (8) It is wholly or partially[,] the product of any poultry which has died  
26 other than by slaughter;

27 (c) "Animal food manufacturer" means any person engaged in the business of  
28 manufacturing or processing animal food derived[,] wholly or partially from[,] any  
29 poultry carcass[,] or part or product of it.

30 DRAFTER'S NOTE:

31 Error: Punctuation errors in § 4-201(b)(8) and (c) of the Agriculture  
32 Article.

1 Occurred: Ch. 6, Acts of the First Special Session of 1973.

2 5-208.1.

3 (i) (5) (i) For application on school grounds, the notice of planned date  
4 and time of application required under this subsection may specify that [whether]  
5 WEATHER conditions or other extenuating circumstances may cause the actual date of  
6 application to be postponed to a later date or dates.

7 DRAFTER'S NOTE:

8 Error: Incorrect word usage in § 5-208.1(i)(5)(i) of the Agriculture Article.

9 Occurred: Ch. 322, Acts of 1999. Correction by the publisher of the  
10 Annotated Code in the 1999 Supplement of the Agriculture Article is  
11 ratified by this Act.

12 11-414.

13 (b) Any person found guilty of a second or subsequent violation of [ §§ ] §  
14 11-409, § 11-410, or § 11-411 is subject to a fine of not less than \$1,000, or  
15 imprisonment of not less than nine months, or both, with costs imposed in the  
16 discretion of the court.

17 DRAFTER'S NOTE:

18 Error: Stylistic error in § 11-414(b) of the Agriculture Article.

19 Occurred: Ch. 99, Acts of 1978.

20 13-216.

21 (b) A penalty collected by the Secretary under this section shall be paid into  
22 the Administration Fund as provided by § 13-205 of this subtitle.

23 DRAFTER'S NOTE:

24 Error: Incorrect terminology in § 13-216(b) of the Agriculture Article.

25 Occurred: Ch. 43, Acts of 1999. Correction by the publisher of the  
26 Annotated Code in the 1999 Supplement of the Agriculture Article is  
27 validated by this Act.

28 **Article - Business Occupations and Professions**

29 3-307.

30 (b) (2) The Board shall issue a license to each applicant who meets the  
31 requirements for a license [through waiver of examination] BY RECIPROCITY under §  
32 3-306 of this subtitle.

## 1 DRAFTER'S NOTE:

2 Error: Incorrect word usage in § 3-307(b)(2) of the Business Occupations  
3 and Professions Article.

4 Occurred: As a result of Ch. 25, Acts of 1999.

5 5-207.

6 (a) In addition to any powers set forth elsewhere, the Board may[:

7 (1)] administer oaths[; and

8 (2) prohibit or restrict the use or possession of lasers in beauty salons].

## 9 DRAFTER'S NOTE:

10 Error: Improper codification of § 5-207(a) of the Business Occupations  
11 and Professions Article. Correction by transfer of the provisions of §  
12 5-207(a)(2) to new § 5-608.2 of the Business Occupations and Professions  
13 Article, as suggested in the Attorney General's bill review letter dated  
14 April 28, 1999.

15 Occurred: Ch. 487, Acts of 1999.

16 5-315.

17 (a) Except as otherwise provided in § 10-226 of the State Government Article,  
18 before the Board takes any final action under § 5-314 or § 5-608.1 of this title, it shall  
19 give the individual against whom the action is contemplated an opportunity for a  
20 hearing before the Board.

## 21 DRAFTER'S NOTE:

22 Error: Erroneous cross-reference in § 5-315(a) of the Business  
23 Occupations and Professions Article.

24 Occurred: Ch. 388, Acts of 1999. Correction by the publisher of the  
25 Annotated Code in the 1999 Supplement of the Business Occupations and  
26 Professions Article is validated by this Act.

27 5-523.

28 (a) Except as otherwise provided in § 10-226 of the State Government Article,  
29 before the Board takes any final action under § 5-509, § 5-522, or § 5-608.1 of this  
30 title, it shall give the person against whom the action is contemplated an opportunity  
31 for a hearing before the Board.

## 32 DRAFTER'S NOTE:

33 Error: Erroneous cross-reference in § 5-523(a) of the Business

1 Occupations and Professions Article.

2 Occurred: Ch. 388, Acts of 1999. Correction by the publisher of the  
3 Annotated Code in the 1999 Supplement of the Business Occupations and  
4 Professions Article is validated by this Act.

5 5-608.1.

6 (a) A person may not use or possess methyl methacrylate liquid monomer  
7 (MMA) in a beauty salon in this State.

8 (b) To determine whether a person is in violation of subsection (a) of this  
9 section, an inspector may chemically test products or take samples of products at  
10 random or when the inspector suspects that a product is illegal.

11 (c) A person who violates this section is guilty of a misdemeanor and on  
12 conviction is subject to a fine not to exceed \$1,000 for all violations cited on a single  
13 day.

14 DRAFTER'S NOTE:

15 Error: Erroneous section designation of § 5-608.1 of the Business  
16 Occupations and Professions Article.

17 Occurred: Ch. 388, Acts of 1999. Correction by the publisher of the  
18 Annotated Code in the 1999 Supplement of the Business Occupations and  
19 Professions Article is validated by this Act.

20 5-608.2.

21 THE BOARD MAY PROHIBIT OR RESTRICT THE USE OR POSSESSION OF LASERS  
22 IN BEAUTY SALONS.

23 DRAFTER'S NOTE:

24 Error: Improper codification. See Drafter's Note to § 5-207 of the  
25 Business Occupations and Professions Article as enacted by this Act.

26 Occurred: Ch. 487, Acts of 1999.

27 10-605.2.

28 (g) In addition to meeting the requirements of this section, a communication  
29 shall comply with Maryland Rules OF PROFESSIONAL CONDUCT 7.1 through 7.4.

30 DRAFTER'S NOTE:

31 Error: Incomplete cross-reference in § 10-605.2(g) of the Business  
32 Occupations and Professions Article.

33 Occurred: Ch. 478, Acts of 1998.

1 **Article - Business Regulation**

2 6-102.

3 (b) This title does not apply to fund-raising by a volunteer organization of  
4 [fire fighters] FIREFIGHTERS or rescue or ambulance personnel for its ambulance,  
5 fire fighting, or rescue operations.

6 DRAFTER'S NOTE:

7 Error: Incorrect word usage in § 6-102(b) of the Business Regulation  
8 Article.

9 Occurred: Ch. 4, Acts of 1992.

10 **Article - Commercial Law**

11 9-305.

12 (b) The following rules determine a commodity intermediary's jurisdiction for  
13 purposes of this subtitle:

14 (1) If an agreement between the commodity intermediary and  
15 commodity customer governing the commodity account expressly provides that a  
16 particular jurisdiction is the commodity intermediary's jurisdiction for purposes of  
17 this subtitle, this title, or Titles 1 through 10 of this article, that jurisdiction is the  
18 commodity intermediary's jurisdiction.

19 DRAFTER'S NOTE:

20 Error: Grammatical error in § 9-305(b)(1) of the Commercial Law Article.

21 Occurred: Ch. 282, Acts of 1999. Correction by the publisher of the  
22 Annotated Code in the 1999 Supplement of the Commercial Law Article is  
23 validated by this Act.

24 9-322.

25 (b) For the purposes OF subsection (a)(1):

26 (1) The time of filing or perfection as to a security interest in collateral is  
27 also the time of filing or perfection as to a security interest in proceeds; and

28 (2) The time of filing or perfection as to a security interest in collateral  
29 supported by a supporting obligation is also the time of filing or perfection as to a  
30 security interest in the supporting obligation.

31 DRAFTER'S NOTE:

32 Error: Omitted word in § 9-322(b) of the Commercial Law Article.

1 Occurred: Ch. 282, Acts of 1999. Correction by the publisher of the  
2 Annotated Code in the 1999 Supplement of the Commercial Law Article is  
3 ratified by this Act.

4 9-519.

5 (g) The filing office shall perform the acts required by subsections (a) through  
6 [(e)] (D) at the time and in the manner prescribed by filing-office rule.

7 (h) Subsections (b) and [(h)] (G) do not apply to a filing office described in §  
8 9-501(a)(1).

9 DRAFTER'S NOTE:

10 Error: Erroneous internal references in § 9-519(g) and (h) of the  
11 Commercial Law Article.

12 Occurred: Ch. 282, Acts of 1999.

13 12-631.

14 (b) The Commissioner shall give to the person complained against at least ten  
15 [days] DAYS' written notice of the complaint and the time and place of any hearing.  
16 The notice shall be in writing and sent by registered or certified mail to his principal  
17 place of business.

18 DRAFTER'S NOTE:

19 Error: Grammatical error in § 12-631(b) of the Commercial Law Article.

20 Occurred: Ch. 49, Acts of 1975.

21 14-904.

22 (c) Subsection (b) of this section applies to any packaged food product that is  
23 marked or identified with:

24 (1) In any language, the words "kosher", "parve", "glatt", or "rabbinical  
25 supervision";

26 (2) Any other word or symbol representing to the public that the product  
27 [as] IS kosher, kosher for Passover, or under rabbinical or other kosher supervision;  
28 or

29 (3) The English letters "K", "KP", "KD", "KM", "KF", "KOS", or "RS",  
30 except as part of a registered trademark.

31 DRAFTER'S NOTE:

32 Error: Incorrect word usage in § 14-904(c)(2) of the Commercial Law  
33 Article.

1 Occurred: Ch. 377, Acts of 1997.

2 **Article - Corporations and Associations**

3 2-607.

4 (a) Articles of amendment shall set forth the amendment and state:

5 (2) That the amendment was approved by a majority of the entire board  
6 of directors and that:

7 (i) No stock entitled to be voted on the matter was outstanding or  
8 subscribed for at the time of approval; or

9 (ii) The amendment is limited to a change expressly authorized by  
10 [ §§ 2-105(a)(12) and 2-605] § 2-105(A)(12) OF THIS TITLE OR § 2-605 of this [title]  
11 SUBTITLE to be made without action by the stockholders.

12 DRAFTER'S NOTE:

13 Error: Stylistic errors and incorrect word usage in § 2-607(a)(2)(ii) of the  
14 Corporations and Associations Article.

15 Occurred: Ch. 395, Acts of 1999.

16 3-104.

17 (a) Notwithstanding any other provision of this subtitle, unless the charter or  
18 bylaws of a corporation provide otherwise, the approval of the stockholders and  
19 articles of transfer or share exchange, as the case may be, are not required for any:

20 (1) Transfer of assets by a corporation in the ordinary course of business  
21 actually conducted by it or as a distribution as defined in § 2-301 of this [title]  
22 ARTICLE;

23 DRAFTER'S NOTE:

24 Error: Erroneous internal reference in § 3-104(a)(1) of the Corporations  
25 and Associations Article.

26 Occurred: Ch. 459, Acts of 1999.

27 3-512.

28 The reinstatement and extension of a corporation's existence under § 3-501 of  
29 this subtitle or the revival of a corporation's charter under § 3-507 of this subtitle has  
30 the following effects:

31 (1) If otherwise done within the scope of its charter, all contracts or other  
32 acts done in the name of the corporation while the charter was void are validated, and  
33 the corporation is liable for them; AND

1           (2)     All the assets and rights of the corporation, except those sold or those  
2 of which it was otherwise divested while the charter was void, are restored to the  
3 corporation to the same extent that they were held by the corporation before the  
4 expiration or forfeiture of the charter.

5 DRAFTER'S NOTE:

6     Error: Omitted conjunction in § 3-512(1) of the Corporations and  
7     Associations Article.

8     Occurred: Ch. 311, Acts of 1975.

9 3-802.

10    (a)     Notwithstanding any other provision in this article except subsection (b) of  
11 this section, this subtitle applies to each corporation that:

12           (1)     Has a class of equity securities registered under the [Federal]  
13 Securities Exchange Act of 1934; and

14 DRAFTER'S NOTE:

15     Error: Misnomer in § 3-802(a)(1) of the Corporations and Associations  
16     Article.

17     Occurred: Ch. 300, Acts of 1999.

18 9A-1009.

19    (a)     If the Department is satisfied that a limited liability partnership named in  
20 the proclamation has not failed to pay the tax, unemployment insurance  
21 contributions, or reimbursement payments, or file the report [within the period  
22 specified in § 9A-1006] UNDER § 9A-1007 of this subtitle, or that it has been  
23 mistakenly reported to the Department by the State Comptroller or the Secretary of  
24 the Department of Business and Economic Development, the Department may correct  
25 the mistake by filing its proclamation to that effect in its records.

26 DRAFTER'S NOTE:

27     Error: Erroneous cross-reference in § 9A-1009(a) of the Corporations  
28     and Associations Article.

29     Occurred: Ch. 654, Acts of 1997.

30 9A-1106.

31    (a)     If a foreign limited liability partnership is doing or has done any  
32 intrastate, interstate, or foreign business in this State without complying with the  
33 requirements of this subtitle, the foreign limited liability partnership and any person  
34 claiming under it may not maintain suit in any court of this State, unless the  
35 FOREIGN limited liability partnership shows to the satisfaction of the court that:

1 (1) The foreign limited liability partnership or the person claiming under  
2 it has paid the penalty specified in subsection (d)(1) of this section; and

3 (2) (i) The foreign limited liability partnership or a successor to it has  
4 complied with the requirements of this subtitle; or

5 (ii) The foreign limited liability partnership and any foreign limited  
6 liability partnership successor to it are no longer doing intrastate, interstate, or  
7 foreign business in this State.

8 (d) (1) (i) If a foreign limited liability partnership does any intrastate,  
9 interstate, or foreign business in this State without registering, the Department shall  
10 impose a penalty of \$200 on the FOREIGN limited liability partnership.

11 (ii) The penalty under this subsection shall be collected and may be  
12 reduced or abated under § 14-704 of the Tax - Property Article.

13 DRAFTER'S NOTE:

14 Error: Omitted word in § 9A-1106(a) and (d)(1)(i) of the Corporations  
15 and Associations Article.

16 Occurred: Ch. 654, Acts of 1997.

17 9A-1111.

18 (a) The Department may forfeit the right of any foreign limited liability  
19 partnership to do business as a foreign limited liability partnership in this State if the  
20 FOREIGN limited liability partnership fails to file with the Department any report or  
21 fails to pay any late filing penalties required by law:

22 (1) Within the time required by law; and

23 (2) Thereafter, within 30 days after the Department makes a written  
24 demand for the delinquent report or late filing penalties.

25 (c) The demand for a delinquent report or late filing penalties and the notice  
26 of forfeiture shall be addressed to the FOREIGN limited liability partnership:

27 (1) At its address on file with the Department; or

28 (2) If it has no address on file with the Department, in care of the  
29 Secretary of State, or corresponding official of the place where it was organized or is  
30 existing, if known to the Department.

31 DRAFTER'S NOTE:

32 Error: Omitted word in § 9A-1111(a) and (c) of the Corporations and  
33 Associations Article.

34 Occurred: Ch. 654, Acts of 1997.

1 10-208.

2 (e) (1) Unless the articles of merger provide otherwise, a proposed merger or  
3 consolidation may be abandoned before the effective date of the articles by:

4 (i) A vote of the majority of the general partners and a majority in  
5 interest of the limited partners of any limited partnership party to the articles;

6 (ii) A majority vote of the entire board of directors of any  
7 corporation party to the articles;

8 (iii) Majority vote of the entire board of trustees of any business  
9 trust party to the articles;

10 (iv) [By a] A vote of the members of a limited liability company  
11 party to the articles as provided under [§ 4A-705] § 4A-704 of this article; or

12 (v) [By a] A vote of the partners of a partnership party to the  
13 articles as provided under Title 9 of this article;

14 DRAFTER'S NOTE:

15 Error: Extraneous words and erroneous cross-reference in §  
16 10-208(e)(1)(iv) of the Corporations and Associations Article; extraneous  
17 words in § 10-208(e)(1)(v) of the Corporation and Association Article.

18 Occurred: Ch. 536, Acts of 1992; Ch. 654, Acts of 1997.

19 10-303.

20 (b) (1) A limited partner does not take part in the control of the business  
21 within the meaning of subsection (a) solely by doing one or more of the following:

22 (i) Being a contractor for or an agent or employee of the limited  
23 partnership or of a general partner or being an officer, director, or stockholder of a  
24 corporate general partner, or any combination of these roles, whether solely or jointly  
25 with other officers, directors, or stockholders, and irrespective of whether that  
26 corporate general partner is the sole general partner of the limited partnership or is  
27 a general partner of one or more limited partnerships;

28 (ii) Consulting with or advising a general partner with respect to  
29 the business of the limited partnership;

30 (iii) Acting as surety for the limited partnership;

31 (iv) Approving or disapproving an amendment to the partnership  
32 agreement; or

33 (v) Voting on one or more of the following matters:

34 1. The dissolution and winding up of the limited partnership;



1 of additional classes, [groups] GROUPS, or series of trustees, beneficial owners, or  
2 beneficial interests, having the relative rights, powers, and duties as may from time  
3 to time be established, including rights, powers, and duties senior or subordinate to  
4 existing classes, groups, or series of trustees, beneficial owners, or beneficial  
5 interests;

6 DRAFTER'S NOTE:

7 Error: Omitted comma in § 12-207(b)(1) of the Corporations and  
8 Associations Article.

9 Occurred: Ch. 452, Acts of 1999.

10 12-403.

11 (b) Unless otherwise provided by the governing instrument of a business  
12 trust, a trustee shall be indemnified to the same extent as a director of a corporation  
13 under [§ 2-419] § 2-418 of this article.

14 DRAFTER'S NOTE:

15 Error: Erroneous cross-reference in § 12-403(b) of the Corporations and  
16 Associations Article.

17 Occurred: Ch. 452, Acts of 1999.

18 12-803.

19 (a) If the Department is satisfied that a business trust named in a  
20 proclamation issued under [§ 12-802(d)] § 12-801(D) of this subtitle has not failed to  
21 pay the taxes, unemployment insurance contributions, or reimbursement payments,  
22 or to file the report within the period specified in § 12-801 of this subtitle, or that the  
23 business trust has been mistakenly reported to the Department by the State  
24 Comptroller or the Secretary of Labor, Licensing, and Regulation, the Department  
25 may file in its records a proclamation correcting the mistake.

26 DRAFTER'S NOTE:

27 Error: Erroneous cross-reference in § 12-803(a) of the Corporations and  
28 Associations Article.

29 Occurred: Ch. 452, Acts of 1999. Correction by the publisher of the  
30 Annotated Code in the 1999 Replacement Volume of the Corporations and  
31 Associations Article is ratified by this Act.

32 **Article - Correctional Services**

33 4-301.

34 (a) (2) The Commissioner may refer an inmate to the Institution:

- 1 (i) on recommendation of the sentencing court;
- 2 (ii) on application by the inmate or the State's Attorney of the  
3 county in which the inmate was last convicted; or
- 4 (iii) on the Commissioner's own initiative.

5 DRAFTER'S NOTE:

6 Error: Extraneous word in § 4-301(a)(2)(i) of the Correctional Services  
7 Article.

8 Occurred: Ch. 54, Acts of 1999. Correction by the publisher of the  
9 Annotated Code in the 1999 Volume of the Correctional Services Article is  
10 validated by this Act.

11 9-202.

12 (b) (2) A sentence to a term of Non-Division custody that is imposed  
13 consecutive to a term of Division custody shall begin when the individual is released  
14 from Division custody due to the expiration of a sentence, parole, or the application of  
15 diminution credits.

16 DRAFTER'S NOTE:

17 Error: Omitted hyphen in § 9-202(b)(2) of the Correctional Services  
18 Article.

19 Occurred: Ch. 54, Acts of 1999. Correction by the publisher of the  
20 Annotated Code in the 1999 Volume of the Correctional Services Article is  
21 validated by this Act.

22 **Article - Courts and Judicial Proceedings**

23 3-801.

24 (u) "Violation" means a violation of § 400, § 400A, § 400B, § 401, or [§ 405A]  
25 § 406 of Article 27 of the Code and § 26-103 of the Education Article for which a  
26 citation is issued.

27 DRAFTER'S NOTE:

28 Error: Obsolete cross-reference in § 3-801(u) of the Courts Article.

29 Occurred: As a result of Ch. 14, § 7, Acts of 1997.

30 3-810.

31 (l) If the intake officer receives a citation other than a citation authorized  
32 under Article 27, [§ 405A] § 406 of the Code, the intake officer may:

- 1           (1)     Refer the child to an alcohol education or rehabilitation program;
- 2           (2)     Assign the child to a supervised work program for not more than 20  
3 hours for the first violation and not more than 40 hours for the second or subsequent  
4 violation;
- 5           (3)     Require the parent or guardian of the child to withdraw the parent's  
6 or guardian's consent to the child's license to drive, and advise the Motor Vehicle  
7 Administration of the withdrawal of consent; or
- 8           (4)     Forward the citation to the State's Attorney.
- 9     (m)     The intake officer shall forward the citation, other than a citation  
10 authorized under Article 27, [§ 405A] § 406 of the Code, to the State's Attorney if:
- 11           (1)     The parent or guardian of the child refuses to withdraw consent to  
12 the child's license to drive;
- 13           (2)     The child fails to comply with an alcohol education or rehabilitation  
14 program referral; or
- 15           (3)     The child fails to comply with a supervised work program  
16 assignment.
- 17     (n)     If the intake officer receives a citation authorized under Article 27, [§  
18 405A] § 406 of the Code, the intake officer may:
- 19           (1)     Refer the child to a smoking cessation clinic, or other suitable  
20 presentation of the hazards associated with tobacco use;
- 21           (2)     Assign the child to a supervised work program for not more than 20  
22 hours for the first violation and not more than 40 hours for a second or subsequent  
23 violation; or
- 24           (3)     Forward the citation to the State's Attorney.
- 25     (o)     The intake officer shall forward the citation authorized under Article 27,  
26 [§ 405A] § 406 of the Code to the State's Attorney if the child fails to comply with a  
27 smoking program referral or a supervised work program assignment described under  
28 subsection (n) of this section.

29 DRAFTER'S NOTE:

- 30     Error: Obsolete cross-references in § 3-810(l), (m), (n), and (o) of the  
31     Courts Article.
- 32     Occurred: As a result of Ch. 14, § 7, Acts of 1997.

1 3-820.

2 (d) (3) (i) The provisions of paragraphs (1) and (2) of this subsection do  
3 not apply to a child found to have committed a violation under Article 27, [§ 405A] §  
4 406 of the Code.

5 (ii) In making a disposition on a finding that the child has  
6 committed a violation under Article 27, [§ 405A] § 406 of the Code, the court may:

7 1. Counsel the child or the parent or both, or order the child  
8 to participate in a smoking cessation clinic, or other suitable presentation of the  
9 hazards associated with tobacco use that is in the best interest of the child;

10 2. Impose a civil fine of not more than \$25 for the first  
11 violation and a civil fine of not more than \$100 for a second or subsequent violation;  
12 or

13 3. Order the child to participate in a supervised work  
14 program for not more than 20 hours for the first violation and not more than 40 hours  
15 for a second or subsequent violation.

16 DRAFTER'S NOTE:

17 Error: Obsolete cross-references in § 3-820(d)(3)(i) and (ii) of the Courts  
18 Article.

19 Occurred: As a result of Ch. 14, § 7, Acts of 1997.

20 3-826.1.

21 (g) (2) The local department shall give at least 7 [day's] DAYS' notice, if  
22 practicable, before any hearing conducted under this section to the child's foster  
23 parent, a preadoptive parent, relative providing care for the child, or an attorney for  
24 a foster parent, preadoptive parent, or relative providing care for the child.

25 DRAFTER'S NOTE:

26 Error: Grammatical error in § 3-826.1(g)(2) of the Courts Article.

27 Occurred: Ch. 570, Acts of 1999.

28 3-835.

29 (a) A law enforcement officer authorized to make arrests shall issue a citation  
30 to a child if the officer has probable cause to believe that the child is violating:

31 (1) Article 27, § 400, § 400A, § 400B, § 401, or [§ 405A] § 406 of the Code;  
32 or

33 DRAFTER'S NOTE:

1 Error: Obsolete cross-reference in § 3-835(a)(1) of the Courts Article.

2 Occurred: As a result of Ch. 14, § 7, Acts of 1997.

3 4-401.

4 Except as provided in § 4-402 of this subtitle, and subject to the venue  
5 provisions of Title 6 of this article, the District Court has exclusive original civil  
6 jurisdiction in:

7 (10) A proceeding for adjudication of:

8 (i) A municipal infraction as defined in Article 23A, § 3(b)(1) of the  
9 Code;

10 (ii) A Commission infraction as defined in Article 28, § 5-113 of the  
11 Code;

12 (iii) A WSSC infraction as defined in Article 29, § 18-104.1 of the  
13 Code, concerning rules and regulations governing publicly owned watershed property;

14 (iv) A WSSC infraction as defined in Article 29, § 18-104.2 of the  
15 Code, concerning WSSC regulations governing:

16 1. Erosion and sediment control for utility construction; and

17 2. Plumbing, [gasfitting] GAS FITTING, and sewer cleaning;

18 (v) A zoning violation for which a civil penalty has been provided  
19 pursuant to Article 66B, § 7.01 or Article 28, § 8-120(c) of the Code;

20 (vi) A violation of an ordinance enacted:

21 1. By a charter county for which a civil penalty is provided  
22 under Article 25A, § 5(A) of the Code; or

23 2. By the Mayor and City Council of Baltimore for which a  
24 civil penalty is provided by ordinance;

25 (vii) A citation for a Code violation issued under Article 27, § 403 of  
26 the Code;

27 (viii) A civil infraction relating to a violation of the Fair Election  
28 Practices Act of the election laws as provided under Article 33, § 13-604 of the Code;

29 (ix) A violation of an ordinance or regulation enacted by a county  
30 without home rule, under authority granted under Article 25 of the Code, or any  
31 provision of the Code of Public Local Laws for that county, for which a civil penalty is  
32 provided;

1 (x) A civil infraction that is authorized by law to be prosecuted by a  
2 sanitary commission; or

3 (xi) A subdivision violation for which a civil penalty has been  
4 provided in accordance with Article 66B, § 5.05(d) of the Code;

5 DRAFTER'S NOTE:

6 Error: Incorrect word usage in § 4-401(10)(iv)2 of the Courts Article.

7 Occurred: Ch. 505, Acts of 1987.

8 5-522.

9 (a) Immunity of the State is not waived under § 12-104 of the State  
10 Government Article for:

11 (5) A claim by an individual arising from a single incident or occurrence  
12 that exceeds [\$100,000] \$200,000; or

13 DRAFTER'S NOTE:

14 Error: Erroneous monetary amount in § 5-522(a)(5) of the Courts Article.

15 Occurred: As a result of Ch. 639, Acts of 1999.

16 5-527.

17 (e) This section does not apply to a claim for workers' compensation benefits.

18 DRAFTER'S NOTE:

19 Error: Grammatical error in § 5-527(e) of the Courts Article.

20 Occurred: Chs. 533 and 534, Acts of 1999. Correction by the publisher of  
21 the Annotated Code in the 1999 Supplement of the Courts Article is  
22 validated by this Act.

23 5-606.

24 (a) (4) "Health care provider" has the same meaning stated in § 3-2A-01 of  
25 the [Courts Article] THIS ARTICLE.

26 DRAFTER'S NOTE:

27 Error: Stylistic error in § 5-606(a)(4) of the Courts Article.

28 Occurred: Ch. 576, Acts of 1994.

29 10-104.

30 (b) (1) The provisions of this section apply only to a claim for:

- 1 (i) Damages for personal injury;
- 2 (ii) Medical, hospital, or disability benefits under §§ 19-505 and  
3 19-506 of the Insurance Article;
- 4 (iii) First party motor vehicle [medical payments] BENEFITS under  
5 §§ 19-509 and 19-510 of the Insurance Article; and
- 6 (iv) First party health insurance benefits.

7 DRAFTER'S NOTE:

8 Error: Incorrect word usage in § 10-104(b)(1)(iii) of the Courts Article.

9 Occurred: Ch. 554, Acts of 1996.

10 10-205.

11 (b) Records, reports, statements, notes, or information assembled or obtained  
12 by the State Department of Health and Mental Hygiene, the Maryland Commission to  
13 Study Problems of Drug Addiction, the Medical and Chirurgical Faculty or its allied  
14 medical societies, the Maryland Institute for Emergency Medical Services Systems,  
15 an in-hospital staff committee, or a national organized medical society or research  
16 group that are declared confidential by § 4-102 of the Health - General Article or [§  
17 14-602] § 14-503 of the Health Occupations Article, are not admissible in evidence in  
18 any proceeding.

19 DRAFTER'S NOTE:

20 Error: Incorrect cross-reference in § 10-205(b) of the Courts Article.

21 Occurred: As a result of Ch. 6, § 11, Acts of 1990.

22 11-108.

23 (a) (1) In this section[:] THE FOLLOWING WORDS HAVE THE MEANINGS  
24 INDICATED.

25 [(1)] (2) (I) "Noneconomic damages" means:

26 [(i)] 1. In an action for personal injury, pain, suffering,  
27 inconvenience, physical impairment, disfigurement, loss of consortium, or other  
28 nonpecuniary injury; and

29 [(ii)] 2. In an action for wrongful death, mental anguish,  
30 emotional pain and suffering, loss of society, companionship, comfort, protection, care,  
31 marital care, parental care, filial care, attention, advice, counsel, training, guidance,  
32 or education, or other noneconomic damages authorized under Title 3, Subtitle 9 of  
33 this [article; and] ARTICLE.

1 [(2)] (II) "Noneconomic damages" does not include punitive  
2 damages.

3 (3) "Primary claimant" means A CLAIMANT IN AN ACTION FOR THE  
4 DEATH OF a person described under § 3-904(d) of this article.

5 (4) "Secondary claimant" means A CLAIMANT IN AN ACTION FOR THE  
6 DEATH OF a person described under [§ 3-904(e)] § 3-904(B) of this article.

7 DRAFTER'S NOTE:

8 Error: Numbering error, omitted words, and incorrect cross-reference in  
9 § 11-108(a) of the Courts Article.

10 Occurred: Ch. 318, Acts of 1997.

11 **Article - Education**

12 3-109.

13 (e) There is a School Shared Space Council in Baltimore County consisting of  
14 12 employees of the County appointed by the County Executive for a term  
15 coterminous with that of the Board as follows:

16 (1) Two from the staff of the County Board of Education;

17 (2) Two from the County Executive's administrative staff, one of whom  
18 shall be the Director of Central Services;

19 (3) One from the Department of Social Services;

20 (4) One from the Department of Recreation and Parks;

21 (5) One from the Department of Aging;

22 (6) One from the Health Department;

23 (7) One from the County community colleges, subject to the following  
24 conditions:

25 (i) Representation shall be determined on a rotating basis by  
26 alphabetical order by community college name; and

27 (ii) Each such member shall serve for 1 year;

28 (8) One from the Department of Juvenile Justice;

29 (9) One from the County public libraries; AND

30 (10) One from the Department of Planning.

## 1 DRAFTER'S NOTE:

2 Error: Omitted conjunction in § 3-109(e)(9) of the Education Article.

3 Occurred: Ch. 316, Acts of 1979.

4 3-501.

5 (a) The Charles County Board consists of:

6 (1) Seven voting members; AND

7 (2) One nonvoting student member.

## 8 DRAFTER'S NOTE:

9 Error: Omitted conjunction in § 3-501(a)(1) of the Education Article.

10 Occurred: Ch. 84, Acts of 1994.

11 3-601.

12 (f) (4) (i) The Garrett County Association of Student Councils shall  
13 propose procedures governing the selection of candidates for the student member's  
14 position.

15 (ii) The procedures proposed under this paragraph are subject to  
16 the approval [by] OF the elected members of the Board.

17 (iii) The procedures adopted under this paragraph shall provide for  
18 the selection of up to four candidates, selected by the Garrett County Association of  
19 Student Councils by secret ballot, for the position of student member. The names of  
20 the candidates shall be forwarded to the elected members of the County Board for  
21 final selection of the student member and of an alternate.

## 22 DRAFTER'S NOTE:

23 Error: Incorrect word usage in § 3-601(f)(4)(ii) of the Education Article.

24 Occurred: Ch. 26, Acts of 1996.

25 3-901.

26 (a) (1) In this subtitle[,] the following words have the meanings  
27 [indicated:] INDICATED.

28 [(1)] (2) "Elected member" means 1 of the 7 elected and voting members  
29 of the Montgomery County Board or a member appointed to fill a vacancy of 1 of these  
30 7 members.

1            [(2)]    (3)        "Board of Education District" means a geographic area of  
2 Montgomery County in which an elected member of the Montgomery County Board of  
3 Education must be a legal resident. The geographic area of each district is described  
4 in subsection (f) of this section. Each district shall be substantially equal in  
5 population, and the districts shall be reapportioned on the basis of each decennial  
6 census of the United States. Reapportioned districts shall become effective for the  
7 term of office commencing after the first regular primary election held at least 15  
8 months after the official report on population is received by the State from the  
9 Bureau of the Census.

10 DRAFTER'S NOTE:

11        Error: Incorrect punctuation and stylistic errors in § 3-901(a) of the  
12        Education Article.

13        Occurred: Ch. 660, Acts of 1985.

14 3-1005.

15        (c)        The term of the members appointed pursuant to subsection (b)(2), [(3)  
16 and] (3), AND (4) shall be 3 years. All other members shall serve for a term of 2 years.  
17 Any vacancy on the Council shall be filled in the same manner as the original  
18 appointment.

19 DRAFTER'S NOTE:

20        Error: Omitted comma in § 3-1005(c) of the Education Article.

21        Occurred: Ch. 477, Acts of 1980.

22 4-121.

23        (a)        (1)        In this [section,] SECTION the following words have the meanings  
24 indicated.

25 DRAFTER'S NOTE:

26        Error: Extraneous comma in § 4-121(a)(1) of the Education Article.

27        Occurred: Ch. 22, Acts of 1978.

28 4-122.

29        (a)        (1)        In this [section,] SECTION the following words shall have the  
30 meanings indicated.

31 DRAFTER'S NOTE:

32        Error: Extraneous comma in § 4-122(a)(1) of the Education Article.

33        Occurred: Ch. 123, Acts of 1986.

1 5-202.

2 (g) (1) The [governing body for] Montgomery County BOARD shall  
 3 [appropriate] PROVIDE from the Montgomery County Public Schools Employees'  
 4 Pension System Trust [to the school operating budget an amount to fund] the  
 5 supplemental retirement allowance required under paragraph (2) of this subsection.

6 (2) (i) The [County governing body] MONTGOMERY COUNTY BOARD,  
 7 THROUGH THE MONTGOMERY COUNTY PUBLIC SCHOOLS EMPLOYEES' PENSION  
 8 SYSTEM TRUST, shall pay a supplemental retirement allowance to an employee of the  
 9 County Board who retires on or after July 1, 1999, as a member of the Teachers'  
 10 Pension System of the State of Maryland.

11 (ii) The supplemental retirement allowance shall equal the product  
 12 of the member's years of creditable service earned in the Montgomery County public  
 13 schools employees' pension system times the sum of:

14 1. 0.08% of the retiree's average final compensation that does  
 15 not exceed the Social Security integration level; and

16 2. 0.15% of the retiree's average final compensation that  
 17 exceeds the Social Security integration level.

18 DRAFTER'S NOTE:

19 Error: Incorrect references to county entity in § 5-202(g) of the Education  
 20 Article and technical errors noted in a bill review letter by the Attorney  
 21 General dated May 21, 1999.

22 Occurred: Ch. 632, Acts of 1999.

23 5-212.

24 (e) (2) The plan shall describe the local education agency's intended use of  
 25 funding from Maryland Learning Success Program grants, federal class size  
 26 reduction initiative grants provided in Public Law 105-277, and any other federal  
 27 funds provided specifically for the purpose of adding teachers.

28 DRAFTER'S NOTE:

29 Error: Omitted comma in § 5-212(e)(2) of the Education Article.

30 Occurred: Chs. 513 and 514, Acts of 1999. Correction by the publisher of  
 31 the Annotated Code in the 1999 Replacement Volume of the Education  
 32 Article is validated by this Act.

33 (f) Except as provided in paragraph (5) of this subsection, in fiscal year 2001  
 34 and each succeeding fiscal year, the State Superintendent shall evaluate each plan  
 35 and the local education agency's progress in achieving the goals of this section and  
 36 award to each local education agency a grant that does not exceed the maximum

1 Maryland Learning Success Program grant. The State Superintendent may grant an  
2 award which is less than the maximum Maryland Learning Success Program grant:

3           (1)       If the local education agency's Maryland Learning Success Program  
4 plan does not require the full amount of the maximum Maryland Learning Success  
5 Program grant;

6           (2)       If in the judgment of the State Superintendent, the local education  
7 agency's Maryland Learning Success Program plan will not effectively maximize the  
8 educational results of reduced class sizes;

9           (3)       If in the State Superintendent's judgment, the local education  
10 agency's implementation of the Maryland Learning Success Program grants, federal  
11 class size reduction initiative grants provided under Public Law 105-277, and any  
12 other federal funds provided specifically for the purpose of adding teachers has not  
13 been expended efficiently, effectively, and in accordance with the local education  
14 agency's Maryland Learning Success Program plan;

15           (4)       If the local education agency's Maryland Learning Success Program  
16 plan or Maryland Learning Success Program report do not meet the criteria set forth  
17 in this section and in any guidelines or regulations established pursuant to this  
18 section; or

19           (5)       For fiscal years 2001 and 2002, in local education agencies where the  
20 number of provisionally certified teachers exceeds 2 percent of the total number of  
21 teachers, if, in the judgment of the State Superintendent, the plan does not provide an  
22 effective strategy for reducing the number of provisionally certified teachers to 2  
23 percent of the total number of teachers.

24 DRAFTER'S NOTE:

25       Error: Omitted words in § 5-212(f) of the Education Article.

26       Occurred: Chs. 513 and 514, Acts of 1999. Correction by the publisher of  
27 the Annotated Code in the 1999 Replacement Volume of the Education  
28 Article is validated by this Act.

29 5-301.

30       (g)       The rules, regulations, and procedures of the Board of Public Works  
31 adopted under this section and their promulgation are exempt from §§ 10-101  
32 through [10-405] 10-305 of the State Government Article and § 8-127(b) of the State  
33 Finance and Procurement Article of the Code.

34 DRAFTER'S NOTE:

35       Error: Obsolete cross-reference in § 5-301(g) of the Education Article.

36       Occurred: As a result of Ch. 59, Acts of 1993.

1 5-401.

2 (a) (2) In order to effect demonstrated improvements in classroom  
3 instruction and student performance, it is also State policy that expenditure of  
4 increases in State public education aid in basic current expense, as provided under §  
5 5-202(b) OF THIS TITLE, and in compensatory education funds, as provided under §  
6 5-202(e) OF THIS TITLE, shall be limited to the following classifications:

7 (i) Salary enhancement expenditures for existing instructional  
8 positions;

9 (ii) Salary expenditures for new positions which are designed to  
10 reduce class size or reinstate or add or enhance special programs, such as art, music,  
11 resource personnel, student guidance, and gifted and talented programs;

12 (iii) Instructional materials, supplies, and equipment;

13 (iv) A classroom teacher award program, subject to the provisions of  
14 Title 6, Subtitle 4, of this article;

15 (v) A master teacher or career ladder program or any other  
16 appropriate teacher incentive pay program subject to the provisions of Title 6,  
17 Subtitle 4, of this article;

18 (vi) Teacher training and retraining, particularly in areas of critical  
19 need, such as, mathematics and science; or

20 (vii) Expansion of programs for children with educational  
21 deficiencies.

22 DRAFTER'S NOTE:

23 Error: Stylistic errors in § 5-401(a)(2) of the Education Article.

24 Occurred: Ch. 85, Acts of 1984.

25 5-402.

26 The State Board shall:

27 (3) Require:

28 (i) That the annual accountability plan and report shall relate to  
29 the use of:

30 1. Any State share of basic current expense as provided  
31 under § 5-202(b) OF THIS TITLE, which is in excess of the fiscal year 1984 State share  
32 of basic current expenses; and

33 2. Any compensatory aid as provided under § 5-202(e) OF  
34 THIS TITLE, except for dedicated compensatory funds, AND 50 percent of funds

1 received in fiscal year 1984 under targeted aid, § 5-202(e)[, and the difference  
2 between the funds received in fiscal year 1985 and the current fiscal year under  
3 density aid, § 5-202(c)] of this title; and

4 (ii) That the annual accountability report shall also relate to the  
5 expenditure for the current fiscal year and 2 preceding fiscal years for the public  
6 education categories provided under § 5-101(b) of this title, including salaries and  
7 wages for net new positions and the expenditures for salaries and wages for existing  
8 positions.

9 DRAFTER'S NOTE:

10 Error: Stylistic errors in § 5-402(3)(i)1 and 2; obsolete language and  
11 cross-reference in § 5-402(3)(i)2 of the Education Article.

12 Occurred: As a result of Ch. 1, Acts of the First Special Session of 1992.

13 6-303.

14 (b) (2) The State Director of the Correctional Education Association shall  
15 recommend to the Secretary of Budget and Management individuals to serve as the  
16 institutional educator members of the Advisory Committee. The Secretary shall take  
17 these recommendations into consideration, but may appoint any individual who is an  
18 institutional educator under [subsection (a) of] § 6-302(A) OF THIS SUBTITLE.

19 DRAFTER'S NOTE:

20 Error: Stylistic error in § 6-303(b)(2) of the Education Article.

21 Occurred: Ch. 66, Acts of 1998.

22 6-306.

23 (e) The Department shall act as fiscal agent for funds [dispersed] DISBURSED  
24 under this section.

25 DRAFTER'S NOTE:

26 Error: Incorrect word usage in § 6-306(e) of the Education Article.

27 Occurred: Ch. 600, Acts of 1999.

28 6-407.

29 (e) In Garrett County:

30 (1) A public school employee who is not a member of the employee  
31 organization designated as the exclusive representative for the public school  
32 employees in a unit at the time that a negotiated service or representation fee is  
33 initiated is exempt from the fee provided under subsection (d) of this section; and

1           (2)     An individual who becomes a public school employee after the time  
2 that a negotiated service or [representative] REPRESENTATION fee is initiated and  
3 does not join the employee organization designated as the exclusive representative is  
4 liable for the fee provided under subsection (d) of this section.

5 DRAFTER'S NOTE:

6     Error: Incorrect word usage in § 6-407(e)(2) of the Education Article.

7     Occurred: Ch. 305, Acts of 1991.

8 7-206.

9     (a)     An individual may obtain a high school diploma by examination as  
10 provided in this section if [he] THE INDIVIDUAL:

11           (1)     Has not obtained a high school certificate or diploma;

12           (2)     Has resided in this State or on a federal reservation in this State for  
13 at least 3 months, except that the State Board may waive this residence requirement  
14 if it considers the waiver justified;

15           (3)     Is 16 years old or older; and

16           (4)     Has withdrawn from a regular full-time public or private school  
17 program for at least 3 months, EXCEPT THAT THE STATE BOARD MAY WAIVE THE  
18 3-MONTH WITHDRAWAL REQUIREMENT IF THE STATE BOARD CONSIDERS THE  
19 WAIVER JUSTIFIED.

20 DRAFTER'S NOTE:

21     Error: Stylistic error in § 7-206(a) of the Education Article; omitted  
22 language in § 7-206(a)(4) of the Education Article.

23     Occurred: As a result of Ch. 117, Acts of 1997. Ch. 117, Acts of 1997,  
24 while intending to permanently broaden the waiver provision under §  
25 7-206(a)(4) of the Education Article (originally enacted by Ch. 404, Acts of  
26 1994), inadvertently failed to consider that the waiver provision was  
27 subject to termination under the terms of Ch. 404, Acts of 1994.  
28 Notwithstanding the intent of Ch. 117, Acts of 1997, the publisher of the  
29 Annotated Code deleted the waiver provision in accordance with the terms  
30 of the prior enactment, Ch. 404, Acts of 1994. Correction suggested in  
31 memorandum of Asst. Attorney General Robert Zarnoch, Counsel to the  
32 General Assembly.

33 12-106.

34     (c)     Except as provided in subsection (d) of this section, with respect to each  
35 institution under its jurisdiction, and subject to the provisions of Title 11 of this  
36 article, in consultation with the Chancellor, the Board shall:

- 1           (1)     Review and approve before implementation each proposal for:  
2                   (i)     Any new program; and  
3                   (ii)    Any substantial expansion, curtailment, or discontinuance of  
4 any existing program;
- 5           (2)     Review existing programs and make necessary determinations for  
6 the continuation or modification, or the elimination of unreasonable duplication, in  
7 existing programs;
- 8           (3)     Prescribe minimum admission standards;
- 9           (4)     Establish general guidelines for tuition and fees;
- 10          (5)     Establish and implement:
- 11                   (i)     Procedures for transfer of student and faculty between  
12 constituent institutions;
- 13                   (ii)    Cooperative programs among the constituent and other  
14 institutions to assure appropriate flexibility in the University System of Maryland;  
15 and
- 16                   (iii)   Standards for the reciprocal acceptance of credits; and
- 17          (6)     (i)     Review annually the long-range and short-range plans, goals,  
18 and objectives of each constituent institution for consistency with the objectives and  
19 priorities of the Board;
- 20                   (ii)    Monitor the progress of each constituent institution toward  
21 approved goals and objectives; and
- 22                   (iii)   Hold the president accountable for progress toward the goals  
23 and objectives.

24 DRAFTER'S NOTE:

25     Error: Extraneous internal reference in § 12-106(c) of the Education  
26     Article.

27     Occurred: Ch. 515, Acts of 1999. Correction by the publisher of the  
28     Annotated Code in the 1999 Replacement Volume of the Education Article  
29     is validated by this Act.

30 13-205.

31     (a)     Within 5 days from the date on which the employee receives the charges  
32 for removal as evidenced by the return receipt or other evidence of delivery of the  
33 charges to the employee an employee who is suspended under charges for removal  
34 may request an opportunity to be heard in his own defense. Within 30 days if possible

1 after receipt, the president or the president's designated representative shall  
2 investigate the charges and give the employee an opportunity to be heard. Testimony  
3 shall be taken under oath and both the department head or chairman or designee and  
4 the employee [has] HAVE the right of representation by counsel and the right to  
5 present witnesses and give evidence. Within 15 days following the conclusion of the  
6 conference, the written decision shall be rendered to the employee. In the case of  
7 appeals from charges pending removal, the department head or chairman or designee  
8 may request through appropriate channels the Attorney General's representative to  
9 the University to serve as counsel. In case no hearing is timely requested, the  
10 Campus Director of Personnel shall act upon the charges or order such other actions  
11 as are indicated by the findings in the case. If a hearing is timely requested and the  
12 removal is upheld, step three of the grievance procedure shall be available to the  
13 removed individual. The appeal shall be submitted within 10 days after receipt of the  
14 written University decision.

15 DRAFTER'S NOTE:

16 Error: Grammatical error in § 13-205(a) of the Education Article.

17 Occurred: Ch. 723, Acts of 1978.

18 13-516.

19 (m) (3) The EMS Board may not delegate its authority to promulgate and  
20 revise regulations, hear contested cases, or designate the provider review panel to the  
21 Executive Director [or] OF the Institute.

22 DRAFTER'S NOTE:

23 Error: Incorrect word usage in § 13-516(m)(3) of the Education Article.

24 Occurred: Ch. 201, Acts of 1997.

25 13-517.

26 (f) (3) This subsection does not limit the right of an individual to:

27 (i) Practice a health occupation that the individual is licensed,  
28 certified, or otherwise authorized to practice under the Health Occupations Article;

29 (ii) Provide emergency medical services under § 13-516 of [the  
30 Education Article] THIS ARTICLE; or

31 (iii) Operate an automated external defibrillator that is obtained by  
32 a prescription to a known patient issued by a physician licensed to practice medicine  
33 under Title 14 of the Health Occupations Article if the individual has successfully  
34 completed an educational course and refresher training as required by the EMS  
35 Board or the prescribing physician.

36 DRAFTER'S NOTE:

1 Error: Stylistic error in § 13-517(f)(3)(ii) of the Education Article.

2 Occurred: Ch. 167, Acts of 1999.

3 15-101.

4 (b) (2) This subsection does not affect the State or local share of aid provided  
5 pursuant to § 5-202 of [the Education Article] THIS ARTICLE to the secondary school  
6 in which the student is enrolled.

7 DRAFTER'S NOTE:

8 Error: Stylistic error in § 15-101(b)(2) of the Education Article.

9 Occurred: Ch. 369, Acts of 1980.

10 16-412.

11 (d) (3) There shall be on the ballot:

12 (i) The name or names of the employee organization submitting  
13 the valid petition;

14 (ii) The name of any other employee organization or organizations  
15 designated on a valid petition signed by more than 10 percent of the employees in the  
16 appropriate bargaining unit; AND

17 (iii) A provision for "no representation".

18 DRAFTER'S NOTE:

19 Error: Omitted conjunction in § 16-412(d)(3)(ii) of the Education Article.

20 Occurred: Ch. 1015, Acts of 1978.

21 16-507.

22 (d) (3) The unexpended or unencumbered balances of the College's revenues:

23 (i) Shall be reported to the Comptroller and to the Secretary at the  
24 end of the fiscal year for which the appropriation was made;

25 (ii) Do not revert to the [general treasury of the State] STATE  
26 TREASURY at the end of each fiscal year; and

27 (iii) Shall be available for expenditure through an appropriation  
28 contained in the budget bill or through an approved budget amendment.

29 DRAFTER'S NOTE:

30 Error: Misnomer in § 16-507(d)(3)(ii) of the Education Article.

1 Occurred: Ch. 220, Acts of 1990.

2 17-301.

3 (c) "Eligible institution" means:

4 (1) Each public senior higher education institution identified in §  
5 10-101(j) or § 12-101(4) of this article or its affiliated foundation; and

6 (2) The following community college campuses or their affiliated  
7 foundations:

- 8 (i) Allegany;
- 9 (ii) Anne Arundel;
- 10 (iii) Baltimore City;
- 11 (iv) Calvert;
- 12 (v) Carroll;
- 13 (vi) Catonsville;
- 14 (vii) Cecil;
- 15 (viii) Charles;
- 16 (ix) Chesapeake;
- 17 (x) Dundalk;
- 18 (xi) Essex;
- 19 (xii) Frederick;
- 20 (xiii) Garrett;
- 21 (xiv) Germantown;
- 22 (xv) Hagerstown;
- 23 (xvi) Harford;
- 24 (xvii) Howard;
- 25 (xviii) Prince George's;
- 26 (xix) Rockville;
- 27 (xx) St. Mary's;

1 (xxi) Takoma Park; and

2 (xxii) Wor-Wic.

3 DRAFTER'S NOTE:

4 Error: Stylistic error in § 17-301(c) of the Education Article.

5 Occurred: Ch. 515, Acts of 1999. Correction by the publisher of the  
6 Annotated Code in the 1999 Replacement Volume of the Education Article  
7 is validated by this Act.

8 18-701.

9 (i) Funds for the Economic Development Student Assistance [Grant] GRANTS  
10 Program shall be as provided in the annual budget of the Commission by the  
11 Governor.

12 DRAFTER'S NOTE:

13 Error: Incorrect word usage in § 18-701(i) of the Education Article.

14 Occurred: Ch. 462, Acts of 1991.

15 18-2002.

16 (a) There is a program of Maryland Science and Technology Scholarships in  
17 this State that are awarded under this subtitle. The Administration shall annually  
18 select secondary school students who have the greatest potential for academic success  
19 in higher education and offer a scholarship to each student to be used at a Maryland  
20 higher education institution of [their] THE STUDENT'S choice, if the recipient meets  
21 the following qualifications:

22 (1) Qualifies academically as follows:

23 (i) Has a secondary school transcript indicating an overall  
24 academic grade point average of at least 3.0 on a 4.0 scale or its equivalent grade  
25 point average in core curriculum courses after completion of the first semester of the  
26 senior year;

27 (ii) Intends to enroll as a full-time student in an academic program  
28 as designated by the Maryland Higher Education Commission; and

29 (iii) Has graduated from a secondary school;

30 (2) Is a Maryland resident and was a Maryland resident at the time of  
31 graduating from secondary school;

32 (3) Is accepted for admission in a regular undergraduate program at a  
33 Maryland higher education institution in the State;

1           (4)     Begins attending an eligible Maryland higher education institution  
2 within 2 years of completing high school or, failing to do so, provides evidence  
3 satisfactory to the State Scholarship Administration of extenuating circumstances;

4           (5)     Agrees to the conditions provided in subsection (c) of this section; and

5           (6)     Accepts any other conditions attached to the award and satisfies any  
6 additional criteria the Commission may establish.

7 DRAFTER'S NOTE:

8     Error: Grammatical error in the introductory language of § 18-2002(a) of  
9     the Education Article.

10    Occurred: Chs. 566 and 567, Acts of 1998.

11 18-2203.

12    (c)     A recipient of the Maryland Teacher Scholarship may not:

13           (1)     Be currently enrolled in an eligible institution;

14           (2)     Be a college graduate; [and] OR

15           (3)     Hold a Maryland professional teacher's certificate.

16 DRAFTER'S NOTE:

17    Error: Incorrect conjunction in § 18-2203(c)(2) of the Education Article.

18    Occurred: Chs. 704 and 705, Acts of 1999.

19 18-2206.

20    (a)     Except as provided in subsection (b) of this section, each recipient of a  
21 Maryland teacher scholarship may renew the award three times if the recipient:

22           (1)     Continues to be a resident of the State;

23           (2)     Continues to be a full-time student at an eligible institution and  
24 takes at least 12 semester hours of courses each semester or its equivalent as  
25 determined by the Administration;

26           (3)     Has achieved a cumulative grade point average of at least 3.0 on a 4.0  
27 scale and maintains this minimum cumulative grade point average throughout the  
28 remainder of this award, or failing to do so, provides evidence of extenuating  
29 circumstances;

30           (4)     In the judgment of the institution, is making satisfactory progress  
31 toward a degree; and

1 (5) Maintains the standards of the institution.

2 (b) (1) Each recipient of a Maryland teacher scholarship who is enrolled in  
3 an associate degree program as permitted in this subtitle may renew the award two  
4 times if the recipient is enrolled in an associate degree program that, as determined  
5 by the institution, requires 3 years to complete.

6 (2) Each recipient of the Maryland teacher scholarship may renew the  
7 annual award four times if the recipient is enrolled in a course of study that, as  
8 determined by the institution, requires 5 years to complete.

9 DRAFTER'S NOTE:

10 Error: Stylistic error in § 18-2206 of the Education Article.

11 Occurred: Chs. 704 and 705, Acts of 1999. Correction by the publisher of  
12 the Annotated Code in the 1999 Replacement Volume of the Education  
13 Article is validated by this Act.

14 18-2210.

15 The State Scholarship Administration shall publicize the availability of  
16 Maryland teacher scholarships.

17 DRAFTER'S NOTE:

18 Error: Incorrect word usage in § 18-2210 of the Education Article.

19 Occurred: Chs. 704 and 705, Acts of 1999. Correction by the publisher of  
20 the Annotated Code in the 1999 Replacement Volume of the Education  
21 Article is validated by this Act.

22 21-305.

23 (a) (4) "Transitioning student" means a student with a disability who is  
24 between the ages of 14 and 21 years who meets the eligibility criteria of the federal  
25 Individuals with Disabilities Education Act or § 7 of the [Federal] FEDERAL  
26 Rehabilitation Act.

27 DRAFTER'S NOTE:

28 Error: Capitalization error in § 21-305(a)(4) of the Education Article.

29 Occurred: Ch. 435, Acts of 1995.

30 23-105.

31 (b) The Division of Library Development and Services shall:

32 (1) Provide leadership and guidance for the planning and coordinated  
33 development of library and information service in this State;

- 1                   (2)     Develop statewide public and school library services and networks,  
2 resource centers, and other arrangements to meet the library and information needs  
3 of this State;
- 4                   (3)     Provide professional and technical advice on improving library  
5 services in this State to:
- 6                   (i)     Public and school library officials;
- 7                   (ii)    State government agencies; and
- 8                   (iii)  Any other person;
- 9                   (4)     (i)     Collect library statistics and other data;
- 10                   (ii)    Identify library needs and provide for needed research and  
11 studies of them; [and]
- 12                   (iii)  Publish and distribute findings in these areas; and
- 13                   (iv)   Coordinate library services with other information and  
14 education services and agencies;
- 15                   (5)     Administer federal and State funds appropriated to it by the State for  
16 library purposes;
- 17                   (6)     (i)     Develop and recommend professional standards and policies for  
18 libraries; and
- 19                   (ii)    Establish requirements and procedures for the certification of  
20 librarians and library personnel;
- 21                   (7)     Provide:
- 22                   (i)     Specialized library service to the blind and other physically  
23 handicapped individuals in this State; and
- 24                   (ii)    Other desirable specialized library services;
- 25                   (8)     Encourage, advise, and assist in establishing, operating, and  
26 coordinating libraries at State institutions and agencies and administer the operation  
27 of library and information services for the Department;
- 28                   (9)     Adopt guidelines for the administration of public libraries and  
29 recommend to the State Board rules and regulations to implement this title;
- 30                   (10)  Cooperate with national library agencies and those of any other state;  
31 and
- 32                   (11)  Perform any other duty necessary for its proper operation.

## 1 DRAFTER'S NOTE:

2 Error: Extraneous conjunction in § 23-105(b)(4)(ii) of the Education  
3 Article.

4 Occurred: Ch. 22, Acts of 1978.

5 24-510.

6 (e) (1) An employee of the Commission:

7 (i) Is subject to the rules and procedures of the personnel system  
8 established under § 14-408 of [the Education Article] THIS ARTICLE; and

9 (ii) Is entitled to participate in the health benefit plans, including  
10 medical, prescription, dental, mental health, substance abuse, and vision plans, term  
11 life and personal accident and dismemberment insurance plans, flexible spending  
12 accounts, and any other benefits established under § 14-408 of [the Education  
13 Article] THIS ARTICLE.

14 (2) (i) An employee of the Commission is entitled to participate in the  
15 employee pension plans authorized by and in accordance with § 14-408(c) of [the  
16 Education Article] THIS ARTICLE.

17 (ii) The Commission's obligation for retirement costs for  
18 Commission employees shall be computed, charged, and paid in accordance with §  
19 21-308(b)(1) and (c)(1) of the State Personnel and Pensions Article.

## 20 DRAFTER'S NOTE:

21 Error: Stylistic errors in § 24-510(e) of the Education Article.

22 Occurred: Ch. 583, Acts of 1997.

23 **Article - Environment**

24 1-607.

25 (a) (1) This subsection applies to applications for all licenses and permits  
26 issued, or required to be reissued, by the Department.

27 [(1)] (2) On or before January 1, 1998, and each year thereafter, in  
28 consultation with interested parties, the Department shall publish expected review  
29 times for each licensing and permitting program.

30 [(2)] (3) On or before January 1, 1998, for each licensing and permitting  
31 program, the Department shall offer assistance and information to persons which  
32 may include:

33 (i) Written lists of information and materials required with  
34 applications;

- 1 (ii) Written lists of common application questions and mistakes;  
2 (iii) Preapplication meetings with prospective applicant to address  
3 technical issues;  
4 (iv) Written receipts to the applicant upon submission of an  
5 application; and  
6 (v) The status of active applications.

7 DRAFTER'S NOTE:

8 Error: Incorrect numbering in § 1-607(a) of the Environment Article.

9 Occurred: Ch. 639, Acts of 1997.

10 2-901.

11 (b) A business entity may claim a tax credit in an amount equal to 50% of the  
12 cost of providing the following commuter benefits to the business entity's employees:

13 (1) If provided for the purpose of travel between the employee's residence  
14 and place of employment, any portion of the cost of transportation TO OR FROM A  
15 LOCATION IN THE STATE in a vehicle or an instrument that is used to offset any  
16 portion of the cost of transportation TO OR FROM A LOCATION IN THE STATE in a  
17 vehicle:

18 (i) With a seating capacity of at least eight adult individuals; and

19 (ii) At least 80% of the annual mileage of which is incurred:

20 1. For the purpose of transporting individuals between their  
21 residences and their places of employment; and

22 2. On trips where the number of employees transported  
23 together is at least one-half of that vehicle's adult seating capacity; or

24 (2) An instrument that:

25 (i) Entitles an individual, at no additional cost or at a reduced fare,  
26 to transportation TO OR FROM A LOCATION IN THE STATE on a publicly or privately  
27 owned mass transit system other than a taxi service; or

28 (ii) Is redeemable at a transit pass sales outlet for the purpose  
29 stated in item (2)(i) of this subsection.

30 DRAFTER'S NOTE:

31 Error: Omitted phrase in § 2-901(b)(1) and (2)(i) of the Environment  
32 Article.

1 Occurred: Chs. 559 and 560, Acts of 1999.

2 13-506.

3 (d) The Board shall pay any penalty collected under this [subsection]  
4 SECTION into the General Fund of the State.

5 DRAFTER'S NOTE:

6 Error: Erroneous internal reference in § 13-506(d) of the Environment  
7 Article.

8 Occurred: Ch. 673, Acts of 1999.

9 **Article - Estates and Trusts**

10 3-111.

11 A surviving parent is not entitled under § 3-104 of this subtitle to a distribution  
12 of the net estate of a child of the parent if:

13 (1) (i) The parent is convicted under Article 27, § 35C, § 335, § 462, §  
14 463, § 464, § 464A, § 464B, or § 464C of the Code; or

15 (ii) The parent committed any act prohibited under Article 27, §  
16 35C, § 335, § 462, § 463, § 464, § 464A, § 464B, or § 464C of the Code;

17 (2) The other parent of the child is the victim of the crime or act  
18 described under item (1) of this [subsection] SECTION; and

19 (3) The other parent of the child is a child of the parent.

20 DRAFTER'S NOTE:

21 Error: Erroneous internal reference in § 3-111(2) of the Estates and  
22 Trusts Article.

23 Occurred: Ch. 685, Acts of 1999. Correction by the publisher of the  
24 Annotated Code in the 1999 Supplement of the Estates and Trust Article is  
25 ratified by this Act.

26 6-305.

27 (a) A personal representative may resign the personal representative's  
28 position by filing a written statement of resignation with the register after the  
29 personal representative has given at least 20 [days] DAYS' written notice to all  
30 interested persons of the personal representative's intention to resign.

31 DRAFTER'S NOTE:

32 Error: Grammatical error in § 6-305(a) of the Estates and Trusts Article.

1 Occurred: Ch. 11, Acts of 1974.

2 7-401.

3 (a) In the performance of his duties pursuant to § 7-101 OF THIS TITLE, a  
4 personal representative may exercise all of the power or authority conferred upon him  
5 by statute or in the will, without application to, the approval of, or ratification by the  
6 court. Except as validly limited by the will or by an order of court, a personal  
7 representative may, in addition to the power or authority contained in the will and to  
8 other common-law or statutory powers, exercise the powers enumerated in this  
9 section.

10 (i) He may pay the funeral expenses of the decedent in accordance with the  
11 procedures provided in § 8-106 OF THIS ARTICLE, including the cost of burial space  
12 and a tombstone or marker, and the cost of perpetual care.

13 DRAFTER'S NOTE:

14 Error: Incomplete cross-references in § 7-401(a) and (i) of the Estates  
15 and Trusts Article.

16 Occurred: Ch. 11, Acts of 1974.

17 13-214.

18 (c) (2) If the guardian is satisfied that the disability of the disabled person  
19 has ceased or if the court has found in a proceeding under § 13-221 OF THIS  
20 SUBTITLE that the disability has ceased, the guardian, after meeting all prior claims  
21 and expenses of administration, shall distribute the estate to the former disabled  
22 person as soon as possible. The distribution normally shall be in kind.

23 DRAFTER'S NOTE:

24 Error: Incomplete cross-reference in § 13-214(c)(2) of the Estates and  
25 Trusts Article.

26 Occurred: Ch. 11, Acts of 1974.

27 13-707.

28 (a) Persons are entitled to appointment as guardian of the person according to  
29 the following priorities:

30 (1) A person, agency, or corporation nominated by the disabled person if  
31 the disabled person was 16 years old or older when the disabled person signed the  
32 designation and, in the opinion of the court, the disabled person had sufficient mental  
33 capacity to make an intelligent choice at the time the disabled person executed the  
34 designation;

35 (2) A health care agent appointed by the disabled person in accordance  
36 with Title 5, Subtitle 6 of the Health - General Article;

- 1           (3)     The disabled person's spouse;
- 2           (4)     The disabled person's parents;
- 3           (5)     A person, agency, or corporation nominated by the will of a deceased  
4 parent;
- 5           (6)     The disabled person's children;
- 6           (7)     Adult persons who would be the disabled person's heirs if the  
7 disabled person were dead;
- 8           (8)     A person, agency, or corporation nominated by a person caring for the  
9 disabled person;
- 10          (9)     Any other person, agency, or corporation considered appropriate by  
11 the court; AND
- 12          (10)    For adults less than 65 years old, the director of the local department  
13 of social services or, for adults 65 years old or older, the Secretary of Aging or the  
14 director of the area agency on aging, except in those cases where the department of  
15 social services has been appointed guardian of the person prior to age 65. Directors of  
16 local departments of social services and area agencies on aging, upon appointment as  
17 guardian, may delegate responsibilities of guardianship to staff persons whose names  
18 and positions have been registered with the court.

19 DRAFTER'S NOTE:

20     Error: Omitted conjunction in § 13-707(a)(9) of the Estates and Trusts  
21     Article.

22     Occurred: Ch. 768, Acts of 1977.

23 15-102.

24     (o)     He may employ for reasonable compensation agents, attorneys, auditors,  
25 investment advisors or other persons with special skills, to advise or assist the  
26 fiduciary in the performance of his administrative duties, but no [attorneys']  
27 ATTORNEY'S fee in an amount exceeding \$50 shall be paid in a fiduciary estate  
28 administered under court jurisdiction unless the amount of the fee has been first  
29 approved by order of court.

30 DRAFTER'S NOTE:

31     Error: Grammatical error in § 15-102(o) of the Estates and Trusts  
32     Article.

33     Occurred: Ch. 11, Acts of 1974.

1

**Article - Family Law**

2 1-201.

3 (a) An equity court has jurisdiction over:

4 (1) adoption of a child, except for a child who is under the jurisdiction of  
5 any juvenile court and who previously has been adjudicated to be a child in need of  
6 assistance;

7 (2) alimony;

8 (3) annulment of a marriage;

9 (4) divorce;

10 (5) custody or guardianship of a child except for a child who is under the  
11 jurisdiction of any juvenile court [other than the juvenile court for Montgomery  
12 County] and who previously has been adjudicated to be a child in need of assistance;

13 (6) visitation of a child;

14 (7) legitimation of a child;

15 (8) paternity; and

16 (9) support of a child.

17 DRAFTER'S NOTE:

18 Error: Extraneous language in § 1-201(a)(5) of the Family Law Article.

19 Occurred: Ch. 14, Acts of 1997, as a result of Ch. 496, Acts of 1997. Ch. 14  
20 added language that was rendered superfluous as a result of the repeal, by  
21 Ch. 496, Acts of 1997, of corresponding language in § 1-201(a)(1) of the  
22 Family Law Article.

23 2-403.

24 (a) (2) A license shall contain:

25 (i) appropriate spaces in which the clerk shall enter:

26 1. the relationship of the parties to be married, if any;

27 2. as to each party, the name, age, state OR FOREIGN  
28 COUNTRY in which born, residence, and marital status (single, widowed, or divorced);  
29 and30 3. the Social Security number of each party who voluntarily  
31 discloses the number; and

- 1 (ii) a statement that the license is valid only:  
2 1. for 6 months from the effective date and time stated on the  
3 license; and  
4 2. in the county in which it is issued.

5 DRAFTER'S NOTE:

6 Error: Omitted language in § 2-403(a)(2)(i)2 of the Family Law Article.

7 Occurred: Ch. 336, Acts of 1999.

8 5-501.

9 (n) "Residential educational facility" means:

10 (1) a facility that:

11 (i) provides special education and related services for students  
12 with disabilities;

13 (ii) holds a certificate of approval issued by the State Board of  
14 Education; and

15 (iii) provides continuous 24-hour care and supportive services to  
16 children in a residential setting; or

17 (2) [is] one of the following schools:

18 (i) the Benedictine School;

19 (ii) the Linwood School;

20 (iii) the Maryland School for the Blind; [and] OR

21 (iv) the Maryland School for the Deaf.

22 DRAFTER'S NOTE:

23 Error: Grammatical error and incorrect conjunction in § 5-501(n)(2) of  
24 the Family Law Article.

25 Occurred: Chs. 539 and 540, Acts of 1999.

26 5-539.1.

27 (c) In consultation with local citizens review panels and the State Council on  
28 Child Abuse and Neglect, the State Board shall develop protocols that govern the  
29 scope of activities of local citizens review panels to reflect the provisions of the federal  
30 Child Abuse Prevention and Treatment Act (42 U.S.C. § 5101 et seq.).

## 1 DRAFTER'S NOTE:

2 Error: Extraneous period in § 5-539.1(c) of the Family Law Article.

3 Occurred: Ch. 356, Acts of 1999. Correction by the publisher of the  
4 Annotated Code in the 1999 Supplement of the Family Law Article is  
5 validated by this Act.

6 5-551.

7 (c) At a minimum, the rules and regulations shall provide for:

8 (9) a requirement that a person who advertises a family day care home  
9 or family day care service shall:

10 (i) indicate in the advertisement that the family day care home is  
11 registered; and

12 (ii) [shall] display in the advertisement the registration number  
13 issued to the family day care home or family day care service by the Department.

## 14 DRAFTER'S NOTE:

15 Error: Duplicative word in § 5-551(c)(9)(ii) of the Family Law Article.

16 Occurred: Ch. 456, Acts of 1988.

17 5-585.1.

18 (b) The Task Force shall be composed of:

19 (1) one member of the House of Delegates, appointed by the Speaker of  
20 the House;

21 (2) one member of the Senate of Maryland, appointed by the President of  
22 the Senate; and

23 (3) 21 members appointed by the Governor, as follows:

24 (i) one representative of the Governor's Office [of] FOR Children,  
25 Youth, and Families;

26 (ii) one representative of the Department of Health and Mental  
27 Hygiene;

28 (iii) one representative of the Department of Human Resources, who  
29 shall have the ability to evaluate the fiscal impact on the State budget and State  
30 programs of the recommendations of the Task Force;

31 (iv) one representative of the Child Care Administration;

- 1 (v) one representative of the Department of Business and Economic  
2 Development;
- 3 (vi) one representative from the Early Learning Section of the State  
4 Department of Education;
- 5 (vii) one representative of the Head Start Program;
- 6 (viii) one representative of the Maryland Committee for Children;
- 7 (ix) one representative of the Maryland Congress of Parents and  
8 Teachers, Incorporated;
- 9 (x) one representative of the Maryland Child Care Resource  
10 Network of the Maryland Commission for Children;
- 11 (xi) one representative of an independent child care provider;
- 12 (xii) one employed parent;
- 13 (xiii) one representative from a 4-year college;
- 14 (xiv) one representative from a 2-year college;
- 15 (xv) one prekindergarten teacher;
- 16 (xvi) one representative of a nonpublic cooperative school;
- 17 (xvii) one representative of the Department of Community Services of  
18 County Government;
- 19 (xviii) one representative of the Maryland Family Day Care  
20 Association;
- 21 (xix) one representative of the Maryland Child Care Association;
- 22 (xx) one representative of a local government that has completed a  
23 study of issues related to the compensation levels of employees of child care centers;  
24 and
- 25 (xxi) one representative of the Maryland Association for the  
26 Education of Young Children.

27 DRAFTER'S NOTE:

28 Error: Incorrect nomenclature in § 5-585.1(b)(3)(i) of the Family Law  
29 Article.

30 Occurred: Ch. 178, Acts of 1994.

1 5-704.

2 (a) [(1)] Notwithstanding any other provision of law, including any law on  
3 privileged communications, each health practitioner, police officer, [or educator]  
4 EDUCATOR, or human service worker, acting in a professional capacity[, who has  
5 reason to believe that a child has been subjected to]:

6 [(i)] (1) (I) WHO HAS REASON TO BELIEVE THAT A CHILD HAS  
7 BEEN SUBJECTED TO abuse, shall notify the local department or the appropriate law  
8 enforcement agency; or

9 (ii) WHO HAS REASON TO BELIEVE THAT A CHILD HAS BEEN  
10 SUBJECTED TO neglect, shall notify the local department; and

11 (2) if acting as a staff member of a hospital, public health agency, child  
12 care institution, juvenile detention center, school, or similar institution, SHALL  
13 immediately notify and give all information required by this section to the head of the  
14 institution or the designee of the head.

15 DRAFTER'S NOTE:

16 Error: Extraneous conjunction and stylistic and grammatical errors in §  
17 5-704(a) of the Family Law Article.

18 Occurred: Ch. 635, Acts of 1987.

19 5-1103.

20 (a) All proposals for funding received under this subtitle designed to address  
21 the prevention of child alcohol and drug abuse shall be reviewed by a selection  
22 committee composed of the following members:

23 (1) 2 persons designated by the Secretary of Health and Mental Hygiene,  
24 of which 1 person shall have prior experience in local community alcohol and drug  
25 abuse prevention programs;

26 (2) 2 persons designated by the State Superintendent of Schools, of  
27 which 1 person shall have prior experience in local community alcohol and drug abuse  
28 prevention programs;

29 [(3) the Chairman of the State Advisory Council on Alcohol and Drug  
30 Abuse, or a designee of the Chairman from the Council;] and

31 [(4)] (3) the Director of the Office for [Children and] CHILDREN, Youth,  
32 AND FAMILIES who shall serve as chairman of the committee.

33 DRAFTER'S NOTE:

34 Error: Obsolete reference in § 5-1103(a)(3) of the Family Law Article;  
35 incorrect nomenclature in § 5-1103(a)(4) of the Family Law Article.

1 Occurred: As a result of Ch. 5, Acts of 1997; as a result of Ch. 419, Acts of  
2 1990.

3 10-108.2.

4 (a) In this [section] SECTION, "financial institution" means:

5 (1) a depository institution, as defined in the Federal Deposit Insurance  
6 Act at 12 U.S.C. § 1813(c);

7 (2) a federal credit union or State credit union, as defined in the Federal  
8 Credit Union Act at 12 U.S.C. § 1752; or

9 (3) a benefit association, insurance company, safe deposit company,  
10 money-market mutual fund, or similar entity doing business in the State that holds  
11 property or maintains accounts reflecting property belonging to others.

12 DRAFTER'S NOTE:

13 Error: Omitted comma in § 10-108.2(a) of the Family Law Article.

14 Occurred: Ch. 609, Acts of 1997.

15 **Article - Financial Institutions**

16 1-403.

17 (d) (2) On notice of deficiency, a banking institution shall stop using the  
18 [electronic terminal] AUTOMATED TELLER MACHINE.

19 DRAFTER'S NOTE:

20 Error: Incorrect terminology in § 1-403(d)(2) of the Financial Institutions  
21 Article.

22 Occurred: Ch. 603, Acts of 1999.

23 1-405.

24 (a) "Foreign banking corporation" has the meaning stated in § 12-201(e) of  
25 this article.

26 DRAFTER'S NOTE:

27 Error: Erroneous cross-reference in § 1-405(a) of the Financial  
28 Institutions Article.

29 Occurred: Ch. 603, Acts of 1999. Correction by the publisher of the  
30 Annotated Code in the 1999 Supplement of the Financial Institutions  
31 Article is validated by this Act.

1 5-702.

2 For the purposes of this subtitle, the operation of an [electronic terminal]  
3 AUTOMATED TELLER MACHINE or the conduct of internal operations by a banking  
4 institution does not constitute being open for business.

5 DRAFTER'S NOTE:

6 Error: Incorrect terminology in § 5-702 of the Financial Institutions  
7 Article.

8 Occurred: As a result of Ch. 603, Acts of 1999.

9 5-1001.

10 (d) (3) "Branch" does not include an [electronic terminal] AUTOMATED  
11 TELLER MACHINE as defined in [§ 5-502 of this title] § 1-401 OF THIS ARTICLE.

12 DRAFTER'S NOTE:

13 Error: Incorrect terminology and erroneous cross-reference in §  
14 5-1001(d)(3) of the Financial Institutions Article.

15 Occurred: As a result of Ch. 603, Acts of 1999.

16 Part III. Offices.

17 12-207.

18 A foreign banking corporation may not have an office in this State for any  
19 purpose unless:

20 (1) The foreign banking corporation obtains from the Commissioner a  
21 permit for the office; or

22 (2) The office is authorized under:

23 (i) The Riegle-Neal Interstate Banking and Branching Efficiency  
24 Act of 1994 or other federal law; or

25 (ii) Title 5, Subtitle 9 or Subtitle 10 of this article.

26 DRAFTER'S NOTE:

27 Error: Incorrect part designation immediately preceding § 12-207 of the  
28 Financial Institutions Article.

29 Occurred: As a result of Ch. 603, Acts of 1999. Correction by the publisher  
30 of the Annotated Code in the 1999 Supplement of the Financial  
31 Institutions Article is validated by this Act.

1 13-709.

2 (b) The Authority may:

3 (1) Acquire by any of the means specified in § 13-711(a) of this subtitle  
4 [a]:

5 (i) [Site] A SITE at Camden Yards for a facility;

6 (ii) A Baltimore Convention Center site or any interest therein;

7 (iii) AN Ocean City Convention Center site or any interest therein;

8 (iv) A Montgomery County Conference Center site or any interest  
9 therein; and

10 (v) A Hippodrome Performing Arts Center site or any interest  
11 therein; and

12 DRAFTER'S NOTE:

13 Error: Grammatical error in § 13-709(b)(1) of the Financial Institutions  
14 Article.

15 Occurred: Ch. 603, Acts of 1995.

16 **Article - Health - General**

17 2-104.

18 (b) (2) (i) The Secretary shall adopt regulations, in consultation and  
19 cooperation with local governing bodies, to govern the siting of community residences  
20 for special populations funded by the Department, the Department of Housing and  
21 Community Development, the Department of Human Resources, and the Department  
22 of Juvenile Justice.

23 (ii) Any regulations adopted shall comply with the federal Fair  
24 Housing Amendment Act of 1988.

25 (iii) Prior to the adoption of any regulations proposed under this  
26 [subsection] PARAGRAPH, the Secretary shall conduct a public hearing for the sole  
27 purpose of allowing all the governing bodies of each county and municipality the  
28 opportunity to review and comment on the proposed regulations.

29 DRAFTER'S NOTE:

30 Error: Erroneous internal reference in § 2-104(b)(2)(iii) of the Health -  
31 General Article.

32 Occurred: Ch. 768, Acts of 1988.

1 2-106.

2 (a) The following units are in the Department:

3 (27) [State Advisory Council on Alcohol and Drug Abuse.

4 (28)] Advisory Council on Infant Mortality.

5 DRAFTER'S NOTE:

6 Error: Obsolete reference in § 2-106(a)(27) of the Health - General  
7 Article.

8 Occurred: As a result of Ch. 5, Acts of 1997.

9 7-306.1.

10 (h) The Administration:

11 (1) Shall place sufficient funds in a specially designated account with the  
12 Office of the Comptroller to meet its financial obligations under subsection (d) of this  
13 section;

14 (2) Shall disburse funds from the account in accordance with the  
15 payment schedule provided in subsection (d) of this section;

16 (3) May not use the funds in the account for any other purpose except for  
17 the purpose of reimbursing private providers for the provision of community-based  
18 services to individuals with developmental disability;

19 (4) Within 1 year after receipt of a private provider's year-end report,  
20 shall reconcile the report and shall provide the provider [a] with A written approval  
21 of the report or a written explanation of any items in dispute; and

22 (5) Shall conduct an audit of each private provider every 4 years.

23 DRAFTER'S NOTE:

24 Error: Misplaced word in § 7-306.1(h)(4) of the Health - General Article.

25 Occurred: Ch. 204, Acts of 1999.

26 8-101.

27 [(m) "State Advisory Council" means the State Advisory Council on Alcohol and  
28 Drug Abuse.]

29 DRAFTER'S NOTE:

30 Error: Obsolete definition in § 8-101(m) of the Health - General Article.

1 Occurred: As a result of Ch. 5, Acts of 1997.

2 10-304.

3 (a) [(1)] The Maryland Advisory Council shall meet at the times and places  
4 that it determines.

5 [(2)] At least 2 meetings a year shall be held jointly with the State  
6 Advisory Council on Alcoholism Control and the State Advisory Council on Drug  
7 Abuse.]

8 DRAFTER'S NOTE:

9 Error: Obsolete language in § 10-304(a)(2) of the Health - General  
10 Article.

11 Occurred: As a result of Ch. 758, Acts of 1988.

12 10-309.

13 (d) (2) The terms of [one third] ONE-THIRD of the appointed members of  
14 each county advisory committee or intercounty advisory committee end each year.

15 DRAFTER'S NOTE:

16 Error: Omitted hyphen in § 10-309(d)(2) of the Health - General Article.

17 Occurred: Ch. 21, Acts of 1982.

18 13-603.

19 (b) (1) The Advisory Council consists of [10] 11 members appointed by the  
20 Secretary.

21 DRAFTER'S NOTE:

22 Error: Incorrect number in § 13-603(b)(1) of the Health - General Article.

23 Occurred: As a result of Chs. 127 and 128, Acts of 1999. Correction by the  
24 publisher of the Annotated Code in the 1999 Supplement of the Health -  
25 General Article is ratified by this Act.

26 15-103.

27 (b) (21) (vi) The provisions of [§ 19-712.1 of this article] § 15-1005 OF THE  
28 INSURANCE ARTICLE apply to the delivery system for specialty mental health services  
29 established under this paragraph and administered by an administrative services  
30 organization.

31 DRAFTER'S NOTE:

1 Error: Erroneous cross-reference in § 15-103(b)(21)(vi) of the Health -  
2 General Article.

3 Occurred: As a result of Ch. 472, Acts of 1999.

4 (e) (3) (i) At the request of a federally qualified health center, the  
5 Department shall review the payments made to the center by a Medicaid managed  
6 care organization that has a contractual arrangement with the center to determine  
7 the difference between the payments made to the center and the reasonable cost to  
8 the center as determined in accordance with paragraph (2) of this subsection in  
9 providing services to enrollees of the managed care organization.

10 (ii) A federally qualified health center may make a request at any  
11 time for the Department to review the payments made to the center by a Medicaid  
12 managed care organization that has a contractual arrangement with the center.

13 (iii) The effective date for adjustments made in response to a  
14 request by a federally qualified health center shall be:

15 1. The date the Department receives the request; or

16 2. If the request is prompted by a change in the  
17 reimbursement practices of a Medicaid managed care organization, the date the  
18 managed care organization changed its reimbursement to the center, except that an  
19 adjustment under this item may not be retroactive more than 120 days.

20 (iv) If a managed care organization payment to a center is less than  
21 the center's reasonable cost, as determined in accordance with paragraph (2) of this  
22 subsection, the Department shall set aside a portion of the capitation payment to the  
23 managed care organization for a supplemental payment to the center, in accordance  
24 with the provisions of THIS PARAGRAPH AND paragraphs (1)[, (2),] and [(3)] (2) of  
25 this subsection.

26 DRAFTER'S NOTE:

27 Error: Stylistic error in § 15-103(e)(3)(iv) of the Health - General Article.

28 Occurred: Ch. 261, Acts of 1999.

29 15-132.

30 (a) (7) "Home health care services" means those services defined in § 19-401  
31 of this article and in [42 C.F.R. 440-70] 42 C.F.R. 440.70.

32 DRAFTER'S NOTE:

33 Error: Incorrect punctuation in § 15-132(a)(7) of the Health - General  
34 Article.

35 Occurred: Ch. 126, Acts of 1999.

1 19-125.1.

2 Notwithstanding the provisions of § 19-114(e)(2)(ii) OF THIS SUBTITLE, a  
3 continuing care community does not lose its exemption from certificate of need  
4 requirements when the continuing care community admits an individual directly to a  
5 nursing facility within the continuing care community if:

6 (1) The admittee's spouse or relative is admitted at the same time under  
7 a joint contract to an independent living unit or assisted living unit within the  
8 continuing care community; or

9 (2) An individual having a long-term significant relationship with the  
10 admittee is admitted at the same time under a joint contract to an independent living  
11 unit or assisted living unit within the continuing care community.

12 DRAFTER'S NOTE:

13 Error: Incomplete internal reference in § 19-125.1 of the Health -  
14 General Article.

15 Occurred: Ch. 626, Acts of 1999.

16 19-133.

17 (k) "Payor" means:

18 (1) A health insurer or nonprofit health service plan that holds a  
19 certificate of authority and provides health insurance policies or contracts in the  
20 State in accordance with this article or the Insurance Article;

21 (2) A health maintenance organization that holds a certificate of  
22 authority in the State; or

23 (3) For the purposes of this Part III of this subtitle only, a [third party  
24 administrator as defined in § 15-111] PERSON THAT IS REGISTERED AS AN  
25 ADMINISTRATOR UNDER TITLE 8, SUBTITLE 3 of the Insurance Article.

26 DRAFTER'S NOTE:

27 Error: Obsolete language and cross-reference in § 19-133(k)(3) of the  
28 Health - General Article.

29 Occurred: As a result of Ch. 702, Acts of 1999.

30 19-135.

31 (c) (2) The purpose of a comparable performance measurement system  
32 established under this [section] SUBSECTION is to assist health maintenance  
33 organization benefit plans to improve the quality of care provided by establishing a  
34 common set of performance measurements and disseminating the findings of the

1 performance measurements to health maintenance organizations and interested  
2 parties.

3 (4) (i) The Commission shall adopt regulations to establish the system  
4 of evaluation provided under this [section] SUBSECTION.

5 (ii) Before adopting regulations to implement an evaluation system  
6 under this [section] SUBSECTION, the Commission shall consider any  
7 recommendations of the quality of care subcommittee of the Group Health Association  
8 of America and the National Committee for Quality Assurance.

9 DRAFTER'S NOTE:

10 Error: Erroneous internal references in § 19-135(c)(2) and (4).

11 Occurred: Ch. 9, Acts of 1993.

12 (d) (2) (i) The purpose of the comparative evaluation system established  
13 under this [section] SUBSECTION is to improve the quality of care provided by  
14 nursing facilities by establishing a common set of performance measures and  
15 disseminating the findings of the comparative evaluation to nursing facilities,  
16 consumers, and other interested parties.

17 (ii) In developing the comparative evaluation system, the  
18 Commission shall consider the health status of the population served.

19 (4) The Commission may adopt regulations to establish the comparative  
20 evaluation system provided under this [section] SUBSECTION.

21 DRAFTER'S NOTE:

22 Error: Erroneous internal references in § 19-135(d)(2)(i) and (4).

23 Occurred: Chs. 382 and 383, Acts of 1999.

24 (e) (2) (i) The purpose of a comparable performance measurement system  
25 established under this [section] SUBSECTION is to improve the quality of care  
26 provided by hospitals and ambulatory surgical facilities by establishing a common set  
27 of performance measurements and disseminating the findings of the performance  
28 measurements to hospitals, ambulatory surgical facilities, consumers, and interested  
29 parties.

30 (ii) In developing the performance measurement system, the  
31 Commission shall consider the geographic location, urban or rural orientation, and  
32 teaching or nonteaching status of the hospital and the ambulatory surgical facilities,  
33 and the health status of the population served.

34 DRAFTER'S NOTE:

35 Error: Erroneous internal reference in § 19-135(e)(2)(i).

1 Occurred: Ch. 657, Acts of 1999.

2 (5) The Commission may contract with a private entity to implement the  
3 system required under this subsection provided that the entity is not a hospital or an  
4 ambulatory surgical facility.

5 DRAFTER'S NOTE:

6 Error: Grammatical error in § 19-135(e)(5) of the Health - General  
7 Article.

8 Occurred: Ch. 657, Acts of 1999. Correction by the publisher of the  
9 Annotated Code in the 1999 Supplement of the Health - General Article is  
10 validated by this Act.

11 19-308.1.

12 (a) (1) In this [section] SECTION, "patient care personnel" means an  
13 individual whom a related institution employs to provide health related or personal  
14 care services.

15 (2) "Patient care personnel" does not include an individual who provides  
16 general administrative, nonmedical supervisory, or [recordkeeping] RECORD  
17 KEEPING services in a related institution.

18 DRAFTER'S NOTE:

19 Error: Omitted comma and misspelling in § 19-308.1(a) of the Health -  
20 General Article.

21 Occurred: Ch. 544, Acts of 1984.

22 19-346.

23 (b) (2) Subsections (d)(2) and (3), (e), (f), (g), (h), (i), and (k) of this section do  
24 not apply to assisted living programs under Subtitle 18 of this title if regulations have  
25 been adopted for the management of resident property entrusted to the assisted living  
26 program pursuant to § 19-1805(c)(2)(iv) of this title.

27 DRAFTER'S NOTE:

28 Error: Erroneous internal reference in § 19-346(b)(2) of the Health -  
29 General Article.

30 Occurred: As a result of Ch. 195, Acts of 1999. Correction by the  
31 publisher of the Annotated Code in the 1999 Supplement of the Health -  
32 General Article is validated by this Act.

1 19-703.

2 (g) (1) In addition to the requirements of § 19-706(i) of this title and §  
3 15-10B-09 of the Insurance Article, whenever a mother is required to remain  
4 hospitalized after childbirth for medical reasons and the mother requests that the  
5 newborn remain in the hospital, a health maintenance organization shall provide as  
6 part of its hospitalization services provided to members and subscribers payment for  
7 the cost of additional hospitalization for the newborn for up to 4 days.

8 DRAFTER'S NOTE:

9 Error: Obsolete cross-reference in § 19-703(g)(1) of the Health - General  
10 Article.

11 Occurred: As a result of Chs. 111 and 112, Acts of 1998. Correction by the  
12 publisher of the Annotated Code in the 1999 Supplement of the Health -  
13 General Article is validated by this Act.

14 19-712.

15 (b) (1) A person who holds a certificate of authority to operate a health  
16 maintenance organization under this subtitle and who enters into any administrative  
17 service provider contract, as defined in [§ 19-713.1] § 19-713.2 of this subtitle, with a  
18 person or entity for the provision of health care services to subscribers shall be  
19 responsible for all claims or payments for health care services:

20 (i) Covered under the subscriber's contract; and

21 (ii) Rendered by a provider, who is not the person or entity which  
22 entered into the administrative service provider contract with the health  
23 maintenance organization, pursuant to a referral by a person or entity which entered  
24 into the administrative service provider contract with the health maintenance  
25 organization.

26 DRAFTER'S NOTE:

27 Error: Erroneous cross-reference in § 19-712(b)(1) of the Health -  
28 General Article.

29 Occurred: Ch. 446, Acts of 1991.

30 (2) Responsibility for claims and payments under this subsection is  
31 subject to the provisions of [§ 19-712.1 of this subtitle] § 15-1005 OF THE INSURANCE  
32 ARTICLE.

33 DRAFTER'S NOTE:

34 Error: Erroneous cross-reference in § 19-712(b)(2) of the Health -  
35 General Article.

36 Occurred: As a result of Ch. 472, Acts of 1999.

1 19-712.3.

2 (e) When necessary to determine eligibility for benefits or for determination of  
3 coverage, a health maintenance organization may obtain additional information from  
4 its subscriber or member, the employer of the subscriber or member, or any other  
5 non-provider third party, provided that any delays in paying a uniform claim  
6 resulting from obtaining this information are subject to the provisions of [§  
7 19-712.1(b) of this subtitle] § 15-1005 OF THE INSURANCE ARTICLE.

8 DRAFTER'S NOTE:

9 Error: Erroneous cross-reference in § 19-712.3(e) of the Health -  
10 General Article.

11 Occurred: As a result of Ch. 472, Acts of 1999.

12 19-712.4.

13 (e) (2) Any audit or investigation of any claim, bill, or other demand or  
14 request for payment for the purpose of determining whether those services were the  
15 result of the prohibited referral are not grounds to delay payment or waive the  
16 provisions of [§ 19-712.1 of this subtitle] § 15-1005 OF THE INSURANCE ARTICLE.

17 DRAFTER'S NOTE:

18 Error: Erroneous cross-reference in § 19-712.4(e)(2) of the Health -  
19 General Article.

20 Occurred: As a result of Ch. 472, Acts of 1999.

21 20-501.

22 (d) "Payor" means:

23 (3) A [third party administrator as defined in § 15-111] PERSON THAT  
24 IS REGISTERED AS AN ADMINISTRATOR UNDER TITLE 8, SUBTITLE 3 of the Insurance  
25 Article.

26 DRAFTER'S NOTE:

27 Error: Obsolete language and cross-reference in § 20-501(d)(3) of the  
28 Health - General Article.

29 Occurred: As a result of Ch. 702, Acts of 1999.

1

**Article - Health Occupations**

2 1-209.

3 (a) Each board shall assess each applicant for a license or a renewal of a  
4 license a fee established in accordance with the provisions of § [19-1515] 19-111 of  
5 the Health - General Article.

6 DRAFTER'S NOTE:

7 Error: Obsolete cross-reference in § 1-209(a) of the Health Occupations  
8 Article.

9 Occurred: As a result of Ch. 702, Acts of 1999. Correction by the  
10 publisher of the Annotated Code in the 1999 Supplement of the Health  
11 Occupations Article is ratified by this Act.

12 3-302.

13 (d) An applicant shall be entitled to a license to practice chiropractic with the  
14 right to practice physical therapy if the applicant:

15 (1) Satisfies the requirements of this section[, § 3-303,] AND §§ 3-303  
16 and [§] 3-304(e)(2) of this [title] SUBTITLE;

17 (2) Was licensed as a chiropractor on or before June 1, 1949; or

18 (3) Was enrolled at an approved college of chiropractic on June 1, 1949,  
19 and later was graduated by that college and licensed.

20 DRAFTER'S NOTE:

21 Error: Stylistic errors in § 3-302(d)(1) of the Health Occupations Article.

22 Occurred: Ch. 8, § 2, Acts of 1981.

23 3-5A-11.

24 (d) Any individual who violates a provision of this [subsection] SECTION is  
25 guilty of a misdemeanor and on conviction shall be subject to a fine not exceeding  
26 \$5,000 or imprisonment for not more than 1 year, or both.

27 DRAFTER'S NOTE:

28 Error: Erroneous internal reference in § 3-5A-11(d) of the Health  
29 Occupations Article.

30 Occurred: Ch. 678, Acts of 1996.

1 15-202.

2 (b) Of the three physician members of the Committee, two shall be previously  
3 or currently serving as supervising physicians of a physician assistant under a  
4 Board-approved [job description] DELEGATION AGREEMENT.

5 DRAFTER'S NOTE:

6 Error: Obsolete terminology in § 15-202(b) of the Health Occupations  
7 Article.

8 Occurred: As a result of Ch. 655, Acts of 1999.

9 15-205.

10 (a) In addition to the powers set forth elsewhere in this title, the Committee,  
11 on its initiative or on the Board's request, may:

12 (2) Recommend to the Board approval, modification, or disapproval of an  
13 application for certification or a [job description] DELEGATION AGREEMENT;

14 DRAFTER'S NOTE:

15 Error: Obsolete terminology in § 15-205(a)(2) of the Health Occupations  
16 Article.

17 Occurred: As a result of Ch. 655, Acts of 1999.

18 15-302.2.

19 (a) A supervising physician may not delegate prescribing and administering of  
20 controlled dangerous substances, prescription drugs, or medical devices unless the  
21 supervising physician and physician assistant include in the delegation agreement:

22 (6) Evidence demonstrating:

23 (i) A bachelor's degree or its equivalent;

24 (ii) 2 years of work experience as a physician assistant; or

25 (iii) Prior approval by the Board of a [job description] DELEGATION  
26 AGREEMENT, including approval for writing medication orders.

27 DRAFTER'S NOTE:

28 Error: Obsolete terminology in § 15-302.2(a)(6)(iii) of the Health  
29 Occupations Article.

30 Occurred: Ch. 655, Acts of 1999.

1 15-309.

2 (a) Each certificate holder shall produce a valid certificate and[ job  
3 description] DELEGATION AGREEMENT when requested to do so by an existing or  
4 potential employer or client.

5 DRAFTER'S NOTE:

6 Error: Obsolete terminology in § 15-309(a) of the Health Occupations  
7 Article.

8 Occurred: As a result of Ch. 655, Acts of 1999.

9 15-313.

10 (a) (1) Except as otherwise provided under § 10-226 of the State  
11 Government Article, before the Board takes any action to deny a certificate or to  
12 reject or modify a [job description] DELEGATION AGREEMENT, the Board shall give  
13 the applicant or certificate holder the opportunity for a hearing before the Board.

14 (b) Any applicant aggrieved under this subtitle by a final decision of the Board  
15 denying a certificate or denying or modifying a [job description] DELEGATION  
16 AGREEMENT may:

17 (1) Appeal that decision to the Board of Review; and

18 (2) Then take any further appeal allowed under Title 10, Subtitle 2 of the  
19 State Government Article.

20 DRAFTER'S NOTE:

21 Error: Obsolete terminology in § 15-313(a)(1) and (b) of the Health  
22 Occupations Article.

23 Occurred: As a result of Ch. 655, Acts of 1999.

24 15-314.

25 Subject to the hearing provisions of § 15-315 of this subtitle, the Board, on the  
26 affirmative vote of a majority of its members then serving, may reprimand any  
27 certificate holder or suspend or revoke a certificate if the certificate holder:

28 (4) Performs delegated medical acts beyond the scope of the certificate  
29 not within a [job description] DELEGATION AGREEMENT approved by the Board;

30 DRAFTER'S NOTE:

31 Error: Obsolete terminology in § 15-314(4) of the Health Occupations  
32 Article.

33 Occurred: As a result of Ch. 655, Acts of 1999.

1 15-401.

2 (b) Except as otherwise provided in this title, a person may not perform,  
3 attempt to perform, or offer to perform any delegated medical act beyond the scope of  
4 the certificate and which is consistent with a [job description] DELEGATION  
5 AGREEMENT approved by the Board.

6 DRAFTER'S NOTE:

7 Error: Obsolete terminology in § 15-401(b) of the Health Occupations  
8 Article.

9 Occurred: As a result of Ch. 655, Acts of 1999.

10 17-202.

11 (a) (2) Of the nine Board members:

12 (i) Five shall be licensed as professional counselors under Subtitle  
13 3A of this [section] TITLE, including:

- 14 1. One who is primarily engaged in professional counselor  
15 education;
- 16 2. One who is employed in the private sector;
- 17 3. One who is employed in the public sector; and
- 18 4. Two professional counselors at large;

19 DRAFTER'S NOTE:

20 Error: Erroneous cross-reference in § 17-202(a)(2)(i) of the Health  
21 Occupations Article.

22 Occurred: Chs. 131 and 132, Acts of 1998.

23 **Article - Insurance**

24 4-113.

25 (c) (2) The refusal to renew, revocation, or suspension of a certificate of  
26 authority automatically suspends or revokes the [certificate of qualification]  
27 APPOINTMENT of each agent of the insurer in the State.

28 (3) The Commissioner shall state in the notice to each agent under  
29 paragraph (1) of this subsection that the [certificate of qualification] APPOINTMENT  
30 of the agent has been suspended or revoked.

31 DRAFTER'S NOTE:

1 Error: Incorrect terminology used in § 4-113(c)(2) and (3) of the  
2 Insurance Article to describe the authority of an agent to act for an insurer  
3 in the State, as noted in an October 28, 1999 memorandum issued by  
4 Susan Cohen, Esq., Office of the Attorney General, Maryland Insurance  
5 Administration.

6 Occurred: Ch. 36, Acts of 1995.

7 15-129.

8 (a) (1) In this section the following words have the meanings indicated.

9 (2) "Aggregate attachment point" means the percentage of expected  
10 claims in a policy year above which the stop-loss insurer assumes all or part of the  
11 liability for losses incurred by the insured.

12 (3) "Expected claims" means the amount of claims that, in the absence of  
13 stop-loss insurance, are projected to be incurred by the insured using reasonable and  
14 accepted actuarial principles.

15 (4) "Specific attachment point" means the dollar amount in losses  
16 attributable to a single individual in a policy year beyond which the stop-loss insurer  
17 assumes all or part of the liability for losses incurred by the insured.

18 (5) "Stop-loss insurance" means insurance that is purchased by a  
19 person, other than a health care provider, to protect the person against catastrophic,  
20 excess, or unexpected losses sustained by the person.

21 DRAFTER'S NOTE:

22 Error: Incorrect tabulation in § 15-129(a) of the Insurance Article.

23 Occurred: Ch. 683, Acts of 1999. Correction by the publisher of the  
24 Annotated Code in the 1999 Supplement of the Insurance Article is  
25 validated by this Act.

26 15-827.

27 (e) The coverage under subsection (d) of this section shall be required if:

28 (1) (i) the treatment is being provided or the studies are being  
29 conducted in a Phase I, Phase II, Phase III, or Phase IV clinical trial for cancer; or

30 (ii) the treatment is being provided in a Phase I, Phase II, Phase  
31 III, or Phase IV clinical trial for any other life-threatening condition;

32 (2) the treatment is being provided in a clinical trial approved by:

33 (i) one of the National Institutes of Health;

34 (ii) an NIH cooperative group or an NIH center;

- 1 (iii) the FDA in the form of an investigational new drug application;
- 2 (iv) the federal Department of Veterans Affairs; or
- 3 (v) an institutional review board of an institution in the state  
4 which has a multiple project assurance contract approved by the Office of Protection  
5 from Research Risks of the National Institutes of Health;
- 6 (3) the facility and personnel providing the treatment are capable of  
7 doing so by virtue of their experience, training, and volume of patients treated to  
8 maintain expertise;
- 9 (4) there is no clearly superior, noninvestigational treatment alternative;  
10 and
- 11 (5) the available clinical or preclinical data provide a reasonable  
12 expectation that the treatment will be at least as effective as the noninvestigational  
13 alternative.

14 DRAFTER'S NOTE:

15 Error: Incorrect word usage in § 15-827(e)(2)(v) of the Insurance Article.

16 Occurred: Chs. 145 and 146, Acts of 1999. Correction by the publisher of  
17 the Annotated Code in the 1999 Supplement of the Insurance Article is  
18 validated by this Act.

19 17-201.

20 (b) (1) The employees eligible for insurance under the policy shall be all of  
21 the employees of the employer, or all [or] OF any class or classes of employees.

22 DRAFTER'S NOTE:

23 Error: Incorrect word usage in § 17-201(b)(1) of the Insurance Article.

24 Occurred: Ch. 659, Acts of 1999.

25 17-209.

26 (a) (2) The policy may provide that the term ["minor children"]  
27 "DEPENDENT CHILDREN" includes:

28 (i) an insured employee's or member's child under 18 years of age;  
29 and

30 (ii) an insured employee's or member's child 18 years of age or older  
31 who attends an educational institution and relies on the insured employee or member  
32 for financial support.

33 DRAFTER'S NOTE:

1 Error: Incorrect word usage in § 17-209(a)(2) of the Insurance Article.

2 Occurred: Ch. 659, Acts of 1999.

3 19-101.

4 [(c) (1) Notwithstanding any other provision of this article, an insurer or  
5 agent shall comply with § 17-108(a)(2) of the Transportation Article.

6 (2) A willful failure to comply with § 17-108(a)(2) of the Transportation  
7 Article is a violation of this subsection.]

8 DRAFTER'S NOTE:

9 Error: Obsolete cross-references in § 19-101(c) of the Insurance Article.

10 Occurred: As a result of Ch. 488, Acts of 1999.

11 27-606.

12 (c) The policy described in subsection (a) or (b) of this section may be endorsed  
13 to exclude specifically all coverage for any of the following when the named excluded  
14 driver is operating a motor vehicle covered under the policy whether or not that  
15 operation or use was with the express or implied permission of an individual insured  
16 under the policy:

17 (1) the excluded operator or user;

18 (2) the vehicle owner;

19 (3) family members residing in the household of the excluded operator or  
20 user or vehicle owner; and

21 (4) any other individual, except for the coverage required by [ §§ 19-506  
22 and 19-510] §§ 19-505 AND 19-509 of this article if that coverage is not available under  
23 another automobile policy.

24 DRAFTER'S NOTE:

25 Error: Incorrect cross-references in § 27-606(c)(4) of the Insurance  
26 Article.

27 Occurred: Ch. 21, Acts of 1998.

28 27-909.

29 (c) An insurer, nonprofit health service plan, or health maintenance  
30 organization may not:

31 (1) use a genetic test, the results of a genetic test, genetic information, or  
32 a request for genetic [services] SERVICES, to reject, deny, limit, cancel, refuse to



1 9-234.

2 (b) An individual who is a covered employee under subsection (h)(2), (k), (n),  
3 (o)(2), [(p)(1)(iii)] (P)(1)(II), (R)(3), (v), or (x)(1) of this section continues to be a covered  
4 employee while:

5 (1) accompanying an accident or fire victim who is being transported to a  
6 hospital in a helicopter; and

7 (2) returning to the home station of the individual after accompanying a  
8 victim under item (1) of this subsection.

9 DRAFTER'S NOTE:

10 Error: Erroneous and omitted internal references in § 9-234(b) of the  
11 Labor and Employment Article.

12 Occurred: Ch. 575, Acts of 1991.

13 9-662.

14 If the Chairman of the Commission finds or has reasonable cause to believe that  
15 a physician or health care provider has a pattern of providing excessive appliances,  
16 medicine, services, or treatment, the Chairman shall refer the case to the State Board  
17 of Physician Quality Assurance or the appropriate board of review of the health care  
18 provider to determine if the physician or health care PROVIDER provided excessive  
19 appliances, medicine, services, or treatment.

20 DRAFTER'S NOTE:

21 Error: Omitted word in § 9-662 of the Labor and Employment Article.

22 Occurred: Ch. 8, § 2, Acts of 1991.

23 10-314.

24 (b) The Board shall use the Fund to pay:

25 (4) whenever an employer who is self-insured in accordance with §  
26 9-404 or § 9-405 OF THIS ARTICLE becomes insolvent, any outstanding obligations of  
27 the employer.

28 DRAFTER'S NOTE:

29 Error: Incomplete cross-reference in § 10-314(b)(4) of the Labor and  
30 Employment Article.

31 Occurred: Ch. 8, § 2, Acts of 1991.

1 11-407.

2 All [apprentice] APPRENTICESHIP and training programs established under  
3 this subtitle shall conform to the Code of Federal Regulations, Title 29, Part 30, and  
4 any subsequent applicable provisions. In order to effectuate conformity with these  
5 provisions, a State plan shall be drafted which will indicate in detail evidence of  
6 consistency in the operation of the Maryland apprenticeship and training law with  
7 the Code of Federal Regulations, Title 29, Part 30.

8 DRAFTER'S NOTE:

9 Error: Incorrect word usage in § 11-407 of the Labor and Employment  
10 Article.

11 Occurred: Ch. 64, Acts of 1983.

12 **Article - Natural Resources**

13 4-210.1.

14 (c) Before a freshwater fishing guide license expires, the licensee may renew  
15 the license for an additional 1 year term. The licensee may renew a freshwater fishing  
16 guide permit if the licensee:

17 [(i)] (1) Otherwise is entitled to hold the license;

18 [(ii)] (2) Submits to the Department a renewal application on the form  
19 that the Department requires; and

20 [(iii)] (3) Pays to the Department a renewal fee of \$20 for residents or \$50  
21 for nonresidents.

22 DRAFTER'S NOTE:

23 Error: Incorrect numbering in § 4-210.1(c) of the Natural Resources  
24 Article.

25 Occurred: Ch. 286, Acts of 1999. Correction by the publisher of the  
26 Annotated Code in the 1999 Supplement of the Natural Resources Article  
27 is ratified by this Act.

28 4-745.

29 (d) (1) The Department may provide by regulation for issuance of a special  
30 [charterboat] CHARTER BOAT license that would be valid for all individuals on a  
31 [charterboat] CHARTER BOAT operated by a licensed fishing guide. The fee shall be:

32 (i) For 6 fishermen or less.....\$240.

33 (ii) For 7 or more fishermen .....\$290.

## 1 DRAFTER'S NOTE:

2 Error: Misspelling in § 4-745(d)(1) of the Natural Resources Article.

3 Occurred: Ch. 792, Acts of 1984.

4 4-1014.1.

5 (f) (1) The Secretary shall adopt regulations to implement this section.

6 (2) The regulations adopted by the Secretary may vary the limits  
7 established under subsection (e)(2)(i) of this section.

8 (3) (i) The regulations shall establish an oyster sanctuary of not less  
9 than 100 acres in the vicinity of Plum Point in the waters described in subsection (d)  
10 of this section.

11 (ii) A person may not catch oysters in the oyster sanctuary  
12 described in the regulations.

13 (iii) The sanctuary shall be established before the opening of the  
14 power dredge season.

15 [(3)] (4) The regulations may vary the power dredge bar limits  
16 established under subsection (e)(2)(i) of this section.

17 [(4)] (5) The regulations shall authorize the Department to establish a  
18 program at the beginning of the power dredge season to purchase oysters at no less  
19 than market price from a person who has a power dredge license under this section to  
20 be transplanted for restoration purposes in the oyster sanctuary described in  
21 regulations under this subsection.

22 [(5)] (6) The Department shall adopt regulations reserving areas on a  
23 rotational basis for restoration and harvesting purposes.

24 [(6)] (7) The Department shall adopt regulations establishing an  
25 appropriate penalty to be assessed against a person convicted of taking oysters from  
26 a sanctuary or reserved area.

## 27 DRAFTER'S NOTE:

28 Error: Incorrect numbering in § 4-1014.1(f) of the Natural Resources  
29 Article.

30 Occurred: Ch. 407, Acts of 1999. Correction by the publisher of the  
31 Annotated Code in the 1999 Supplement of the Natural Resources Article  
32 is ratified by this Act.

1 5-102.1.

2 (a) (1) In this section, the term ["practice of forestry"] "FORESTRY" includes  
3 activities prescribed by a licensed professional forester in accordance with § 7-101 of  
4 the Business Occupations and Professions Article.

5 (2) ["Practice of forestry"] "FORESTRY" does not include the clearing of  
6 land as a prelude to a change in the use of land.

7 (b) [The practice of forestry] FORESTRY, as prescribed by a person licensed as  
8 a forester under Title 7 of the Business Occupations and Professions Article and in  
9 accordance with accepted silvicultural principles, as defined by the Society of  
10 American Foresters, constitutes a traditional, fundamental, beneficial, and desirable  
11 use of the State's forest resource. [The practice of forestry] FORESTRY is an  
12 important land management tool that contributes significantly to the economy of the  
13 State by the support of a vital forest products industry, as well as to the health of  
14 forests and their wildlife, water quality, and recreational benefits by the sustainment  
15 of forest productivity and wildlife habitats.

16 (c) In Maryland, [the practice of forestry] FORESTRY, including the harvest  
17 and transport of forest products, is often carried out in close proximity to populated  
18 areas. Other than development for more intensive uses, this harvest of timber may  
19 represent a major source of income for the profitable use of private property.

20 (d) Since it is in the State and public interests to preserve the forest land base  
21 and other natural resources, a local government with planning and zoning powers  
22 shall support [the practice of forestry] FORESTRY by a reasonable exercise of these  
23 powers, including the consideration, development, and interpretation of planning and  
24 zoning requirements that beneficially impact the efficient and economic practice of  
25 forestry in a manner consistent with the local government's implementation of the  
26 visions listed in Article 66B, § 3.06(b) of the Code.

27 DRAFTER'S NOTE:

28 Error: Obsolete terminology in § 5-102.1 of the Natural Resources  
29 Article.

30 Occurred: As a result of Ch. 314, Acts of 1999.

31 5-1607.

32 (d) The following shall be considered priority for afforestation or reforestation:

33 (6) Establish buffers adjacent to areas of differing land use where  
34 appropriate, or adjacent to highways or utility [right-of-ways] RIGHTS-OF-WAY;

35 DRAFTER'S NOTE:

36 Error: Grammatical error in § 5-1607(d)(6) of the Natural Resources  
37 Article.

1 Occurred: Ch. 255, Acts of 1991.

2 **Article - Public Utility Companies**

3 7-501.

4 (f) "Customer choice" means the right of electricity suppliers and customers to  
5 utilize and interconnect with the electric distribution system on a nondiscriminatory  
6 basis at rates, terms, and conditions of service comparable to the electric company's  
7 own use of the system to distribute electricity from [a] AN electricity supplier to a  
8 customer, under which a customer has the opportunity to purchase electricity from  
9 the customer's choice of licensed electricity suppliers.

10 DRAFTER'S NOTE:

11 Error: Grammatical error in § 7-501(f) of the Public Utility Companies  
12 Article.

13 Occurred: Chs. 3 and 4, Acts of 1999.

14 8-404.

15 Unless [a] THE telephone company or reseller complies with authorization and  
16 confirmation procedures adopted by the Commission and by federal law and  
17 regulation, [the] A telephone company or reseller may not, on behalf of a customer:

18 (1) change, or direct another telephone company or reseller to change,  
19 the customer's telephone company or reseller;

20 (2) select a telecommunications service option for which the telephone  
21 company or reseller imposes a charge; or

22 (3) change the person who bills the customer or the customer's billing  
23 arrangement.

24 DRAFTER'S NOTE:

25 Error: Stylistic error in § 8-404 of the Public Utility Companies Article.

26 Occurred: Ch. 544, Acts of 1999.

27 10-102.

28 (e) (3) (ii) If criminal history record information is reported to the  
29 [Criminal Justice Information System] Central Repository after the date of the  
30 initial criminal history records check, the [Criminal Justice Information System]  
31 Central Repository shall provide a revised printed statement listing the driver's  
32 criminal convictions to:

33 1. the governmental unit or not-for-profit organization; and



1 (c) (1) After the initial printed statement has been received from the  
2 [Criminal Justice Information System] Central Repository, the Commission shall  
3 issue a passenger-for-hire driver's license or a taxicab driver's license, as  
4 appropriate, to each applicant that meets the requirements of this title.

5 DRAFTER'S NOTE:

6 Error: Extraneous words in § 10-104(b)(1), (2), (4), and (5)(i) and (c)(1) of  
7 the Public Utility Companies Article.

8 Occurred: Ch. 140, Acts of 1999.

9 **Article - Real Property**

10 3-104.

11 (b) (3) Except as provided in subsection (c) OF THIS SECTION, in Cecil,  
12 Charles, Dorchester, Harford, Howard, Kent, Queen Anne's, Somerset, and St. Mary's  
13 Counties no property may be transferred on the assessment books or records until (1)  
14 all public taxes, assessments, any charges due a municipal corporation, and charges  
15 due on the property have been paid as required by law, and (2) all taxes on personal  
16 property in the county due by the transferor have been paid when all land owned by  
17 him in the county and municipal corporation is being transferred. The certificate of  
18 the collecting agent and municipal corporation designated by law showing that all  
19 taxes, assessments, and charges have been paid, shall be endorsed on the deed and  
20 the endorsement shall be sufficient authority for transfer on the assessment books.

21 DRAFTER'S NOTE:

22 Error: Stylistic error in § 3-104(b)(3) of the Real Property Article.

23 Occurred: Ch. 137, Acts of 1976.

24 (c) (1) The requirements for prepayment of personal property taxes in  
25 subsection (b) OF THIS SECTION do not apply to grants of land made by or on behalf of  
26 any of the following: any mortgagee, lien creditor, trustee of a deed of trust, judgment  
27 creditor, trustee in bankruptcy or receiver, and any other court-appointed officer in  
28 an insolvency or liquidation proceeding.

29 (2) Subsection (b) OF THIS SECTION does not apply in Charles, St.  
30 Mary's, Dorchester, Harford, Howard, Kent, Prince George's, Worcester, Carroll,  
31 Montgomery, Frederick and Washington Counties to any deed executed as a mere  
32 conduit or for convenience in holding and passing title, known popularly as a straw  
33 deed or, as provided in § 4-108, a deed making a direct grant in lieu of a straw deed,  
34 or to a deed which is a supplementary instrument merely confirming, correcting, or  
35 modifying a previously recorded deed, if there is no actual consideration paid or to be  
36 paid for the execution of the supplementary instrument.

37 DRAFTER'S NOTE:

1 Error: Stylistic error in § 3-104(c)(1) and (2) of the Real Property Article.

2 Occurred: Ch. 12, Acts of 1974.

3 (3) Subsection (b) OF THIS SECTION does not apply in Anne Arundel,  
4 Baltimore, Carroll, Frederick, or Washington Counties to any deed transferring  
5 property to the county when the controller or treasurer of the county has certified  
6 that the conveyance does not impair the security for any public taxes, assessments,  
7 and charges due on the remaining property of the grantor.

8 DRAFTER'S NOTE:

9 Error: Stylistic error in § 3-104(c)(3) of the Real Property Article.

10 Occurred: Ch. 137, Acts of 1976.

11 3-105.

12 (d) (3) When the debt secured by a mortgage or deed of trust is paid fully or  
13 satisfied, and the canceled check evidencing final payment or, if the canceled check is  
14 unavailable, a copy of the canceled check accompanied by a certificate from the  
15 institution on which the check was drawn stating that the copy is a true and genuine  
16 image of the original check is presented, it may be received by the clerk and indexed  
17 and recorded as any other instrument in the nature of a release. The canceled check  
18 or copy accompanied by the certificate has the same effect as a release of the property  
19 for which the mortgage or deed of trust is the security, as if a release were executed by  
20 the mortgagee or named trustees, if:

21 (i) The party making satisfaction of the mortgage or deed of trust  
22 has:

23 3. Following the mailing of the notice required under  
24 sub-subparagraph [2.] 2 of this subparagraph, allowed an additional waiting period  
25 of at least 30 days for the party satisfied to provide a release suitable for recording;  
26 and

27 DRAFTER'S NOTE:

28 Error: Extraneous period in § 3-105(d)(3)(i)3 of the Real Property Article.

29 Occurred: Ch. 656, Acts of 1987.

30 8-111.

31 If a tenant named in a lease or an assignee of a lease applies to the tenant's  
32 landlord for a renewal under a covenant in the lease giving the tenant the right to  
33 renewal, and if the tenant cannot produce vouchers or satisfactory evidence showing  
34 payment of rent accrued for three years next preceding the [landlord's] TENANT'S  
35 demand and application, the landlord, before executing the renewal of the lease or  
36 causing it to be executed, is entitled to demand and recover not more than three years'

1 back rent, in addition to any renewal fine that may be provided for in the lease. The  
2 tenant may plead this section in bar of the recovery of any larger amount of rent.

3 DRAFTER'S NOTE:

4 Error: Incorrect terminology in § 8-111 of the Real Property Article.

5 Occurred: Ch. 219, Acts of 1999.

6 8-118.

7 (a) In an action under § 8-401, § 8-402, or § 8-402.1 of this [article] TITLE in  
8 which a party demands a jury trial, the District Court immediately shall enter an  
9 order directing the tenant or anyone holding under the tenant to pay all rents as they  
10 come due during the pendency of the action, as prescribed in subsection (b) of this  
11 section. The order shall require the rent to be paid as and when due under the lease  
12 starting with the next rent due date after the action was filed.

13 (c) (1) In an action under § 8-401, § 8-402, or § 8-402.1 of this [article]  
14 TITLE, if the tenant or anyone holding under the tenant fails to pay rent as it comes  
15 due pursuant to the terms of the order, the circuit court, on motion of the landlord and  
16 certification of the clerk, the landlord, or agency of the status of the delinquent  
17 account, shall conduct a hearing within 30 days.

18 DRAFTER'S NOTE:

19 Error: Erroneous cross-references in § 8-118(a) and (c)(1) of the Real  
20 Property Article as described in the Attorney General's bill review letter  
21 dated April 23, 1999.

22 Occurred: Ch. 649, Acts of 1999.

23 8-118.1.

24 (a) (1) In an action under § 8-402.3 of this title in which a party demands a  
25 jury trial, the District Court immediately shall enter an order directing the person or  
26 entity in possession to pay the monthly fair rental value of the premises that is  
27 subject to the action, or such other amount as the court may determine is proper,  
28 starting as of the date [of] the action was filed, as required in subsection (b) of this  
29 section.

30 DRAFTER'S NOTE:

31 Error: Extraneous word in § 8-118.1(a)(1) of the Real Property Article.

32 Occurred: Ch. 649, Acts of 1999. Correction by the publisher of the  
33 Annotated Code in the 1999 Supplement of the Real Property Article is  
34 ratified by this Act.

1 8-203.

2 (d) (3) In the event of sale or transfer of the landlord's interest in the leased  
3 premises, including receivership or bankruptcy, the landlord or the landlord's estate,  
4 but not the managing agent or court appointed receiver, shall remain liable to the  
5 tenant and the transferee for maintenance of the security deposit as required by law,  
6 and the withholding and return of THE security deposit plus interest as required by  
7 law, as to all or any portion of the security deposit that the landlord fails to deliver to  
8 the transferee together with an accounting showing the amount and date of the  
9 original deposit, the records of the interest rates applicable to the security deposit, if  
10 any, AND the name and last known address of the tenant from whom, or on whose  
11 behalf, the deposit was received.

12 DRAFTER'S NOTE:

13 Error: Omitted article and conjunction in § 8-203(d)(3) of the Real  
14 Property Article.

15 Occurred: Ch. 649, Acts of 1999. Correction by the publisher of the  
16 Annotated Code in the 1999 Supplement of the Real Property Article is  
17 ratified by this Act.

18 8-211.1.

19 (d) A lessee may not be evicted, the tenancy may not be terminated, and the  
20 rent may not be raised for a lessee who elects to seek the remedies under this section.  
21 It shall be presumed that any attempt to evict the lessee, to terminate the tenancy, or  
22 to raise the rent, except for nonpayment of rent, within two months after compliance  
23 with the applicable risk reduction standard is in retaliation for THE lessee's  
24 proceeding under this section and shall be void.

25 DRAFTER'S NOTE:

26 Error: Omitted article in § 8-211.1(d) of the Real Property Article.

27 Occurred: Ch. 615, Acts of 1973.

28 8-401.

29 (c) (2) (i) If, when the trial occurs, it appears to the satisfaction of the  
30 court, that the rent, or any part of the rent and late fees are actually due and unpaid,  
31 the court shall determine the amount of rent and late fees due as of the date the  
32 complaint was filed, if the trial occurs within the time specified by subsection (b)[(2)]  
33 (3) of this section.

34 (ii) If the trial does not occur within the time specified in subsection  
35 (b)[(2)] (3) of this section and the landlord so requests, the court shall determine the  
36 amount of rent and late fees due as of the date of judgment, including rent accruing  
37 after the filing of the complaint and including the late fees claimed to be due when

1 the complaint was filed and enter a judgment in favor of the landlord for possession of  
2 the premises.

3 DRAFTER'S NOTE:

4 Error: Erroneous internal references in § 8-401(c)(2)(i) and (ii) of the  
5 Real Property Article.

6 Occurred: Ch. 649, Acts of 1999.

7 8-402.

8 (b) (1) (i) Where any [interesting] INTEREST IN property shall be leased  
9 for any definite term or at will, and the landlord shall desire to repossess the property  
10 after the expiration of the term for which it was leased and shall give notice in writing  
11 one month before the expiration of the term or determination of the will to the tenant  
12 or to the person actually in possession of the property to remove from the property at  
13 the end of the term, and if the tenant or person in actual possession shall refuse to  
14 comply, the landlord may make complaint in writing to the District Court of the  
15 county where the property is located.

16 DRAFTER'S NOTE:

17 Error: Incorrect word usage in § 8-402(b)(1)(i) of the Real Property  
18 Article.

19 Occurred: Ch. 649, Acts of 1999.

20 8-403.

21 (d) If, on motion of the plaintiff and after hearing, the court determines that  
22 the payment was not made as ordered by the court and that there is no legal  
23 justification for the failure to pay, the court[,] shall give judgment in favor of the  
24 plaintiff and issue a warrant for possession in accordance with the provisions of the  
25 section under which the case is brought.

26 DRAFTER'S NOTE:

27 Error: Extraneous comma in § 8-403(d) of the Real Property Article.

28 Occurred: Ch. 649, Acts of 1999. Correction by the publisher of the  
29 Annotated Code in the 1999 Supplement of the Real Property Article is  
30 ratified by this Act.

## SUBTITLE 6. JURY DEMANDS.

1

2 8-601.

3 Any party to an action brought in the District Court under this title in which the  
4 amount in controversy meets the requirements for a trial by jury may, in accordance  
5 with this [section] SUBTITLE, demand a trial by jury.

6 DRAFTER'S NOTE:

7 Error: Incorrect cross-reference in § 8-601 of the Real Property Article;  
8 omitted subtitle to precede §§ 8-601 through 8-604 of the Real Property  
9 Article.

10 Occurred: Ch. 649, Acts of 1999. Correction by the publisher of the  
11 Annotated Code in the 1999 Supplement of the Real Property Article is  
12 ratified by this Act.

13 8-604.

14 (a) A demand for trial by jury under this [subsection] SUBTITLE shall be  
15 subject to review by the District Court.

16 (d) In the event that a jury demand and an "objection to jury demand" is filed  
17 in accordance with [§]§ 8-602 [and 8-604] of this subtitle AND SUBSECTION (B) OF  
18 THIS SECTION:

19 (1) If an "objection to jury demand" is filed under [§ 8-604]  
20 SUBSECTION (b) of this [subtitle] SECTION, the court shall consider the validity of  
21 the jury demand at the time of the first scheduled appearance of the parties;

22 (2) If an "objection to jury demand" is filed under [§ 8-604]  
23 SUBSECTION (c) of this [subtitle] SECTION at a time other than trial, the court shall  
24 set the objection in for a hearing before the trial; or

25 (3) If the "objection to jury demand" is filed at the time of trial under  
26 subsection (c) of this section, the court shall consider the validity of the jury demand  
27 at trial.

28 (f) In the event that a jury demand is made under this [subsection]  
29 SUBTITLE, the District Court shall not be divested of jurisdiction and the matter shall  
30 not be removed to the circuit court until such time as the District Court has reviewed  
31 the jury demand, provided, however, that any hearing on the validity of a jury  
32 demand under this [subsection] SUBTITLE must occur within 10 days of the date of  
33 jury demand.

34 DRAFTER'S NOTE:

35 Error: Stylistic errors in § 8-604(a), (d), and (f) of the Real Property  
36 Article.

1 Occurred: Ch. 649, Acts of 1999. Correction by the publisher of the  
2 Annotated Code in the 1999 Supplement of the Real Property Article is  
3 ratified by this Act.

4 10-604.

5 (e) (1) Upon registration of the new home in the new home warranty  
6 security plan, warranty coverage which has not been waived by the owner shall be  
7 provided beginning on the warranty date for the new home constructed by the builder,  
8 provided that the builder was in good standing with the new home warranty security  
9 plan at the time of the [contract;] CONTRACT.

10 (2) On the warranty date, the builder shall provide the owner with  
11 evidence, in a form approved by the Secretary that the new home is covered by a new  
12 home warranty that meets the requirements of this subtitle[; and].

13 DRAFTER'S NOTE:

14 Error: Incorrect punctuation in § 10-604(e)(1) and (2) and extraneous  
15 conjunction in § 10-604(e)(2) of the Real Property Article.

16 Occurred: Ch. 223, Acts of 1990.

17 11-105.

18 (e) (1) Except as provided in paragraph (2) of this subsection or otherwise  
19 provided in this title, the condominium plat may be amended in the same manner and  
20 to the same extent as the declaration under § 11-103(c)(1) of [the] THIS title.

21 DRAFTER'S NOTE:

22 Error: Stylistic error in § 11-105(e)(1) of the Real Property Article.

23 Occurred: Ch. 580, Acts of 1984.

24 14-123.

25 (e) (2) This section may not be construed as to grant standing for an action:

26 (ii) In which the alleged nuisance consists of:

27 1. A condition relating to lead paint;

28 2. An interior physical defect of a property; OR

29 3. A vacant dwelling that is maintained in a boarded  
30 condition, free from trash and debris, and secure against trespassers and weather  
31 entry;

32 DRAFTER'S NOTE:

1 Error: Omitted conjunction in § 14-123(e)(2)(ii)2 of the Real Property  
2 Article.

3 Occurred: Ch. 455, Acts of 1996.

4 **Article - State Finance and Procurement**

5 7-327.

6 (f) (3) The members of the Board shall reflect the geographic, racial, and  
7 gender makeup of the State.

8 DRAFTER'S NOTE:

9 Error: Incorrect word usage in § 7-327(f)(3) of the State Finance and  
10 Procurement Article.

11 Occurred: Ch. 516, Acts of 1999. Correction by the publisher of the  
12 Annotated Code in the 1999 Supplement of the State Finance and  
13 Procurement Article is validated by this Act.

14 11-203.

15 (e) (4) The University's policies shall:

16 (i) to the maximum extent practicable, require the purchasing of  
17 supplies and services in accordance with Title 14, Subtitle 1 of this article; and

18 (ii) promote the purposes of the regulations adopted by the  
19 Department of General Services governing the procurement of architectural and  
20 engineering services.

21 (5) (i) Except as provided in paragraph (7) of this subsection, the  
22 following provisions of Division II of this article apply to the University:

23 1. § 11-205 of this subtitle ("Fraud in procurement");

24 2. § 11-205.1 of this subtitle ("Falsification of material  
25 facts");

26 3. § 13-219 of this article ("Required clauses -  
27 Nondiscrimination clause");

28 4. Title 14, [Subtitles 1 and] SUBTITLE 3 of this article  
29 (["Preferences to Benefit Disadvantaged Individuals and Minority] MINORITY  
30 Business Participation");

31 5. Title 15, Subtitle 1 of this article ("Procurement Contract  
32 Administration"); and

33 6. Title 16 of this article ("Debarment of Contractors").

1 (ii) If a procurement violates the provisions of this subsection or  
2 policies adopted in accordance with this subsection, the procurement contract is void  
3 or voidable in accordance with the provisions of § 11-204 of this subtitle.

4 (6) (i) The State Board of Contract Appeals shall have authority over  
5 contract claims related to procurement contracts awarded by the University before  
6 July 1, 1999.

7 (ii) At the election of the Board of Regents and subject to the  
8 approval of the Board of Public Works, the State Board of Contract Appeals shall have  
9 authority over contract claims related to procurement contracts awarded by the  
10 University after June 30, 1999.

11 DRAFTER'S NOTE:

12 Error: Incorrect punctuation and extraneous conjunction in §  
13 11-203(e)(6)(i) of the State Finance and Procurement Article; incorrect  
14 and, in light of § 11-203(e)(4)(i), duplicative cross-reference to the  
15 application of Title 14, Subtitle 1 in § 11-203(e)(5)(i)4 of the State Finance  
16 and Procurement Article.

17 Occurred: Ch. 515, Acts of 1999. Correction by the publisher of the  
18 Annotated Code in the 1999 Supplement of the State Finance and  
19 Procurement Article of the incorrect punctuation and extraneous  
20 conjunction is validated by this Act.

21 12-107.

22 (b) Subject to the authority of the Board, jurisdiction over procurement is as  
23 follows:

24 (7) Morgan State University, without the approval of any of the other  
25 primary procurement units, may engage in the procurement of:

26 (i) supplies for the University, including motor vehicles and, to the  
27 extent provided by Title 3, Subtitle 4 of this article, information processing supplies,  
28 but excluding insurance;

29 (ii) services for the University, including information processing  
30 services to the extent provided in Title 3, Subtitle 4 of this article, but excluding  
31 banking and financial services under the authority of the State Treasurer under item  
32 (1) of this subsection;

33 (iii) construction and construction related services for the  
34 University, regardless of the source of funds, to the extent that the Board grants  
35 authority over specific projects or classes of projects; and

36 (iv) leases of real property for the University if the lease payments  
37 are not paid from the General Fund of the State.

## 1 DRAFTER'S NOTE:

2 Error: Incorrect numbering of § 12-107(b)(7) of the State Finance and  
3 Procurement Article.

4 Occurred: Ch. 515, Acts of 1999. Correction by the publisher of the  
5 Annotated Code in the 1999 Supplement of the State Finance and  
6 Procurement Article is validated by this Act.

7 **Article - State Government**

8 2-1222.

9 (b) (2) Before the original or only copy of any [records are] RECORD IS  
10 removed from the State unit's premises, the prior approval of the State unit for the  
11 removal is required.

## 12 DRAFTER'S NOTE:

13 Error: Grammatical error in § 2-1222(b)(2) of the State Government  
14 Article.

15 Occurred: Chs. 635 and 636, Acts of 1997.

16 8-502.

17 (a) (1) A member of a State board or commission shall be suspended without  
18 pay from participation in the activities of the board or commission if the member is  
19 convicted of or enters a plea of nolo contendere to any crime that:

20 (i) is a felony; or

21 (ii) [that] is a misdemeanor related to the member's public duties  
22 and responsibilities and involves moral turpitude for which the penalty may be  
23 incarceration in any penal institution.

## 24 DRAFTER'S NOTE:

25 Error: Extraneous word in § 8-502(a)(1)(ii) of the State Government  
26 Article.

27 Occurred: Ch. 31, Acts of 1997.

28 15-505.

29 (a) (3) An official may not directly solicit or facilitate the solicitation of a  
30 gift, on behalf of another person, from an individual regulated lobbyist described in §  
31 15-701(a)(1) of this [article] TITLE.

## 32 DRAFTER'S NOTE:

1 Error: Stylistic error in § 15-505(a)(3) of the State Government Article.

2 Occurred: Chs. 129 and 130, Acts of 1999.

3 15-607.

4 (k) To the extent not reported under [subsection] SUBSECTIONS (a) through  
5 (j) of this section, a statement filed by a member of the General Assembly shall  
6 include:

7 (1) the information required under § 15-513(b) of this title; and

8 (2) an acknowledgment, signed by the member, that any information,  
9 required under § 15-513(b) of this title, that becomes reportable after the statement  
10 is filed shall be reported immediately to the Joint Ethics Committee as required by §  
11 15-513(b).

12 DRAFTER'S NOTE:

13 Error: Grammatical error in § 15-607(k) of the State Government Article.

14 Occurred: Chs. 129 and 130, Acts of 1999.

15 15-704.

16 (b) Subject to subsection (e) of this section, a report required by this section  
17 shall include:

18 (4) subject to subsection (d) of this section, the name of each official,  
19 employee, or member of the immediate family of an official or employee, to or for  
20 whom, during a reporting period, one or more gifts with a cumulative value of \$75 or  
21 more are given, regardless of whether a gift is attributable to more than one entity  
22 and whether or not in connection with lobbying activities, by the regulated lobbyist or  
23 any entity acting on behalf of the regulated lobbyist, however, except as provided in  
24 paragraph (2)(vii)2 of this subsection and for each of two or more tickets or free  
25 admissions extended to a member of the General Assembly with a cumulative value of  
26 \$100 or more received from one entity during the applicable period as provided in  
27 paragraph [(2)(vi)] (2)(VI)3 of this subsection, expenses reported in paragraph (2)(vi)  
28 and (vii) of this subsection need not be allocated to an individual.

29 DRAFTER'S NOTE:

30 Error: Incomplete internal reference in § 15-704(b)(4) of the State  
31 Government Article.

32 Occurred: Chs. 129 and 130, Acts of 1999.

1 **Article - State Personnel and Pensions**

2 21-305.4.

3 (a) (4) "Required employer contribution" means the amount payable each  
4 fiscal year under § 21-305(b)(1)[,] AND (2)(i) and (iii) of this subtitle by a  
5 participating governmental unit.

6 DRAFTER'S NOTE:

7 Error: Stylistic error in § 21-305.4(a)(4) of the State Personnel and  
8 Pensions Article.

9 Occurred: Ch. 661, Acts of 1996.

10 **Article - Tax - General**

11 8-417.

12 (a) A public service company may claim a credit against the public service  
13 company franchise tax in an amount equal to:

14 (1) .002 cents for each kilowatt hour of electricity in excess of 500 million  
15 up to 1,500 million kilowatt hours during a calendar year delivered for final  
16 consumption to a single industrial customer for use in a production activity at the  
17 same location in the State; and

18 (2) [0.00455] 0.0455 cents for each kilowatt hour of electricity in excess  
19 of 1,500 million kilowatt hours during a calendar year delivered for final consumption  
20 to a single industrial customer for use in a production activity at the same location in  
21 the State.

22 DRAFTER'S NOTE:

23 Error: Misplaced decimal point in § 8-417(a)(2) of the Tax - General  
24 Article.

25 Occurred: Chs. 5 and 6, Acts of 1999.

26 10-708.

27 (b) (1) The credit allowed under this section may not exceed the State  
28 income tax imposed for the taxable year, determined BEFORE THE APPLICATION OF  
29 THE CREDITS ALLOWED UNDER THIS SECTION AND §§ 10-701 AND 10-701.1 OF THIS  
30 SUBTITLE BUT after application of any other credits allowable under this subtitle.

31 DRAFTER'S NOTE:

32 Error: Omitted language in § 10-708(b)(1) of the Tax - General Article.

33 Occurred: Chs. 629 and 630, Acts of 1997.

1 11-101.

2 (j) (3) "Taxable price" does not include:

3 (i) a charge that is made in connection with a sale and is stated as  
4 a separate item of the consideration for:

5 6. a tax:

6 A. imposed by a county on the sale of coal, electricity, oil,  
7 nuclear fuel assemblies, steam, or artificial or natural gas;

8 B. imposed under § 3-302(a) of the Natural Resources  
9 Article, as a surcharge on [the generation of] electricity, and added to an electric bill;

10 C. imposed under §§ 6-201 through 6-203 of the Tax -  
11 Property Article, on tangible personal property subject to a lease that is for an initial  
12 period that exceeds 1 year and is noncancellable except for cause; or

13 D. imposed under § 4-102 of this article on the gross receipts  
14 derived from an admissions and amusement charge;

15 DRAFTER'S NOTE:

16 Error: Obsolete language in § 11-101(j)(3)(i)6 B of the Tax - General  
17 Article.

18 Occurred: As a result of Chs. 3 and 4, Acts of 1999.

19 11-104.

20 (c) (2) The sales and use tax rate for a short-term vehicle rental for a  
21 taxable price of \$2 or more is:

22 (ii) if the vehicle is a [rental truck, as defined in § 11-106(a) of this  
23 subtitle] **VEHICLE THAT MAY BE REGISTERED AS A CLASS E, F, OR G VEHICLE UNDER**  
24 **TITLE 13, SUBTITLE 9 OF THE TRANSPORTATION ARTICLE:**

25 1. 8 cents for each exact dollar; and

26 2. 2 cents for each 25 cents or part of 25 cents in excess of an  
27 exact dollar.

28 DRAFTER'S NOTE:

29 Error: Obsolete language in § 11-104(c)(2)(ii) of the Tax - General  
30 Article.

31 Occurred: Ch. 706, Acts of 1998.

1

**Article - Tax - Property**

2 7-504.3.

3 (a) (2) "Economic development project" means a real estate development  
4 project for which a payment in lieu of taxes agreement was entered into prior to June  
5 30, 1999, in accordance with FORMER § 7-504.1 of this subtitle AS ENACTED BY  
6 CHAPTER 403 OF THE ACTS OF 1996, or that consists of newly constructed or  
7 rehabilitated commercial or multifamily residential property if the real estate  
8 development project:

9 (i) had a certificate of occupancy as of January 1, 1999 or will have  
10 a certificate of occupancy issued on or after January 1, 1999;

11 (ii) is located on one or more parcels of land, all of which are  
12 situated in an urban renewal area; and

13 (iii) includes at least one of the following:

14 1. a hotel that:

15 A. provides at least 100 full-time equivalent job  
16 opportunities; and

17 B. has a private capital investment of equity and debt  
18 combined of at least \$20,000,000;

19 2. an office building that:

20 A. provides at least 150 full-time equivalent job  
21 opportunities; and

22 B. has a private capital investment of equity and debt  
23 combined of at least \$20,000,000;

24 3. a retail facility that:

25 A. provides at least 100 full-time equivalent job  
26 opportunities; and

27 B. has a private capital investment of equity and debt  
28 combined of at least \$10,000,000;

29 4. a multifamily residential facility that has a private capital  
30 investment of equity and debt combined of at least \$5,000,000;

31 5. an off-street parking facility that:

32 A. contains at least 250 parking spaces; and

1 B. has a private capital investment of equity and debt  
2 combined of at least \$2,500,000; or

3 6. a mixed-use facility that contains one or more of the  
4 facilities described in items 1 through 5 of this item, at least one of which satisfies the  
5 minimum criteria set forth in item 1, 2, 3, 4, or 5 of this item.

6 (b) An economic development project is exempt or partially exempt from  
7 Baltimore City real property tax if:

8 (3) the owner or owners of the economic development project and the  
9 Baltimore City Board of Estimates enter into a payment in lieu of taxes agreement  
10 specifying:

11 (i) an amount that the owner or owners shall pay to Baltimore City  
12 each year in lieu of the payment of Baltimore City real property taxes during the term  
13 of the agreement that is not less than:

14 1. except as provided in item 3 of this item, for an economic  
15 development project that is newly constructed or rehabilitated commercial or  
16 multifamily property, the sum of the taxes on the property before the construction or  
17 rehabilitation of the project and 5% of the Baltimore City real property taxes related  
18 to the economic development project that would have otherwise been due absent the  
19 agreement;

20 2. except as provided in item 3 of this item, for an economic  
21 development project that was the subject of a payment in lieu of taxes agreement  
22 prior to June 30, 1999, in accordance with FORMER § 7-504.1 of this subtitle AS  
23 ENACTED BY CHAPTER 403 OF THE ACTS OF 1996, 5% of the Baltimore City real  
24 property taxes related to the economic development project that would have otherwise  
25 been due absent the agreement; or

26 3. for an economic development project for which a building  
27 permit is issued prior to September 30, 1999, the taxes on the property before the  
28 construction or rehabilitation of the project;

29 (ii) the term of the agreement, not to exceed 25 years from the date  
30 a certificate of occupancy for the project is issued; and

31 (iii) that each year after the expiration of the agreement, full  
32 property taxes shall be payable on the property; and

33 DRAFTER'S NOTE:

34 Error: Cross-reference to repealed section in § 7-504.3(a)(2) and  
35 (b)(3)(i)2 of the Tax - Property Article.

36 Occurred: As a result of Chs. 527 and 643 of the Acts of 1999.

1 9-103.

2 (a) (6) (i) "Qualified property" means real property that is:

3 1. not used for residential purposes;

4 2. used in a trade or business by a business entity that meets  
5 the requirements of Article 83A, § 5-404 of the Code; and

6 3. located in an enterprise zone that is designated under  
7 Article 83A, § 5-402 of the Code.

8 (ii) "Qualified property" includes personal property [or] ON real  
9 property that is located in a focus area as defined in Article 83A, § 5-401 of the Code.

10 DRAFTER'S NOTE:

11 Error: Incorrect word usage in § 9-103(a)(6)(ii) of the Tax - Property  
12 Article.

13 Occurred: Ch. 467, Acts of 1999.

14 12-103.

15 (c) The recordation tax rate is 55 cents for an instrument of writing for  
16 property that:

17 (1) is located in 2 or more counties; and

18 (2) is security for a corporate bond of a [public utility] PUBLIC SERVICE  
19 COMPANY AS DEFINED IN § 1-101 OF THE PUBLIC UTILITY COMPANIES ARTICLE.

20 DRAFTER'S NOTE:

21 Error: Erroneous use of defined term in § 12-103(c)(2) of the Tax -  
22 Property Article.

23 Occurred: As a result of Chs. 5 and 6, Acts of 1999.

24 12-105.

25 (f) (6) (i) This paragraph applies to construction loans for over \$100,000  
26 for which the total amount of secured debt has not been incurred at the time of  
27 recording or filing the instrument of writing.

28 (ii) At the time that additional debt is incurred, the lender shall  
29 issue a draft payable to the appropriate collector of the recordation tax in the amount  
30 of the recordation tax due under this subsection.

31 (iii) The funds for the draft may be proceeds from the additional  
32 debt that is incurred or from the borrower.

1 (iv) Until the recordation TAX is paid as required under paragraph  
2 (2) of this subsection, the borrower shall remain liable for the recordation tax that is  
3 due on the additional debt.

4 DRAFTER'S NOTE:

5 Error: Omitted word in § 12-105(f)(6)(iv) of the Tax - Property Article.

6 Occurred: Ch. 646, Acts of 1994.

7 **Article - Transportation**

8 3-516.

9 (a) Counties which can demonstrate an ability to pay their proportionate  
10 share of debt service on the bonds may participate in the program only after:

11 (1) The county's participation in the program has been approved by a  
12 local ordinance or resolution enacted after public notice and public hearings as  
13 required in accordance with State and local public laws, charters, or ordinances; and

14 (2) A list of projects which may be undertaken under the local program  
15 [have] HAS been available for review by the public at the public hearing.

16 DRAFTER'S NOTE:

17 Error: Grammatical error in § 3-516(a)(2) of the Transportation Article.

18 Occurred: Ch. 539, Acts of 1993.

19 15-101.

20 (g) (2) "Vehicle salesman" does not include:

21 (i) A person described in subsection [(b)(2)] (B)(3) of this section;

22 (ii) An individual acting as a representative of a person described in  
23 subsection [(b)(2)] (B)(3) of this section;

24 (iii) A person who:

25 1. Is compensated for arranging for the leasing of a vehicle  
26 for a period exceeding 180 days; and

27 2. As an incidental step in the consummation of the lease,  
28 induces or arranges for the sale of a vehicle from a licensed dealer to another person,  
29 who in turn leases the vehicle to a lessee under a lease not intended as a security; or

30 (iv) A person engaged in the leasing of vehicles under leases not  
31 intended as security.

## 1 DRAFTER'S NOTE:

2 Error: Erroneous internal references in § 15-101(g)(2)(i) and (ii) of the  
3 Transportation Article.

4 Occurred: Ch. 14, Acts of 1977.

5 16-106.

6 (d) (3) An applicant who claims a name change by or under the common law  
7 of this State or any other state shall submit with the applicant's application the  
8 following:

9 (i) An affidavit of the name by which the applicant is known and  
10 transacts business, as demonstrated by a Social Security card or record together with  
11 documents from at least 2 of the following categories:

- 12 1. Tax records;
- 13 2. Selective [service] SERVICE card or records;
- 14 3. Voter registration card or records;
- 15 4. Passport;
- 16 5. A form of identification issued by a government unit that  
17 contains a photograph of the applicant;
- 18 6. Baptismal certificate;
- 19 7. Banking records; and
- 20 8. Other proof of age and identity that is satisfactory to the  
21 Administration;

22 (ii) Any document required under subparagraph (i) of this  
23 paragraph reflecting the legal name previously given to, or used by, the applicant  
24 prior to assuming the common law name;

25 (iii) Any driver's license issued to the applicant in the name  
26 previously used by the applicant prior to assuming the common law name; and

27 (iv) A copy of the applicant's birth certificate or other proof of age  
28 and identity that is satisfactory to the Administration.

## 29 DRAFTER'S NOTE:

30 Error: Capitalization error in § 16-106(d)(3)(i)2 of the Transportation  
31 Article.

32 Occurred: Ch. 557, Acts of 1989.

1 16-110.2.

2 (d) (2) If the applicant is eligible for a license under paragraph [(d)(1)] (1) of  
3 this subsection, the Administration shall issue to the applicant a restricted license  
4 endorsed "Daylight Driving Only".

5 DRAFTER'S NOTE:

6 Error: Stylistic error in § 16-110.2(d)(2) of the Transportation Article.

7 Occurred: Ch. 483, Acts of 1991.

8 16-110.3.

9 (b) The [ophthalmologist] OPHTHALMOLOGIST'S or optometrist's  
10 recommendation for an applicant seeking a license under this section shall be based  
11 on the best standard spectacle or contact lens correction in the applicant's better eye.

12 DRAFTER'S NOTE:

13 Error: Grammatical error in § 16-110.3(b) of the Transportation Article.

14 Occurred: Ch. 346, Acts of 1997.

15 16-206.

16 (a) (4) (i) Pursuant to a court order under Article 27, § 139C, § 151A, or §  
17 151C of the Code, the Administration:

18 1. Shall initiate an action to suspend the driver's license or  
19 driving privilege of an individual for a time specified by the court; and

20 2. May issue a restricted license that is limited to driving a  
21 motor vehicle:

22 A. For the purpose of attending an alcohol education or  
23 alcoholic prevention or treatment program;

24 B. That is required in the course of employment;

25 C. For the purposes of driving to or from a place of  
26 employment if the individual's employment would be adversely affected because the  
27 individual has no reasonable alternative means of transportation to or from the place  
28 of employment; or

29 D. For the purposes of driving to or from school or any other  
30 place of educational instruction if the individual's education would be adversely  
31 affected because the individual has no reasonable alternative means of transportation  
32 for educational purposes.

1 (ii) If an individual subject to a suspension under subparagraph (i)  
2 of this paragraph does not possess the privilege to drive on the date of the disposition,  
3 the suspension shall commence:

4 1. If the individual is at an age that is eligible to obtain the  
5 privilege to drive on the date of the disposition, on the date of the disposition; or

6 2. If the individual is younger than an age that is eligible to  
7 obtain the privilege to drive on the date of the disposition, on the date the individual  
8 is eligible to obtain driving privileges.

9 DRAFTER'S NOTE:

10 Error: Stylistic error in § 16-206(a)(4) of the Transportation Article.

11 Occurred: Ch. 329, Acts of 1999. Correction by the publisher of the  
12 Annotated Code in the 1999 Supplement of the Transportation Article is  
13 validated by this Act.

14 16-207.

15 (a) (1) The Administration may require a licensee to submit to  
16 reexamination, on at least 7 [days] DAYS' written notice, if:

17 (i) The licensee is involved in an accident resulting in the death of  
18 another; or

19 (ii) Except as provided in paragraph (2) of this subsection, the  
20 Administration has good cause to believe that the licensee is unfit, unsafe, or  
21 otherwise not qualified to be licensed.

22 DRAFTER'S NOTE:

23 Error: Grammatical error in § 16-207(a)(1) of the Transportation Article.

24 Occurred: Ch. 14, Acts of 1977.

25 16-303.

26 (a) A person may not drive a motor vehicle on any highway or on any property  
27 specified in § 21-101.1 of this article while [his] THE PERSON'S license or privilege to  
28 drive is refused in this State or any other state.

29 (h) A person may not drive a motor vehicle on any highway or on any property  
30 specified in § 21-101.1 of this article while [his] THE PERSON'S license or privilege to  
31 drive is suspended under § 17-106, § 26-204, § 26-206, or § 27-103 of this article.

32 DRAFTER'S NOTE:

33 Error: Stylistic errors in § 16-303(a) and (h) of the Transportation  
34 Article.

1 Occurred: Ch. 14, Acts of 1977.

2 16-812.

3 (a) The Administration shall disqualify any individual from driving a  
4 commercial motor vehicle for a period of 1 year if:

5 (1) The individual is convicted of committing any of the following  
6 offenses while driving a commercial motor vehicle:

7 (i) Driving in violation of § 21-902 of this article;

8 (ii) Driving in violation of a federal law or any other state's law  
9 which is substantially similar in nature to the provisions in § 21-902 of this article;

10 (iii) Leaving the scene of an accident which requires disqualification  
11 as provided by the United States Secretary of Transportation;

12 (iv) A crime, other than a crime described in subsection (e) of this  
13 section, that is punishable by death or imprisonment for a term exceeding 1 year; or

14 (v) Driving in violation of § 25-112 of this article;

15 DRAFTER'S NOTE:

16 Error: Incorrect punctuation in § 16-812(a)(1)(v) of the Transportation  
17 Article.

18 Occurred: Ch. 19, Acts of 1999. Correction by the publisher of the  
19 Annotated Code in the 1999 Supplement of the Transportation Article is  
20 validated by this Act.

21 23-202.

22 (d) (1) Notwithstanding subsection (c)(6) of this section or any other  
23 provision of law, during the period from January 1, 1995 through May 31, 1997, the  
24 emissions control program established under this subtitle may not require for any  
25 vehicle other than a State-owned vehicle or, to the extent authorized by federal law,  
26 a federally owned vehicle:

27 (i) Transient mass-emission testing using the IM 240 driving cycle  
28 referenced under 40 C.F.R. Part 51;

29 (ii) An evaporative system integrity (pressure) test or an  
30 evaporative system transient purge test that requires the disconnection or  
31 manipulation of any engine component, including any hose or emissions equipment,  
32 that is located in the vehicle's engine compartment;

33 (iii) Removal of the driver from a vehicle being tested or inspected;  
34 or

1 (iv) On-road testing.

2 DRAFTER'S NOTE:

3 Error: Extraneous hyphen in § 23-202(d)(1) of the Transportation Article.

4 Occurred: Ch. 489, Acts of 1995. Correction by the publisher of the  
5 Annotated Code in the 1999 Supplement of the Transportation Article is  
6 validated by this Act.

7 (2) (i) The Administration, in consultation with the Secretary, shall  
8 develop and offer to owners of vehicles subject to the emissions control program an  
9 incentive program designed to encourage voluntary submission to the test described  
10 in item (1)(i) of this subsection.

11 (ii) Notwithstanding the provisions of § 23-205(a)(2) OF THIS  
12 SUBTITLE and subsection (c)(1) of this section, the incentives offered under this  
13 paragraph may include reduced test fees, flexible test schedules, the waiver of late  
14 fees, the reduction of expenditures incurred for emissions related repairs necessary to  
15 obtain a waiver, and any other cost-effective incentive that is consistent with State  
16 and federal law and is reasonably expected by the Administration to increase the  
17 number of vehicles that undergo the test described in item (1)(i) of this subsection.

18 (iii) 1. The Administration shall notify vehicle owners of the  
19 opportunity to voluntarily submit a vehicle to the testing described in subparagraph  
20 (i) of this paragraph.

21 2. The notice required under this subparagraph shall be:

22 A. Prominently displayed at all emissions inspection  
23 facilities; and

24 B. Included by the Administration in test notices and other  
25 mailings related to the emissions control program that are directed to vehicle owners.

26 DRAFTER'S NOTE:

27 Error: Incomplete cross-reference in § 23-202(d)(2)(ii) of the  
28 Transportation Article.

29 Occurred: Ch. 428, Acts of 1996.

30 24-104.1.

31 (m) (2) The combination of vehicles exceeding 55 feet but authorized under  
32 this subsection may only be operated on:

33 (i) Any part of the interstate system or other State system  
34 highways that are designated by the Secretary in conjunction with the U.S.  
35 Department of Transportation; or

1 (ii) A highway that is the shortest practical route between a  
2 designated highway and:

- 3 1. A point of origin or [designation] DESTINATION on a  
4 particular day; or
- 5 2. For a distance not to exceed 1 mile, facilities for food, fuel,  
6 repairs, or rest.

7 DRAFTER'S NOTE:

8 Error: Incorrect word usage in § 24-104.1(m)(2)(ii)1 of the  
9 Transportation Article.

10 Occurred: Ch. 495, Acts of 1996.

11 24-104.2.

12 (b) (1) A vehicle combination described under subsection (a) of this section  
13 may be operated only on:

14 (i) Those parts of the national interstate highway system and  
15 those State highways that are designated by the Secretary, after consultation with  
16 either the county executive, the county commissioners, the County Council of Talbot  
17 County or Wicomico County, or the Mayor of Baltimore City, or their designees, as  
18 appropriate;

19 (ii) Except in Baltimore City, a highway, authorized by the  
20 Secretary, that is the shortest practical access route between a highway designated  
21 under [item (1) of this subsection] ITEM (I) OF THIS PARAGRAPH and:

- 22 1. A truck terminal;
- 23 2. A port;
- 24 3. A point of origin or destination; or
- 25 4. For a distance not to exceed one-half mile, facilities for  
26 food, fuel, repairs, or rest; or

27 (iii) In Baltimore City, a street authorized by the Mayor or the  
28 Mayor's designee in conjunction with the Secretary that is the safest practical route  
29 between a highway designated under item (i) of this paragraph and:

- 30 1. A truck terminal;
- 31 2. A port facility;
- 32 3. A point of origin; or
- 33 4. A point of destination.

## 1 DRAFTER'S NOTE:

2 Error: Erroneous internal reference in § 24-104.2(b)(1)(ii) of the  
3 Transportation Article.

4 Occurred: Ch. 371, Acts of 1992.

5 25-111.

6 (i) (1) Except as provided for in paragraph (2) of this subsection, regulations  
7 adopted under this section for intrastate motor carrier transportation may not:

8 (i) Require that a driver be older than 18 years of age;

9 (ii) Apply the provisions of § 391.21, § 391.23, § 391.31 or § 391.35  
10 of the Federal Motor Carrier Safety Regulations to:

11 1. A driver who is a regularly employed driver of a motor  
12 carrier for a continuous period that began before July 1, 1986, if the driver continues  
13 to be a regularly employed driver of the motor carrier; or

14 2. The motor carrier, with regard to a driver described under  
15 item 1 of this subparagraph, if the motor carrier continues to employ the driver;

16 (iii) Limit a driver's time or hours on duty if:

17 1. The driver operates only within a 150 air mile radius of  
18 the driver's normal work reporting location;

19 2. The driver returns to the driver's normal work reporting  
20 location;

21 3. The driver is released from work within a period of 16  
22 consecutive hours, not more than 12 of which are dedicated to driving, and is given at  
23 least 8 consecutive hours off duty; and

24 4. Regardless of the number of motor carriers using the  
25 driver's services, the driver:

26 A. If the employing motor carrier does not operate motor  
27 vehicles every day of the week, has been on duty no more than 70 hours in a period of  
28 7 consecutive days; or

29 B. If the employing motor carrier operates motor vehicles  
30 every day of the week, has been on duty no more [that] THAN 80 hours in a period of  
31 8 consecutive days;

32 (iv) Require a driver to maintain a record of duty status if the driver  
33 is not subject to item (iii) of this paragraph, except that, if a driver is on duty for a  
34 period of more than 12 hours, the driver shall maintain a record of the driver's duty  
35 status that:

1 1. For the first 12 hours of time on duty, accounts for all time  
 2 dedicated to driving; and

3 2. For all time on duty in excess of 12 hours, conforms to  
 4 federal regulations;

5 (v) Apply the provisions of this paragraph or Parts 391 and 395 of  
 6 the Federal Motor Carrier Safety Regulations to a farmer, or an agent or employee of  
 7 a farmer, who operates farm equipment or a motor vehicle owned or operated by the  
 8 farmer in the transportation of supplies to a farm or the transportation of farm  
 9 products as defined in § 10-601 of the Agriculture Article within 150 air miles of the  
 10 farmer's farm;

11 (vi) Apply the medical examination and certification requirements  
 12 of §§ 391.41(a), 391.43 and 391.45 of the Federal Motor Carrier Safety Regulations to  
 13 a driver who operates a vehicle or vehicle combination with a registered gross or  
 14 combination weight of less than 26,001 pounds; or

15 (vii) Except in the case of bus drivers, apply the provisions of §  
 16 391.41(b)(1) through (11) of the Federal Motor Carrier Safety Regulations to any  
 17 person who:

18 1. Was otherwise qualified to operate and operated a  
 19 commercial motor vehicle in intrastate commerce on or before October 1, 1992;

20 2. Operates only in intrastate commerce; and

21 3. Has a mental or physical condition which would disqualify  
 22 the person under the Federal Motor Carrier Safety Regulations and:

23 A. The condition existed on October 1, 1992 or at the time of  
 24 the first physical examination after that date to which the person submitted as  
 25 required by regulations adopted by the Administration under subsection (k) of this  
 26 section; and

27 B. A physician who has examined the person has determined  
 28 that the condition has not substantially worsened since October 1, 1992 or the time of  
 29 the first required physical examination after that date.

30 DRAFTER'S NOTE:

31 Error: Incorrect word usage in § 25-111(i)(1)(iii)4 B of the  
 32 Transportation Article.

33 Occurred: Ch. 16, Acts of 1999.

1                   **Chapter 591 of the Acts of 1987, as amended by Chapter 11 of the Acts of 1989,**  
2                   **Chapter 97 of the Acts of 1990, and Chapter 545 of the Acts of 1992**

3       SECTION 8. AND BE IT FURTHER ENACTED, That the changes made to §§  
4 36(3)(c) and 36(3)(a)(i)2. of this Article, now codified as §§ 9-626, 9-627(b), and  
5 [9-628(d)] 9-628(E) of the Labor and Employment Article, take effect January 1, 1988  
6 and shall remain in effect for a period of 7 years and, at the end of January 1, 1995,  
7 with no further action required by the General Assembly, these changes shall be  
8 abrogated and of no further force and effect.

9 DRAFTER'S NOTE:

10       Error: Incorrect reference in Section 8 of Ch. 545, Acts of 1992.

11       Occurred: Ch. 545, Acts of 1992.

12                   **Chapter 179 of the Acts of 1997, as amended by Chapter 536 of the Acts of**  
13                   **1999**

14       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 on June 1, 1997. It shall remain effective for a period of 7 years, and, at the end of  
16 May [30,] 31, 2004, and with no further action required by the General Assembly, this  
17 Act shall be abrogated and of no further force and effect.

18 DRAFTER'S NOTE:

19       Error: Incorrect date in Section 3 of Ch. 179, Acts of 1997, as amended by  
20 Ch. 536, Acts of 1999.

21       Occurred: Ch. 536, Acts of 1999.

22                   **Chapter 150 of the Acts of 1999**

23       SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That:

25       (3)       The cash proceeds of the sale of the bonds shall be paid to the Treasurer  
26 and first shall be applied to the payment of the expenses of issuing, selling, and  
27 delivering the bonds, unless funds for this purpose are otherwise provided, and then  
28 shall be credited on the books of the Comptroller and expended, on approval by the  
29 Board of Public Works, for the following public purposes, including any applicable  
30 architects' and engineers' fees: as a grant TO the Board of Directors of the  
31 Constellation Foundation, Inc. (referred to hereafter in this Act as "the grantee") for  
32 the design, repair, restoration, improvement, and preservation of the U.S.S.  
33 Constellation.

34 DRAFTER'S NOTE:

35       Error: Omitted word in Section 1(3) of Ch. 150, Acts of 1999.

1 Occurred: Ch. 150, Acts of 1999.

2 **Chapter 186 of the Acts of 1999**

3 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section [2] 3  
4 of this Act, this Act shall take effect July 1, 1999.

5 DRAFTER'S NOTE:

6 Error: Erroneous internal reference in Section 4 of Ch. 186, Acts of 1999.

7 Occurred: Ch. 186, Acts of 1999.

8 **Chapter 515 of the Acts of 1999**

9 SECTION 13. AND BE IT FURTHER ENACTED, That the University System  
10 of Maryland, Headquarters may not create any new positions or reallocate any  
11 existing positions from a constituent institution to Headquarters to implement or  
12 administer the provisions of §§ 11-302, 11-303, 12-106, [12-106.1,] and 12-112 of  
13 the Education Article as enacted by this Act.

14 DRAFTER'S NOTE:

15 Error: Erroneous cross-reference in Section 13 of Ch. 515, Acts of 1999.

16 Occurred: Ch. 515, Acts of 1999.

17 **Chapter 641 of the Acts of 1999**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 July 1, 1999. It shall remain effective for a period of 2 years and, at the END OF June  
20 30, 2001, with no further action required by the General Assembly, this Act shall be  
21 abrogated and of no further force and effect.

22 DRAFTER'S NOTE:

23 Error: Omitted words in Section 2 of Ch. 641, of Acts of 1999.

24 Occurred: Ch. 641, Acts of 1999.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the publishers of the  
26 Annotated Code of Maryland, in consultation with the Department of Legislative  
27 Services, shall correct those forms, samples, and other provisions throughout the  
28 Code that, as of January 1, 2000, erroneously refer to a year in the future as "19\_\_"  
29 rather than "20\_\_".

30 SECTION 3. AND BE IT FURTHER ENACTED, That the publisher of the  
31 Annotated Code of Maryland, subject to the approval of the Department of Legislative  
32 Services, shall make any changes in the text of the Annotated Code necessary to  
33 effectuate any termination provision that was enacted by the General Assembly and

1 has taken effect or will take effect prior to October 1, 2000. Any enactment of the 2000  
2 Session of the General Assembly that negates or extends the effect of a previously  
3 enacted termination provision shall prevail over the provisions of this section.

4 SECTION 4. AND BE IT FURTHER ENACTED, That the Drafter's Notes  
5 contained in this Act are not law and may not be considered to have been enacted as  
6 part of this Act.

7 SECTION 5. AND BE IT FURTHER ENACTED, That the provisions of this  
8 Act are intended solely to correct technical errors in the law and that there is no  
9 intent to revive or otherwise affect law that is the subject of other acts, whether those  
10 acts were signed by the Governor prior to or after the signing of this Act.

11 SECTION 6. AND BE IT FURTHER ENACTED, That any reference in the  
12 Annotated Code rendered obsolete by an Act of the General Assembly of 2000 shall be  
13 corrected by the publisher of the Annotated Code, in consultation with the  
14 Department of Legislative Services, with no further action required by the General  
15 Assembly. The publisher shall adequately describe any such correction in an editor's  
16 note following the section affected.

17 SECTION 7. AND BE IT FURTHER ENACTED, That the publisher of the  
18 Annotated Code of Maryland in consultation with and with approval of the  
19 Department of Legislative Services, at the time of publication of a replacement  
20 volume of any revised article of the Annotated Code, shall make nonsubstantive  
21 corrections to style, capitalization, spelling, and any reference rendered obsolete by  
22 an Act of the General Assembly, with no further action required by the General  
23 Assembly.

24 SECTION 8. AND BE IT FURTHER ENACTED, That the change to Section  
25 1-209(a) of the Health Occupations Article, as enacted by Section 1 of this Act shall  
26 take effect June 1, 2000.

27 SECTION 9. AND BE IT FURTHER ENACTED, That, except as provided in  
28 Section 8 of this Act, this Act is an emergency measure, is necessary for the immediate  
29 preservation of the public health and safety, has been passed by a yea and nay vote  
30 supported by three-fifths of all the members elected to each of the two Houses of the  
31 General Assembly, and shall take effect from the date it is enacted.